

WORLD ARBITRATION & MEDIATION REPORT

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Covering Dispute Resolution in the United States and Around the World

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HIGHLIGHTS

The **Kaiser Permanente** arbitration system has been challenged once again—this time by the California Health Care Council. In its suit, the Council alleges that Kaiser Permanente's **binding arbitration program** violates California law by requiring plan members to arbitrate all claims while allowing Kaiser Permanente to go to court. (Story at page 127.)

A bill on arbitration has been introduced in the **Georgia** state legislature. The proposed legislation is entitled *The 2003 Fairness in Arbitration Act*. It provides additional grounds for the stay of arbitral proceedings and for the vacatur of awards, including **manifest disregard of the law**. (Story at page 127.)

Chief Judge Robert M. Bell of the Maryland Court of Appeals has received the **D'Alemberte/Raven Award** from the ABA Section on Dispute Resolution. (Story at page 128.)

Robert Ackerman, a WAMR Editor for Domestic Mediation, provides an extensive description and evaluation of the *September 11 Victim Compensation Fund*. Professor Ackerman addresses the current operation of the fund and its prospects for the future. (The *Commentary* section begins at page 135.)

The *Perspectives* section contains the second and final part of **Lisa Brener's** article on *Costs and Value of Arbitration*. Ms. Brener provides a comprehensive review and assessment of the case law, including *Green Tree*, *Cole v. Burns International Security Services*, *Shankle*, *Rosenberg*, *Koveleskie*, *Arakawa*, and *Williams*. She also investigates the practices of the ICC in terms of costs. The topic of costs is instrumental to the continuing development of arbitration law. Ms. Brener's study not only is timely, but it is also insightful and rigorous. (The *Perspectives* section begins on page 142.)

Finally, **Kimberly Koko**, WAMR's Senior Editor, supplies some valuable bibliographic references. (The *Bibliography* begins on page 141.)

CONTENTS

AROUND THE STATES	127
JUDICIAL DECISIONS.	130
STATE JUDICIAL DECISIONS.	134
COMMENTARY.	135
BIBLIOGRAPHIC RESOURCES.....	141
PERSPECTIVES.....	142
CALENDAR.....	153

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IN THIS ISSUE**NEWS AT HOME**

A California Non-Profit Organization Challenges Arbitration Program as One-sided and Against California Law.....	127
Georgia's 2003 Fairness in Arbitration Act: Stays of Arbitration and Vacatur of Arbitral Awards.....	127
New Jersey's Revised Uniform Arbitration Act.....	127
Bibliography Announced on Court Mediation Programs.....	128
Wyoming Supreme Court Finds no Error When Divorce Judge Hears Evidence From a Failed Mediation.....	128
Head of Maryland Court of Appeals Receives National Award for Leadership in Alternative Dispute Resolution.....	128
D.C. Circuit Court Finds Unfair Labor Practice in Federal Agency Participation in EEO Mediation.....	129
California Enacts Rules Governing the Conduct of Mediators in its Court-Connected Mediation Programs for Civil Cases.....	129

JUDICIAL DECISIONS

The American Arbitration Association is Immune From Claims Based on the Wrongful Exercise of Jurisdiction.....	130
Bankruptcy Court Denies Enforcement of a Provision for Arbitration.....	132
A Foreign Government Voluntarily Waives its General Jurisdictional Immunity When it has a Foreign Arbitral Award Confirmed.....	133
Court Upholds Choice-of-Law Judicial Review Provisions in Arbitration Agreements and Enforces Awards.....	133

STATE JUDICIAL DECISIONS

California State Law Avoids Preemption Because of McCarran-Ferguson.....	134
--	-----

COMMENTARY

The September 11 Victim Compensation Fund: A Road From Hell Paved With Good Intentions by Robert M. Ackerman.....	135
--	-----

BIBLIOGRAPHIC RESOURCES

Recent Publications on Arbitration and ADR by Kimberly A. Koko.....	141
--	-----

PERSPECTIVES

Costs and Value of Arbitration, Part Two by Lisa Brener.....	142
---	-----

CALENDAR.....	153
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