

PREFACE

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When one thinks of someone who had more than 10,000 students into the intricacies of international arbitration, opened the doors of teaching to a great number of teaching assistants, tailored the minds and installed a spirit of criticism and curiosity for knowledge to the Columbia Law School (CLS) international arbitration Alumni for almost five decades, there is only one name that comes to mind: Professor George Bermann. This merely scratches the surface of what Professor Bermann has done so far.

Although words cannot describe all his accomplishments and qualities, it is fair to say, in a nutshell—a word that reminds one of his books, “International Commercial Arbitration in a Nutshell”—, that Professor Bermann is an intellectually curious and generous person who explored and unveiled what became some of the basic pillars of international arbitration law. His course on “International Arbitration and Private International Law” is living proof of that, as well as many other books and chapters he wrote on international arbitration. Alongside the much missed Professor Emmanuel Gaillard, and with the assistance of Yas Banifatemi, Professor Bermann accepted the challenging invitation made by UNCITRAL and prepared the Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the 1958 New York Convention) (Guide), which aims to promote the uniform and effective interpretation and application of the New York Convention with a view to limit the risk that State practice might diverge from its spirit. This Guide is one of the most comprehensive works ever done on the New York Convention.

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⁴ Kabir Duggal is a Lecturer-in-Law at Columbia Law School and the Managing Editor of Columbia's *The American Review of International Arbitration*. Professor Bermann introduced Kabir to arbitration even though he was not his student and Kabir considers Professor Bermann not just as his mentor but rather as part of his family.

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His influence also reflects the arbitration law in the U.S. Professor Bermann has been helping to shape arbitration in the U.S., the country where he has been teaching for decades at Columbia Law School courses mainly on international commercial arbitration, investment treaty arbitration, and transnational litigation. In addition to actively participating on the most important and controversial U.S. courts judgments on arbitration-related matters as *amicus curiae*, drafting very clear and thorough briefs fighting the pro-arbitration idea (e.g., the discussions about the enforceability of arbitration agreements, the “who decides question,” one of his favorite topics, and about the availability of U.S.-style discovery in aid of private international arbitration proceedings), Professor Bermann was the reporter of the famous Restatement of the Law, The U.S. Law of International Commercial and Investor–State Arbitration, an initiative led by the American Law Institute. With more than one thousand pages, the Restatement, in Professor Bermann’s words, “focuses on what courts are asked to do and, among the things they’re asked to do, what they are willing to do. Essentially we have three phases in the life cycle of an arbitration where a court is invited to intervene: launching the arbitration, arbitral proceedings, and post-award.”

Remarkably, Professor Bermann made it his mission to explore arbitration not as an isolated area, but rather as a broader phenomenon in interaction with courts. And this is fundamental to guarantee arbitration’s legitimacy since the Judiciary usually has the final say over the validity of any arbitration proceedings. His article entitled “The ‘Gateway’ Problem in International Commercial Arbitration,” one of Professor Bermann’s masterpieces, is recommended for reading across arbitration schools around the world.

It is also noteworthy his unprecedented work for the American Review of International Arbitration (ARIA), Columbia Law School’s quarterly law review that publishes scholarly articles, commentaries on recent developments, case notes, and other materials relating to international commercial arbitration. As ARIA’s Editor-In-Chief for a long time, Professor Bermann has made it the only publication of its kind in the U.S. and one of the leading publications in the field internationally. Also at Columbia Law School, Professor Bermann has been leading the countless efforts of the Columbia International Arbitration Association, including enthusiastically guiding students to organize the unique annual Columbia Arbitration Day. His passion also led to the establishment in 2012 the Center for International Commercial and Investment Arbitration at Columbia Law School, which was founded with the intention to serve as a think tank for advanced theory and practice, a Center that integrates the law and practice of international arbitration with related participants and stakeholders in the field, and much more.

This is not the first tribute Professor Bermann receives. This is not a surprise. So much contribution to the arbitration academy from a world-renowned authority on comparative law, EU law, international trade contracts, WTO dispute resolution, and transnational litigation and arbitration does not

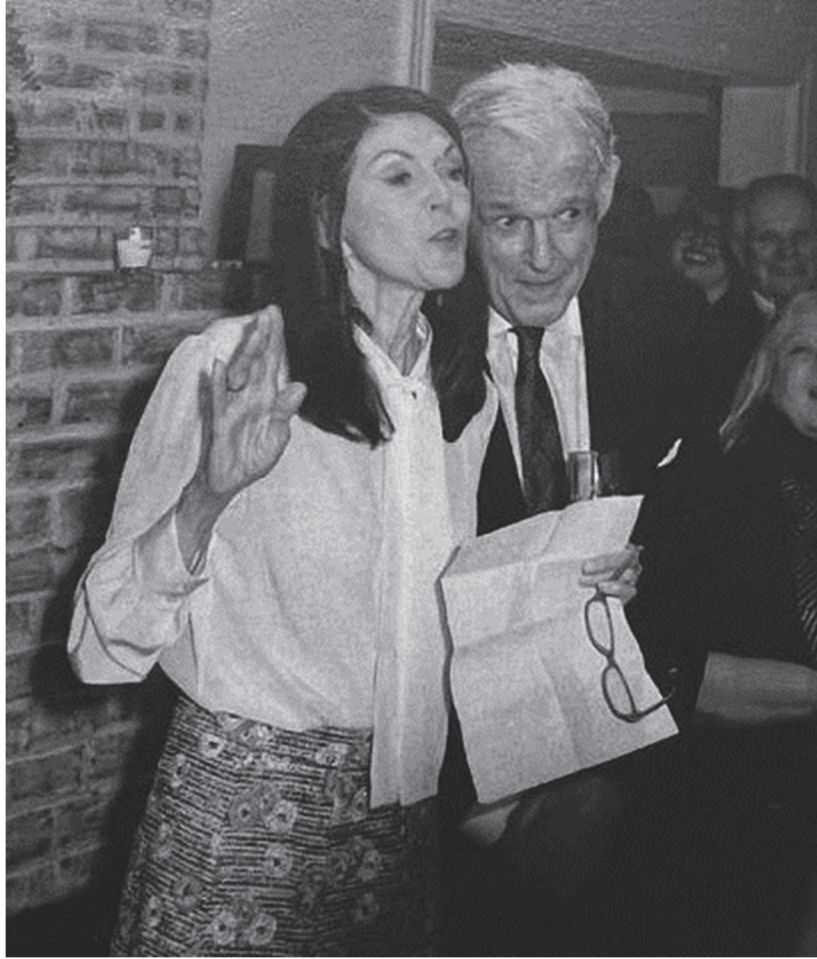
go unnoticed. Indeed, two of his former students who are top-notch arbitration practitioners, namely Julie Bédard and Patrick Pearsall, just published another tribute entitled “Reflections on International Arbitration—Essays in Honor of Professor George Bermann” by Juris Publishing. And yes, this will surely not be the last honor he receives.

But the new well-deserved tribute to Professor Bermann as we now present to the arbitration world is special. It is much more than a tribute. This is the first time that a Columbia Law School professor receives a book in his honor written in collaboration by such a large group of CLS Alumni from all over the world and esteemed Columbia University faculty—the book impressively has more than 100 coauthors! This number reflects, among many things, a very unique approach that Professor Bermann has towards lawyers, both domestic and international. As a Columbia Law School LL.M. alumnus himself, Professor Bermann is constantly pushing CLS faculty and students to interact deeply irrespective of their program of study, whether a Juris Doctor (*J.D.*) degree or a Legis Magister (*LL.M.*) degree. As anticipated, several of Professor Bermann’s faculty at Columbia involved in international arbitration have also contributed to this volume to honor this legend.

We must say that there were much more alumni who were eager to contribute to this collection of articles. But, as always, conciseness is a must-achieve feature for lawyers; and so, a concise book was in order. This notwithstanding, conciseness was not a barrier to get one of the most diverse body of worldwide contributors that the arbitration community has ever seen. Although this book contains the views of 105 contributors, it simply represents the great academic respect and personal esteem that more than 10,000 students Professor Bermann has had over the years feel for him.

We the editors—Kabir Duggal, Elora Neto Godry Farias, Gustavo Favero Vaughn, Mateo Verdias and Gino Rivas—are overjoyed to help this Columbia Law School Alumni tribute come to life, in honor of a fantastic person who has been defined as being himself a “gateway to international arbitration.” At a personal level, Professor Bermann is like an extended family to each of us and, for that, we are eternally grateful.

We now invite you all to go through the excellent scholarly contributions contained in this book, reading between the lines—or sometimes even in the lines—about the great appreciation and respect that our entire community feels towards our very own Professor Bermann.



Professor George Bermann and Professor Sandra Bermann, Princeton, New Jersey on the occasion of their 50th wedding anniversary.
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