

Board Member Daniel Schimmel Authors Prize-Winning Volume

What is a witness? What seems to be a perfectly straightforward question is not so simple when cultural contexts are considered. Even as a young law clerk for Judge Rakoff in New York and in his earlier experience working for the Chief Judge of a Tribunal de Grande Instance near Paris, Daniel Schimmel was fascinated by the vastly different roles of witnesses in civil cases.

Schimmel now leads the international arbitration and litigation practice at Foley Hoag's New York office. Schimmel's curiosity about differences in legal and judicial cultures led to a decade long partnership with Judge Antoine Garapon of France. Along with Judge Garapon and colleagues from China and France, he is a co-author of *Le Procès Civil en Version Originale*, a multi-media eBook on understanding foreign legal cultures recently published by Lexis Nexis.

Le Procès civil en version originale compares litigation in the U.S., France, and China and cultural differences between them. It features texts, photos, audio commentaries, graphics, and courtroom footage of civil trials in the three countries. It includes interviews with distinguished judges and practitioners, such as U.S. Supreme Court Justice Stephen Breyer and U.S. District Court Judge Jed S. Rakoff. The Chinese footage is especially noteworthy because of the difficulty of securing permission to record court proceedings in China.

The eBook focuses on France and the U.S. to provide examples of civil and common law cultures as well as China as a unique legal system. It depicts litigation as it is conducted in the original contexts and languages. "This book looks at trials through the prism of culture. It establishes a new field and ushers in an entirely innovative method of learning," wrote Justice Guy Canivet, the former Chief Justice of France and current member of its Constitutional Court.

Le Cercle Montesquieu, a major association of general counsel in France, awarded *Le Procès Civil en Version Originale* its Prix du Cercle Montesquieu as the best law book of 2015. Judge Garapon and Daniel Schimmel have presented their work at the World Bank, the Paris Court of Appeals, the French Consulate in New York, the Association France Amériques in Paris, and universities throughout Europe, Asia, and North America.

In his practice at Foley Hoag, Schimmel helps clients from France and other countries arbitrate in New York and navigate the U.S. judicial system. He specializes, among other things, in arbitrations arising from law enforcement and regulatory investigations and is currently acting as an arbitrator in a case arising from international corruption investigations under the Foreign Corrupt Practices Act and the U.K. Bribery Act. Schimmel has served as chair, co-arbitrator, or counsel in numerous international arbitrations and litigations arising under the laws of civil law jurisdictions (such as France, Quebec, Mexico, Venezuela, Brazil) and common law jurisdictions (such as U.S., England, Hong Kong, Australia).

Schimmel feels very much at home in the international arbitration community of New York. "Around the world, American litigation has a reputation for being burdensome and lacking focus," he says. "New York however, has achieved a status as a preeminent place of international commercial arbitration by showing to the rest of the world that the international arbitration community here is open to working with foreign legal cultures and is not wedded to purely American practices."