

World Arbitration & Mediation Report



Vol. 16, No. 7

Covering Dispute Resolution in the United States and Around the World

July 2005

HIGHLIGHTS

A new **poll** finds that parties who have participated in arbitration perceive **arbitration** to be generally faster, simpler, and cheaper than judicial litigation. Some two-thirds of the parties who were interviewed stated that they would be likely to use arbitration again. A substantial majority of the parties surveyed responded that they found arbitration faster and easier to understand and engage in than a court proceeding. (Story begins on page 201.)

Following a majority of U.S. jurisdictions, the **North Dakota state Supreme Court** ruled that a **waiver of class action relief** in an arbitration agreement in a consumer transaction was valid. The court concluded that the provision was procedurally unconscionable, but held that its content did not rise to the level of substantive unconscionability. The consumer could be made whole in arbitration. (Story begins on page 202.)

The **Milan Chamber of Arbitration** has reappointed the members of its Arbitral Council. The Council's membership demonstrates the Milan Chamber's national and international scope. In 2004, the Milan Chamber received 105 requests for arbitration. The amount in controversy came to nearly 200 million Euros. (Story begins on page 203.)

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In *Nadja Alexander's Worldwide Perspectives on Mediation*, **Jacques Faget** of the Institute of Political Science in Bordeaux discusses the use of **victim-offender mediation** in criminal law cases. Professor Faget recognizes that "penal mediation" epitomizes the "cultural conflict" between "two antagonistic ideas of justice." He concludes: "By identifying [mediation's] zones of relevance and irrelevance, one would more wisely choose the circumstances in which to use mediation and more readily accept the complementary nature of the different modes of handling disputes." (The *Mediation Column* begins on page 207.)

Szu-chien Yau provides a thorough and comprehensive assessment of **CIETAC Arbitration** including its new arbitration rules. The 2005 Rules represent the seventh revision of the CIETAC Rules. The revision was completed in January 2005 and became effective May 2005. The 2005 Rules contain a number of major changes that are intended to give CIETAC greater professional integrity and standing. (The *National Reports* section begins on page 210.)

Finally, **Timothy S. Cole** of the National Arbitration Forum (**NAF**) provides two reports on recent domain name cases decided through the **NAF**. (The *Documentary Resources* section begins on page 221.)

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