

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

Vanessa Foncke and Benoît Kohl (eds.)

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Preface: Dirk De Meulemeester



What Counsel Arbitration Can Must

A. J. van den Berg



What Counsel Arbitration Can Must:

Counsel as Client's First Enemy in Arbitration? Ugo Draetta, 2014-06-01 COUNSEL AS CLIENT'S FIRST ENEMY IN ARBITRATION is not a legal book nor a book dealing with ethics of the arbitration. This book is about cases where counsel occasionally abuse or misuse their right to defend their clients in international arbitrations with potential adverse effects on the latter. This is a subject on which, with some notable exception, not much has been said. By contrast, literature abounds about the duty of the arbitrators and the consequences for them if they do not observe such duties. In sum, this book is aimed at discussing in the most pragmatic way certain behaviors by counsel occasionally encountered in the international arbitration practice that the author considers pathological, not physiological. The discussion is supported by real-life anecdotes appropriately redacted and sanitized. Given the author's years of experience and wealth of knowledge, this publication is a valuable resource to anyone that is serious about arbitration.

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. *Arbitration in Switzerland* Dr. Manuel Arroyo, 2018-08-06 Arbitration in Switzerland

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 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

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

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

Report, 1901 *Reports of the Industrial Commission...* United States. Industrial Commission, 1901 **Report of the Industrial Commission on the Chicago Labor Disputes of 1900** United States. Industrial Commission, 1901 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

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 Ver nica Sandler Obreg n **Hubbell's Legal Directory for Lawyers and Businessmen ...** ,1911 Arbitration's Age of Enlightenment? Cavinder Bull,Loretta Malintoppi,Constantine Partasides,2023-09-12 Directly presenting the considered views of a broad cross section of the international arbitration community this timely collection of essays addresses the criticism of the arbitral process that has been voiced in recent years interpreting the challenge as an invitation to enlightenment The volume records the entire proceedings of the twenty fifth Congress of the International Council for Commercial Arbitration ICCA held in Edinburgh in September 2022 Topics range from the impact of artificial intelligence to the role of international arbitration in restraining resort to unilateralism protectionism and nationalism The contributors tackle such contentious issues as the following time and cost gender and cultural diversity confidentiality vs transparency investor State dispute settlement procedures the proposed establishment of a permanent international investment court system how cross fertilisation across different disciplines may impact international arbitration determining whether a document request seeks documents that are relevant and material to the outcome of a dispute whether we would be better off if investment arbitration were to disappear and implications for international arbitration of the Russian invasion of Ukraine There is consideration of global issues that are likely to give rise to disputes in the future including climate change environmental protection access to depleting water resources energy and mining transition and human rights initiatives Several contributions focus on developments in specific countries China India and regions Africa the Middle East Arbitrators corporate counsel and policymakers will appreciate this opportunity to engage with current thinking on key issues in international commercial and investment arbitration especially given the diversity of thought presented by authors from all over the world Homeowners Association and You Marlene Coleman,William

Huss,2006 The ultimate guide to choosing and creating a harmonious community of good neighbors and peaceful living

Building a Parenting Agreement That Works Mimi Lee,2022-09-27 A fair and realistic custody agreement protects children s interests when parents split up But reaching a parenting agreement is often easier said than done especially when emotions run high That s where Building a Parenting Agreement That Works can help This practical step by step guide will show parents exactly how to create a parenting plan that works for everyone Author Mimi Lyster Zimmelman a professional mediator identifies dozens of issues separated parents typically face and systematically presents options to resolve them Take advantage of practical solutions and sample language to create a workable agreement or renegotiate an existing agreement as your kids grow The book walks you through all of the parenting issues and challenges you must consider including living arrangements and visitation money issues health care education religion new partners and surnames holidays travel and grandparent visits different approaches to discipline and public health measures alcohol and drug use and working with professionals Avoid child custody battles build a win win custody agreement that puts your children s needs first and saves you time money and grief

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

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

International Arbitration and the Rule of Law ,2017-09-22 Volume 19 of the Congress Series contains the proceedings of ICCA s 2016 Mauritius Congress the first ICCA Congress held in Africa In this volume renowned practitioners scholars and jurists from the region and around the world explore the contribution of arbitration to the rule of law and economic development the conformity of arbitration with international standards of due process and the rule of law and the benefits and challenges of arbitration in Africa Topical issues of interest for practitioners academics and students of

arbitration in the region and internationally include Due process issues in constituting the arbitral tribunal and challenging its members Interim measures issued by arbitral tribunals and domestic courts Burden standard and types of proof in the corruption defence What to do and what to avoid doing to prepare a persuasive case Do post award remedies ensure conformity of the arbitral process with the rule of law Do rules and guidelines properly regulate the conduct of arbitration The interface between domestic courts and arbitral tribunals What are appropriate remedies for findings of illegality in investment arbitration The effect of foreign national court judgments relating to the arbitral award What does the future hold for investment arbitration in Africa and beyond **ABA Journal** ,1982-03 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

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