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Arbitration Advocacy In Changing Times Arbitration Advocacy In Changing Times

Ugo Draetta



Arbitration Advocacy In Changing Times Arbitration Advocacy In Changing Times:

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 **Arbitration Advocacy in Changing Times**, 2011

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's 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 **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

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

The Rise of Transparency in International Arbitration Alberto Malatesta , Rinaldo Sali, 2013-08-01 The Rise of Transparency in International Arbitration is inspired by a joint research conducted in the last years by the Milan Chamber of Arbitration and the Law School of the University Carlo Cattaneo LIUC Castellanza in Italy The two bodies have shared a common concern in order to increase the use of international commercial arbitration and to develop a proper culture in the field the need for enhancing transparency and especially for a wider dissemination of arbitral awards The advantages of arbitration as the main alternative means of dispute resolution are well known and undisputed Privacy and confidentiality are among them and at the same time among the prevailing features of any arbitral proceedings However sometimes users have the feeling to deal with a close and too slow growing world The need if not the request for a greater accountability of the arbitral world in the whole is more and more widespread In this context the aim of this book is on the one hand to spur discussion and to shed new light on the traditional idea of confidentiality in international commercial arbitration and in some other figures alike Although this idea is sometimes founded upon sound reasons that cannot be ignored or totally set aside it must be reconsidered by taking into account the rise of transparency On the other hand a specific proposal is made in order to step ahead from the current situation with particular reference to the issue of the publication of the awards In this respect the main outcome is the Guidelines for the

Anonymous Publication of Arbitral Awards already adopted and experienced by the Milan Chamber They are addressed to institutions practitioners scholars with the goal to favor the circulation of the awards and of the related decisions

International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's *International Commercial Arbitration* is an authoritative 4 408 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 first edition of *International Commercial Arbitration* is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of *International Commercial Arbitration* has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering International Arbitration Agreements provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering International Arbitration Procedures provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with International Arbitral Awards provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and stare decisis The Cambridge Companion to the International Court of Justice Carlos Espósito, Kate

Parlett,2023-04-06 As international law has become more present in global policy making the International Court of Justice ICJ has come to occupy an essential and increasingly visible role in international relations This collection explores substantive developments within the ICJ and offers critical perspectives on its historical and contemporary role It also examines the growing role of the ICJ in the settlement of international disputes and assesses the impact of the ICJ s jurisprudence on the major areas of international law from the territorial delimitation to human rights With contributions from a diverse range of scholars and practitioners the collection s contents combine a legal perspective with institutional and sociological insights on the functions of the ICJ By considering the ICJ s character jurisdiction and effectiveness this collection offers a varied and holistic account of the International Court of Justice an institution whose significance and influence only increase by the day

A Bridge over Troubled Waters Helene Ruiz Fabri,Erik Franckx,Marco Benatar,Tamar Meshel,2020-10-12 A Bridge Over Troubled Waters Dispute Resolution in the Law of International Watercourses and the Law of the Sea takes stock of the progress made thus far in the resolution of disputes concerning international watercourses and the oceans in addition to considering their future paths Written by renowned academics and practitioners the chapters of this edited collection enable the reader to reflect on the achievements and setbacks that characterize each field and their potential for cross fertilization Four major themes are explored the shifting boundaries of traditional methods of dispute settlement the contributions made by relevant organizations to dispute settlement the interplay between substantive and procedural rules and case studies on dispute resolution in the Nile and the Arctic

Litigating International Investment Disputes Chiara Giorgetti,2014-07-03 Each year a growing number of complex and distinctive cases are filed in diverse forums which specialize in international investment arbitration Until now however no single manual has guided practitioners through the many complexities involved in international investment arbitration proceedings from whether and how to initiate arbitral proceedings to the enforcement of the award and available post award remedies *Litigating International Investment Disputes A Practitioner s Guide* fills this lacuna by serving as a comprehensive resource for those who are new to international investment arbitration as well as for the seasoned practitioners The diverse group of contributors are highly experienced experts and practitioners who have acted as counsel and arbitrators and served in institutions which routinely administer international investment arbitration proceedings

Transnational Due Process and Article V(1)(b) of the New York Convention Dan Xie,2024-06-18 Widely regarded as the most important ground for refusal under the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards New York Convention Article V 1 b commonly referred to as the due process clause is interpreted in diverse ways across jurisdictions This book not only thoroughly examines the variety of approaches to the clause adopted by different national courts but also presents a particular understanding of the transnational approach to the due process defence grounded in the interpretative framework of the Vienna Convention on the Law of Treaties Drawing on insights and methods from comparative law that

consider not only national legal systems but also international commercial arbitration and other international legal regimes the author specifically leverages the principle of *audiatur et altera pars* and subsequent state practice Among the matters examined are the following threshold requirements for the due process defence policy considerations of and relevant limits to the interpretation and application of the due process defence proper notice of the appointment of the arbitrator or of the arbitration proceedings opportunity to present a case and equal treatment and the *lex arbitri* *lex fori* and uniform transnational approaches to the applicable law for the due process defence The book includes a detailed comparative analysis of numerous domestic judicial decisions across jurisdictions A comprehensive bibliography includes references to cases awards treaties UN Documents legislation institutional rules and soft laws The book shows clearly how an understanding of transnational due process grounded in the interpretative framework mandated by international law can contribute to the uniform interpretation and application of Article V 1 b thus contributing to debates on the decentralised interpretation of international law by domestic courts Resolving a range of practical questions about the precise content of the due process defence the book's stable and principled framework for interpreting the due process defence will be greatly appreciated by arbitration professionals Judges will benefit from its endorsement of international judicial cooperation through the recognition and consideration of foreign court decisions fostering a more harmonised interpretation of the New York Convention

Guide to Infrastructure and Energy Investment Claudette M Christian, 2016-12-15 Latin Lawyer's The Guide to Infrastructure and Energy Investment is a tool for providing valuable information for potential investors legal advisors and policymakers operating in the field of project finance in Latin America It examines the many aspects involved in the complex task of modernising and revitalising infrastructure and energy systems throughout Latin America The chapters are filled with advice and insight from leading lawyers and law firms in Latin America and abroad as well as from professionals from banks and other finance institutions operating on the cutting edge of project finance in the region The project has been initiated by Latin Lawyer and Claudette Christian of Hogan Lovells LLP who along with her partners Daniel E Gonzalez Thomas Hechl Miguel Angel Mateo Simon Carlos Ramos Miranda Crispin Rapinet and Peter S Spivack have contributed 5 of the 14 chapters They're supported by an array of other well-known names including Daniel D Bartfeld Roland Estevez Milbank Tweed Hadley One would be hard pressed to think of another issue that will play a more decisive role in the trajectory of the region and its citizens than its ability to tackle infrastructure challenges Anthony Harrington Albright Stonebridge Group

The Environment Through the Lens of International Courts and Tribunals Edgardo Sobenes, Sarah Mead, Benjamin Samson, 2022-06-01 This book brings together leading and emerging scholars and practitioners to present an overview of how regional international and transnational courts and tribunals are engaging with the environment With the natural world under unprecedented pressure the book highlights the challenges and opportunities presented by international dispute resolution for the protection of the environment and the further development of international environmental law Presented in

three parts it addresses how individual courts and tribunals engage with environmental matters Part I how courts and tribunals are resolving key issues common to environmental litigation Part II and future opportunities and developments in the field Part III The book is an essential one stop shop for students practitioners and academics alike interested in international litigation and the protection of our global environment Edgardo Sobenes is an international lawyer and consultant in international law ESILA Sarah Mead is a lawyer specialising in international environmental and human rights law and Benjamin Samson is a researcher at the Universit Paris Nanterre and consultant in international law

The Foundations of International Investment Law Zachary Douglas, Joost Pauwelyn, Jorge E. Viñuales, 2014-02 Bringing together conceptual theories of international investment law with the practical application of the law in treaty arbitration this book investigates the key controversies in the field It provides a detailed examination of how a different theoretical approach would have led to a different outcome in a number of important arbitral awards

The EU and the Rule of Law in International Economic Relations Biondi, Andrea, Sangiuolo, Giorgia, 2021-10-22 This timely book explores the complexities of the EU's international economic relations in the context of its commitment to the rule of law both within the Union and internationally Bringing together diverse perspectives from both EU and international law scholars and practitioners the book investigates some of the most controversial and lively issues in the field of EU external relations and the relationship between EU law and international law

The Principles and Practice of International Commercial Arbitration Margaret L. Moses, 2024-02-01 This book not only deals with the broad application of international treaties guidelines laws and rules affecting international commercial arbitration but also includes information about the most recent developments in the field Readers learn how arbitration works from the request to arbitrate the selection of arbitrators the procedures leading up to the hearing the witnesses and evidence at the hearing to the granting of the final award Along the way many strategies and tactics come into play as an arbitration moves toward the goal of resolving the dispute The reader learns to appreciate the application of different laws and ethical concepts that may vary by jurisdiction including the ethical obligations of arbitrators and of counsel Throughout the principles of international arbitration are supported by the practice providing a very concrete approach to the resolution of international disputes by arbitration

Use of Experts in International Freshwater Disputes Makane Moïse Mbengue, Rukmini Das, 2019-10-29 In Use of Experts in International Freshwater Disputes Mbengue and Das offer a critical assessment of the involvement of experts in resolving international water disputes International disputes related to freshwater are increasing in number and complexity The rising complexity is necessarily accompanied and compounded by the involvement of experts in dispute resolution This monograph examines through a number of case studies decided by international tribunals the role and use or absence of experts in international freshwater disputes Through this examination the authors identify the lacunae as well as good practices in expert use in disputes of this nature The monograph goes on to suggest the best practices with respect to expert involvement and use for a

more efficient and fair resolution of international water disputes

Yearbook on International Investment Law and Policy 2012-2013 Andrea K. Bjorklund, 2014 The Yearbook on International Investment Law Policy 2012 2013 monitors current developments in international investment law and policy focusing on recent trends and issues in foreign direct investment FDI It includes essays from the Symposium on Sustainable Development and International Investment Law Bridging the Divide as well as pertinent general articles With contributions by leading experts in the field this title provides timely authoritative information on FDI that can be used by a wide audience including practitioners academics researchers and policy makers

Handbook of Evidence in International Commercial Arbitration Franco Ferrari, Friedrich Rosenfeld, 2022-04-07 In arbitration evidence provides the basis for almost every decision be it procedural jurisdictional or substantive However users from different legal traditions may not share the same understanding as to how an arbitral tribunal ought to proceed in this regard Therefore it is important for lawyers to know how to collect develop and present evidence in arbitration proceedings not only from a legal perspective but also from a cultural point of view It is against this backdrop that the editors have invited a diverse group of distinguished arbitration practitioners and academics to contribute to this matchless Handbook of Evidence in International Commercial Arbitration Key concepts and issues related to evidence in arbitration covered include the following the normative framework on evidence in arbitration proceedings the burden and standard of proof means of evidence including documents experts and witnesses questions of admissibility including issues of privilege and confidentiality the assessment of evidence and its probative value court assistance and sanctions With its systematic analysis of the key concepts of evidence holistic discussion of the applicable normative framework cross cultural perspectives on the taking of evidence in arbitration and reference to case law from major arbitration hubs this book will become an undisputed point of reference for academics and practitioners alike Critical acclaim This handbook elegantly captures the range of issues that arises regarding evidence in international arbitration Bringing together the foremost experts in the field each contribution offers a thoughtful analysis on these issues and the compilation deserves a prominent spot in every practitioner s arbitral library Chiann Bao Independent Arbitrator Arbitration Chambers and Vice President of the ICC Court of Arbitration This publication well deserves recognition as a landmark handbook on evidence in international commercial arbitration It comprehensively discusses the whole evidentiary process from its foundations taking a comparative and harmonizing perspective as well as the burden and standards of proof to the various evidentiary means up to the assessment of evidence Written by leading academics and practitioners from all over the world it will be a safe haven for anyone facing discrete evidentiary issues and looking for answers to fundamental or actual questions including as to privileges confidentiality virtual hearings or data protection Professor Filip De Ly Chair of the ILA International Commercial Arbitration Committee

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