The American Review of International Arbitration is a publication of the Center for International Arbitration and Litigation Law which is devoted to the study of laws relating to international arbitration and litigation throughout the world. To that end, it promotes and sponsors the publication of books, commentaries, articles, periodicals and conferences on these subjects. The American Review of International Arbitration is one of the Center's publications. Other publications sponsored by the Center are the eight volume Guides to International Arbitration and the World Arbitration Reporter. The Center also co-operates with institutions engaged in advocating and administering international arbitration and sponsors clerkships at those institutions.

The Director of the Center is Hans Smit, Stanley H. Fuld Professor of Law, Columbia University. Inquiries about the Center and its activities should be addressed to:

Hans Smit Stanley H. Fuld Professor of Law Columbia Law School 435 West 116th Street New York, New York 10027

Tel: (212) 854-2693; Fax (212) 222-4256 E-mail: hsmit@law.columbia.edu

MANUSCRIPTS

The American Review of International Arbitration invites the submission of unsolicited manuscripts. They should be double-spaced with footnotes that conform to the latest edition of A Uniform System of Citation. Manuscripts on IBM-compatible WordPerfect diskettes are greatly appreciated. The Review regrets that manuscripts cannot be returned unless they are accompanied by a self-addressed, stamped envelope. Send all correspondence to:

Elizabeth H. Cooper, Managing Editor The American Review of International Arbitration Columbia Law School 435 West 116th Street New York, New York 10027 Tel: (212) 854-3971; Fax (212) 222-4256 E-mail: ecooper@law.columbia.edu

SUBSCRIPTION

The Review is published quarterly.

The subscription rate is U.S.and Canada \$302. All other foreign Subscriptions \$370 and are renewed automatically unless notice of termination is given.

Address changes should be sent at least 45 days before the date of the issue with which they are to take effect. The post office will not forward copies unless you provide extra postage; there is a charge for duplicate copies. Subscription queries and address changes should be directed to:

Juris Publishing, Inc.
71 New Street
Huntington, NY 11743
Tel (631) 673-3330; (631) 350-0200; Fax (631) 673-9117
For calls outside the U.S. and Canada: (631) 673-3330

ISSN 1050-4109 Copyright © 2005 by Hans Smit and Juris Publishing, Inc.

THE AMERICAN REVIEW OF INTERNATIONAL ARBITRATION

Vol. XV — 2004

Center for International Arbitration and Litigation Law

New York

2004

THE AMERICAN REVIEW OF INTERNATIONAL ARBITRATION

OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS	Vol. 15	2004		No. 1
AN ASSESSMENT OF PECHOTA'S INTERNATIONAL Thomas E. Carbonneau BIBLIOGRAPHY ON COMMERCIAL ARBITRATION INTERNATIONAL AND DOMESTIC ARBITRATION PROCEDURE: James M. Gaitis THE NEED FOR A RULE PROVIDING A LIMITED OPPORTUNITY FOR ARBITRAL RECONSIDERATION OF REASONED AWARDS MINING MEDIATION RULES FOR REPRESENTATION Harold I. Abramson OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK Hans Smit SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: Irene M. Ten Cate PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI-STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS	Preface		Elizabeth H. Cooper	Х
AN ASSESSMENT OF PECHOTA'S INTERNATIONAL BIBLIOGRAPHY ON COMMERCIAL ARBITRATION INTERNATIONAL AND DOMESTIC ARBITRATION PROCEDURE: James M. Gaitis THE NEED FOR A RULE PROVIDING A LIMITED OPPORTUNITY FOR ARBITRAL RECONSIDERATION OF REASONED AWARDS MINING MEDIATION RULES FOR REPRESENTATION OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS		ARTICLES		
BIBLIOGRAPHY ON COMMERCIAL ARBITRATION INTERNATIONAL AND DOMESTIC ARBITRATION PROCEDURE: James M. Gaitis THE NEED FOR A RULE PROVIDING A LIMITED OPPORTUNITY FOR ARBITRAL RECONSIDERATION OF REASONED AWARDS MINING MEDIATION RULES FOR REPRESENTATION Harold I. Abramson OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK Hans Smit SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: Irene M. Ten Cate PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS	VRATISLAV PECHOTA—A TF	RULY INTERNATIONAL LAWYI	ER Hans Smit	
THE NEED FOR A RULE PROVIDING A LIMITED OPPORTUNITY FOR ARBITRAL RECONSIDERATION OF REASONED AWARDS MINING MEDIATION RULES FOR REPRESENTATION OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS			Thomas E. Carbonneau	:
OPPORTUNITIES AND OBSTACLES MANIFEST DISREGARD OF THE LAW IN THE NEW YORK SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS	THE NEED FOR A RULE P OPPORTUNITY FOR ARBI	ROVIDING A LIMITED	E: James M. Gaitis	Ģ
SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT NOTES & COMMENTS MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: Irene M. Ten Cate PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS			Harold I. Abramson	103
MULTI-PARTY AND MULTI-CONTRACT ARBITRATIONS: PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS				11
PROCEDURAL MECHANISMS AND INTERPRETATION OF ARBITRATION AGREEMENTS UNDER U.S. LAW SHOULD MEDIATION TRIGGER ARBITRATION IN MULTI- STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS		NOTES & COMMENT	S	
STEP ALTERNATIVE DISPUTE RESOLUTION CLAUSES? BOOK REVIEWS	PROCEDURAL MECHANIS	SMS AND INTERPRETATION	Irene M. Ten Cate	133
			Rachel Jacobs	16
PIETER SANDERS. THE WORK OF UNCITRAL ON Richard W. Hulbert 1		BOOK REVIEWS		
Arbitration and Conciliation, 2^{ND} Edition			Richard W. Hulbert	18
RECENT BOOKS AND ARTICLES ON COMMERCIAL ARBITRATION 1	RECENT BOOKS AND AI	RTICLES ON COMMERC	TIAL ARBITRATION	18

^{*} A cumulative table of contents for Volume XV will appear at the back of the final issue of this year

THE AMERICAN REVIEW OF INTERNATIONAL ARBITRATION

EDITORS-IN-CHIEF

HANS SMIT VRATISLAV PECHOTA

MANAGING EDITOR

ELIZABETH H. COOPER

SENIOR STUDENT EDITORS

EDUARDO CORRETJER, JOSE DIAZ, JONATHAN FARKAS, YUICHI HARAGUCHI, ABID IMAM, RACHEL JACOBS, CHEOMA JULIEN, GEOFFREY MORRIS, STUART ORSAK, PATRICK PEARSALL, ANDREAS STIER

STUDENT EDITORS

LISA BINGHAM, GERALD DELAMO, STEVEN EDWARDS, RICARDO RIESCO EYZAGUIRRE, MARIA LUINA, BRIAN MOGCK, GILLIAN RICHARDS, JASON KRAUSE, GUSTAVO LABORDE, JEANETTE MANAUSA, JORGE PRUNEDA, JEFFREY RASMUSSEN, CHRISTOS RAVANIDES, CLYDE TINNEN

BOARD OF ADVISORS

GIORGIO BERNINI
HORACIO A. GRIGERA NAÓN
BERNARD HANOTIAU
J. MARTIN H. HUNTER
NEIL KAPLAN
SERGEI N. LEBEDEV
PIERRE MAYER
WERNER MELIS
MICHAEL CHARLES PRYLES
CLAUDE REYMOND
OTTO SANDROCK
TOSHIO SAWADA
VINCENZO VIGORITI

President, International Council for Commercial Arbitration
Special Counsel, White & Case, Washington, D.C.
Partner, Hanotiau & van den Berg, Brussels
Barrister, London and Professor, Nottingham Law School
Chair, Hong Kong Int'l Arbitration Centre
President, Maritime Arbitration Commission, Moscow
Professor, Université de Paris I — Sorbonne, Paris
Chairman, Arbitral Centre of the Federal Economic Chamber, Vienna
President, Australian Centre for Int'l Commercial Arbitration
Professor, University of Geneva
Professor, University of Muenster
Vice-Chair, ICC Int'l Court of Arbitration
Professor, University of Florence