

Ray Turner

Arbitration Awards

A practical approach



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Arbitration Awards A Practical Approach

Ihab Abdel Salam Amro



Arbitration Awards A Practical Approach:

Arbitration Awards Ray Turner, 2008-04-15 Drawing on his long and practical experience the author gives guidance which only the foolhardy would reject without good reason for doing so With this manual beside him many an arbitrator will feel sure sleep the sounder The Rt Hon The Lord Bingham of Cornhill The preparation of an arbitrator's award requires a rigorous approach to the consideration of submissions and evidence and to the decisions stemming from that consideration and the arbitrator must be competent to draft a valid and enforceable award These tasks can be complex for any arbitrator particularly so for the less experienced This book has been written to provide clear and practical guidance whilst emphasising that there is no standard method of preparing or writing an award It includes illustrations relating to a wide range of types of award It will be of interest to all arbitrators and those involved in the process whether they are concerned with commodities insurance maritime matters rent disputes construction or commerce **A Practical Approach to**

Alternative Dispute Resolution Susan Blake, Julie Browne, Stuart Sime, 2012-08-16 A Practical Approach to Alternative Dispute Resolution will appeal to law students and practitioners looking for a book that deals with the full range of ADR processes This comprehensive book covers the core topics on the dispute resolution module for the BPTC Its practical focus highlights the key processes and procedures for each topic 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 awards*, 2000 This issue contains awards of CCMA commissioners and IMSSA panellists dealing with arbitration proceedings and the power of arbitrators the contract of employment dismissal for misconduct poor work performance and operational requirements and unfair labour practices *Recognition and Enforcement of Foreign Arbitral Awards in Theory and in Practice* Ihab Abdel Salam Amro, 2014-03-26 This book initiates a discussion of the law and practice of recognition and enforcement of foreign arbitral awards in both common law and civil law countries In terms of law this book principally focuses on the New York Convention on the Recognition and Enforcement

of Foreign Arbitral Awards of 1958 and the harmony or clash between the New York Convention and national arbitration laws of both common law and civil law countries including the UK and the USA as common law countries and France Germany and Greece as civil law countries In terms of practice this book deeply and extensively examines the judicial application of the New York Convention in national courts of common law and civil law countries and sheds light on the best practices related to the judicial application of the New York Convention while also highlighting how future disputes can be resolved in national courts As such this book provides solutions for salient and recurring problems arising out of the erroneous judicial application or interpretation of the New York Convention by national courts and encourages the adoption of a more liberal regime in favour of the recognition and enforcement of foreign arbitral awards generally and the adoption of a more liberal interpretation of the New York Convention in national courts of both common law and civil law countries particularly This book which is based on more than 100 courts decisions from common law and civil law countries is a valuable resource for academics arbitrators practicing lawyers corporate counsels law students and researchers interested in international commercial arbitration as well as for business professionals involved in international trade and those who are willing to solve their commercial disputes through arbitration *A Practical Guide to International Arbitration in London* Hilary

Heilbron,2013-07-04 With the development of international arbitration globally and London as a leading arbitration centre the need for knowledge of the subject extends to a wider legal audience *A Practical Guide to International Arbitration in London* takes a pragmatic look at how to run an international arbitration with a London seat It explores on a stage by stage basis the tactical procedural and legal issues that need to be considered in an international arbitration in London from the perspective of the arbitral process including its relationship with the support given by the English courts The book also examines the role of the English courts in assisting foreign arbitrations **Singapore Law on Arbitral Awards** Leng Sun

Chan,2011 **A Practical Approach for Expanding the Review of Commercial Arbitration Awards** Paul Bennett Marrow,2016 Arbitration is supposed to be a quick efficient way to resolve a dispute One of the main benefits is finality The Federal Arbitration Act does not allow for a merit based appeal from an arbitral award If an arbitrator makes an error interpreting or apply law courts are not empowered to intervene *Hall v Mattel* 552 U S 576 2008 The only review possible is pursuant to the vacatur provisions of Section 10 of the FAA For this reason many lawyers and their clients avoid arbitration Recently some have recognized that nothing in the FAA prohibits a merit based appeal to another arbitrator Practitioners aware of this possibility now have a tool for addressing the possibility of mistakes in the interpretation or application of law This article discusses this procedure examining the rules for appeals adopted by the AAA CPR and JAMS The chapter updates a previous version published in 2010 **Practical Guide to Engineering and Construction Contracts** Philip

Loots,Donald Charrett,2009-09 **Enforcement of Foreign Arbitral Awards and the Public Policy Exception** Bruno Zeller,Gautam Mohanty,Sai Ramani Garimella,2021-07-22 The book presents arguments derived from primary sources

related to international arbitration in South Asian jurisdictions a list of the same is made available therein The book is a research statement on the contemporary concerns within international commercial arbitration especially related to enforcement of foreign arbitral awards Importantly the book through a unique methodology of interface presents the gratuitous nature of Article 34 of the UNCITRAL Model Law when read with Article V of the New York Convention especially the plea to the States within Article VII of the same Convention to ease the restrictions and the process of enforceability of foreign arbitral awards The book also articulates another important and immediate need with regard to international arbitration the delimitation of public policy exception to recognition and enforcement of foreign arbitral awards It critiques the jurisprudence related to arbitration in jurisdictions spread across different geographic regions thereby enabling the reader to gain an insight into their practices apart from ensuring a comparative perspective The book addresses the primary concern related to international arbitration enforcement of foreign arbitral awards and the grounds for challenges articulated within the New York Convention and the UNCITRAL Model Law It addresses these grounds and articulates the necessity for carving the criteria for the application of public policy exception The book will not only be a useful resource for policy makers students and researchers interested in international commercial arbitration and private international law but also for practitioners working on dispute resolution in trans jurisdictional disputes in South Asia and beyond The present book is not just another book contributing to the endless list of literature already widely used in International Commercial Arbitration on public policy but in my opinion is unique in many respects The distinguishing factor of this book is its regional perspective Justice Deepak Verma Former Judge of Supreme Court of India and Arbitrator This book addresses this core element of the success story of arbitration enforcement and refusal to enforce and hence its relevance cannot be overstated Csongor István Nagy Professor of Law and Head Department of Private International Law University of Szeged Hungary Detailed Forewords are available in the book and can be freely downloaded from <https://link.springer.com/book/10.1007/978-981-16-2634-0>

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

A Guide to the NAI Arbitration Rules Bommel van der Bend, Marnix Leitjen, 2009-01-01 The Netherlands Arbitration Institute NAI is the most prestigious institute in the Netherlands for the arbitration of commercial disputes While NAI arbitration is the dispute resolution mechanism of choice of many Dutch corporations and public entities it is increasingly agreed on by foreign parties selecting the Netherlands as a neutral venue for their potential disputes This excellent volume a rule by rule guide to the NAI Arbitration Rules is not only the first such handbook in English but the most comprehensive and detailed in any language In addition it provides a unique commentary in English on important elements of Dutch arbitration law Drawing on case law from arbitral tribunals and state courts and on extensive personal experience members of the arbitration team of the Dutch law firm De Brauw Blackstone Westbroek N V provide in depth commentary on each provision of the NAI Arbitration Rules and on arbitration related court proceedings in the Netherlands under the Dutch Arbitration Act Focusing on disputes arising from among others share purchase agreements joint venture agreements licence agreements franchise agreements finance agreements contractor agreements distribution agreements and agreements for the sale of goods the analysis covers such crucial factors of the NAI system as the following the use of the list procedure for the appointment of arbitrators the central role of the Administrator the Dutch concept of binding advice contractual relationships and exclusion of liability the separability of the arbitration agreement freedom in determining and applying rules of evidence the mechanisms for parties to seek relief in summary arbitration proceedings costs of arbitration and the arbitral award including the possibility of rectifying supplementing and setting aside this award The provision by provision analysis also compares the NAI Rules with both relevant proceedings in the Dutch state courts and inter alia ICC and UNCITRAL Arbitration Rules and to practice under such other rules The authors of this matchless book have faced many questions on the NAI Arbitration Rules advised on the interpretation and correct application of those Rules and defended such interpretation before tribunals and courts In this book they share their experience insights and expertise Counsel for corporate clients and public entities contemplating arbitration proceedings and as well as counsel to parties in NAI proceedings or related court proceedings and will find here an incomparable guide to the NAI system and Dutch arbitration law

A Practical Approach to Arbitration Law Andrew Tweeddale, Keren Tweeddale, 1999 This practical handbook provides a detailed examination of arbitration law and procedure and includes the full text of the Arbitration Act 1996 Importantly it takes account of the Civil Procedure Rules 1998 insofar as they affect arbitration proceedings Unlike other books on

arbitration a resume of the main principles involved in international arbitration law and a section of precedents demonstrating the theory of arbitration law in practice are also included Since the enactment of the Arbitration Act 1996 there have been numerous cases dealing with the Act A Practical Approach to Arbitration Law analyses the most significant and recent cases including Vosnoc Ltd Transglobal Projects Ltd Charles M Wille Davies Middleton Davies Ltd Toyo Engineering Corporation and Patel Patel on the staying of litigation to arbitration Kye Gbangbola Smith and Sheriff on issues of serious irregularity

College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration - Third Edition James M. Gaitis, Carl F. Ingwalson, 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 in 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

Handbook of House Property: a Popular and Practical Guide to the Purchase ... and ... Sale of Houses and Land, Etc Edward Lance Tarbuck,1875

A Guide to the ICC Rules of Arbitration Yves Derains,Eric A. Schwartz,2005-01-01 The ICC Rules of Arbitration constitute one of the world s oldest and most widely used sets of rules for the resolution of international commercial disputes In 1998 shortly after the entry into force of the current version of the Rules the First Edition of this book appeared and quickly became an indispensable resource for all those involved or interested in ICC arbitrations including arbitrators counsel and parties In this updated and revised edition the authors two of the world s leading experts on ICC arbitration have revised the Guide in order to take stock not only of the evolution in ICC practice over the last seven years but of new arbitral and judicial decisions bearing on the interpretation and application of the Rules and of developments in international arbitration practice generally The Guide s notable features include article by article commentary on the ICC Rules enriched by the authorsand personal involvement in their drafting and years of experience as arbitrators counsel and former Secretaries General of the ICC International Court of Arbitration ample and greatly expanded references in respect of the Rulesand individual provisions to relevant national court judgments and arbitral awards together with extensive bibliographical sources andup to date statistics on ICC arbitration and copies of all ICC rules on dispute resolution mechanisms in addition to arbitration A truly comprehensive reference work on ICC arbitration practice the Second Edition of the Guide will be of immeasurable value to corporate counsel international lawyers and business people as well as to all those interested in the international arbitration process

A Practical Guide for Inspectors of Nuisances Frederick Richard Wilson,1881

A Practical Guide to International Commercial Arbitration Richard Garnett,2000 This concise in depth guide explores the pros and cons of arbitration the role of national laws key elements of the arbitration agreement and includes a detailed analysis of arbitration procedures Standards of conduct of the arbitrator enforceability challenges modification of awards and awards and remedies are covered The Appendices include BL UNCITRAL Arbitration Rules BL Arbitration Rules of the International Chamber of Commerce BL The UNCITRAL Model Law on International Commercial Arbitration BL Texts of the New York and Panama Conventions BL Model UNCITRAL and ICC arbitration clauses BL Information about the major arbitral centers throughout the world

Yale

Law Journal: Volume 124, Number 8 - June 2015 Yale Law Journal, 2015-06-26 The contents of the June 2015 issue Volume 124 Number 8 of the Yale Law Journal are Article The New Corporate Web Tailored Entity Partitions and Creditors Selective Enforcement Anthony J Casey Note A Reassessment of Common Law Protections for Idiots Michael Clemente Feature Arbitration Transparency and Privatization Diffusing Disputes The Public in the Private of Arbitration the Private in Courts and the Erasure of Rights Judith Resnik Arbitration and Americanization The Paternalism of Progressive Procedural Reform Amalia D Kessler Arbitration s Counter Narrative The Religious Arbitration Paradigm Michael A Helfand Disappearing Claims and the Erosion of Substantive Law J Maria Glover Feature Constitutional Law in an Age of Proportionality Vicki C Jackson Quality digital formatting includes fully linked footnotes and an active Table of Contents including linked Contents for all individual Articles Notes and Essays proper Bluebook formatting and active URLs in footnotes This ebook is the last issue of the academic year 2014 2015 Number 8 of Volume 124 It includes a cumulative Index for the volume Decision-making in International Construction Arbitration Haytham Besaiso, 2023-10-03 This book contributes to the empirical understanding of how arbitrators make their decisions on the substance of commercial disputes arising from international construction projects It is based on in depth interviews with 28 international construction arbitrators and on the analysis of dozens of international construction arbitration awards The combined experience of those who participated in the author s research amounted to hundreds of international construction arbitrations 300 cases in addition to several hundred international commercial arbitrations It presents the results of the first and largest research to be undertaken in this area and it will be useful to arbitration practitioners and scholars and to the wider audience of dispute resolution students practitioners and theorists In turn the book examines to what extent international arbitrators apply the law as the substantive norm providing an explanation for that and then offers insights into whether arbitrators in fact lean towards commercial and transnational norms to construe the parties contract before discussing to what extent international arbitrators take into account fairness considerations to reach their decisions on the merits of the parties claims The book also examines to what extent international arbitrators apply mandatory rules of foreign law Lastly it provides insight into the effect of arbitrators background characteristics on their decisions Written for arbitration practitioners arbitrators and legal counsel and scholars the book will be useful for both experienced arbitrators and those starting their arbitration career or studying for their arbitration qualification It will also be useful for project professionals involved in contract management and dispute resolution

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