

# World Arbitration & Mediation Report



Vol. 15, No. 12

Covering Dispute Resolution in the United States and Around the World

December 2004

## HIGHLIGHTS

The Editor and Publisher of the **WAMR** are pleased to announce that **Edward Anderson, Esq.**, Managing Director of the **National Arbitration Forum (NAF)**, has joined the WAMR Advisory Board. We are delighted to have the benefit of Mr. Anderson's experience and judgment on matters of arbitration and ADR. The NAF has become a significant entity in the provision of professional arbitral services.

The year-end issue of **WAMR** contains a substantial number of **case abstracts** from the **National Arbitration Forum (NAF)**. The cases address the salient issues of arbitration law: mutuality of the obligation to arbitrate; the common law right to clarify awards; the decisional sovereignty of the arbitrator; the *Kaplan* doctrine on arbitrability; the *Prima Paint* doctrine on allegations of fraud; the availability of attorney's fees, among others. (The *NAF Case Abstracts* begin on page 354.)

This issue also contains the inaugural presentation of two columns that will become a regular feature of **WAMR**. The first column is authored by **JAMS** and addresses and will continue to address important contemporary developments in the law and practice of arbitration. **WAMR** will carry six to eight *JAMS Columns on Arbitration* annually. The present column is entitled *Kompetenz-*

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*kompetenz—From Prima Paint and Kaplan to Howsam and Bazzle: Should International Arbitrators Decide Their own Authority to Rule?* It is written by **Robert B. Davidson, Esq.**, Executive Director of JAMS Arbitration Practice (New York City). (The *column* begins on page 371.)

The second column is the brainchild of **WAMR's** Editor for **International Mediation, Nadja Alexander**. Professor Alexander and her colleague, David Spencer, intend to provide a wide global perspective on the usage and implementation of mediation. The inaugural column provides a basic introduction to the emergence and practice of mediation in Australia. **Professors Alexander and Spencer** will supply between six and eight mediation columns annually. (The *column* begins on page 375.)

Additionally, Professor **Frédéric Bachand** (McGill Law Faculty), **WAMR** Editor for **Investment Arbitration**, provides a thorough appraisal of recent developments in **NAFTA and ICSID arbitration**. (The *International News* section begins on page 366.)

Finally, **Paul D. Friedland** of the law firm of **White and Case, L.L.C.** describes arbitration developments in Singapore, the Russian Federation, the United Kingdom, and Milan. (The *News Abroad* section begins on page 362.)

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The Dickinson School of Law

Juris Publishing, Inc., Huntington, NY, USA

Published in conjunction with Penn State University  
The Dickinson School of Law, Carlisle, PA, USA

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## Publication and Subscription Information

The WORLD ARBITRATION AND MEDIATION REPORT is published monthly by Juris Publishing, Inc., 71 New Street, Huntington, New York 11743; telephone: (631) 673-3330; fax: (631) 673-9117; (800) 887-4064; e-mail: [subscriptions@jurispub.com](mailto:subscriptions@jurispub.com). Visit our website at <http://www.jurispub.com>. The Report is distributed worldwide by Juris Publishing, Inc. Subscription price: In the United States: \$650.00 yearly; International: \$710.00 yearly. Prices include shipping & handling and complete online access to the full archive of *all* WAMR issues. ISSN # 0960-0949.

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