Questions About This Publication

For assistance with shipments, billing or other customer service matters, please call our Customer Services Department at:

1-631-350-2100

To obtain a copy of this book, call our Sales Department:

1-631-351-5430
Fax: 1-631-637-9117

Toll Free Order Line:
1-800-887-4064 (United States & Canada)

See our web page about this book:
www.jurispub.com

COPYRIGHT © 2017
by JurisNet, LLC

All Rights Reserved
Printed in the United States of America

JurisNet, LLC
71 New Street
Huntington, New York 11743
USA
www.jurispub.com
TABLE OF CONTENTS

Foreword................................................................. iii

PART I: International Arbitrators and Institutions............. 1

Chapter 1................................................................. 3
  International Commercial Arbitration: Harmonizing
  Cultural Differences
  Julian D.M. Lew and Laurence Shore

Chapter 2................................................................. 13
  Selecting an Arbitral Institution to Administer International
  Arbitration: Are National or Regional Centers a Viable
  Option?
  John B. Tieder, Jr.

Chapter 3................................................................. 23
  Corruption, International Public Policy and the Duties of
  Arbitrators
  Bernardo M. Cremades and David J. A. Cairns

Chapter 4................................................................. 37
  Neutral Selection: Some Guidance from a Neutral
  Peter J. Michaelson

Chapter 5................................................................. 45
  Arbitrator’s Disclosure Standards: The Uncertainty Continues
  Juan M. Alcalá, Camilo Cardozo, and Orlando Segura, Jr.

Chapter 6................................................................. 65
  The Civil Law and Common Law Divide:
  An International Arbitrator Tells It Like He Sees It
  Pierre A. Karrer
PART II: International Arbitration Proceedings ................. 81

Chapter 7 .................................................................................. 83
   International Commercial Arbitration from a User’s Perspective: Are the Benefits More Theoretical than Real?
   Wolf von Kumberg

Chapter 8 .................................................................................. 95
   The Power of Constraint to Control Time and Costs in Arbitration
   Julie Bédard and Amanda Raymond Kalantirsky

Chapter 9 .................................................................................. 105
   The Role of Party Autonomy in International Arbitration
   Karl-Heinz Böckstiegel

Chapter 10 .................................................................................. 117
   Presenting, Taking and Evaluating Evidence in International Arbitration
   Karl-Heinz Böckstiegel

Chapter 11 .................................................................................. 127
   Arbitral Interim Measures: Fact or Fiction?
   Raymond J. Werbicki

Chapter 12 .................................................................................. 143
   Saving Time and Money in Cross-Border Commercial Disputes
   Walter G. Gans

Chapter 13 .................................................................................. 151
   In International Arbitration, Disclosure Rules at the Place of Enforcement Matter Too
   Peter L. Michaelson

PART III: The Enforcement of Arbitral Awards ................. 161

Chapter 14 .................................................................................. 163
   Judicial Review of Awards in Ongoing Arbitrations: “Finality” as a Term of Art
   Marc J. Goldstein
# TABLE OF CONTENTS

**Chapter 15** Procedural Public Policy Cases in International Commercial Arbitration

Inae Yang

**Chapter 16** Respecting Awards Anulled at the Seat of Arbitration: The Road from *Chromalloy* to *TermoRio*

Jonathan I. Blackman and Ellie Norton

**Chapter 17** Enforceability of Foreign Arbitration Awards in the U.S.

Vince Ferrito

**PART IV: International Mediation**

**Chapter 18** Confidentiality in International Mediation

Klaus Reichert

**Chapter 19** Negotiating in Good Faith

David I. Bristow and Edward W. Lynde

**Chapter 20** Selecting a Mediator in International Disputes: Dare We Speak of Mediation as “Winnable”?

Claudia T. Salomon

**Chapter 21** The Power of Mediation to Resolve International Commercial Disputes and Repair Business Relationships

Alexandra Alvarado Bowen

**Chapter 22** What’s Brewing in the International Commercial Mediation Process: Differences from Domestic Mediation and Other Things Parties, Counsel, and Mediators Should Know

Paul E. Mason
Chapter 23: Mediation and the North American Free Trade Agreement
Steven K. Andersen

Chapter 24: Mediating International Environmental Tort Claims in the Shadow of the Alien Tort Claims Act
William G. Bassler and Yitzchok Segal

PART V: Investment Arbitration

Chapter 25: Why Arbitrating against a State Is Different: Thirteen Key Reasons
Barry Leon and John Terry

Chapter 26: Ten Golden Rules for U.S. Investors to Follow in Dispute Resolution Negotiations with a Foreign State or State Entity
Arif H. Ali and Baiju S. Vasani

Chapter 27: Bilateral Investment Treaties and Arbitration
Marco E. Schnabl, Timothy G. Nelson, Julie Bédard, and Barry H. Garfinkel

Chapter 28: An Investigation of WTO Arbitration Mechanism
Georgios I. Zekos

Chapter 29: Investment Treaty Arbitration’s Contribution to International Commercial Arbitration
Barton Legum

Chapter 30: Investor Protection and Legal Security in International Arbitration
Bernardo M. Cremades
# TABLE OF CONTENTS

**Chapter 31** ................................................................................................................. 405  
  Developments in NAFTA Arbitration:  
  From Jury Verdicts to Amicus Briefs  
  *John M. Townsend*  

**Index** ......................................................................................................................... 415