James Coben, Director of Hamline’s active and highly regarded Dispute Resolution Institute and a WAMR Editor for Domestic Mediation, has contributed a number of case summaries for this issue of WAMR. The topics range from the enforcement of mediation as a pre-condition to arbitration, to sanctions for the repeated failure to participate in mediation, and end with a court ruling on the judicial use of confidential arbitration information. (The News At Home section contains most of these contributions.)

Nadja Alexander’s book, entitled Global Trends in Mediation, is poised to appear in print. Professor Alexander, WAMR’s Editor for International Mediation, is one of the first scholars on mediation to undertake the study of the field from a comparative and international perspective. (The book announcement appears in the News Abroad section on page 98.)

A California court of appeal has held that a unilaterally imposed contractual term that bars class action arbitration is unconscionable. The language that prohibits class action arbitration needed to be severed from the agreement. (The case summary appears in the State Judicial Decisions section on page 103.)

Another California court of appeal has held that a binding arbitration clause in a retainer agreement was void under the California Mandatory Fee Arbitration statutes. These statutes were intended to remedy the disparity of bargaining power between lawyers and clients by giving clients a right to a trial of the matter after advisory arbitral proceedings. (The case summary appears in the State Judicial Decisions section on page 104.)

WAMR is pleased and privileged to publish a commentary on mediation by a well-known and distinguished Australian barrister. Ian Hanger, QC, provides an invigorating analysis of the benefits of mediation. Mr. Hanger also is one of Australia’s leading mediators. (The Commentary section begins on page 106.)

Lisa Brener’s article on the Costs and Value of Arbitration provides a timely, insightful, and comprehensive perspective on a topic of fundamental importance to the continuing development of arbitration law. To the Editor’s knowledge, this represents the first attempt to assess systematically this vital arbitration topic. “Th[e] article addresses the nature and scope of arbitration costs, as well as whether and under what circumstances the value of arbitration outweighs the fact that, in many cases, the overall expense to a party may be more than in traditional litigation. The impact of arbitration costs cannot be evaluated in a vacuum; the substantial benefits of arbitration, as opposed to traditional litigation, cannot be overlooked.” (The Perspectives section begins on page 111.) Part II of Ms. Brener’s article will appear in next month’s issue.
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BIBLIOGRAPHY

Recent Publications on Arbitration and ADR by Kimberly A. Koko

CALENDAR