

NITA PRACTICAL GUIDE SERIES

# Arbitration Advocacy

Second Edition

John W. Cooley  
with Steven Lubet

 NITA

# Arbitration Advocacy Nita Practical Guide Series

**Caryn A. Kauffman**



## **Arbitration Advocacy Nita Practical Guide Series:**

**Arbitration Advocacy** John W. Cooley, Steven Lubet, 2003-10 This insightful guide to the arbitration process will help you achieve the best results for clients in all types of arbitration settings from commercial to labor John W Cooley an experienced judge trial attorney arbitrator and mediator and Steven Lubet author of NITA s best selling Modern Trial Advocacy have written this book to describe an up to date description of the arbitration process for advocates You will get specific advice on The arbitration process Prehearing considerations Advocacy at the arbitration hearing Effective openings and closings Tactical considerations in shaping the process Arbitration Advocacy Second Edition contains a chapter on attorney ethics and a chapter on cyberarbitration which explores the variety of online dispute resolution services available the benefits and limitations with the use of cyberarbitration and considerations in selecting a cyberarbitration service and cyberarbitrator Detailed checklists help you choose the appropriate arbitration forum and panel and give guidance on drafting pleadings The appendices include sample arbitration agreements and forms commercial arbitration and ethics rules a list of firms offering arbitration services a list of ODR service provider Web sites and procedures for online arbitration **Advocacy in**

**International Commercial Arbitration: ASA Special Series No. 36** Elliott Geisinger, Guillaume Tattevin, 2013-07-01

Corporate counsel arbitrators and lawyers discuss their experiences with advocates in international arbitration their expectations of good advocacy in a critical analysis of The ASA Charter of Advocacy in International Commercial Arbitration Issues discussed include Differences in Culture and Style Evolution of the Role Model Over Time The Relationship with the Client and the Tribunal The Relationship with Witnesses and Experts The Use of Consultants and Their Management Contributing Authors Sheila Ahuja Matthew Gearing Bernard Hanotiau Henry Peter Jeffrey Waincymer **Law and**

**Practice of Arbitration - Fifth Edition** Thomas E. Carbonneau, 2014-02-01 The Law and Practice of Arbitration is a comprehensive treatise about the development and practice of arbitration law in the United States It addresses in detail the recourse to arbitration in domestic matters employment labor consumer transactions and business and its use in the resolution of international commercial claims It covers all of the major subject areas in the field and provides practical advice as well as an easy to read clear discussion of the relevant case law It represents a masterful synthesis of the entire body of arbitration law It discusses basic concepts and doctrines the FAA freedom of contract in arbitration arbitrability the enforcement of awards the use of arbitration in consumer and employment matters institutional arbitration and the drafting of arbitration agreements It speaks of the federalization of the law and growing judicial objections to the use of adhesionary arbitration agreements in the consumer context The volume represents the author s continuing in depth reflection on the practical and systemic consequences of United States Supreme Court s decisional law on arbitration a process that is instrumental to the operation of the United States legal system as well as international business The work continues its tradition of being the best statement on U S arbitration law and practice The Law and Practice of Arbitration is a handy

reference for all who have an interest in arbitration law and practice The new Fifth Edition of Carbonneau's treatise is built upon a comprehensive update of the federal circuit and U S Supreme Court cases on arbitration The Introduction has been rewritten to take into account *AT T Mobility v Concepcion* and the American Express Merchants Litigation in the development of U S arbitration law These decisions represent landmark USSC pronouncements on adhesive arbitration The Introduction also contains a new section on the foundational legitimacy of arbitration in the U S legal system The two landmark decisions are also incorporated into the text of Chapter 8 on the topic of adhesive arbitration Chapter 9 on the award enforcement assesses the standing of *Stolt Nielsen* in light of the Court's recent decision in *Sutter* asking whether this re evaluation might be a de facto reversal of the earlier and highly unusual opinion The assessment takes into account Justice Alito's concurring opinion in *Sutter* Chapter 10 on International Commercial Arbitration has undergone substantial rewriting and makes its various points more lucidly and effectively This is also true of chapters 2 3 and 5 Many footnotes have been perfected in form and content The per curiam opinions *KPMG LLP v Cocchi* *Marmet Health Care v Brown* and *Nitro Lift v Howard* are all integrated into the text and fully assessed The USSC's decision in *CompuCredit v Greenwood* is evaluated for its significance on the issue of Congressional intent to preclude arbitration There are updates on how the courts define arbitration the waiver of the right to arbitrate in particular the Ninth Circuit opinion in *Richards v Ernst Young* the enforcement of arbitration agreement with emphasis upon the curious Third Circuit decision on the matter in *Guidotti* the latest adherents to the ill conceived RUAA the Ninth Circuit's favorable response to *AT T Mobilty* in *Mortensen and Murphy* and an assessment of recent developments on the judicial imposition of penalties for frivolous vacatur actions The treatise continues to be a highly contemporary and complete statement on the law of arbitration     The Mediator's Handbook John W. Cooley, 2006     *Dispute Resolution Journal*, 2004     A Practical Guide to Negotiation Thomas F. Guernsey, 1996

**Business Dispute Resolution** Thomas D. Cavenagh, 2000 Cavenagh business law and conflict resolution North Central College Illinois sets out the details of the dispute resolution programs at nine successful companies describes the companies reasons for creating the programs assesses the programs and predicts trends in law and business relating to     **Recent Acquisitions** Ohio State University. College of Law. Library, 1997     Creative Problem Solver's Handbook for Negotiators and Mediators: A guide for practitioners, academics, and students of creative problem solving John W. Cooley, 2005 The Handbook takes a pracademic approach to creative problem solving in negotiation and mediation Pracademics used to describe the art and science of translating the theory of creative problem solving into practice and conversely converting the practice of creative problem solving into theory Volume Two of the Handbook is focused on specific creative problem solving techniques and tools that negotiation mediation practitioners across the country have found to be effective in resolving disputes or making deals A highly useful feature of Volume Two is its multiple indexing to facilitate identifying techniques or tools appropriate for the problem solving task Publisher     **Managing and Litigating the Complex Surety Case** Caryn A.

Kauffman,1998 Creative Problem Solver's Handbook for Negotiators and Mediators: A portable primer for practitioners  
 John W. Cooley,2005 The Handbook takes a pracademic approach to creative problem solving in negotiation and mediation  
 Pracademics used to describe the art and science of translating the theory of creative problem solving into practice and  
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**Record** ,2004 Current Publications in Legal and Related Fields ,2003 **Planet Law School** Atticus Falcon,1998  
 Reveals the hidden secrets of law school superstardom and shows why conventional law school wisdom is a trap for  
 unsuspecting students In 24 detailed chapters this book sets out everything a student needs to do to get to the head of the  
 class Feder's Succeeding as an Expert Witness Max M. Houck,2008-06-05 As the first major revision since 2000 of the  
 landmark handbook on expert testimony this fourth edition provides the crucial insider information that today s testifying  
 forensic experts want and need to not only survive but thrive in deposition and court testimony Comprehensively reorganized  
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 regarded casebook introduced generations of students to alternative dispute resolution as the field developed from an  
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 evaluating preparing for and practicing the various dispute resolution techniques expanded coverage of arbitration and  
 dispute systems design *The CLE Journal and Register* ,1997 **Legal Information Buyer's Guide and Reference**  
**Manual** Kendall F. Svengalis,Rhode Island LawPress,2008 **Alternative Dispute Resolution** ,2005 *Ziskin's Coping*  
*with Psychiatric and Psychological Testimony* David Faust,2012-01-12 This highly effective guide is designed to help  
 attorneys differentiate expert testimony that is scientifically well established from authoritative pronouncements that are  
 mainly speculative Building on the foundation of Jay Ziskin s classic work this updated text blends the best of previous

editions with discussion of positive scientific advances in the field to provide practical guidance for experts and lawyers alike. Major contributors in the field summarize the state of the literature in numerous key areas of the behavioral sciences and law. Working from these foundations, the text provides extensive guidance, tips, and strategies for improving the quality of legal evaluations and testimony, appraising the trustworthiness of experts' opinions, and, as follows, bolstering or challenging conclusions in a compelling manner. Distinctive features of this text include detailed coverage of admissibility and Daubert challenges, with unique chapters written by an eminently qualified judge and attorney; hundreds of helpful suggestions covering such topics as forensic evaluations, discovery, and the conduct of depositions and cross examinations; and two chapters on the use of visuals to enhance communication and persuasiveness, including a unique chapter with over 125 model visuals for cases in psychology and law. More than ever, the sixth edition is an invaluable teaching tool and resource, making it a must have for mental health professionals and attorneys.

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