

TABLE OF CONTENTS

About the Author	xi
Preface	xiii
Chapter 1	
What Claims May Be Arbitrated	1
Chapter 2	
Separability	5
Chapter 3	
The Proper Law	7
Chapter 4	
Conditions Precedent to a Reference	15
Chapter 5	
Getting Started	25
Chapter 6	
Parties and International Commercial Arbitration	27
Chapter 7	
Arbitral Independence.....	37
Chapter 8	
Duties and Obligations of the Arbitral Tribunal	43
Chapter 9	
Preliminary Meeting	47
Chapter 10	
Terms of Reference and Lists of Issues	51
Chapter 11	
Secretaries	53
Chapter 12	
Representation	59

HANDBOOK ON INTERNATIONAL COMMERCIAL ARBITRATION

Chapter 13	
Written Pleadings.....	61
Chapter 14	
Set-Off	71
Chapter 15	
Interim Measures	75
Chapter 16	
Procedural Agreements and Party Autonomy.....	81
Chapter 17	
Giving Discovery	85
Chapter 18	
Disputes on the Extent of Discovery Given.....	95
Chapter 19	
Confidentiality as a Ground for Resisting Disclosure	101
Chapter 20	
Confidentiality and Subsequent Use.....	105
Chapter 21	
Enforcement of Discovery by Assistance from National Courts	111
Chapter 22	
Data Protection and Discovery	115
Chapter 23	
Foreign Languages and Translations	119
Chapter 24	
Documents for Impeachment.....	121
Chapter 25	
Continuing Duty of Discovery.....	123

TABLE OF CONTENTS

Chapter 26	
Electronic Documents.....	125
Chapter 27	
Legal Professional Privilege: Who and What Is Covered?.....	135
Chapter 28	
Non-Party Discovery	153
Chapter 29	
Bundles	161
Chapter 30	
Witness Statements	163
Chapter 31	
Expenses of Witnesses.....	169
Chapter 32	
Expert Evidence	173
Chapter 33	
Evidentiary Hearings and Advocacy in International Commercial Arbitration.....	185
Chapter 34	
Precedent.....	191
Chapter 35	
Damages.....	193
Chapter 36	
Costs in International Arbitration	215
Chapter 37	
Costs Capping	219
Chapter 38	
Security for Costs.....	223

Chapter 39	
Costs Orders.....	229
Chapter 40	
Discontinuance and Costs.....	231
Chapter 41	
Costs of Applications.....	237
Chapter 42	
Costs of the Reference	239
Chapter 43	
Costs: Assessing the Amounts	253
Chapter 44	
The Award	257
Appendix 1	
Laws of the Arbitration	269
Appendix 2	
Sample Formal Parts of Award on Non-Compliance with Condition Precedent.....	271
Appendix 3	
Sample Request for Arbitration	273
Appendix 4	
Sample Answer to Request	277
Appendix 5	
Sample Joint Letter to Potential Chairman from Counsel to Parties	279
Appendix 6	
Sample Agenda for First Meeting.....	281
Appendix 7	
Sample Terms of Reference.....	285

TABLE OF CONTENTS

Appendix 8	
Sample List of Issues	291
Appendix 9	
Sample Letter for the Appointment of a Secretary	293
Appendix 10	
Sample Order for Limiting Written Pleadings	297
Appendix 11	
Sample Responsive and Amalgamated Defence with Claim	299
Appendix 12	
Sample Letter of Application to Tribunal for Various Orders (Including Discovery)	305
Appendix 13	
Sample Order for Full Discovery	309
Appendix 14	
Sample Order for Reduced Discovery	311
Appendix 15	
Sample Order for Limited Discovery — Only Documents Relied Upon	313
Appendix 16	
Sample Order for Limiting Discovery	315
Appendix 17	
Table Comparing Disclosure under Various Arbitration Models	317
Appendix 18	
Sample Procedural Order for Discovery Disputes	319
Appendix 19	
Sample Order Stating Chairman's Role in Deciding Discovery Disputes	321

Appendix 20	
Sample Order for Disclosure of Information that May Contain Personal Data	323
Appendix 21	
Sample Order Governing Treatment of Foreign Languages and Translations	325
Appendix 22	
Sample Order Governing Treatment of Electronic Documents	327
Appendix 23	
Sample Order Governing Treatment of Bundles	329
Appendix 24	
Sample Order Permitting Expert Evidence	331
Appendix 25	
Sample Declaration by Expert	333
Appendix 26	
Checklist of Key Components of an Award	335
Appendix 27	
Sample Consent Award	339
Appendix 28	
Sample Costs Capping Order	341
Appendix 29	
Types of Costs Orders	343
Appendix 30	
Sample Orders for Security for Costs	345
Appendix 31	
Sample “Sealed Offer”	347

TABLE OF CONTENTS

Appendix 32	
UNCITRAL Model Law on International Commercial Arbitration	349
Appendix 33	
ICC Rules of Arbitration.....	393
Appendix 34	
LCIA Arbitration Rules	413
Appendix 35	
AAA-ICDR Dispute Resolution Procedures	445
Appendix 36	
UNCITRAL Arbitration Rules	477
Appendix 37	
UNCITRAL Notes on Organizing Arbitral Proceedings.....	497
Appendix 38	
IBA Rules on the Taking of Evidence in International Commercial Arbitration.....	525
Appendix 39	
IBA Guidelines on Conflicts of Interest in International Arbitration	537
Appendix 40	
Contact Information for Various International Arbitral Institutions	559
Table of Cases	563
Index	573
Appendices 1–40	Enclosed CD-ROM