Richard Chernick of JAMS has been named Chair of the ABA’s Section of Dispute Resolution. (Story at 243.)

The ICC International Court of Arbitration and the U.S. Council for International Business are sponsoring a major arbitration conference, entitled International Commercial Arbitration in Latin America: The ICC Perspective. The conference will be held on October 26-28, 2003 in Miami, Florida. Its purpose is to highlight aspects of international commercial arbitration that are particularly relevant to Latin America. (Story at page 245.)

Two U.S. Courts of Appeals have ruled recently on the question of the evident partiality of arbitrators. In JCI Communications, Inc., the First Circuit held that the mere fact that business rivals of one of the arbitrating parties are members of the arbitral tribunal does not constitute evident partiality. According to the court, evident partiality applies in circumstances in which a “reasonable person would have to conclude that an arbitrator was partial to one party to an arbitration.” In Sphere Drake Ins. Ltd., the Seventh Circuit held that a party-appointed arbitrator need not be disqualified because he served as full-time legal counsel for the appointing party in an unrelated insurance arbitration that occurred four years earlier. In its reasoning, the court stated that the standard expectation was that party-appointed arbitrators were supposed to advocate for the appointing party. (Case summaries in Case Digest at 243 and 244.)

The U.S. Supreme Court denied a petition for certiorari in Davis v. Southern Energy Homes, Inc. In Davis, the Eleventh Circuit held that the Magnuson-Moss Act permitted the arbitrability of disputes involving written warranties. (Story at page 246.)

The Perspectives section contains two articles on topics in international mediation. The articles were written under the supervision of Professor Nadja Alexander, WAMR’s Editor for International Mediation and Director of the Dispute Management Centre at the T.C. Beirne School of Law, University of Queensland, Australia. Professor Alexander is a leading expert on international mediation. In the articles, Professor Richard Birke of the Willamette University College of Law addresses the topic of “Standardizing Mediation Confidentiality in the United States.” Professor Mohamad Palekerb of the University of Cape Town (Department of Private Law) assesses “Court-Connected ADR in Civil Litigation” and argues that it is “The Key to Access to Justice in South Africa.” (The Perspectives section begins on page 249.)

In the Documentary Resources section, Timothy S. Cole of the National Arbitration Forum has provided the text of and commentary upon recent domain name awards. (The Documentary Resources section begins on page 255.)
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DOCUMENTARY RESOURCES

National Arbitration Forum (NAF)—Recent Domain Name Awards

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