

Notes And Cases On Commercial Arbitration Under Philippine Law

International Commercial Arbitration in New York International Commercial Arbitration in Spain International Commercial Arbitration Cases and Materials on Commercial Arbitration New Horizons in International Commercial Arbitration and Beyond International Arbitration in the United States Commercial Arbitration in Sweden International Commercial Arbitration in Asia The Principles and Practice of International Commercial Arbitration International Commercial Arbitration in United States Courts Arbitration in Russia International Arbitration and International Commercial Law The Osler Guide to Commercial Arbitration in Canada College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition Year Book on Commercial Arbitration in the United States Essays on International Commercial Arbitration Notes and Cases on Commercial Arbitration Under Philippine Law International Commercial Arbitration in New York Confidentiality in International Commercial Arbitration A Lawyer's Guide to Commercial Arbitration James H. Carter Miguel Gomez Jene A. J. van den Berg Thomas E. Carbonneau A. J. van den Berg Laurence Shore Finn Madsen Philip J. McConnaughay Margaret L. Moses Gary Born Andrey Kotelnikov Stefan Kröll Babak Barin James M. Gaitis American Arbitration Association Petar Sarcevic Arthur P. Autea James H. Carter Ileana M. Smeureanu George Goldberg International Commercial Arbitration in New York International Commercial Arbitration in Spain International Commercial Arbitration Cases and Materials on Commercial Arbitration New Horizons in International Commercial Arbitration and Beyond International Arbitration in the United States Commercial Arbitration in Sweden International Commercial Arbitration in Asia The Principles and Practice of International Commercial Arbitration International Commercial Arbitration in United States Courts Arbitration in Russia International Arbitration and International Commercial Law The Osler Guide to Commercial Arbitration in Canada College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition Year Book on Commercial Arbitration in the United States Essays on International Commercial Arbitration Notes and Cases on Commercial Arbitration Under Philippine Law International Commercial Arbitration in New York Confidentiality in International Commercial Arbitration A Lawyer's Guide to Commercial Arbitration James H. Carter Miguel Gomez Jene A. J. van den Berg Thomas E. Carbonneau A. J. van den

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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

international commercial arbitration in spain miguel gómez jene although this book will be of inestimable value to comparative law and arbitration specialists it provides especially useful guidance for practitioners confronting specific questions during an arbitration with a seat in spain or an award to be enforced in spain the author a prominent spanish lawyer and legal scholar describes in detail all the relevant areas of international commercial arbitration under spanish and applicable european and international law with a rigorous analysis of the international comparative and internal jurisprudence embedded in spanish regulation of international commercial arbitration twelve expository chapters explicitly follow the scheme of the spanish arbitration act and two introductory chapters cover the international and european instruments of international commercial arbitration as applied in spain the author covers such key principles and

customary practices as the following criteria to determine internationality formal validity and effects of arbitration agreements communications service and computation of time limits arbitrability appointment selection and removal of arbitrators cases in which an arbitrator may be held liable when an arbitrator may grant interim measures pleading and evidence of foreign law effect of insolvency limitation of judicial intervention and court jurisdiction judicial proceeding to set aside an arbitral award and recognition and enforcement of arbitral awards an up to date indispensable tool for all professionals working in the world of international arbitration this one of a kind book will be welcomed by arbitrators lawyers practising as counsel or arbitrators global law firms companies doing transnational business arbitration academics and international arbitration centres

the collected papers in icca congress series no 11 as reflected in its title address important contemporary questions in international commercial arbitration included are contributions written by participants in the uncitral working group on arbitration and conciliation on its current work on the requirement of a written form for an arbitration agreement interim measures of protection and uncitral s model law on international commercial conciliation further contributions give leading practitioners views on illegality in the formation and performance of contracts or in the conduct of the arbitration examining questions on how the arbitral tribunal should deal with these vexed issues and how forgery and fraud may be detected the factors that lead to acceptance by parties of the decisions of arbitrators are dealt with in contributions on the psychological aspects of dispute resolution the volume concludes with a series of articles on arbitration under investment treaties written by experienced arbitrators and practitioners with special emphasis on icsid and nafta and the emerging issues of transparency accountability and review contains lengthy articles on the ongoing work of uncitral on proposed amendments to the uncitral model law on international commercial arbitration and the recently adopted model law on international commercial conciliation details the current thinking on the requirement of an arbitration agreement in writing and how this can be accommodated by the uncitral model law and the 1958 new york convention addresses the granting of interim measures by arbitral tribunals and their enforcement by national and foreign courts analyzes issues raised by illegality in the formation and performance of contracts and in the conduct arbitrations and provides a systematic overview of the answers given by legislation arbitrators and courts provides insight into the attitudes of arbitrators and parties regarding dispute settlement processes addresses the changing public perception of arbitration under investment treaties

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

icca s congress series no 12 reflecting the contributions of numerous renown arbitration experts to the 2004 icca beijing conference commences with an overview of the current international arbitration regime in china and hong kong noting both the progress that has been achieved and the work that remains to be done there the remainder of the volume comprises two sets of papers on contemporary substantive and procedural issues in international commercial arbitration the first set contains in depth reports on the topical

subjects of arbitration of foreign investment disputes the granting of provisional or interim measures with respect to arbitration and the enforceability of awards supplemented by commentary from the point of view of various specializations and regions the second also using the format of reports and commentary addresses modalities of conciliation and settlement in relation to arbitration including various non binding adr processes issues drafting step clauses and confidentiality in integrated dispute resolution systems which may combine conciliation and arbitration and the role of arbitrators as settlement facilitators

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

the arbitration institute of the stockholm chamber of commerce has become an important forum for international commercial arbitration with parties from more than 30 countries especially western european countries and increasingly russia other eastern european countries and china the author offers practitioners several background chapters on commercial arbitration in sweden and a detailed analysis of each section of the swedish arbitration act saa this is a ready reference handbook analyzing swedish arbitration the saa the rules and cases and also includes references and commentary with respect to international commercial arbitration in general the author s intention is to help practitioners in search of rapid guidance regarding the interpretation of a particular provision or who wish to solve a practical problem this third edition of commercial arbitration in sweden provides us all with a valuable and up to date understanding of the swedish system in operation and a comprehensive commentary on the scc rules both new and existing world business has the means through this work to see why sweden

and stockholm are good choices for their international arbitrations phillip capper head of international arbitration lovells nash professor of engineering law king s college university of london former chairman of the faculty of law university of oxford

this treatise brings together some of asia s foremost scholars and practitioners to provide an in depth commentary on the laws and institutions involved with commercial arbitration in each of asia s leading trading nations china hong kong indonesia japan korea malaysia philippines singapore taiwan thailand and vietnam each chapter covers not only the laws procedures institutions and customs affecting international commercial disputes but also the differences between western and asian clients in the assignment of importance to each factor in the decision making process the accompanying cd rom is devoted to original source materials such as institutional and national rules and national legislation

this book provides immediate access to the world of international commercial arbitration which is the favoured method of international dispute resolution

although russia has generally followed the new york convention the uncitral model law and the european convention on arbitration since the 1990s it was not until the reforms of 2015 2017 that arbitration in russia became fully aligned with international commercial arbitration standards this book by prominent russian authorities explains the current legal landscape in the aftermath of the reforms providing clear information and guidance to the worldwide community of arbitrators dispute resolution practitioners and academics in the field this book provides comprehensive coverage of current russian law on domestic and international arbitration addressing the stages of arbitration proceedings from the conclusion of an arbitration agreement to enforcement of foreign arbitral awards the authors discuss the major theoretical and practical issues that have occupied the russian courts and legal scholars over recent decades and draw parallels with other states and accepted international practices emphasising issues that are of particular importance to foreign investors and their russian partners detailed examinations include the following regulatory sources permanent arbitral institutions with government permission to operate legislative provisions concerning judicial control of arbitration arbitrability of disputes interim measures status of arbitrators and their powers liability of an arbitrator rules of evidence in arbitral proceedings challenging arbitral awards and their enforcement grounds for refusing enforcement of an international commercial arbitral award grounds for setting aside of arbitral awards and their enforcement costs and fees in arbitration and the public policy exception this book takes account of both the most significant

rusian works on the theory of arbitration law and relevant judicial and arbitration practice as a comprehensive guide to every aspect of international and domestic arbitration in the russian federation this insightful commentary will be welcomed by legal practitioners worldwide dealing with an ongoing or contemplated arbitration or enforcement of an arbitral award in russia it will also serve as a point of reference providing international legal scholars researchers and students with an authoritative explanation of the legal regulation of arbitration and the approaches adopted in russian doctrine and legal practice

over the last half century as uncitral official professor arbitrator and father of the willem c vis arbitration moot eric bergsten has been at the forefront of progress in international commercial arbitration now on the occasion of his eightieth birthday the international arbitration and sales law community has gathered to honour him with this substantial collection of new essays on the many facets of the field to which he continues to bring his intellect integrity inquisitive nature eye for detail precision and commitment to public service celebrating the long standing and sustained contribution eric bergsten has made in international commercial law international arbitration and legal education more than fifty colleagues among them quite a few of the best known arbitrators and arbitration academics in the world present 45 pieces that individually both engaging and incisive collectively present a thorough and far reaching account of the state of the field today with contributions covering international sales law commercial law commercial arbitration and investment arbitration in addition nine essays on issues in legal education mirror the great importance of the renowned willem c vis international commercial arbitration moot eric s vienna project which has offered a life changing experience for so many young lawyers from all over the world

in this guide for practitioners three experienced arbitration lawyers one each in ontario quebec and alberta provide an easy to use practical overview of the law of domestic and international arbitration in canada with lucid clarification of applicable legislation both federal and provincial and analysis of relevant case law this guide offers great assistance in the preparation and negotiation of arbitration agreements as well as the conduct of commercial arbitrations in canada among the topics covered are the following important issues and key cases in all canadian provinces and under federal legislation practical reasons to use arbitration what to consider in preparing arbitration agreements protection of confidential information in canadian arbitrations interim remedies including staying court proceedings in favour of arbitration and appealing and enforcing awards emphasizing the major jurisdictions of ontario quebec alberta and british columbia this guide will be of immeasurable value to in house and external corporate counsel litigation lawyers international lawyers and

business people as well as to students of dispute resolution publisher's website

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

in the light of the considerable reliance placed by the international business community on systems of dispute settlement this work gathers together contributions in french english by experts from a wide range of specialisations they successfully address the regulation practice of arbitration in the arab world assessing the contribution of european american legislation the impact of the uncitral model law the contributions by eminent legal practitioners academics members of government judiciary reflect also upon current developments the volume publishes the proceedings of the third euro arab congress held in amman october 1989 the second volume euro arab arbitration ii was published in 1989 by graham trotman

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 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

after neutrality and international enforcement the next most valued feature of international commercial arbitration is confidentiality for reasons easy to imagine businessmen do not want their trade secrets business plans strategies contracts financial results or any other types of business information to be publicly accessible as would commonly happen in court proceedings yet the case law of arbitration shows that in practical terms

confidentiality is not to be taken for granted in fact it has become one of the most undetermined matters in international arbitration although the emperor of arbitration may have clothes as one scholar has quipped his raiments of secrecy can be torn with surprising ease this book deciphers the current degree of confidentiality in international commercial arbitration as reflected by the most important arbitration rules national laws other arbitration related enactments and practices of arbitral tribunals and domestic courts globally drawing on this data and analysis the author then sets forth criteria to assess the breach of confidentiality in international arbitration and the proper rules for protecting or sanctioning such breaches what do we understand by confidentiality in arbitration what are its limitations who is bound to observe it how can we quantify its breach in addressing these questions the book engages such issues as the following reasons for disclosure e g for the establishment of a defence for the enforcement of rights in the public interest or in the interests of justice disclosure by consent express or implied circumstances triggering statutory obligation of disclosure recent trends towards greater transparency in investor state arbitration court measures in support of arbitral confidentiality such as award of damages for breach of confidentiality and categories of persons bound by confidentiality including third parties such as witnesses and experts structured along the main stages of the arbitral process the analysis covers the duty of confidentiality from the initiation of arbitral proceedings through their unfolding to the issuance of the award and after the scope of confidentiality is reviewed in the practice of arbitral tribunals and domestic courts and from the perspective of international arbitration institutions with detailed attention to various arbitration rules and numerous significant cases in its elucidation of the amount of confidentiality that veils each phase of the arbitral process and its ground breaking identification of patterns of disclosure this book is sure to raise awareness about the various facets and problems posed by confidentiality in arbitration although its scholarly contribution to the law of international commercial arbitration cannot be gainsaid corporate counsel worldwide will quickly prize its more practical value

designed to familiarize the general practitioner with the special rules and practices of arbitration in commercial disputes this edition discusses the enforceability of arbitration agreements under both state and federal law provisional remedies and pretrial discovery in aid of arbitration the administration of arbitration proceedings by the american arbitration association and many other topics

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