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AAA Handbook on Commercial Arbitration College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition
International Commercial Arbitration The Principles and Practice of International Commercial Arbitration Compendium of International Commercial Arbitration Forms Handbook on International Commercial Arbitration Comparative International Commercial Arbitration WTO Litigation, Investment Arbitration, and Commercial Arbitration Law and Practice of International Commercial Arbitration Arbitration of International Business Disputes Investment and Commercial Arbitration International Commercial Arbitration: Commentary and Materials Arbitration in Asia - 2nd Edition
International Commercial Arbitration Commercial Arbitration International Commercial Arbitration in New York The European Convention on International Commercial Arbitration International Commercial Arbitration International Commercial Arbitration Ex Aequo et Bono as a Response to the 'Over-Judicialisation' of International Commercial Arbitration International Arbitration in the United States The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes International Commercial Arbitration and the Arbitrator's Contract Commercial Arbitration The Impartiality and Independence of Arbitrators in International Commercial Arbitration International Commercial Arbitration in the European Union Consent in International Arbitration International Commercial Arbitration Commercial Arbitration The Principles and Practice of International Commercial Arbitration The UNCITRAL Model Law on International Commercial Arbitration Due Process in International Commercial Arbitration The Practice of International Commercial Arbitration International Commercial Arbitration The Three Ages of International Commercial Arbitration Cases and Materials on Commercial Arbitration The Powers and Duties of an Arbitrator International Commercial Arbitration for Today & Tomorrow The Three Ages of International Commercial Arbitration Law and Practice of Arbitration - Fifth Edition

Consent in International Arbitration Jun 01 2021 Examining the notion, nature, and extent of consent in both commercial arbitration and investment arbitration, this book provides practitioners and academics with a thorough, case-related analysis of an issue which raises many questions. Whilst considering the evolution of arbitration and its consensual nature - enlargement of the parties' freedom to consent to arbitration, and development from commercial arbitration to investment arbitration - it addresses important theoretical questions to offer practical solutions. These include: how consent to arbitrate is expressed and when mutual consent to arbitration is reached; which law shall govern the arbitration agreement or, more particularly, consent as an element of the substantive validity of it; and, conversely, according to which law will a possible lack of consent be judged; how consent should be interpreted; which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity; which, if any, are the implied terms when consenting to arbitration; how consent to arbitrate influences procedural aspects (counterclaims, joinder, consolidation), and which solutions adopted by treaties, national laws or arbitration rules are, or would be, the most respectful of parties' consent in this respect; what in investment arbitration is the relationship between consent and most-favoured-nation clauses or the influence of umbrella clauses. The book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration. It also provides a particular focus on problems that frequently arise in practice of international arbitration, for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration.

The Powers and Duties of an Arbitrator Jul 22 2020 The scope of the arbitrator's powers in arbitration proceedings has been widely discussed in recent years, but remains understudied. Among prominent international arbitrators, none have focused on this issue more than Dr. Pierre A. Karrer. Dr. Karrer is celebrated here on the occasion of his seventy-fifth birthday by more than thirty leading arbitration practitioners and academics worldwide who have been part of, and have been influenced by, his extensive professional career. Following Dr. Karrer's primary interests, notably his advocacy of a strong arbitrator role in proceedings as evidenced in his lectures, presentations, and publications as well as in his own arbitrations, the contributions in this book consider such questions as the following: ·What are the sources of an arbitrator's power? ·What are the limits of an arbitrator's power? ·Should arbitrators have a role in encouraging settlement? ·May arbitrators regulate and impose sanctions against counsel? ·How managerial should arbitrators be? ·What are the duties and liabilities of arbitrators? ·What is the nature of the arbitrator's relationship to arbitral institutions? ·Are emergency arbitrators actually 'arbitrators'? ·Should arbitrators raise issues of arbitrability and public policy ex officio? ·To what extent may arbitrators delegate tasks and use tribunal secretaries? With its in-depth perspectives on the arbitrator's role, powers, and duties in an arbitration proceeding, and its extensive analysis of some of the most timely and controversial issues in arbitration today, this book offers an abundance of thought-provoking yet also practical commentary and guidance for practitioners and academics in the field of international arbitration and international commercial law.

The Impartiality and Independence of Arbitrators in International Commercial Arbitration Aug 03 2021 Die Unabhängigkeit von Schiedsrichtern ist für die internationale Schiedsgerichtsbarkeit von grundsätzlicher Bedeutung. In der letzten Zeit wurden immer häufiger Schiedssprüche wegen mangelnder schiedsrichterlicher Unabhängigkeit aufgehoben. Das vorliegende Werk ist dem praxisrelevanten Fragenkomplex der schiedsrichterlichen Unabhängigkeit und Unparteilichkeit gewidmet. Eingehend werden die ausgefeilten dogmatischen Strukturen und die relevante Rechtsprechung der für die internationale Schiedsgerichtsbarkeit wichtigen Rechtsordnungen (Frankreich, England, Schweiz, Deutschland) auf der pro-arbitralen, arbitralen und post-arbitralen Verfahrensebene untersucht. Ein detailliertes Stichwortverzeichnis und eine umfangreiche Literaturliste runden die Arbeit ab. Aus dem Vorwort: "Dr. Angoura's book provides a detailed, systematic and comprehensive analysis of the concepts of independence and impartiality of arbitrators in international commercial arbitration. In addition to exploring the arbitrator's duties of impartiality and independence on a conceptual and theoretical level, provides a valuable tool for practice in international arbitration. Its careful examination of national court decisions, institutional rulings and other authorities is an important contribution to parties, lawyers, arbitrators, institutions and national courts to facilitate decisions on questions of disclosure and waiver and its application to impartiality at the different arbitration stages. This book contributes in particular to the ongoing discussion of the arbitrator's impartiality as one of the (most frequently-invoked) grounds for annulment or non-recognition of arbitral awards. I congratulate the author for her very thorough research and thoughtful writing and her valuable contribution to the dialogue between academia and practice." Gary B. Born, London, November 2021

International Commercial Arbitration Apr 30 2021 Hardbound - New, hardbound print book.

International Commercial Arbitration: Commentary and Materials Sep 16 2022 International Commercial Arbitration contains detailed commentary, case analyses, and practice pointers. Full annotations and footnotes provide invaluable research assistance, while clearly-written analyses identify and discuss critical issues. Representative international arbitral awards and national court decisions are excerpted, and detailed reference is made to leading institutional rules. Detailed appendices, an easy-to-use Table of Contents, and an extensive index to aid research and provide ready access to key materials. Co-publication with Kluwer Law International. North American sales rights only. Published under the Transnational Publishers imprint. For class adoption a student edition is available for

International Commercial Arbitration Jun 25 2023 Highlights specific features of various international commercial arbitration forms, thus enabling lawyers drafting arbitration clauses to make informed choices.

International Commercial Arbitration Oct 25 2020

Arbitration of International Business Disputes Nov 18 2022 Arbitration of International Business Disputes 2nd edition is a fully revised and updated

anthology of essays by Rusty Park, a leading scholar in international arbitration and a sought-after arbitrator for both commercial and investment treaty cases. This collection focuses on controversial questions in arbitration of trade, financial, and investment disputes. The essays address some of the most interesting topics in cross-border business dispute resolution, many of which have endured over several decades and remain subject to radically different views. Examples include the proper role of judicial review, the allocation of jurisdictional tasks, evolution of arbitration's statutory and treaty framework, free trade and bilateral investment agreements, and the balance between fixed rules and arbitral discretion. The book is structured around three themes: arbitration's legal framework; the conduct of arbitral proceedings; and a comparison of arbitration in specific fields such as finance, intellectual property, and taxation. In each of these areas, analysis includes the tensions between fairness and efficiency, and the accurate application of substantive law as well as the implications of mandatory procedural norms. Augmented by more than a dozen new contributions and a revised introduction, this 2nd edition retains all of its earlier practical and scholarly relevance, and includes a Foreword by V. V. (Johnny) Veeder QC.

AAA Handbook on Commercial Arbitration Aug 27 2023 Assembled from Dispute Resolution Journal - the flagship publication of the American Arbitration Association - the chapters in the Handbook have all, where necessary, been revised and updated prior to publication. The book is succinct, comprehensive and a practical introduction to the use of arbitration and ADR, written by leading practitioners and scholars. The Handbook begins with an exploration of drafting commercial arbitration clauses and provides advice on selecting the right arbitrator for any given commercial arbitration dispute. It supplies practitioners with guidelines for use in their arbitration practice and covers such topics as evidence and discovery, arbitral subpoena powers, procedural and interim orders. It also offers guidance on witness preparation, expert testimony, and cross-examination. There are chapters that specifically address the arbitration of large complex cases, healthcare disputes, and entertainment industry disputes. Arbitrators are provided with recommendations regarding professional conduct and responsibility. Arbitral awards and remedies are covered extensively and arbitrators are provided with practical approaches and information on drafting awards, punitive damages, the finality of awards and, post-decision debriefing. Lastly, this book discusses commercial arbitration as it relates to the legal system. The chapters were selected from an extensive body of writings and, in the main, represent world-class assessments of arbitration and ADR practice. All the major facets of the field are addressed and provide the reader with comprehensive and accurate information, lucid evaluations, and an indication of future developments. They not only acquaint, but also ground the reader in the field.

WTO Litigation, Investment Arbitration, and Commercial Arbitration Jan 20 2023 This book gathers contributions by twenty-five world-class practitioners, leading academics, adjudicators, and civil servants in the field of WTO litigation, investment arbitration, and commercial arbitration. It provides a practical cross-cutting analysis of the different dispute settlement mechanisms that exist in international trade and investment and offers valuable insights into how to use best practices among the three systems. The book addresses the critical areas of overlap that exist in the three disciplines, including: management of parallel proceedings and role of politics and 'pressure points' within host governments; selection and appointment of arbitrators, panels and Appellate Body members; use of experts and economics; search of the applicable law; interpretation of the national treatment principle and other substantive standards and legal tests; methods of redressing 'moral damage'; regimes of review, appeals and annulment; enforcement systems of awards, implementation of WTO law and other legal remedies; and allocation of costs. In addition to being the first in-depth exploration of the interaction among WTO litigation, investment arbitration and international commercial arbitration, this book brings a singularly practical perspective to bear on the three dispute settlement mechanisms and how each can be used to best advantage.

Cases and Materials on Commercial Arbitration Aug 23 2020 Cases & Materials covers all essential aspects of the arbitral process & are divided between commentary & texts. The book accomplishes both an informational & analytical function. Cases & statutes are followed by extensive & rigorous evaluations. While focusing principally on domestic arbitration within the United States, the work does not ignore either the cross-border or the comparative dimensions of arbitral dispute resolution. The Materials address a number of procedural questions that have arisen in practice & emphasize, as critically important, the drafting of arbitration agreements & counseling on matters of arbitration. "The book begins with considerable attention to the theoretical basis for enforcing arbitration agreements & awards. In this connection, Carbonneau respects & explains the vital distinction between labor & commercial disputes better than many judges & scholars have done. Two chapters are spent on the important issue of how federalism affects arbitration law. An excellent chapter on arbitration & statutory rights takes the reader through the doctrinal evolution of "subject matter arbitrability," both in the traditional problems areas of securities & antitrust, & in the more current hot topics of age & sex discrimination in employment. Four chapters deal with international aspects of arbitration, including a look at arbitration law in several non-American jurisdictions, & an examination of treaty-created arbitration under NAFTA, the Iran Claims Tribunal & the Iraqi War Claims Commissions. The book's great strengths are twofold. First, its encyclopedic completeness misses no major case. Second, Professor Carbonneau devotes an almost loving attention to detail in his clear introductions & carefully weighed analytic comments & questions. With grace, elegance & style, Professor Carbonneau has put together a superb work on American arbitration law. His materials would be a bargain even at twice the price." William W. Park Professor of Law, Boston University Counsel, Ropes & Gray, Boston Vice President, London Court of International Arbitration "Tom Carbonneau's 'Cases & Materials on Commercial Arbitration' is a major contribution to the literature on arbitration. ... it contains not only excerpts of the most important U.S. cases on arbitration but also extensive commentary & analysis that will prove invaluable to practitioners, policy makers & academics who are already familiar with the field. The documentary supplement will also prove immensely valuable, particularly to those who are interested in international arbitration practice. Jean R. Sternlight Professor of Law, Florida State University Director of Education & Research, Florida Dispute Resolution Center.

The Three Ages of International Commercial Arbitration Sep 23 2020 A history of modern international commercial arbitration theory and practice from the eighteenth century to the present day.

International Commercial Arbitration Jul 14 2022 There has been an exponential rise in the use of ICA for resolving international business disputes, yet international arbitration is a scarcely regulated, specialty industry. International Commercial Arbitration: An Asia Pacific Perspective is the first book to explain ICA topic by topic with an Asia Pacific focus. Written for students and practising lawyers alike, this authoritative book covers the principles of ICA thoroughly and comparatively. For each issue it utilises academic writings from Asia, Europe and elsewhere, and draws on examples of legislation, arbitration procedural rules and case law from the major Asian jurisdictions. Each principle is explained with a simple statement before proceeding to more technical, theoretical or comparative content. Real-world scenarios are employed to demonstrate actual application to practice. International Commercial Arbitration is an invaluable resource that provides unique insight into real arbitral practice specific to the Asia Pacific region, within a global context.

The Principles and Practice of International Commercial Arbitration Feb 26 2021 The Principles and Practice of International Commercial Arbitration provides the reader with immediate access to understanding the world of international arbitration. Arbitration has become the dispute resolution method of choice in international transactions. This book explains how and why arbitration works. It provides the legal and regulatory framework for international arbitration, as well as practical strategies to follow and pitfalls to avoid. It is short and readable, but comprehensive in its coverage of the basic requirements, including the most recent changes in arbitration laws, rules, and guidelines. The second edition includes updates on rules and guidelines, such as the arbitration rules of the ICC, the SCC, the ACICA, and UNCITRAL, as well as the 2010 IBA Rules on Taking of Evidence in International Arbitration. In the book, the author includes insights from numerous international arbitrators and counsel, who tell firsthand about their own experiences of arbitration and their views of best practices. Throughout the book, the principles of arbitration are supported and explained by the practice, providing a concrete approach to an important means of resolving disputes.

International Commercial Arbitration and the Arbitrator's Contract Oct 05 2021 This book examines the formation, nature and effect of the arbitrators' contract, addressing topics such as the appointment, challenge, removal and duties and rights of arbitrators, disputing parties and arbitration institutions. The arguments made in the book are based on a semi-autonomous theory of the juridical nature of international arbitration

and a contractual theory of the legal nature of these relationships. From these premises, the book analyses the formation of the arbitrator's contract in both ad hoc and institutional references. It also examines the institution's contract with the disputing parties and its effect on the arbitrator's contract under institutional references. The book draws from national arbitration laws and institutional rules in various jurisdictions to give a global view of the issues examined in it. The arbitrator's contract is analysed from a global perspective of arbitral law and practice with insights from various jurisdictions in Africa, Asia, Europe, North and South America. The primary focus of the book is an analysis of the formation of the arbitrator's contract and the terms of this contract and the institution's contract. The primary question of the consequences (if any) of the breaches of the terms of these contracts and its impact on the exclusion or limitation of liability of arbitrators and institutions is also analysed with the conclusion that since these transactions are contractual and the terms can be categorised as in any normal contract, then normal contractual remedies can be applied to the breaches of these terms. *International Commercial Arbitration and the Arbitrator's Contract* will be of great value to arbitration practitioners and researchers in arbitration. It will also be very useful to students of arbitration on the topics of arbitrators and arbitration institution.

Law and Practice of Arbitration - Fifth Edition Apr 18 2020 The *Law and Practice of Arbitration* is a comprehensive treatise about the development and practice of arbitration law in the United States. It addresses in detail the recourse to arbitration in domestic matters -- employment, labor, consumer transactions, and business -- and its use in the resolution of international commercial claims. It covers all of the major subject areas in the field and provides practical advice as well as an easy-to-read, clear discussion of the relevant case law. It represents a masterful synthesis of the entire body of arbitration law. It discusses basic concepts and doctrines, the FAA, freedom of contract in arbitration, arbitrability, the enforcement of awards, the use of arbitration in consumer and employment matters, institutional arbitration, and the drafting of arbitration agreements. It speaks of the federalization of the law and growing judicial objections to the use of adhesion arbitration agreements in the consumer context. The volume represents the author's continuing in-depth reflection on the practical and systemic consequences of United States Supreme Court's decisional law on arbitration -- a process that is instrumental to the operation of the United States legal system as well as international business. The work continues its tradition of being the best statement on U.S. arbitration law and practice. The *Law and Practice of Arbitration* is a handy reference for all who have an interest in arbitration law and practice. The new Fifth Edition of Carbonneau's treatise is built upon a comprehensive update of the federal circuit and U.S. Supreme Court cases on arbitration. The Introduction has been rewritten to take into account *AT & T Mobility v. Concepcion* and the American Express Merchants' Litigation in the development of U.S. arbitration law. These decisions represent landmark USSC pronouncements on adhesive arbitration. The Introduction also contains a new section on the foundational legitimacy of arbitration in the U.S. legal system. The two landmark decisions are also incorporated into the text of Chapter 8 on the topic of adhesive arbitration. Chapter 9 on the award enforcement assesses the standing of *Stolt-Nielsen* in light of the Court's recent decision in *Sutter*, asking whether this re-evaluation might be a de facto reversal of the earlier and highly unusual opinion. The assessment takes into account Justice Alito's concurring opinion in *Sutter*. Chapter 10 on International Commercial Arbitration has undergone substantial rewriting and makes its various points more lucidly and effectively. This is also true of chapters 2, 3, and 5. Many footnotes have been perfected in form and content. The per curiam opinions---*KPMG LLP v. Cocchi*, *Marmet Health Care v. Brown*, and *Nitro-Lift v. Howard*---are all integrated into the text and fully assessed. The USSC's decision in *CompuCredit v. Greenwood* is evaluated for its significance on the issue of Congressional intent to preclude arbitration. There are updates on how the courts define arbitration, the waiver of the right to arbitrate (in particular, the Ninth Circuit opinion in *Richards v. Ernst & Young*), the enforcement of arbitration agreement, with emphasis upon the curious Third Circuit decision on the matter in *Guidotti*, the latest adherents to the ill-conceived RUA, the Ninth Circuit's favorable response to *AT&T Mobility* in *Mortensen and Murphy*, and an assessment of recent developments on the judicial imposition of penalties for frivolous vacatur actions. The treatise continues to be a highly contemporary and complete statement on the law of arbitration.

International Commercial Arbitration in the European Union Jul 02 2021 This illuminating book contributes to knowledge on the impact of Brexit on international commercial arbitration in the EU. Entering the fray at a critical watershed in the EU's history, Chukwudi Ojiegbe turns to the interaction of court litigation and international commercial arbitration, offering crucial insights into the future of EU law in these fields.

Handbook on International Commercial Arbitration Mar 22 2023 This handbook will assist the practitioner, whether lawyer, counsel or arbitrator, in some of the practical minefields of international commercial arbitration. It considers the typical course of an international commercial arbitral proceeding, from deciding what claims may be arbitrated to calculating damages and the contents of an award, giving guidance and sample documents for each step. It also provides an extensive discussion of discovery and the presentation of evidence during hearings. This will work in aid the efficiency of the arbitral process, especially by reducing time and cost. For counsel and arbitrators alike, it provides a convenient reference work for the problems that inevitably arise in the procedural and substantive steps in arbitration. Analyzing the relevant law and rules from a range of jurisdictions and international arbitral institutions, the Handbook is a truly invaluable companion for everyone involved in international commercial arbitration.

Investment and Commercial Arbitration Oct 17 2022 This book contains the contributions to the Vienna Arbitration Forum on "Investment and Commercial Arbitration - Similarities and Divergences" which took place at the University of Vienna Law School in November 2008. The conference focused on topical issues in international investment arbitration and in commercial arbitration. Featuring speakers from academia, as well as legal practices, the Vienna Arbitration Forum addressed controversial topics and explored similarities and divergences. Table of Contents include: Consolidation of Proceedings in International Investment Arbitration * Consolidation of Proceedings in International Commercial Arbitration * The Limits of Party Autonomy in Investment Arbitration * Limits of Party Autonomy in International Commercial Arbitration * The Annulment of ICSID (International Centre for Settlement of Investment Disputes) Awards * Annulment of Arbitral Awards in International Commercial Arbitration * Independence, Impartiality and Duty of Disclosure in Investment Arbitration * Judicial Approaches to Arbitrator Independence and Impartiality in International Commercial Arbitration.

International Commercial Arbitration Mar 10 2022

Arbitration in Asia - 2nd Edition Aug 15 2022 Asia has witnessed an extraordinary growth in the use of international arbitration in the past two decades. Arbitration in Asia is an ideal reference to guide practitioners and business people in the proper selection of a suitable arbitral seat or jurisdiction in Asia. The book includes substantive chapters reflecting detailed commentary and analysis on 18 Asian jurisdictions from the area's leading arbitration practitioners and experts. The materials in this looseleaf volume provide a practical reference guide and resource tool for the law and practice of international commercial arbitration in Asia.

Due Process in International Commercial Arbitration Dec 27 2020 Previous edition, 1st, published in 2005.

Ex Aequo et Bono as a Response to the 'Over-Judicialisation' of International Commercial Arbitration Jan 08 2022 Despite its many distinguished proponents over time, *ex aequo et bono* - the idea of deciding disputes on the basis of what an adjudicator regards as fair and equitable - has failed to take hold in international commercial arbitration (ICA). Formalisation and fossilisation of arbitral procedure, as manifested in the increasing use of litigation-style practice, unfortunately reign instead. This bold and challenging book argues that parties to an arbitration should be more willing for their cross-border disputes to be decided (and arbitrators should be more prepared to decide those disputes) in accordance with broad principles of equity and fairness, rather than by strict adherence to technical rules of law. Putting forward suggestions based on extensive research and doctrinal considerations, this book invites us to confront what ICA was supposed to be, what it now is and what it can be. In particular, Dr Teramura discusses how, by resorting to *ex aequo et bono*, arbitrators can: construe contractual terms, including the limits; apply trade usages; deal with mandatory rules of a given forum or place of performance; minimise the cost and length of time that arbitration takes; avoid the abuse of discretion; and ensure predictable results. The book examines significant differences in the way that *ex aequo et bono* arbitration is understood among various state and international institutions. It attempts to identify a 'common core' of universally accepted concepts underlying those different

understandings. The book argues that *ex aequo et bono* has the potential to reform ICA without undermining its positive aspects. Along the way, it discusses the implications of *ex aequo et bono* arbitration on the now widely used UNCITRAL Model Law on ICA. It should thus appeal to lay business persons and commercial law practitioners who are looking for an economical and efficient way to solve business disputes within a globalised arbitration framework.

International Arbitration in the United States Dec 07 2021 *International Arbitration in the United States* is a comprehensive analysis of international arbitration law and practice in the United States (U.S.). Choosing an arbitration seat in the U.S. is a common choice among parties to international commercial agreements or treaties. However, the complexities of arbitrating in a federal system, and the continuing development of U.S. arbitration law and practice, can be daunting to even experienced arbitrators. This book, the first of its kind, provides parties opting for "private justice" with vital judicial reassurance on U.S. courts' highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process. With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes, this book covers aspects of U.S. arbitration law and practice as the following: .institutions and institutional rules that practitioners typically use; .ethical considerations; .costs and fees; .provisional measures; and .confidentiality. There are also chapters on arbitration in specialized areas such as class actions, securities, construction, insurance, and intellectual property.

International Commercial Arbitration for Today & Tomorrow Jun 20 2020

College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition Jul 26 2023 This third edition of The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration has been substantially expanded not only to ensure that it is up to date but, also, to incorporate several new chapters on diverse subjects, including intratribunal relations, arbitrators' fees, eDiscovery, and hybrid arbitration processes. Summary of New Material •Twice as long as the second edition •Substantial revision and expansion of existing chapters •Four new chapters (Arbitrators Fees & Expenses, eDiscovery, Intratribunal Relations, Hybrid Arbitration Proceedings) •Updated to take into account evolving case law and to address newly emerging issues relating to the management of commercial arbitrations •Comparative tables regarding certain aspects of in major international rules and international arbitration institution policies •Revised to take into account: ♦The new 2013 CPR Administered Arbitration Rules ♦The 2013 revisions to the AAA Commercial Rules ♦Various protocols and guidelines relating to domestic commercial arbitration ♦The 2011 revisions to the JAMS International Rules ♦The 2012 revisions to the ICDR Articles ♦The 2010 revisions to the UNCITRAL Rules ♦The 2013 IBA Guidelines on Party Representation in International Arbitration ♦The 2010 revisions to the IBA Rules on the Taking of Evidence in International Arbitration ♦Various protocols and guidelines relating to domestic commercial arbitration The aim of the Guide is to identify best practices that arbitrators can employ to provide users of arbitration with the highest possible standards of economy and fairness in the disposition of business disputes. This third edition of the Guide refines the guidance contained in the first and second editions to take into account developing case law, revised institutional rules, advancements in arbitration techniques and thinking, and also addresses newly evolving issues such as electronic discovery. There are significant differences in the ways in which arbitrations are conducted in different substantive fields of commerce and among different arbitrators in the same field. Techniques that are appropriate and useful in one case may be quite unsuited to another. For this reason, it is not possible to prescribe a single set of best practices that commercial arbitrators should invariably follow in every case. Rather, this Guide attempts to identify the principal issues that typically arise in each successive stage of an arbitration and to explain the pros and cons of various preferred ways of handling each issue. From this perspective, the best practice for an arbitrator is to carefully consider the merits of alternative techniques available for dealing with a particular issue and to then select the technique best suited to the situation. In addition, the Guide attempts to identify the full array of practices available for use in complex arbitrations, which can be adapted and streamlined for simpler cases. Formed in 2001, the College of Commercial Arbitrators is a non-profit organization composed of prominent, experienced commercial arbitrators who believe that a national association of commercial arbitrators can provide a meaningful contribution to the profession, to the public, and to the businesses and lawyers who depend on arbitration as a primary means of dispute resolution. Its mission includes promoting professionalism and high ethical practice in commercial arbitration, adopting and maintaining standards of conduct, providing peer training and professional development, and developing and publishing "best practices" materials. This work is the College's principal vehicle for fulfilling several aspects of its mission. Many seasoned and knowledgeable practitioners generously contributed their time and insights to the creation of this Guide.

Compendium of International Commercial Arbitration Forms Apr 23 2023 International arbitration of business disputes continues to rise dramatically. New people entering the international arbitration community on all continents require a systematic guide to avoid a mere trial-and-error approach. This book, first of its kind, with numerous practical examples of the drafting of documents for each step of an international arbitration proceeding, under different arbitration rules and in different countries, allows actual ready-to-adapt forms to be located quickly for any issue likely to arise and clearly illustrates the different drafting styles used in practice. In one volume, in a single place, scores of documents are provided, all originating from real cases. A brief sample includes inter alia the following: • request for arbitration; • answer/counterclaim; • claimant's reply to counterclaim; • terms of reference; • rules of procedure; • timetable for submissions; • procedural orders; • written pleadings/statement of claim/defence; • witness statements/depositions/affidavits; • requests/orders for the production of documents/discovery; • requests/orders on interim measures/security for costs; • hearings; • opening statement/closing statement; • submissions on costs; • awards/interim/partial/final/by consent; and • requests/decisions on correction and interpretation of awards. Explanatory comments on more complex forms help to raise the readers' awareness on a specific issue or discussion. Emphasis throughout is on procedural aspects. No other book makes it so easy to find all the information necessary to prepare a case or take a decision in the context of international commercial arbitration. These forms will be of immeasurable value to corporate counsel, management in instructing outside counsel, practitioners dealing with international arbitration, lawyers, arbitrators, members' organizations in industry and commerce, arbitration centres (especially newer ones in emerging markets), academic libraries and bar associations.

Commercial Arbitration Jun 13 2022 In the past few decades, the United States Supreme Court has led an extraordinary embrace of commercial arbitration as a favored form of alternative dispute resolution. First, using an extremely broad definition of "interstate commerce," it has extended the preemptive reach of the Federal Arbitration Act (FAA) and the underlying federal caselaw of arbitration, to the fullest possible constitutional limit so as to preempt state law attempts to regulate arbitral processes in any manner deemed at all hostile to federal policies. Second, operating under the FAA, the Court has ruled that so-called "public" statutory claims for discrimination, securities fraud, antitrust and RICO are covered by conventional pre-dispute agreements to arbitrate, even under contracts of adhesion. With this incredible growth of arbitration, on both the national and international levels, has come increased focus on whether and, if so, when, arbitrators may depart from specific rules of law to do perceived "justice." So too, as the Supreme Court continues to resolve issues as to which lower courts are in conflict, certain legal uncertainties are given resolution, but others are created, including those of the maintainability of arbitral class actions and party flexibility to expand the scope of otherwise highly limited judicial review of awards. This text attempts to combine the theoretical with the practical, so it also focuses on arbitral procedures and discusses differences in handling certain types of cases in arbitration as opposed to court. To the extent arbitration is a creature of contract, there is also attention paid to the use of drafting to accomplish client objectives. There are also ample Appendices containing rules of arbitral tribunals, statutory texts, and other authoritative materials. Hopefully, this book will serve not only as the basis for a two or three point law school course, but as a useful law office reference as well. Nicholas R. Weiskopf is Professor of Law, St. John's University School of Law. He graduated from Columbia College in 1966, and Columbia Law School (Magna Cum Laude) in 1969. He practiced as a litigator in major New York City firms for over a decade, during which time he was Lecturer in Law at Columbia Law School. At St. John's since 1982, Professor Weiskopf teaches Contracts and Commercial Arbitration. He has served as a neutral and as a designated arbitrator in major commercial disputes, and as an expert witness in arbitrations both here and abroad. He has also participated in many commercial and securities arbitrations as counsel. He has written in the areas of securities regulation, contracts and commercial arbitration over a forty year span.

Law and Practice of International Commercial Arbitration Dec 19 2022 Law and Practice of International Commercial Arbitration.

Commercial Arbitration Mar 30 2021 This volume provides a practical guide to the Arbitration (Scotland) Act 2010 together with comparative international case studies. It provides a thorough analysis of the Arbitration (Scotland) Act 2010 (which provides a modern statutory framework for domestic and international arbitration in Scotland) and the most important current issues that are arising in the field of international commercial arbitration. It includes a number of highly relevant legal case studies that compare Scottish and international practice.

International Commercial Arbitration Feb 09 2022 This indispensable book offers a concise comparative introduction to international commercial arbitration (ICA). With reference to recent case law from leading jurisdictions and up-to-date rules revisions, International Commercial Arbitration offers a thorough overview of the issues raised in arbitration, from the time of drafting of the arbitration clause to the rendering of the arbitral award and the post-award stage.

The UNCITRAL Model Law on International Commercial Arbitration Jan 28 2021 This Commentary provides rich and detailed analysis both of the provisions of the UNCITRAL Model Law on International Commercial Arbitration (the Model Law), and of its implementation, including a comparative account of the operation of the Model Law in the numerous jurisdictions which have adopted it throughout the world. Key Features: Comparative and thorough analysis of the provisions of the Model Law Consideration of the interpretations of the Model Law adopted by courts, with references to numerous cases from common law jurisdictions (Singapore, Hong Kong, India, Australia, New Zealand, Canada), Germany and Austria, central Europe (Poland, Hungary, Bulgaria), Spain, South Korea and Egypt Insight into variations in the statutory implementation of the Model Law in various jurisdictions across Europe, Asia, the Middle East and Latin and North America, with the most common amendments identified and highlighted Discussion on whether the amendments adopted in Model Law jurisdictions should be persuasive in other Model Law jurisdictions Exploring how the Model Law is applied and interpreted in multiple jurisdictions, this practical and exhaustive commentary will be an essential resource for arbitrators and commercial litigators and will also appeal to scholars in the fields of arbitration, international dispute resolution, and international commercial law.

The European Convention on International Commercial Arbitration Apr 11 2022 Originally drafted during the Cold War era to facilitate trade between Western and Eastern European countries, the European Convention on International Commercial Arbitration (ECICA) has come to the fore in recent years as commercial relationships proliferate between Western Europe and such resource-rich countries as Russia, Ukraine, and Kazakhstan. This commentary is the first comprehensive overview in English of the Convention's provisions, annexes, subsequent agreements, and relevant case law and scholarship. Following three introductory chapters—on subjective arbitrability, applicable law, and ordre public in enforcement procedures—the book provides detailed commentary and analysis of each of the Convention's articles in turn. Detailed answers will be found to such questions as the following: • Which law is applicable to the substance of a dispute within the Convention's scope of application? • Can a defective arbitration clause be “saved” and, if so, how? • In which circumstances can awards be enforced which have been set aside in the state of origin? • In which circumstances may courts decide in a matter governed by an arbitration agreement? In contrast to the other major international commercial arbitration body of rules—the New York Convention—the ECICA goes beyond enforcement and recognition of awards and codifies standards of conduct and procedure. These innovative provisions are discussed in depth. Arbitration disputes are increasing across the vast geographical region in which the ECICA is applicable, and practitioners acting in such disputes will welcome this thorough commentary on the functionality, advantages, and disadvantages of each of the Convention's provisions. They will approach national courts and arbitral tribunals with full knowledge of the rules of procedure and benefit from analysis of court decisions. Global firms, particularly in the oil and gas industry, will also appreciate the book's masterful explication of this powerful instrument in international commercial arbitration.

Commercial Arbitration Sep 04 2021

The Public Order Exception in International Trade, Investment, Human Rights and Commercial Disputes Nov 06 2021 In the process of resolving disputes, it is not uncommon for parties to justify actions otherwise in breach of their obligations by invoking the need to protect some aspect of the elusive concept of public order. Until this thoroughly researched book, the criteria and factors against which international dispute bodies assess such claims have remained unclear. Now, by providing an in-depth comparative analysis of relevant jurisprudence under four distinct international dispute resolution systems – trade, investment, human rights and international commercial arbitration – the author of this invaluable book identifies common core benchmarks for the application of the public order exception. To achieve the broadest possible scope for her analysis, the author examines the public order exception's function, role and application within the following international dispute resolution systems: relevant World Trade Organization (WTO) agreements as enforced by the organization's Dispute Settlement Body and Appellate Body; international investment agreements as enforced by competent Arbitral Tribunals and Annulment Committees under the International Center for Settlement of Investment Disputes; provisions under the Inter-American Convention of Human Rights and the European Convention of Human Rights as enforced by the Inter-American Court of Human Rights and the European Court of Human Rights, respectively; and the New York Convention as enforced by national tribunals across the world. Controversies, tensions and pitfalls inherent in invoking the public order exception are elucidated, along with clear guidelines on how arguments may be crafted in order to enhance prospects of success. Throughout, tables and graphs systematize key aspects of the relevant jurisprudence under each of the dispute resolution systems analysed. As an immediate practical resource for lawyers on any side of a dispute who wish to invoke or strengthen a public order exception claim, the book's systematic analysis will be welcomed by lawyers active in WTO disputes, international investment arbitration, human rights law or enforcement of foreign arbitral awards. Academics and policymakers will find a signal contribution to the ongoing debate on the existence, legal basis, content and functions of the transnational public order.

The Principles and Practice of International Commercial Arbitration May 24 2023 This book explains how and why arbitration works. offering comprehensive coverage of the basic requirements, including recent changes in arbitration laws, rules, and guidelines.

The Three Ages of International Commercial Arbitration May 20 2020 Drawing on a wide range of previously unpublished sources, this unique history of international commercial arbitration in the modern era identifies three periods in its development: the Age of Aspirations (c. 1780-1920), the Age of Institutionalization (1920s-1950s), and the Age of Autonomy (1950s-present). Mikaël Schinazi analyzes the key features of each period, arguing that the history of international commercial arbitration has oscillated between moments of renewal and anxiety. During periods of renewal, new approaches, instruments, and institutions were developed to carry international commercial arbitration forward. These developments were then reined in during periods of anxiety, for fear that international arbitration might be overstepping its bounds. The resulting tension between renewal and anxiety is a key thread running through the evolution of international commercial arbitration. This book fills a key gap in the scholarship for anyone interested in the fields of international arbitration, legal history, and international law.

International Commercial Arbitration in New York May 12 2022 New York is a leading venue for international commercial arbitration, home to the headquarters for the International Centre for Dispute Resolution, the international branch of the American Arbitration Association, and many leaders in the international arbitration field. New York also serves as the locus of several prominent arbitration firms' central offices. International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New York. Serving as an essential strategic guide, this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York. This collaborative work boasts contributors of pre-eminent stature in the arbitration field. Each chapter elucidates a vital topic, including the existing New York legal landscape, drafting considerations for clauses designating New York as the place of arbitration, and material and advice on selecting arbitrators. The book also covers a series of topics at the intersection of arbitral process and the New York courts, including jurisdiction, enforcing arbitration agreements, and obtaining preliminary relief and discovery. Class action arbitration, challenging and enforcing arbitral awards, and biographical materials on New York-based international arbitrators is also included, making this a comprehensive, valuable resource for practitioners. This new in paperback edition provides a Preface prepared by the editors that briefly discusses several developments in the field of arbitration in New York since the publication of the hardback version in 2010. It also contains in Appendix 6.1,

the International Chamber of Commerce ("ICC") Rules of Arbitration (In force as from January 1, 2012).

The Practice of International Commercial Arbitration Nov 25 2020 Focusing on practical principles or guidelines for arbitrators, this book covers everything a prospective international commercial arbitrator should know about conducting an arbitration in Hong Kong. Specifically geared to those interested in or starting work as an international commercial arbitrator in Hong Kong, the book takes readers step-by-step through the problems that are likely to arise in the conduct of a commercial arbitration and in the development of their careers as international commercial arbitrators.

Comparative International Commercial Arbitration Feb 21 2023 This treatise describes the practice of international commercial arbitration with reference to the major international treaties and instruments, arbitration rules and national laws. It provides an analysis of the interaction between party autonomy and arbitration practice.