



**PERVASIVE PROBLEMS IN
INTERNATIONAL ARBITRATION**
EDITED BY LOUKAS A. MISTELIS
AND JULIAN D.M. LEW QC

Pervasive Problems In International Arbitration

International Arbitration Law Library Series Set

Loukas A. Mistelis, Julian D. M. Lew

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Current Law Index, 2004 **Forthcoming Books** Rose Arny, 1992 **Bowker's Law Books and Serials in Print**, 1993 **Towards a Science of International Arbitration** Christopher R. Drahos, Richard W. Naimark, 2005-01-01 Most books on international commercial arbitration approach the subject through legal theory supported by anecdotal evidence This remarkable book is distinguished by its focus on the application of quantitative empirical research to the study of international arbitration It collects together with commentary the existing empirical literature on the subject and also presents several studies published here for the first time Beginning with a basic overview of the methods of empirical research surveys observational studies experimental studies the book goes on to reprint the existing empirical studies under six headings why parties agree to arbitrate arbitration clauses arbitral procedures arbitrator selection rules of decision and applicable law and arbitration awards Written in an easily accessible non technical manner Towards a Science of International Arbitration provides the starting point for future empirical research on international arbitration by collecting the existing empirical literature in one place and by suggesting possible topics for research It will be of inestimable value to lawyers and others involved in international dispute resolution whether as arbitrators parties party representatives or in house counsel as well as to academics interested in methods of resolving disputes in international commerce **International Arbitration Law Library**, 2006* **Twilight Issues in International Arbitration** George Bermann, 2023-03-09 There are many issues of

arbitral practice that remain largely unaddressed or very poorly addressed in the sources to which tribunals and counsel conventionally turn for procedural guidance the arbitration agreement the lex arbitri and rules of procedure This book brings together the most frequently recurring of such twilight issues so called because all participants in the arbitral process when facing them find themselves in the dark showing in each case where it is best for arbitrators counsel and parties to look for solutions offering logic certainty and predictability The issues ably covered by the author include among others the following Is a non signatory bound by or entitled to invoke an arbitration agreement When may res judicata or collateral estoppel subject Should a tribunal issue an anti suit injunction When may a tribunal treat as mandatory a law other than the chosen one On what basis may a witness invoke testimonial privilege When may a tribunal sanction counsel for what it considers misconduct By what standards is a determination of corruption to be made How should a tribunal determine the interest rate applicable to an award On what basis are costs to be allocated Examining in turn the guidance that may be provided by normative sources national law and if so which one simple exercise of good judgment or international standards derived from soft law arbitral jurisprudence international law and scholarly and professional commentary the analysis clearly shows how when conventional sources of legal guidance are unavailing decisions on important matters of arbitral practice and procedure are best made The book will prove of major relevance and value to any and all stakeholders in the international arbitral process whether commercial or investor state

Introduction to International Arbitration Practice Pierre A.

Karrer,2014 "The" Illustrated London News ,1867 **Outlook on Research Libraries** ,1985 *The Evolution and Future of International Arbitration* Stavros L. Brekoulakis,Julian D. M. Lew,Loukas A. Mistelis,2016 Preface Opening Speech at the SIA30 Anniversary Conference Introduction The Evolution and Future of International Arbitration Paradigmatic Changes Uniformity Diversity Due Process and Good Administration of Justice The Next Thirty Years Document Production Witness Statements and Cross Examination The Enduring Tensions in International Arbitration Evolution of Case Law in International Arbitration A Weather Map for International Arbitration Mainly Sunny Some Cloud Possible Thunderstorms The Concept of Seat in the New York Convention and the Autonomy of Arbitral Award The Use of Investor State Arbitration as a De Facto Enforcement Mechanism for Arbitral Awards Parties in International Arbitration Consent v Commercial Reality The Swiss Perspective on Parties in Arbitration Traditional Approach With a Twist regarding Abuse of Rights or Consent Theory Plus Third Party Non Signatories in English Arbitration Law Comments on Parties in International Arbitration Consent v Commercial Reality by Professor Stavros Brekoulakis A French View On The Application of The Arbitration Agreement to Non Signatories Parallel Proceedings Involving Objections to Arbitral Jurisdictions A Closer Look at the Presumed Intention of the Parties Preclusion and the New York Convention Article V 1 e and Converse Article V 1 e Anti Suit Injunctions and Other Means of Indirect Enforcement of an Arbitration Agreement National Court Review of Arbitration Awards Where Do We Go From Here Geography of International Arbitration Where Does the Power Lie Expansion of Arbitral Subject Matter New

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challenges including multiple appointments the arbitrator and s relationship with a party counsel in the arbitration and the relationship between the arbitrator and s law firm and a party counsel issues of impartiality giving raise to challenges including the membership of other tribunals the conduct of the arbitration and the failure to disclose In light of the continuing growth of international business and the manner in which it is conducted this book will be of immeasurable practical value to parties in both business and government as well as to international law firms and the arbitral community As a detailed guide to evolving best practice and the general obligation to arbitrate in good faith it has no peers

Consumer Law Pleadings ,1994 *Consumer Law Pleadings* Jonathan A. Sheldon,1994 Books In Print 2004-2005 Ed Bowker Staff,Staff Bowker, Ed,2004 International Arbitration and the Covid-19 Revolution Maxi Scherer,Niuscha Bassiri,Mohamed S Abdel Wahab,2020-11-17 International Arbitration and the COVID 19 Revolution Edited by Maxi Scherer Niuscha Bassiri arbitrator appointments issues of planning preparation and sample procedural orders witness preparation and cross examination e signature of arbitral awards setting aside and enforcement proceedings and third party funding Also included are an empirical survey of users views and an overview of how the COVID 19 revolution has affected the arbitration rules of leading arbitral seats With this timely and practical book arbitration practitioners and scholars will gain up to date knowledge of sector specific challenges brought about by the COVID 19 pandemic and approach arbitration proceedings with an understanding of the most important legal and practical considerations during the crisis and beyond Provisional Measures in International Commercial Arbitration Ali Yeşilirmak,2005 Due to the nature of the arbitration process provisional measures especially interim protection of rights tend to play a disproportionate role in international commercial arbitrations Indeed the need to clearly define such measures often constitutes the major stumbling block on the path to an effective resolution of a commercial dispute This concise but enormously useful volume offers practitioners the information and advice they need to overcome this obstacle in the best possible way every time The Author covers all the relevant avenues of research and practice from an overview of the concept of provisional measures to an in depth analysis of the weight and enforceability of such measures Along the way the treatment covers such crucial topics and issues as the following scholarly analysis of the problems and uncertainties surrounding provisional measures and their solutions in light of arbitral and judicial practice the complex interaction of historical prejudices political will and business needs that impact the usefulness of provisional measures choice of forum to seek provisional measures and the problems associated with such choice complementary mechanisms to arbitration for interim protection of rights standards of principles and procedures for the grant of provisional measures and a comprehensive review of the arbitrators power to grant provisional measures and court assistance to arbitration The presentation examines compares and analyses seventy sets of arbitration rules on provisional measures including the arbitration rules of the ICC AAA and LCIA all of the major state laws on commercial arbitration and detailed analyses of numerous ICC and AAA awards most of which have not been published before This new

and fully researched book fulfils an important need for user friendly and complete practical coverage of provisional measures in international commercial arbitration. It will be of great value to corporate counsel, international lawyers and business people as well as to students of dispute resolution.

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