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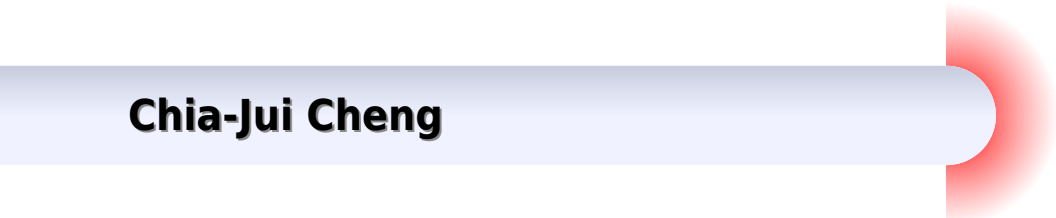
SECOND EDITION



American Arbitration Association  
*Dispute Resolution Services Worldwide*

# Aaa Handbook On Commercial Arbitration 2nd Edition

**Chia-Jui Cheng**



## **Aaa Handbook On Commercial Arbitration 2nd Edition:**

**AAA Handbook on International Arbitration and ADR - Second Edition** American Arbitration Association, 2010-10-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook contains valuable guidance on international commercial arbitration including the management of arbitration disputes how to select an international arbitral institution an explanation of the effect of international public policy the duties of arbitrators the presentation and evaluation of evidence in international arbitration and how to arbitrate against a state sovereign The enforcement of international arbitral awards is explored including interim relief and problems with enforcement the New York Convention parallel proceedings and pivotal decisions such as Chromalloy and TermoRio International mediation is also examined including guidelines for selecting the best mediator for an international dispute the power of mediation to resolve international commercial disputes and the differences in U S and European approaches Lastly the section on investment and trade arbitration and mediation explores bilateral investment treaties examines WTO arbitration procedures offers advice on saving time and money in cross border commercial disputes and provides guidance for U S investors to follow in dealing with sovereign states The chapters in the Handbook were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field

**AAA Handbook on Commercial Arbitration** American Arbitration Association, 2010-09-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook begins with an exploration of drafting commercial arbitration clauses and provides advice on selecting the right arbitrator for any given commercial arbitration dispute It supplies practitioners with guidelines for use in their arbitration practice and covers such topics as evidence and discovery arbitral subpoena powers procedural and interim orders It also offers guidance on witness preparation expert testimony and cross examination There are chapters that specifically address the arbitration of large complex cases healthcare disputes and entertainment industry disputes Arbitrators are provided with recommendations regarding professional conduct and responsibility Arbitral awards and remedies are covered extensively and arbitrators are provided with practical approaches and information on drafting awards punitive damages the finality of awards and post decision debriefing Lastly this book discusses commercial arbitration as it relates to the legal system The chapters were selected from

an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field     **AAA Handbook on International Arbitration Practice** American Arbitration Association,2010-09-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook has discussions of such topics as confidentiality in arbitration tips for beginning practitioners cultural issues in arbitration and the contrast of civil and common law approaches International forum selection is discussed including whether national or regional centers are viable options and how to save time and money in cross border disputes A range of other issues are discussed such as interim and emergency relief the use of a preliminary hearing letter time management techniques and discovery and evidence Ethical concerns are also discussed including a comparison of arbitrator standards of conduct in international trade and investment disputes dealing with arbitrator conflicts and arbitrator disclosure standards Finally the work addresses the topics of damages and the review and enforcement of international arbitration awards including interpretations under the New York Convention The chapters were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field     **AAA Handbook on Mediation - Second Edition** American Arbitration Association,2010-09-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook begins with a thorough introduction into the practice of mediation and offers advice and strategies in preparing for and conducting successful mediations It explores the use of mediator evaluations i e opinions as to the likely outcome or value of legal claims reframing i e restating or rephrasing statements of conflict risk analysis the underlying psychology and bridging of cultural gaps among many other areas included to assist mediators in achieving the best results Attorneys are provided with guidance on establishing a mediation practice preparing clients for mediation negotiation tactics and how to answer a client s questions regarding the process of mediation It discusses confidentiality and ethics in mediation and also addresses the use of mediation in specific types of disputes such as business to business matters construction medical malpractice governmental agencies including environmental agencies and in the workplace Lastly it touches on various mediation issues as they arise in the legal system The chapters were selected from an extensive body of writings and

in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field

**AAA Handbook on Construction Arbitration and ADR - Second Edition** American Arbitration Association, 2010-10-01 Assembled from Dispute Resolution Journal the flagship publication of the American Arbitration Association the chapters in the Handbook have all where necessary been revised and updated prior to publication The book is succinct comprehensive and a practical introduction to the use of arbitration and ADR written by leading practitioners and scholars The Handbook begins with chapters on specific strategies and tools to help manage risks and avoid disputes in the construction field It discusses ADR as it relates to subcontracting and labor disputes the use of a neutral architect the importance of site visits and the significance of understanding ADR procedures before agreeing to them The option of using mediation to resolve disputes is explored including guidelines and tools for successful mediation the expert's role in construction mediation and what works and what doesn't work in construction disputes The use of arbitration is also looked at in depth and guidance is provided for both the arbitrator and for the advocate There is an entire section devoted to partnering the creation of a working relationship between a building owner and a contractor which further involves subcontractors design professionals and other agencies discussing its benefits and providing useful tips Lastly advice is provided for both small and complex construction claims and the use of Dispute Review Boards comprising panels of three technically qualified neutral individuals The chapters were selected from an extensive body of writings and in the main represent world class assessments of arbitration and ADR practice All the major facets of the field are addressed and provide the reader with comprehensive and accurate information lucid evaluations and an indication of future developments They not only acquaint but also ground the reader in the field

*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 hale from Asia Latin America United States or the UK *Practitioner's Handbook on International Arbitration and Mediation - Third Edition* Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner's Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral venues This Handbook is intended to make the reader into a better practitioner or arbitrator mediator Moreover each chapter has been written to provide practical advice and guidance Unlike many works with multiple authors this work is not simply a collection of essays on a general subject This book is a unified work with cross references among the chapters and a consistent format throughout The Practitioner's Handbook is divided into three parts Part One describes in detail each step of the international arbitration process and offers tips Part Two deals with each step and facet of an international mediation Each of these chapters is filled with Practitioners Expert Commentary Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong England Switzerland and France These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction As a result the chapters in Part Three are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules The CD ROM that accompanies this Work contains relevant original source material that is germane to the text A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered **WIPO Alternative Dispute Resolution Options** World Intellectual Property

Organization, 2022-06-30 This document provides an overview of alternative dispute resolution ADR options for intellectual property IP disputes and highlights WIPO's growing experience in working with IP offices and courts to develop and enhance their ADR services **Contemporary Issues in International Arbitration and Mediation: The Fordham Papers 2015**

Arthur W. Rovine, 2016-12-08 The 2015 volume of Contemporary Issues in International Arbitration and Mediation The Fordham Papers is a collection of important works in the field written by the speakers at the 2015 Fordham Law School Conference on International Arbitration and Mediation The papers are organized into the following parts Keynote Presentation by Hon Stephen M Schwebel PART 1 Innovations in International Arbitration by Barru Leon Sophie Lamn Hon William G Bassler William W Park and Josefa Sicard Mirabal PART 2 Investor state Arbitration by Edward G Kehoe Klaus Reichert Catherine Amirfar Nicholas Fletcher QC and Susan D Franck PART 3 The Confluence of EU Law and International Arbitration Both Commercial and Investor State by John Gaffney Fidelma Macken SC and Kaj Hober PART 4 Corporate Issues by Wolfgang Peter Thomas H Lee and Vera Korzun **International Arbitration: Law and Practice in Switzerland**

Gabrielle Kaufmann-Kohler, Antonio Rigozzi, 2015 This third edition and the first in English of the globally cited Arbitrage International Droit et Pratique la Lumi re de la LDIP provides complete guidance on arbitration law and practice relating to

Switzerland from two of the leading authorities on Swiss practice International Arbitration Checklists - Second Edition Grant Hanessian, Lawrence W. Newman, 2009-04-01 Baker McKenzie has one of the world's largest and most successful international arbitration practices. This book, written by members of the International Dispute Resolution Practice Group of Baker McKenzie and others, provides a practical experience-based guide to international arbitration. Each chapter begins with a checklist of issues to be considered at each stage of arbitration. Topics include drafting arbitration clauses, commencement of the case, staying court proceedings, compelling arbitration, selection of the tribunal, provisional relief, conduct of hearings and enforcement of awards among many others. Law and practice in each of the world's major arbitration centers is discussed. Appendices provide ready access to arbitration treaties, statutes and rules. This book will be a standard reference for in-house counsel and outside practitioners.

**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 Kröll, 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. Basic Documents on International Trade Law, Chia-Jui Cheng, 2012-04-27. Anyone involved in trade law knows the time consuming nature of obtaining primary source material and consulting each of the main trade laws. Now in its fourth edition, Basic Documents in International Trade Law solves this problem by assembling in a single, easy to use resource, a very comprehensive collection of the most important and frequently used documents on the law of international trade. In addition to its obvious practical value, this work reveals much about the process of harmonization in international trade law and the operation of the key international trade bodies. This makes the book a helpful reference for international business lawyers, researchers, legislators, and government officials in the field. Since the successful publication of the previous editions of the book, the appearance of new conventions and model laws has considerably enriched the law of international trade, and the present edition contains a wealth of new material. The book has been substantially revised, and several new instruments have been included. Among the most significantly important improvements to this new edition are new chapters added to different parts of the book, a redesigned and thoroughly revised Part 6 reflecting the expansion of intellectual property rights under the framework of treaties administered by World Intellectual Property Organization, and bibliographies and other research resources updated.

and enlarged to include an extraordinarily rich collection of books and articles in many trading languages besides English including for the first time major Chinese works in the international trade law field As the late Prof Clive M Schmitthoff commented on the first edition the book is not only of practical usefulness but has also considerable jurisprudential value and reveals the methodology of the harmonization process in the area of international trade law The International Business Lawyer first commented in 1987 that the book can only be described as a vade mecum for every international business lawyer an assessment that now seems more merited than ever      Arbitrability Fabien G  linas, Leyla Bahmany, 2023-11-17 As simple as the arbitrability question might appear namely what types of issues may and may not be submitted to arbitration for a legal system to set a clear and consistent approach to arbitration it must consider many complicated factors that relate to public policy and economic priorities as well as international relations This comprehensive precise and practical book identifies and analyzes the fundamentals of and major approaches to arbitrability in the current international context The authors focus on nine major arbitration jurisdictions the United States Canada France England and Wales Switzerland Germany China Mainland Hong Kong and Singapore with meticulous attention to each jurisdiction s pertinent case law and legislative framework as well as relevant commentary For each jurisdiction the arbitrability of disputes in the following fields of law is discussed antitrust competition bankruptcy insolvency consumer corporate family domestic relations intellectual property copyright patent and trademark labor employment securities and torts Based on the jurisdiction by jurisdiction analysis the authors identify key areas in which the selected jurisdictions share similarities and evince differences with respect to each of the above mentioned fields With a structure that enables readers to easily locate what they are looking for and gives clear cut answers this unique book fully elucidates the notion of arbitrability by identifying the key concepts the applicable rules and different criteria for arbitrability and by explaining how different jurisdictions deal with specific types of disputes It will be welcomed by counsel arbitrators judges students and academics active in international arbitration and the enforcement of arbitral awards      **Practising Virtue** David D. Caron, Stephan W. Schill, Abby Cohen Smutny, Epaminontas E. Triantafyllou, 2015 International arbitration is one of the main mechanisms to settle cross border disputes between states private commercial actors and private and public entities Yet its theoretical penetration is incomplete This book by arbitrators counsel and scholars provides fundamental theoretical insights into international arbitration      Post-Hearing Issues In International Arbitration Devin Bray, Heather L. Bray, 2013-10-01 Post Hearing Issues in International Arbitration includes articles that originally appeared in the Stockholm Arbitration Report SAR and the Stockholm International Arbitration Review SIAR All of the articles have been extensively revised and updated for this publication The authors and articles selected include a wide range of perspectives and include judges arbitrators seasoned practitioners and well respected scholars that can account for the first hand practice orientated developments of international arbitration The book is set out in three parts In Part I the authors discuss three significant issues related to the conclusion of an international

arbitral award arbitrator deliberations punitive damages and post award interest Part II attempts to navigate the interesting and often daunting review processes of an international arbitration award Part III considers a blend of international arbitration recognition and enforcement issues including jurisdictional hurdles public policy concerns primary defences and the practical requirements of a successful claim Contributors Include Eunice Bai Jonas Benedictsson Gordon Blanke Thomas E Carbonneau Christopher R Drahozal Jessica Jia Fei Laurent Hirsch Vladimir Khvalei Peter Krikstr m Emma Lindsay Finn Madsen Damien McDonald Katarina Mild Charles Poncet Christopher Sepp l Robert H Smit Alexander Vesselinovitch Martin Wallin *Compendium of International Commercial Arbitration Forms* Sigvard Jarvin,Corinne Nguyen,2017-06-01

International arbitration of business disputes continues to rise dramatically New people entering the international arbitration community on all continents require a systematic guide to avoid a mere trial and error approach This book first of its kind with numerous practical examples of the drafting of documents for each step of an international arbitration proceeding under different arbitration rules and in different countries allows actual ready to adapt forms to be located quickly for any issue likely to arise and clearly illustrates the different drafting styles used in practice In one volume in a single place scores of documents are provided all originating from real cases A brief sample includes inter alia the following request for arbitration answer counterclaim claimant s reply to counterclaim terms of reference rules of procedure timetable for submissions procedural orders written pleadings statement of claim defence witness statements depositions affidavits requests orders for the production of documents discovery requests orders on interim measures security for costs hearings opening statement closing statement submissions on costs awards interim partial final by consent and requests decisions on correction and interpretation of awards Explanatory comments on more complex forms help to raise the readers awareness on a specific issue or discussion Emphasis throughout is on procedural aspects No other book makes it so easy to find all the information necessary to prepare a case or take a decision in the context of international commercial arbitration These forms will be of immeasurable value to corporate counsel management in instructing outside counsel practitioners dealing with international arbitration lawyers arbitrators members organizations in industry and commerce arbitration centres especially newer ones in emerging markets academic libraries and bar associations **Progress in International Law** Miller,Rebecca M.

Bratspies,2008-06-30 Progress in International Law is a comprehensive accounting of international law for our times Forty leading international law theorists analyze the most significant current issues in international law and their critical assessments draw diverse conclusions about the current state and future prospects of international law The material is grouped under the headings The History and Theory of International Law The Sources of International Law and Their Application in the United States International Actors International Jurisdiction and International Jurisprudence The Use of Force and the World s Peace and The Challenge of Protecting the Environment and Human Rights The book draws its inspiration from a similar survey undertaken in 1932 by Harvard Law Professor and PCIJ Judge Manley O Hudson In his book

Progress in International Organization Hudson sought to demonstrate that what he perceived as an emerging international infrastructure and as moves toward the rule of law in international affairs were sure signs of human progress towards peace and cooperation Progress in International Law critically engages with that claim as a normative matter and at the same time presents the evidence by which a judgment about our own progress towards peace and cooperation might be judged *How Mediation Works* Stephen B. Goldberg, Jeanne M. Brett, Beatrice Blohorn-Brenneur, Nancy H. Rogers, 2017-04-28 *How Mediation Works* will introduce management and law students as well as businesses to this art of conflict resolution from the behavioral perspective while also providing a valuable resource to continuing education programs mediation training and lawyers to familiarize clients with the mediation process **Expedited International Arbitration** Alan Anderson, Herman Verbist, 2024-06-11 Increasingly international commercial arbitration has come to resemble the judicial process it was intended to replace especially in terms of speed costs and efficiency Arbitration institutions worldwide have adopted rules or procedures to expedite the arbitral process to address these concerns This book brings together thirty one distinguished practitioners academics and experts in the field from around the world to consider in nineteen chapters how these policies and procedures including the 2021 UNCITRAL Expedited Arbitration Rules operate and affect international commercial arbitration investor State arbitration and mediation This book presents diverse and rich perspectives on the variety of methods adopted to provide an expeditious and cost effective means for dispute resolution while recognizing the due process risks involved Its comprehensive analysis of the case for expedited arbitration and the principles underpinning it covers such aspects as expedited arbitration rules adopted by major arbitration institutions expedited arbitration rules in the ad hoc non institutional context including the UNCITRAL Expedited Arbitration Rules and UNCITRAL model clauses expedited arbitration rules in various geographic regions including China Southeast Asia the Caribbean and the Middle East focusing on specific jurisdictions in each region new ICSID rules on mediation of investor State disputes and expedited arbitration mediation Arb Med in the Far East focusing on Macau Arbitrators and parties to international agreements will gain a greater understanding of the issues options and consequences that may result from expedited arbitration Practitioners will benefit from guidance in drafting arbitration clauses and in weighing the advantages and disadvantages of expedited arbitration procedures in various jurisdictions The insights in this book will benefit international commercial arbitration as its stakeholders seek to return international commercial arbitration to its foundational underpinnings a prompt efficacious and cost effective means of resolving commercial disputes

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