

ARBITRATION LAW HANDBOOK

EDITED BY
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Arbitrators Handbook

Daniel F McAuley



Arbitrators Handbook:

AAA Handbook on Arbitration Practice American Arbitration Association, 2010-08-01 The AAA Handbook on Arbitration Practice assembles from *Dispute Resolution Journal* the flagship publication of the American Arbitration Association and other sources the latest thinking on arbitration and dispute resolution All chapters where necessary have been revised and updated by the authors to insure that they represent the most current developments in law and practice The Handbook is a succinct comprehensive and a practical introduction to the use of arbitration written by leading practitioners and scholars it provides essential orientation and is a must for anyone with an interest in the field from the seasoned to the neophyte The AAA Handbook on Arbitration Practice brings to the arbitration and dispute resolution professional the latest thinking on arbitration from world renowned specialists in the field The chapters in this work were selected from an extensive body of writings and in the main represent world class assessments of arbitration and dispute resolution practice All the major facets of the field are addressed The chapters provide the reader with comprehensive and accurate information lucid evaluations and useful practical guidance They not only acquaint but also ground the reader in the field

AAA Handbook on International Arbitration and ADR - Second Edition American Arbitration Association, 2010-10-01 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 contains valuable guidance on international commercial arbitration including the management of arbitration disputes how to select an international arbitral institution an explanation of the effect of international public policy the duties of arbitrators the presentation and evaluation of evidence in international arbitration and how to arbitrate against a state sovereign The enforcement of international arbitral awards is explored including interim relief and problems with enforcement the New York Convention parallel proceedings and pivotal decisions such as *Chromalloy* and *TermoRio* International mediation is also examined including guidelines for selecting the best mediator for an international dispute the power of mediation to resolve international commercial disputes and the differences in U S and European approaches Lastly the section on investment and trade arbitration and mediation explores bilateral investment treaties examines WTO arbitration procedures offers advice on saving time and money in cross border commercial disputes and provides guidance for U S investors to follow in dealing with sovereign states The chapters in the Handbook 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

AAA Handbook on Commercial Arbitration American Arbitration Association, 2010-09-01 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

AAA Handbook on International Arbitration Practice American Arbitration Association,2010-09-01 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 has discussions of such topics as confidentiality in arbitration tips for beginning practitioners cultural issues in arbitration and the contrast of civil and common law approaches International forum selection is discussed including whether national or regional centers are viable options and how to save time and money in cross border disputes A range of other issues are discussed such as interim and emergency relief the use of a preliminary hearing letter time management techniques and discovery and evidence Ethical concerns are also discussed including a comparison of arbitrator standards of conduct in international trade and investment disputes dealing with arbitrator conflicts and arbitrator disclosure standards Finally the work addresses the topics of damages and the review and enforcement of international arbitration awards including interpretations under the New York Convention 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

Handbook on Labor Arbitration American Arbitration Association,2010-11-30 The AAA Handbook on Labor Arbitration 2nd Edition begins with chapters on specific issues related to labor arbitration including an analysis of factors present in challenged and vacated arbitration

awards job discrimination claims under collective bargaining agreements and ambiguities in labor contracts The practitioner is provided with information regarding labor arbitration procedures including a discussion of the rules of evidence grievance processing public policy exceptions to labor arbitration awards and Weingarten rights in the non union workplace Among the topics discussed are what arbitrators should know about arbitral immunity suggestions for labor arbitration advocates award writing and how unions can improve their success rate in labor arbitrations Lastly this book addresses judicial review of labor arbitrations 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 chapters on specific issues related to labor arbitration including an analysis of factors present in challenged and vacated arbitration awards job discrimination claims under collective bargaining agreements and ambiguities in labor contracts The practitioner is provided with information regarding labor arbitration procedures including a discussion of the rules of evidence grievance processing public policy exceptions to labor arbitration awards and Weingarten rights in the non union workplace Among the topics discussed are what arbitrators should know about arbitral immunity suggestions for labor arbitration advocates award writing and how unions can improve their success rate in labor arbitrations Lastly this book addresses judicial review of labor arbitrations 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

The Cambridge Handbook of Judicial Control of Arbitral Awards Larry A. DiMatteo, Marta Infantino, Nathalie M-P Potin, 2020-10-29 A unique collaboration between academic scholars legal practitioners and arbitrators this handbook focuses on the intersection of arbitration as an alternative to litigation and the court systems to which arbitration is ultimately beholden The first three parts analyze issues relating to the interpretation of the scope of arbitration agreements arbitrator bias and conflicts of interest arbitrator misconduct during the proceedings enforceability of arbitral awards and the grounds for vacating awards The next section features fifteen country specific reviews which demonstrate that despite the commonality of principles at the international level there is a significant amount of differences in the application of those principles at the national level This work should be read by anyone interested in the general rules and principles of the enforceability of foreign arbitral awards and the grounds for courts to vacate or annul such awards

The Arbitrator's Handbook John W. Cooley, 1998-01-01 This book provides a comprehensive description of the arbitration process The coverage of the book starts from the pre hearing stage to the post hearing functions duties of the arbitrator The appendices feature tables checklists sample arbitration forms rules including the American Arbitration Association's revised Commercial Arbitration Rules Being concise

whether it be in describing each stage of the arbitration process or boiling down the arbitration's hearing functions into a single checklist is one of Cooley's strengths. No wonder the book's publisher is promoting the book as a quick reference tool that can be brought to hearing sessions. A handy reference tool for arbitrators advocates this book with a wonderfully comprehensive guide to the arbitration process. This excellent addition to the arbitration literature is destined to improve arbitration practices become the arbitrator's bible. James J. Alfini, Chair, elect American Bar Association Dispute Resolution Section Professor of Law at Northern Illinois University College of Law

Leading Arbitrators' Guide to International Arbitration - Third Edition Lawrence W. Newman, Richard D. Hill, 2014-04-01 The Leading Arbitrators Guide to International Arbitration Third Edition offers thoughtful advice and insights into the world of international arbitration from some of the most prominent and experienced international arbitrators in the world. The contributors are arbitrators from Australia, Belgium, Canada, Chile, Denmark, England, France, Germany, Italy, The Netherlands, Italy, Spain, Sweden, Switzerland, and the USA. The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments. The authors' discussions are intended to be thoughtful, insightful, and useful, and perhaps occasionally iconoclastic. As a result, there may be instances in which the authors disagree with one another on certain points. This is to be expected for there are often many routes that can be taken to achieve a result. The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may in their position as advocates wish to persuade persons including perhaps the authors.

AAA Handbook on Construction Arbitration and ADR - Second Edition American Arbitration Association, 2010-10-01 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 chapters on specific strategies and tools to help manage risks and avoid disputes in the construction field. It discusses ADR as it relates to subcontracting and labor disputes, the use of a neutral architect, the importance of site visits, and the significance of understanding ADR procedures before agreeing to them. The option of using mediation to resolve disputes is explored, including guidelines and tools for successful mediation, the expert's role in construction mediation, and what works and what doesn't work in construction disputes. The use of arbitration is also looked at in depth, and guidance is provided for both the arbitrator and for the advocate. There is an entire section devoted to partnering, the creation of a working relationship between a building owner and a contractor, which further involves subcontractors, design professionals, and other agencies, discussing its benefits and providing useful tips. Lastly, advice is provided for both small and complex construction claims and the use of Dispute Review Boards, comprising panels of three technically qualified neutral individuals. 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

Handbook on International Commercial Arbitration Peter Ashford,2014-03-01 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

College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition James M. Gaitis,Carl F. Ingwalson, Jr.,Vivien B. Shelanski,2014-01-01 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

Practitioner's Handbook on International Arbitration and Mediation - Third Edition Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner s Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral venues This Handbook is intended to make the reader into a better practitioner or arbitrator mediator Moreover each chapter has been written to provide practical advice and guidance Unlike many works with multiple authors this work is not simply a collection of essays on a general subject This book is a unified work with cross references among the chapters and a consistent format throughout The Practitioner s Handbook is divided into three parts Part One describes in detail each step of the international arbitration process and offers tips Part Two deals with each step and facet of an international mediation Each of these chapters is filled with Practitioners Expert Commentary Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong England Switzerland and France These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction As a result the chapters in Part Three are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules The CD ROM that accompanies this Work contains relevant original source material that is germane to the text A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered

Handbook of Arbitration Practice Ronald Bernstein, 1987 **Practitioner's Handbook on International Commercial Arbitration** Frank-Bernd Weigand, 2009-12-24 The Practitioner s Handbook on International

Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings as well as commentaries on well known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of the Practitioner's Handbook includes newly updated country chapters, expanded international coverage and commentary on the most important arbitration rules worldwide. It is written by world leading arbitration practitioners and academics and combines a practical approach with in depth legal research and analysis of important national and international case law. The book is unique in its coverage providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume. There are individual chapters for the following countries: Austria, Belgium, China, and provides details of national arbitration laws, arbitral institutions in the jurisdiction, model arbitration clauses and a bibliography including a list of key judicial decisions. The first edition was reviewed as an outstanding book and an extremely useful tool. The work is an indispensable one stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries.

International Arbitration: A Handbook Phillip Capper, 2020-10-28. This essential handbook on international arbitration has been updated to include a new chapter on investment treaty arbitration detailing the kind of investments which are covered by investment treaties, persons to whom investment treaties apply, the rights commonly provided under investment treaties, ICSID arbitration and commonly encountered issues and practical considerations. Other additions to the latest edition include multi-tiered arbitration clauses, confidentiality, interim measures and consumer arbitration.

Arbitrator's Handbook John W. Cooley, 2009-12-15. The Arbitrator's Handbook offers a full range of features geared to assist the arbitrator in performing his or her duties. Chapter One provides basic information on the nature of arbitration including a description of its stages and types and its benefits and limitations. Cooley defines the role, authority and ethics requirements of the arbitrator. Chapter Two describes the prehearing functions and duties of the arbitrator focusing on the time of initiation of the arbitration as well as the preparation stage. Chapter Three focuses on the arbitrator's hearing functions and duties. It covers such topics as the arbitrator's opening statement, handling preliminary matters, a review of basic rules of evidence and making rulings on motions and objections. Chapter Four on the arbitrator's post hearing functions and duties addresses such topics as ruling on post hearing motions, deciding the merits of the case and drafting the award and the opinion supporting the award. In addition, tables and checklists are included in the appendices for key actions at critical stages of the arbitration process. The appendix also contains sample arbitration forms and rules from leading dispute resolution organizations, making this the most comprehensive text available for hands on arbitration instruction.

The Practice of International Commercial Arbitration Anselmo Reyes, 2017-10-02. 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 Handbook of ICC Arbitration Thomas H. Webster, Dr Michael Buhler, 2014 Handbook of ICC Arbitration provides expert analysis of the whole process of using and adhering to the ICC Arbitration Rules It examines close up the diverse issues that can occur during an arbitration and hosts essential information related to arbitration on an international level with reference to published and unpublished awards and procedural orders as well as to many decisions of national courts AAA Handbook on Mediation - Second Edition American Arbitration Association, 2010-09-01 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 a thorough introduction into the practice of mediation and offers advice and strategies in preparing for and conducting successful mediations It explores the use of mediator evaluations i e opinions as to the likely outcome or value of legal claims reframing i e restating or rephrasing statements of conflict risk analysis the underlying psychology and bridging of cultural gaps among many other areas included to assist mediators in achieving the best results Attorneys are provided with guidance on establishing a mediation practice preparing clients for mediation negotiation tactics and how to answer a client s questions regarding the process of mediation It discusses confidentiality and ethics in mediation and also addresses the use of mediation in specific types of disputes such as business to business matters construction medical malpractice governmental agencies including environmental agencies and in the workplace Lastly it touches on various mediation issues as they arise in 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 *Asian Leading Arbitrators' Guide to International Arbitration* Michael Charles Pryles, Michael J. Moser, 2007-10-01 The essays in this volume prepared by a virtual who s who of the leading arbitrators in Asia present a unique insight into arbitration practices and procedures in the world s largest and fastest growing region This book offers thoughtful advice and insights into the world of international arbitration in Asia from some of the most prominent and experienced international arbitrators in the world The contributors are arbitrators from Brunei Darussalam China Hong Kong India Indonesia Japan Korea Malaysia New Zealand the Philippines Singapore United Kingdom and the USA The contributors offer insights and advice on the way in which international arbitrations are carried out from the point of view of arbitrators reading pleadings and memorials and listening to witnesses and hearing arguments The authors discussions are intended to be thoughtful insightful and useful and perhaps occasionally

iconoclastic There may be instances in which the authors disagree with one another on certain points for there are often many routes that can be taken to achieve a result The book will be useful not only to persons who may serve as arbitrators in international arbitral proceedings but also to those who may in their position as advocates wish to persuade persons including perhaps the authors

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