The British Columbia Court of Appeals has ruled that an arbitration clause cannot justify a stay of class action proceedings under the 1995 Class Proceedings Act. The ruling is one of the first Canadian decisions dealing with the effectiveness of arbitration clauses in a class action context. (Story on page 54.)

A NAFTA Chapter 11 Tribunal dismissed a U.S. investor’s derivative claim against Mexico, inter alia, because the investor did not establish that the Mexican government action constituted a complete and unwarranted repudiation of the applicable regulatory provisions. In so doing, the Tribunal followed the doctrine established in the landmark Waste Management opinion. (Story on page 55.)

The SEC has extended the duration of the NASD regulation allowing arbitrating parties to waive compliance with California’s disclosure requirements for arbitrators. (Story on page 43.)

The National Arbitration Forum (NAF) provides summaries of recent cases on arbitration. The case summaries supply guidance on the evolution of current arbitration law and depict interesting recent developments on basic issues. They constitute a comprehensive and informative inventory of recent court rulings on arbitration. (The case summaries begin on page 44.)

Lawyers at the offices of Sherman & Sterling LLP evaluate a recent change in the U.S. model for BITs. The new U.S. BIT framework modifies the scope of protection provided to international investors and alters the manner in which investment disputes will be resolved. (The commentary begins on page 59.)

James Coben, WAMR editor for domestic mediation and Director of Hamline’s Dispute Resolution Institute, provides an extensive survey of significant 2004 judicial decisions on mediation. The survey includes cases on a number of basic topics: the enforcement of mediated settlements, confidentiality, compelling mediation, the award of attorney’s fees, mediator ethics and malpractice, and the relationship between mediation and arbitration. (The survey on mediation law begins on page 62.)
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