The U.S. Supreme Court has granted certiorari in Cardegna v. Buckeye Check Cashing, Inc. Buckeye was decided in late January 2005 by the Florida state Supreme Court. The question before the U.S. Supreme Court is whether the Federal Arbitration Act allows a party to avoid arbitration by claiming that the underlying contract is illegal and void. Although it was distinguished away by the Florida court, the Prima Paint doctrine appears to govern the resolution of the case. It seems likely that the Court will reverse the state court and confirm the continued vitality of Prima Paint. (Story on page 265.)

A proposed NASD Rule, issued by the Securities and Exchange Commission for public comment, attempts to regulate the increasingly controversial issue of multi-jurisdictional practice in arbitration. (Story on page 265.)

In July 2005, the California state Supreme Court refused to extend its ruling in Armendariz to common law claims, e.g., torts, contract, and business disputes, despite its earlier application of the ruling to nonwaivable nonstatutory employment claims based on fundamental public policy. (Story on page 266).

The Baker & McKenzie Arbitration Group has made a number of contributions to this issue of WAMR dealing with international arbitral developments at home. The Baker & McKenzie contributions address primarily the enforcement of international arbitral awards in U.S. federal courts and relate to such issues as the impact of nonsignatory status, the constitution of the arbitral tribunal, local public policy, and employment status upon enforcement. (The International Developments At Home section begins on page 269.)

The White & Case Arbitration Group has also written several contributions for this issue of WAMR. The News Abroad reports explain the content and significance of the French Court of Cassation’s recent ruling in State of Israel v. NIOC, the English courts’ newly found and strikingly interventionist support for mediation, and the substance of the new CIETAC Arbitration Rules. (The News Abroad section begins on page 267.)

The National Arbitration Forum (NAF) continues to provide its thorough and informative Case Summaries. This issue of WAMR contains some twenty-five case summaries that describe the most recent judicial pronouncements on the domestic U.S. law of arbitration. (The NAF Case Summaries begin on page 274.)

Lastly, but certainly not least, WAMR Investment Arbitration Editor, Frédéric Bachand, writes an outstanding evaluation of an English High Court opinion that addresses the topic of the “nature of investment treaty arbitration.” (Professor Bachand’s Commentary begins on page 287.)
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