

# ***What Can Arbitrators Do to Address These Issues?***

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*(continued)*

- Schedule minimum 8-hour days and 4-day weeks
- Consider innovative techniques such as allowing counsel to present direct testimony and have witnesses subjected only to cross, perhaps in a group if the issues warrant.
- *Just as the judiciary and Bar have responded to criticisms of litigation, so must the users, practitioners and sponsors of arbitration respond to the issues facing arbitration.*
  - Rocket dockets
  - Creation of complex case divisions in many courts
  - 2007 update to 1998 Civil Trial Practice Standards of the ABA Litigation Section.

# What Counsel Arbitration Can Must

**John A Trenor**



## **What Counsel Arbitration Can Must:**

*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. 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.

*Guide to Energy Arbitrations* J. William Rowley QC, 2017-06-21 Global Arbitration Review's The Guide to Energy Arbitrations is an essential desk top reference tool for energy companies, their advisers and arbitrators, bringing together a number of pre-eminent authors and pulling together the latest and best approaches to the myriad issues confronted in today's energy disputes. J. William Rowley QC of 20 Essex St acts as General Editor; editors are Doak Bishop of King. The Guide to Energy Arbitration is a very useful and unique contribution to the literature in the area; it assembles the views and insights of leading counsel and arbitrators on many of the key issues and trends in the energy arbitration world. It should be a valuable guide to energy companies and their internal and external counsel, in addition to being of interest to commercial and litigation lawyers generally.

Glenn Zacher, Partner, Stikeman Elliot, College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition James M. Gaitis, Carl F. Ingwolson, Jr., Vivien B. Shelanski, 2014-01-01. This third edition of The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration has been substantially expanded, not only to ensure that it is up to date but also to incorporate several new chapters on diverse subjects including intratribunal relations, arbitrators' fees, eDiscovery and hybrid arbitration processes. Summary of New Material: Twice as long as the second edition. Substantial revision and expansion of existing chapters. Four new chapters: Arbitrators' Fees, Expenses, eDiscovery, Intratribunal Relations. Hybrid Arbitration Proceedings. Updated to take into account evolving case law and to address newly emerging issues relating to the management of commercial arbitrations. Comparative tables regarding certain aspects of major international rules and international arbitration institution policies. Revised to take into account The new 2013 CPR Administered Arbitration Rules, The 2013 revisions to the AAA Commercial Rules, Various protocols and guidelines relating to domestic commercial arbitration, The 2011 revisions to the JAMS International Rules, The 2012 revisions to the ICDR Articles, The 2010 revisions to the UNCITRAL Rules, The 2013 IBA Guidelines on Party Representation in International Arbitration, The 2010 revisions to the IBA Rules on the Taking of Evidence in International Arbitration, Various protocols and guidelines.

relating to domestic commercial arbitration The aim of the Guide is to identify best practices that arbitrators can employ to provide users of arbitration with the highest possible standards of economy and fairness in the disposition of business disputes This third edition of the Guide refines the guidance contained in the first and second editions to take into account developing case law revised institutional rules advancements in arbitration techniques and thinking and also addresses newly evolving issues such as electronic discovery There are significant differences in the ways in which arbitrations are conducted in different substantive fields of commerce and among different arbitrators in the same field Techniques that are appropriate and useful in one case may be quite unsuited to another For this reason it is not possible to prescribe a single set of best practices that commercial arbitrators should invariably follow in every case Rather this Guide attempts to identify the principal issues that typically arise in each successive stage of an arbitration and to explain the pros and cons of various preferred ways of handling each issue From this perspective the best practice for an arbitrator is to carefully consider the merits of alternative techniques available for dealing with a particular issue and to then select the technique best suited to the situation In addition the Guide attempts to identify the full array of practices available for use in complex arbitrations which can be adapted and streamlined for simpler cases Formed in 2001 the College of Commercial Arbitrators is a non profit organization composed of prominent experienced commercial arbitrators who believe that a national association of commercial arbitrators can provide a meaningful contribution to the profession to the public and to the businesses and lawyers who depend on arbitration as a primary means of dispute resolution Its mission includes promoting professionalism and high ethical practice in commercial arbitration adopting and maintaining standards of conduct providing peer training and professional development and developing and publishing best practices materials This work is the College s principal vehicle for fulfilling several aspects of its mission Many seasoned and knowledgeable practitioners generously contributed their time and insights to the creation of this Guide

*AAA Handbook on Arbitration Practice* American Arbitration Association, 2010-08-01 The AAA Handbook on Arbitration Practice assembles from *Dispute Resolution Journal* the flagship publication of the American Arbitration Association and other sources the latest thinking on arbitration and dispute resolution All chapters where necessary have been revised and updated by the authors to insure that they represent the most current developments in law and practice The Handbook is a succinct comprehensive and a practical introduction to the use of arbitration written by leading practitioners and scholars it provides essential orientation and is a must for anyone with an interest in the field from the seasoned to the neophyte The AAA Handbook on Arbitration Practice brings to the arbitration and dispute resolution professional the latest thinking on arbitration from world renowned specialists in the field The chapters in this work were selected from an extensive body of writings and in the main represent world class assessments of arbitration and dispute resolution practice All the major facets of the field are addressed The chapters provide the reader with comprehensive and accurate information lucid evaluations and useful practical guidance They not only acquaint but also

ground the reader in the field      Arbitration Practice in Construction Contracts D.A. Stephenson, 2003-09-02 written for building students and practitioners refers to all relevant contracts and codes of practice including the ICE Conditions of Contract 6th Edition      Take the Witness: Cross-examination in International Arbitration Lawrence W. Newman, Ben H. Sheppard (Jr.), 2010-06-01 This volume is the go to reference for the arbitration practitioner who needs to master the art of cross examination in the international arena In this concise volume international arbitrators and world class attorneys present proven techniques for the effective cross examination of laypersons adverse witnesses scientific experts legal experts and others anywhere in the world      **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 hail from Asia Latin America United States or the UK      **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

**Annual Report of the Commissioner of Labor** United States. Bureau of Labor, 1911      *Workmen's Insurance and Compensation Systems in Europe* United States. Bureau of Labor, 1911      Laws Relating to Compensation for Industrial Accidents in Foreign Countries United States. Bureau of Labor, 1909      *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      **Federal Register** ,2000-08      **Arbitration of International Intellectual Property**

**Disputes** Thomas D. Halket,2012-05-01 The Arbitration of International Intellectual Property Disputes which is designed not only for arbitration counsel and arbitrators but also for in house counsel and transactional lawyers provides a thorough guide to the use of arbitration to resolve these disputes Both practical as well as scholarly it starts by exploring how and why arbitration can provide the best way to resolve these disputes and how to draft an effective arbitration provision It then covers the principal unique issues which can arise in the arbitration itself from choosing the tribunal through confidentiality discovery validity determinations choice of law provisional and final remedies and enforceability With the world more and more dependent upon technology of all types the continued and growing importance of intellectual property cannot be understated There has been and will continue to be an accompanying explosion in the number and complexity of transactions in which intellectual property is a critical if not the critical element Many of these transactions cross national boundaries as do the disputes which inevitably arise from them But international intellectual property disputes present complexities not encountered in either intellectual property disputes which are confined to one country or other international commercial disputes The Arbitration of International Intellectual Property Disputes will serve as a handy reference and guide for navigating through the complex maze of intellectual property and arbitration      The Law of Nisi Prius, Evidence in Civil Actions, and Arbitrations and Awards: with an Appendix, Etc Archibald John STEPHENS (Q.C.),1842      **Decisions and**

**Orders of the National Labor Relations Board** United States. National Labor Relations Board,1995      **Guide to Damages in International Arbitration** John A Trenor,2018-01-18 Have you ever been frustrated that arbitration folks aren't more numerate The Guide to Damages in International Arbitration is a desktop reference work for those who'd like greater confidence when dealing with the numbers This second edition builds upon last year's by updating and adding several new chapters on the function and role of damages experts the applicable valuation approach country risk premium and damages in gas and electricity arbitrations This edition covers all aspects of damages from the legal principles applicable to the main valuation techniques and their mechanics to industry specific questions and topics such as tax and currency It is designed to help all participants in the international arbitration community to discuss damages issues more effectively and communicate them better to tribunals with the aim of producing better awards The book is split into four parts Part I Legal Principles Applicable to the Award of Damages Part II Procedural Issues and the Use of Damages Experts Part III Approaches and Methods for the Assessment and Quantification of Damages Part IV Industry Specific Damages Issues      **The Swedish Arbitration Act of 1999 Five Years on** Lars Heuman,Sigvard Jarvin,2006-04-01 In 2004 Sweden's Arbitration Act of 1999 was five years old Inspired by UNCITRAL's Model Law while perpetuating features of the 1929 Act it introduced many new concepts such as establishing rules to determine the law applicable to the agreement to arbitrate authorizing the arbitrators to decide the existence of facts and to fill gaps in contracts making competition law issues arbitrable affording the respondent the right to have the dispute resolved if the claimant withdraws its claim authorizing truncated tribunals where an arbitrator obstructs the work of the tribunal The new Act further gives arbitrators power to decide interim measures of protection and accepts that foreign parties waive in advance the possibility to set aside the arbitral award In order to learn about the experience of Swedish and foreign practitioners arbitrators and judges during the five years since the Act was adopted the Stockholm Arbitration Report and the Institute of Arbitration Law at the University of Stockholm organized a symposium on 7 and 8 October 2004 The symposium was arranged in co-operation with the Arbitration Institute of the Stockholm Chamber of Commerce SCC the China International Economic and Trade Arbitration Commission CIETAC the Hong Kong International Arbitration Centre HKIAC the ICC International Court of Arbitration the International Centre for Dispute Resolution ICDR the International Commercial Arbitration Court at the CCI of the Russian Federation JAMS the London Court of International Arbitration LCIA Revue de l'arbitrage the Swedish Bar Association and UNCITRAL This book contains the papers presented to the six working sessions and the full discussions that took place      **Papers Relating to the Treaty of Washington: Geneva arbitration** ,1872      **The Conduct of International Arbitration Proceedings** Yves Derains,2024-12-09 This book provides an in-depth guide to conducting international arbitration proceedings efficiently and effectively drawing on Yves Derains' specialist experience in over 500 proceedings It explores the necessary qualities of successful international arbitrators and covers the various phases of arbitration proceedings from the appointment of the

arbitrators to the issuing of the award



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