

A PRACTICAL GUIDE TO INTERNATIONAL COMMERCIAL ARBITRATION

Richard Garrett

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Practical Guide To International Commercial Arbitration

Jeffrey Waincymer



Practical Guide To International Commercial Arbitration:

A Practical Guide to International Commercial Arbitration Steven P. Finizio, Duncan Speller, 2011 *A Practical Guide to International Commercial Arbitration* Richard Garnett, 2000 This concise in depth guide explores the pros and cons of arbitration the role of national laws key elements of the arbitration agreement and includes a detailed analysis of arbitration procedures Standards of conduct of the arbitrator enforceability challenges modification of awards and awards and remedies are covered The Appendices include UNCITRAL Arbitration Rules Arbitration Rules of the International Chamber of Commerce The UNCITRAL Model Law on International Commercial Arbitration Texts of the New York and Panama Conventions Model UNCITRAL and ICC arbitration clauses Information about the major arbitral centers throughout the world

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

[The fundamentals of international commercial arbitration](#) Niek Peters, 2017-10-30 Written from a comparative perspective with an eye for international conventions and instruments this book deals with the particulars of international commercial arbitration In an easily accessible manner it amongst others considers the characteristics of international commercial arbitration advantages and perceived disadvantages of international commercial arbitration pros and cons of ad hoc and institutional arbitration laws applicable in international commercial arbitration essentials of the arbitration agreement and questions of arbitrability the establishment and composition of the tribunal the duty to disclose conflicts of interests and the challenge of arbitrators the end of the arbitrators mandate and their replacement the organisation of the arbitration powers duties and liability of arbitrators the jurisdiction of arbitrators the course of the arbitration proceedings from the request for arbitration to the award including questions of evidence and document production the form and contents of awards recognition enforcement and annulment of awards Everything is presented practically and analytically amongst others drawing on case law different and the experience of the author Where indicated national arbitration acts as well as various predrafted arbitration rules are compared and differences are highlighted For those who want to get acquainted with international commercial arbitration or seek guidance with regard to a specific question that may arise in the course of an international commercial arbitration this book provides a convenient work

International Commercial Arbitration Gary Born, 2009 International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process This completely revised and expanded edition of Gary Born s

authoritative work is divided into three main parts dealing with the International Arbitration Agreement International Arbitral Procedures and International Arbitral Awards The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements INTERNATIONAL ARBITRAL PROCEDURES AND PROCEEDINGS Legal Framework for International Arbitral Proceedings Selection Challenge and Replacement of Arbitrators in International Arbitration Rights and Duties of International Arbitrators Selection of Arbitral Seat in International Arbitration Procedures in International Arbitration Disclosure and Discovery in International Arbitration Provisional Measures in International Arbitration Consolidation Joinder and Intervention in International Arbitration Choice of Substantive Law in International Arbitration Confidentiality in International Arbitration Legal Representation and Professional Conduct in International Arbitration INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion Lis Pendens and Stare Decisis in International Arbitral Awards

A Practical Approach to Alternative Dispute Resolution Susan Blake, Julie Browne, Stuart Sime, 2012-08-16 A Practical Approach to Alternative Dispute Resolution will appeal to law students and practitioners looking for a book that deals with the full range of ADR processes This comprehensive book covers the core topics on the dispute resolution module for the BPTC Its practical focus highlights the key processes and procedures for each topic

International Commercial Arbitration Gary B. Born, 2020-11-23 International Commercial Arbitration is an authoritative 4 250 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The Third Edition of International Commercial Arbitration has been comprehensively revised expanded and updated To include all legislative judicial and arbitral authorities and other materials in the field of international arbitration prior to June 2020 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law The revised 4 250 page text contains references to more than 20 000 cases awards and other authorities and will enhance the treatise s position as the world s leading work on international arbitration The first and second editions of International Commercial Arbitration have been routinely relied on by courts and arbitral tribunals around the world including the highest courts of the United States United Kingdom Singapore India Hong Kong New Zealand Australia the Netherlands and Canada and

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Procedure and Evidence in International Arbitration Jeffrey Waincymer, 2012-05-23 Central to the book s purpose is the procedural challenge facing arbitrators at each and every stage of the arbitral process when fairness arguments conflict with efficiency concerns and trade offs must be determined Some key themes include how can a tribunal be fair and in particular be neutral if parties are so diverse How can arbitration be made efficient and cost effective without undue inroads into fairness and accuracy How does a tribunal do what is best if the parties are choosing a suboptimal process When can or must an arbitrator ignore procedural choices made by the parties The author thoroughly evaluates competing arguments and adds his own practical tips expertly synthesizing and engaging with the conference literature and differing authors views He identifies criteria that offer a harmonized approach to each stage of the arbitral process with particular attention to such aspects of international arbitration as appropriate trade offs between flexibility and certainty the rights duties and powers of arbitrators appointment and challenge of arbitrators responses to guerilla tactics drafting of arbitration agreements including specialty clauses drafting of required commencement notices and response documents set off fast track arbitration and other efficiency options strategic use of preliminary conferences and timetabling online arbitration multi party multi contract class arbitration amicus and third party funders pre arbitral referees and interim relief witness evidence both factual and expert documentary evidence production obligations and challenges to production identifying applicable law and remedies and costs

A Guide to the ICDR International Arbitration Rules Martin F. Gusy, James M. Hosking, Franz T. Schwarz, 2011-04-07

A rule by rule commentary on the genesis interpretation and application of the International Centre for Dispute Resolution ICDR Rules The book is designed to give arbitrators practitioners and academics a first port of call when considering ICDR arbitration and provide the first stand alone comprehensive commentary on these important rules **Taming the Guerrilla in International Commercial Arbitration** Navin G. Ahuja, 2022-05-23 The book explores the definition and nature of guerrilla tactics in international commercial arbitration It analyses various such tactics deployed pre Covid and during Covid times and portrays them in a way that enables one to visualise how and possibly why they might be deployed Attempts to codify ethical standards and rules regulating the behaviour of legal representatives in international arbitration are examined The book covers a range of culture clashes addresses several elephants in the room and looks at factors inherent in the arbitral process that create opportunities and increase temptations to misbehave It considers the remedies and sanctions available in international arbitration and compares them to those available to the courts in civil litigation In addition to recommendations for future research the book offers solutions to curb the problem in line with party autonomy and with a critical analysis This manuscript is an essential solutions based text that not only addresses a comprehensive range of modern day guerrilla tactics in international commercial arbitration but also offers thoughtful methods to deal with the shenanigans that parties may bring to the arbitral process Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the International Chamber of Commerce Court of Arbitration Dr Ahuja s book is a thoughtful and highly practical contribution to the study of procedures in international commercial arbitration It is replete with scholarly analysis careful treatment of authority pragmatic insights and policy discussions Any practitioner or student of international arbitration would benefit from this volume Gary Born Author International Commercial Arbitration 3d ed 2021 A highly readable and informative book which identifies and analyses the numerous guerrilla tactics parties may attempt to deploy in international commercial arbitration the factors which may encourage such behaviour and practical mechanisms to keep the proceedings on track Both erudite and practical this book is a must read for parties counsel and arbitrators alike Prof Benjamin Hughes Independent Arbitrator The Arbitration Chambers Guerrilla tactics are a pertinent problem in arbitration Dr Ahuja s well written book not only describes the various tactics in a succinct way but provides extremely useful guidance on how to tackle them It will be a primary source of reference for every practitioner faced with such tactics Prof Dr Stefan Kr ll Chairman of the Board of Directors of the German Arbitration Institute DIS Taming the Guerrilla in International Commercial Arbitration offers a refreshingly candid and balanced discussion of sharp practices in international arbitration The book collects a wealth of information on guerrilla tactics previously only available in separate survey reports articles and guidelines on the topic It additionally includes a chapter addressing tactics deployed in virtual or remote arbitrations due to the Covid 19 pandemic The comprehensive research and analysis presented in this book make it a valuable resource to counsel parties arbitrators academics and those who deliver practical arbitration training A must read for those who want to better understand the

practices that may lead some to disfavor arbitration and ways the arbitration community can respond to guerrilla tactics to improve the arbitration process for all participants Dana MacGrath Independent Arbitrator MacGrath Arbitration From an unreasoned fiat of a wise man who left both sides equally unhappy but resolved the disputes effectively arbitration has evolved into a full scale trial before a party chosen tribunal Its informality and expedition puts in peril the fundamental right of the recalcitrant to delay proceedings Dr Ahuja has assiduously articulated the measures aptly christened Guerrilla Tactics used to disrupt and derail arbitrations An indispensable read for the practitioner and an insightful treatise for the policy maker Harish Salve SA QC Blackstone Chambers This book shines a spotlight on arbitration s dark arts guerrilla tactics Dr Ahuja illuminates this shadowy world with excellent and much needed scholarship that is practice based and useful for all stakeholders in arbitration His examination of the root causes of this problem recommendations on how to control it comparisons with litigation practice and suggestions for future research marvellously combine to make this a work that is required to be consulted by all serious counsel arbitrators institutions and academics in the field of arbitration Romesh Weeramantry Head International Dispute Resolution Centre for International Law National University of Singapore

Arbitration and Contract Law Neil Andrews, 2016-04-18 This book deals with the contractual platform for arbitration and the application of contractual norms to the parties dispute Arbitration and agreement are inter linked in three respects i the agreement to arbitrate is itself a contract ii there is scope subject to clear consensual exclusion in England for monitoring the arbitral tribunal s fidelity and accuracy in applying substantive English contract law iii the subject matter of the arbitration is nearly always a contractual matter These three elements underlie this work They appear as Part I arbitration is founded on agreement Part II monitoring accuracy Part III synopsis of the English contractual rules frequently encountered within arbitration The book will be a useful resource to foreign lawyers or English non lawyers English lawyers seeking a succinct discussion and to arbitral tribunals *The Osler Guide to Commercial Arbitration in Canada* Babak Barin, Andrew D. Little, Randy A. Pepper, 2006-01-01 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

A Practical Guide to International Arbitration in London Hilary Heilbron, 2013-07-04 With the development of international arbitration globally and London as a leading arbitration centre the need for knowledge of the subject extends to a wider legal audience A Practical Guide to International Arbitration in London takes a pragmatic look at how to run an international arbitration with a London seat It explores on a stage by stage basis the tactical procedural and legal issues that need to be considered in an international arbitration in London from the perspective of the arbitral process including its relationship with the support given by the English courts The book also examines the role of the English courts in assisting foreign arbitrations

International Trade and Business Law Review Gabriel Moens, Roger Jones, 2007 Compiled by leading international trade law practitioners and academics from across the globe this volume provides legal and business communities with information knowledge and an understanding of recent developments in international trade business and international commercial arbitration Scholarly in style this volume contributes to the discussions surrounding the developments whilst being informative and of practical use to the business community and lawyers Covering the areas of international trade and business law arbitration law foreign law and comparative law with one section devoted to the Willem C Vis International Commercial Arbitration Moot it contains leading articles comments case notes book reviews International Trade and Business Law Review is an invaluable resource for post graduate students and business and legal professionals primarily studying and working in the UK USA and Australia

Multi-Party and Multi-Contract Arbitration in the Construction Industry Dimitar Kondev, 2017-01-23 Multi Party and Multi Contract Arbitration in the Construction Industry provides the first detailed review of multi party arbitration in the international construction sector Highly practical in approach the detailed interpretation and assessment of the arbitration of multi party disputes will facilitate understanding and decision making by arbitrators clients and construction contractors

The Three Paths of Justice Neil Andrews, 2018-05-08 This revised second edition takes account of developments in the field of dispute resolution including mediation and arbitration The book presents a concise account of the English system of civil litigation covering court proceedings in England and Wales It is an original and important study of a system which is the historical root of the US litigation system The volume offers a comprehensive and properly balanced account of the entire range of dispute resolution techniques As the first revised book on this subject to be published in the USA it enables American lawyers to gain an overview of the main institutions of English Civil Procedure including mediation and arbitration It will render the English system of civil justice accessible to law students in the US practitioners of law professors judges and policy makers

Finances in International Arbitration Sherlin Tung, Fabricio Fortese, Crina Baltag, 2019-11-26 Finances in International Arbitration Liber Amicorum Patricia Shaughnessy Edited by Sherlin Tung Fabricio Fortese costs of court proceedings versus arbitration proceedings fee arrangements with legal counsel costs of commercial versus investment arbitration how to deal with in house costs in international arbitration impact of tribunal secretaries in international

arbitration cost sanctions in international arbitration damages in international arbitration The analysis and views offered by leading scholars and practitioners on current day issues arising out of costs of arbitration will offer readers a unique perspective on various aspects of the finances involved in arbitration This book will provide insightful thoughts and practical guidance for academics and practitioners in the field of international arbitration

International Trade & Business Law Annual Vol VIII Gabriel Moens, 2003 The official publication of the Australian Institute of Foreign and Comparative Law The volume includes leading articles casenotes and comments as well as book reviews dealing with international trade and business law issues

International Arbitration in the Energy Sector Maxi Scherer, 2018-02-22 Disputes in the energy and natural resources sector are at the heart of international arbitration With more arbitrations arising in the international energy sector than in any other sector it is not surprising that the highest valued awards in the history of arbitration come from energy related arbitrations Energy disputes often involve complex and controversial issues relating to security sovereignty and public welfare International Arbitration in the Energy Sector puts international energy disputes into a global context providing broad coverage of different forms and systems of dispute resolution across both renewable and non renewable sectors With contributions from leading arbitrators academics and industry experts from across the globe the twenty chapters in the book enable readers to compare the approaches to and learnings from energy arbitrations across various legal systems and geographic regions After outlining the international energy arbitration legal framework in Part I the text delves into a detailed analysis of the problems which regularly arise in practice These include among other things commercial disputes in Part II e g over the upstream oil sector and long term gas supply contracts investor state disputes in Part III e g under the Energy Charter Treaty and public international law disputes in Part IV e g concerning international boundaries and the distribution of natural resources Alongside recent developments in the international energy sector attention is given to climate and sustainable development disputes which raise important questions about enforcing sustainability objectives on individuals corporations and states Backed by analyses of arbitral awards national court and international tribunal decisions treaties and other international legal instruments as well as current events and news in the energy industry this text offers a unique contribution to international energy literature and provides insightful commentary on the prevalent issues in the field It is essential reading for any practitioner or researcher in the energy and natural resources sector

International Investment Law and General International Law Christian J. Tams, Stephan W. Schill, Rainer Hofmann, 2023-01-19 This book questions whether investment law influences the wider field of general international law and more specifically whether approaches adopted by tribunals in investment arbitrations have radiated or should radiate into other fields of international law

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Practical Guide To International Commercial Arbitration Introduction

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