

DISPUTE RESOLUTION JOURNAL

Web Site

The *Dispute Resolution Journal* (**DRJ**) is available through its Publisher, JurisNet, LLC at www.arbitrationlaw.com and at www.jurispub.com.

Submission of Manuscripts

The American Arbitration Association actively seeks articles of high quality addressing current issues in dispute resolution. For article contributions, please e-mail your submission to Ted Pons, Vice President of Publications & ADR Resources/AAA Education Services, American Arbitration Association, at PonsT@adr.org.

Manuscript submissions should be accompanied by an assurance that the article has not been previously published or accepted elsewhere or an explanation as to how this submission differs from that previously published (*e.g.*, entails an excerpt from a previous publication or includes material not previously included). In circumstances where the article was published elsewhere, the appropriate permissions to reprint must be obtained by the author prior to submission

Subscriptions

A subscription to the *Dispute Resolution Journal* comprises four (4) issues per year. Subscription rates can be obtained and registration completed through Juris Publishing, at subscriptions@jurispub.com.

Permissions

To request permission to reproduce any article or information contained in this journal, please contact JurisNet, LLC, 71 New Street, Huntington, NY 11743, USA, Tel: (631) 350-2100, Fax: (631) 673-9117.

ISSN 1074-8105. For reference, this issue may be cited as *Dispute Resolution Journal*, Vol. 68, No. 3, JurisNet, LLC, Huntington, New York.

© JurisNet, LLC 2013. All rights reserved under the U.S. Copyright Act. No part of this publication may be reproduced, reprinted, stored in a retrieval system, transmitted in any form or by any means, including but not limited to digital, electronic, mechanical, recording, or photocopying without prior written permission or a license permitting restricted use from the Publisher.



AMERICAN ARBITRATION ASSOCIATION®



INTERNATIONAL CENTRE
FOR DISPUTE RESOLUTION®



Mediation.org™

DISPUTE RESOLUTION JOURNAL

Volume 68, No. 3
2013

TABLE OF CONTENTS

FOREWORD	iii
<i>In Memoriam: Judge Howard M. Holtzmann</i>	

ARTICLES

The “ <i>Circle of Assent</i> ” Doctrine and the Mandatory Pre-Dispute Arbitration Clause: When the Unconscionable Contract Analysis Just Won’t Do <i>Paul Bennett Marrow and Craig E. Penn</i>	1
Attorney Arbitrators Should Research Law: Permission of the Parties to Do So Is Not Required <i>M. Ross Shulmister</i>	29
Vacating an Arbitration Award: A Heavy Burden <i>Ira C. Wolpert</i>	45
Developing a Case Theory and a Case Theme <i>Jay E. Grenig and Rocco M. Scanza</i>	51
Streamlining the Employment Arbitration Process: How to Save Time and Money <i>Claudia D. Orr</i>	61

CORNELL CORNER

A Creative Industry Needs a Creative Solution: Why the Entertainment Industry Should Adopt Mediation as Its Primary Form of Dispute Resolution <i>Danielle Cara Newman</i>	71
---	----

SCHEINMAN SCHOLARS

- What Is the Best Model for Campus Mediation? 81
Laurel Kiorpes Parker
-

THE VIEW FROM EUROPE

- What's New in European Arbitration? 89
Stephan Wilske, Isabelle Michou and Gerold Zeiler
-

BOOK REVIEW

- Timothy G. Nelson reviews: *Procedure and Evidence in International Arbitration* by Jeffrey Waincymer 99