

What Counsel in Arbitration *can do, must do or must not do?*

Vanessa Foncke and Benoît Kohl (eds.)

**Hakim Boularbah, Filip De Ly, Pascal Hollander,
Luc Imbrechts, Joachim Knoll, Françoise Lefèvre,
Maxi Scherer and Emma Van Campenhoudt**

Preface: Dirk De Meulemeester



What Counsel Arbitration Can Must

Harold Crowter



What Counsel Arbitration Can Must:

Guide to Energy Arbitrations J William Rowley QC, 2017-06-21 Global Arbitration Review s The Guide to Energy Arbitrations is an essential desk top reference tool for energy companies their advisers and arbitrators bringing together a number of pre eminent authors and pulling together the latest and best approaches to the myriad issues confronted in today s energy disputes J William Rowley QC of 20 Essex St acts as General Editor editors are Doak Bishop of King The Guide to Energy Arbitration is a very useful and unique contribution to the literature in the area it assembles the views and insights of leading counsel and arbitrators on many of the key issues and trends in the energy arbitration world It should be a valuable guide to energy companies and their internal and external counsel in addition to being of interest to commercial and litigation lawyers generally Glenn Zacher Partner Stikeman Elliot

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

Arbitration Advocacy in Changing Times A. J. van den Berg, 2011-01-01 Advocacy in international arbitration is the focus of this collection of articles emanating from the twentieth Congress of the International Council for Commercial Arbitration ICCA held in Rio de Janeiro in 2010 The topics addressed by renowned arbitration practitioners and scholars include effective advocacy in arbitration the advocate s role at different stages of arbitration proceedings the role of experts arbitration advocacy and Constitutional law and advocacy and ethics in international arbitration The volume also contains a new approach to expert evidence the Protocol on Expert Teaming and closes with a proposal for an International Code of Ethics for Lawyers Practicing Before International Arbitral Tribunals [Employee Dismissal Law and Practice, 7th Edition](#) Perritt, 2019-12-17 Whether your case involves a public or private sector job a downsizing or termination for cause violation of employer policies failure to keep a specific promise adverse action for claiming employee rights or whistle blowing Employee Dismissal Law and Practice provides the guidance you need in this rapidly evolving area of employment law Providing in depth analysis of the common law and statutory wrongful dismissal doctrines as well as practical guidance on all aspects of employee dismissal litigation from complaints through jury instructions Employee Dismissal Law and Practice Online is an invaluable resource for evaluating and litigating a wrongful discharge case Employee Dismissal Law and Practice brings you up to date on the latest cases statutes and developments including New case law for Illinois Iowa Pennsylvania South Dakota Washington and West Virginia New section on discrimination based on immigration status New reference for state qui tam suits New case law on specific enumeration of disciplinary causes or steps giving rise to inference of employment security New case law on disclaimers New case law on identifying sources of public policy clearly New case law on constitutional provisions satisfying the clarity element of a public policy tort New case law on jeopardy to public policy when statutory remedies exist New case law on jeopardy to public policy when the contract protects employees Extensive

analysis of the Supreme Court's *Epic Systems* decision and its implications for employee class actions New analysis of notice pleading requirements in employment cases New case law on whistleblower protection of shareholder employees New case law on the scope of public sector whistleblower protections New case law on the availability of non economic damages in statutory whistleblower cases New chapter on settlement negotiations with a computer program to estimate the best alternative to a negotiated agreement or reservation price *Arbitration in Switzerland* Dr. Manuel Arroyo, 2018-08-06

Arbitration in Switzerland **Introduction to Arbitration** Harold Crowter, 2020-11-26 This book provides a highly accessible yet practical guide to all aspects of arbitration from the drafting of an arbitration agreement through to the award including enforcement and appeals Being comprehensive in its approach every stage of the arbitral process under the Arbitration Act 1996 is covered including a separate chapter covering special types of arbitration such as consumer schemes and arbitrations under statute Written in simple non legalistic language and intentionally general in its coverage it should be of relevance to arbitration matters whatever trade or profession practised **Guide to Advocacy** Stephen Jagusch, 2017-11-03

Global Arbitration Review's Guide to Advocacy is a practical book for specialists and would be specialists on how to be persuasive during international arbitration featuring unique insight from well known arbitrators on advocacy The fully revised Second Edition is a useful tool for junior lawyers who wish to develop their advocacy skills as well as a manual for civil trained lawyers who would like to feel more at ease with cross examination as it breaks the arbitral process into key steps and explains the advocacy opportunity that each represents focusing on the principles at work rather than specifics Woven throughout are gems from big name arbitrators tips complaints musings and reminiscences providing a new 360 degree view of written and oral submissions The Second Edition contains several new chapters and a fresh tranche of arbitrator contributions While the first edition covers the basics through chapters on inter alia written submissions cross examination opening submissions and closing arguments this second edition delves deeper by exploring Cultural Considerations in Advocacy These are aimed at advocates raised within a particular national or regional style who wish to know what adjustments to make when in the international milieu and vice versa These chapters contain observations of help when some of the players in the arbitration be they arbitrators opponents or others hail from Asia Latin America United States or the UK *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 ADR and Settlement in the Federal District Courts Elizabeth S. Plapinger,1996 **Litigation Services Handbook**

Roman L. Weil,Daniel G. Lentz,David P. Hoffman,2012-07-10 Here s all the information you need to provide your clients with superior litigation support services Get up to speed quickly with the aid of top experts on trial preparation and testimony presentation deposition direct examination and cross examination Authoritative and highly practical this is THE essential guide for any financial expert wanting to prosper in this lucrative new area the lawyers who hire them and litigants who benefit from their efforts This work of amazing breadth and depth covers the central issues that arise in financial expert testimony It is an essential reference for counsel and practitioners in the field Joseph A Grundfest The William A Franke Professor of Law and Business Stanford Law School former commissioner United States Securities and Exchange Commission *Festschrift Ahmed Sadek El-Kosheri* Mohamed Abdel Raouf,Philippe Leboulanger,2015-06-24 With this Festschrift the Bahrain Chamber for Dispute Resolution BCDR AAA is starting a tradition of honoring Arab scholars and practitioners who promote international arbitration and international law Over the last few decades international arbitration institutions and international law societies have generously acknowledged the work of leading scholars and practitioners from the region The time has come however for these individuals to be honored by institutions within the region It should come as no surprise that the BCDR AAA is dedicating this first Festschrift to Professor Dr Ahmed El Kosheri His immense contributions to international commercial arbitration international investment arbitration and international law more broadly as well as his significant influence on a generation of lawyers and students from the Arab region and beyond fully justify this choice As a testament to Dr El Kosheri s remarkable career broad intellectual horizons and extensive geographical reach the Festschrift includes contributions from forty six authors judges arbitrators practitioners and scholars representing twenty one nationalities from the Middle East North and Western Africa East Asia Europe and North and South America who wrote on topics as diverse as international arbitration and ADR mechanisms international investment law public international law including international administrative law and private international law in Arabic English and French One can hardly think of another Arab figure who has done more than Dr El Kosheri to strengthen international law while bridging legal cultural divides between the Arab region and the rest of the world He will undoubtedly continue to inspire many generations to come

The Transformation of Arbitration in Africa Emilia Onyema,2016-09-17 Given the dynamic growth of African economies and the expansion of cross border trade and commerce the need for readily accessible African arbitral institutions has become increasingly urgent Accordingly this book not only offers an in depth analysis of the role arbitration centres based in

African cities currently play throughout the continent but also defines and recommends ways in which they can emerge as a major and indispensable factor in the growth and development of commerce in Africa Administrators of arbitration institutions from a variety of African countries offer insightful appraisals and suggestions directed to promoting the development and delivery of efficient effective arbitration services to users across the continent Among the issues and topics covered are the following types of arbitration institutions available in Africa viability and sustainability of these institutions institutions relationship with government quality of service performance of arbitration institutions in their respective countries and regions national laws that regulate arbitration in Africa s fifty four states extent of collaboration with foreign institutions provision of functional facilities transcription services hearing rooms document handling and managerial and translation services marketing activities and strategies mending the disconnect between Francophone and Anglophone countries role of the Common Court of Justice and Arbitration CCJA and necessity of overcoming foreign negative perceptions and bias The book was inspired by an arbitration conference hosted by the African Union Commission at its headquarters in Addis Ababa in July 2015 As a contribution to the discussion of the role arbitration and arbitration institutions can play in transforming the legal landscape in African countries for the resolution of commercial disputes indeed the entire discourse on legal efficiency and access to justice in African countries this book will prove invaluable to practitioners and academics in international commercial arbitration within and beyond the continent Its emphasis on the creation of a facilitative supportive and conducive cultural and infrastructural environment as a mechanism for commercial dispute resolution in Africa and for the practice of arbitration in Africa will appeal to in house counsel external legal advisors consultants arbitral institutions arbitrators and government policymakers

The Annual Practice ,1950 A collection of the statutes orders and rules relating to the general practice procedure and jurisdiction of the Supreme Court [ABA Journal](#) ,1964-05 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association

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

International Arbitration and Mediation Michael McIlwrath,John Savage,2010-01-01 This book is intended as an easily accessible desktop resource for lawyers who regularly counsel businesses when negotiating international deals and for those who represent the same clients in achieving a successful resolution when disputes emerge The text is divided into chapters that follow the life cycle of an international commercial dispute as seen through the eyes of the parties from when they agree how to resolve disputes in their contracts to the endgame of enforcement Additionally the appendices include a number of model submissions for further reference Provided

by publisher **International Arbitration in Practice** Alicja Zielińska-Eisen, Verónica Sandler Obregón, Courtney Lotfi, 2025-03-18 International Arbitration in Practice is an indispensable and highly pragmatic book that systematically addresses the concepts underpinning international arbitration and the measures counsel arbitrator and institution may apply during proceedings. It has been carefully curated to include insights and best practices based on real world experience and covers the increasing complexity of international commercial and investment arbitration by adeptly addressing arbitrations involving multiple parties or contracts those spanning multiple jurisdictions and areas of law and when and how to utilize new trends such as virtual advocacy. What's in this book Providing in depth guidance throughout all phases of international arbitration a carefully selected group of established and emerging practitioners impart their knowledge in user friendly chapters covering the key elements of practice. These chapters are presented in four sections: counsel's role which includes chapters on written and oral advocacy, document production, the use of evidence, means of shaping an arbitration and how to work with and lead a team; the tribunal's role which includes chapters on responding to the nomination, arbitrators' duties, the hearing, weighing evidence, drafting orders and awards and correction and clarification; the institution's role which includes chapters on distinctions between institutional and ad hoc arbitrations, the secretariat's role, appointing arbitrators, advances on costs and scrutiny of arbitral awards and how arbitration is funded which includes chapters on calculating costs, third party funding and attorney's fees. How this will help you Practitioners and users alike will benefit from the practical presentation of all stages of international arbitration and will be able to approach any case with a full understanding of the potential procedure, strategies and tactics to be employed thanks to the authors' thorough consideration of the real world practicalities. Editors: Courtney Lotfi, Alicja Zielinska-Eisen and Verónica Sandler Obregón **Contemporary Issues in International Arbitration and Mediation: The Fordham Papers (2009)** Arthur W. Rovine, 2010-05-20 The 2009 volume of Contemporary Issues in International Arbitration and Mediation: The Fordham Papers is a collection of important works in international arbitration and mediation written by the prominent speakers at the 2009 Fordham Law School Conference on International Arbitration and Mediation. The 25 papers are organized into the following six parts: Part I Investor State Arbitration, Part II Arbitrator Ethics, Part III Damages in International Commercial Arbitration, Part IV The Theory and Philosophy of International Arbitration, Part V Investor State Mediation, Part VI Mediation in the Context of Arbitration.

Arbitration Under International Investment Agreements Katia Yannaca-Small, 2010-04-07 Investor state arbitration is a relatively new dispute settlement mechanism that allows foreign investors the opportunity to seek redress for damages arising out of breaches of investment related treaty obligations by the governments of host countries. Claims are submitted to independent international arbitration tribunals which are called upon to interpret the treaty at hand. Because of the public interest involved in these cases, the awards of these tribunals are subject to much scrutiny and debate. Thus it has already generated hundreds of cases and created new legal disciplines inspiring a continuous string of legal writings. This book

provides a comprehensive analysis of the main issues that arise in investor state arbitration. It accompanies the reader through the phases of such a procedure starting with an examination of the instruments which provide in the overwhelming majority of the cases the legal basis for the requests for such arbitration. It then continues with the launching of the arbitration procedure followed by the analysis of the main jurisdictional and substantive issues that the tribunals are confronted with and the review procedures when there is a request for setting aside of the award. It finally looks at the post award phase and concludes with a reflection on the role of precedent in investment arbitration.

Arbitration under International Investment Agreements a Guide to the Key Issues contains in one volume what everybody needs to know on this evolving topic. Calling on the most renowned experts in this field private practitioners academics government and international organization officials it describes the process in all its phases from A to Z providing a comprehensive insight in the way investor state arbitration works from the perspective of the main actors involved. Its analyses of all key aspects of the topic are pragmatic and reliable.

The Special Events Advisor David Sorin, 2004-04-26 There is no dearth of books on the logistics of event planning but not much has been published to address the legal and business issues that concern the thousands of companies that make up this industry. This book covers all the legal and business issues that special events professionals need to understand from contractual considerations to little known governmental regulations with heavy ramifications. Ignorance of the law can prove very costly in an industry in which expectations must be met the first time and in our ever more litigious society the need for this niche title is clear.

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