

Contents

Foreword by <i>Gerald Aksen</i>	xxv
Foreword by <i>Robert B. von Mehren</i>	xxix
Contributors	xxxiii
Introduction by <i>James H. Carter and John Fellas</i>	xliii

Chapter 1

The Law Applicable to International Arbitration in New York	1
<i>David M. Lindsey and Yasmine Lahlou</i>	
A. Scope of this Chapter	1
B. The FAA and How It Works	2
1. Fundamental Issues.	2
(a) What Is the FAA?	2
(b) Defining Preemption	3
(c) Jurisdiction of Federal Courts	4
2. FAA Chapter 1: The Federal Law of Arbitration.	4
(a) Section 1	5
(b) Section 2	5
(c) Sections 3–4	6
(d) Sections 5–6	6
(e) Section 7	6
(f) Sections 9–13, 16	7
(i) The Provisions.	7
(ii) California Dreaming: <i>Hall Street and Cable Dis-Connection</i>	9

3. Chapter 2: The New York Convention	10
4. Chapter 3: The Panama Convention	11
C. The FAA and the New York State Arbitration Statute	12
1. State Law on Court's Authority to Decide Statute of Limitations as Threshold Matter	13
2. State Law Limiting Time to Object to Validity of Agreement to Arbitrate.	14
3. State Law Prohibiting Predispute Arbitration Agreements in Consumer Contracts	15
D. Applicable Law Regarding Recognition of Arbitration Agreements under the Conventions	15
1. Separability, the Conventions, and the FAA.	15
(a) Separability Doctrine	15
(b) The New York Convention	16
(c) The FAA	17
2. Applicable Law Regarding Formation and Substantive Validity of the Agreement to Arbitrate	18
(a) Case Law from the Second Circuit Applying Law of Forum	19
(b) Consideration of State Contract Law Principles when Applying Law of Forum in the Second Circuit.	21
(c) Case Law from the Second Circuit Applying Law of the Underlying Contract	22
(d) Consideration of Internationally Recognized Minimum Standards.	23
3. Applicable Law Regarding Formal Validity of the Agreement to Arbitrate Pursuant to the Terms of the Conventions	24
4. Applicable Law Regarding Arbitrability	25
5. Applicable Law Regarding Interpretation and Scope	26
6. Applicable Law Regarding Capacity and Competence	26
E. Applicable Law Regarding Recognition and Enforcement of Convention Awards	26
1. Application of the Conventions.	27
2. Nondomestic Awards Rendered in the United States or Pursuant to U.S. Arbitration Law May Be Vacated Under U.S. Arbitration Law	28
3. Arbitral Awards Rendered Outside the United States or Pursuant to a Foreign Law May Not Be Vacated Under U.S. Law.	29

4. Relevance of New York Arbitration Law to Arbitral Award	31
F. Effective Governing Law Clauses.	32

Chapter 2

The Impact of U.S. Litigation 35

Oliver J. Armas and Hon. George Bundy Smith

A. Introduction	35
B. Overview of U.S. Litigation	36
1. The U.S. Legal System: An Adversarial Model	36
2. Structure of Courts in the United States	38
3. Sources of the Law Governing U.S. Litigation	40
(a) The Substantive Law	40
(i) The Common Law	40
(ii) The Equity.	41
(b) Rules of Civil Procedure	41
(c) The Constitution, Rules of Evidence, Local Court, and Judge Rules.	42
(d) Ethical Obligations and Codes	43
4. Civil Procedure: A Guide to the Chronology of Litigation.	44
C. Commencement of the Litigation	46
1. Pleadings: The Complaint and Answer	47
2. The Court's Authority to Oversee the Litigation: Jurisdiction	50
(a) Subject-Matter Jurisdiction	50
(b) Territorial Jurisdiction	51
D. Procedural Calendar.	51
1. Managing the Case	52
2. Pretrial Conferences	52
3. The Scheduling Order	53
E. Discovery: Establishing the Facts and Marshaling the Evidence.	54
1. Discovery in the Adversarial Model.	55
2. Rules, Methods, and Mechanisms of Discovery in U.S. Litigation	55
(a) Federal Rule of Civil Procedure 26	56
(b) Depositions, Document Requests, and Third-Party Subpoenas	57
(c) The Doctrine of Privilege	58

3. Expert Discovery	59
4. Electronic Discovery	60
5. Using the Evidence: The Summary Judgment Motion.	60
F. Pretrial Matters and Presentation of the Case	61
G. Decision and Judgment	63
1. Judgment in Jury Trial.	64
2. Judgment in Bench Trial	65
H. Costs	65
I. Appeals: Challenging the Judgment	67
1. The “Final Judgment” Rule	67
2. Appeals to Higher Courts.	68
3. Scope of Appellate Review	68
J. Conclusion	69

Chapter 3

Drafting Considerations for Clauses Designating New York as the Place of Arbitration 71

Paul D. Friedland

A. Preliminary Drafting Considerations Not Particular to Arbitration in New York	71
1. Essential Elements	71
2. Recommended Elements.	73
B. Drafting Considerations Specific to Clauses Providing for Arbitration in New York	73
1. The Law Governing Clauses Providing for Arbitration in New York	73
2. Jurisdictional Considerations	75
(a) <i>Kompetenz-Kompetenz</i>	75
(b) Arbitral Jurisdiction to Resolve Preliminary Issues	76
(c) Jurisdiction over Nonsignatories.	78
3. Powers and Duties of the Arbitral Tribunal	78
(a) Impartiality of Arbitrators	78
(b) Allocation of Costs and Fees	79
(c) Punitive Damages.	80

4. Arbitral Process	80
(a) Discovery	80
(b) Consolidation of Proceedings	83
(c) Confidentiality	84
5. Considerations Relating to Judicial Powers	85
(a) Provisional Measures	85
(b) Modifying the Scope of Judicial Review	86
(c) Enforcement of Awards	87

Chapter 4

The Application of New York Law to Contracts 89

David W. Rivkin

A. Choice of Law Rules in New York	90
B. Contract Formation	92
1. Elements of a Contract	93
2. Future Contracts	95
3. Authority to Enter Contracts	96
C. What Constitutes a Breach	97
1. Material Breach	97
2. Substantial Performance	98
3. Anticipatory Breach and Repudiation	99
4. Divisible or Installment Contracts	99
D. Consequences of Breach of Contract	100
1. Effect on the Performance of the Nonbreaching Party	100
2. Measure of Damages	101
3. Equitable Relief	103
E. Claims Ancillary to Breach of Contract	104
1. Arbitrability of Ancillary Claims	104
2. Claims Ancillary to Breach of Contract under New York Law	105
(a) Implied Covenant of Good Faith and Fair Dealing	105
(b) Unjust Enrichment	106
(c) Fraud in the Inducement	107

(d) Fraud in the Performance	108
(e) Third-Party Beneficiaries	108
F. Special Issues Arising under New York Law of Contracts	109
1. Merger Clauses	109
2. "Best Efforts" vs. "Reasonable Efforts"	110
3. Changed Circumstances and <i>Force Majeure</i>	111

Chapter 5

The Selection of Arbitrators 113

James H. Carter

A. Tribunal Structure	113
1. Detailed Arbitrator Selection Clauses	114
2. Incorporation of Arbitral Rules Governing Tribunal Formation	114
(a) ICDR International Rules	114
(b) AAA Commercial Rules	116
(c) ICC Rules	116
(d) UNCITRAL Rules	117
(e) CPR Rules	117
3. Idiosyncratic Appointing Authorities in New York	118
4. Dysfunctional Clauses Referring to Nonexistent or Unavailable Institutions	119
5. Statutory Default Procedures	119
B. Strategy in Selecting Members of a Tripartite Tribunal	120
1. Role of the Default Mechanism	120
2. Lawyers vs. Nonlawyers	121
3. Special Professional Qualifications	121
4. Nationality	122
C. Neutrality of Party-Appointed Arbitrators	122
D. Where to Find Arbitrator Candidates	123
1. The CPR Roster	123
2. The Energy Arbitrators' List	124
3. The JAMS Roster	124
4. ICDR/U.S. Council for International Business	124
5. Lawyer Directories	124

E. The Selection Process	125
1. Communications with Party-Appointed Arbitrators	125
2. Role of the Party-Appointed Arbitrators in Selecting a Chairman	128
3. Negotiating Selection of a Chairman	129
4. Convincing the Chairman to Serve	130
F. Arbitrator Compensation and Conflicts Waivers	130
G. Conflicts Checks and Arbitrator Disclosures	131
H. Challenges and Replacement of Arbitrators	133

Chapter 6

Jurisdiction: Courts vs. Arbitrators	135
<i>Professor George A. Bermann</i>	
A. Introduction	135
1. The Arbitration Agreement	135
2. Arbitral Jurisdiction	136
3. Policy Dimensions of Arbitral Jurisdiction	138
4. <i>Kompetenz-Kompetenz</i> and Severability as Guides to Allocating Authority over Arbitral Jurisdiction	138
B. The “Arbitral Jurisdiction” Scenarios	139
C. Asserting Arbitral Jurisdiction in Judicial Proceedings Prior to Arbitration	140
1. Choice of Law Governing Interpretation and Enforcement of the Arbitration Agreement	141
2. Severability as a Guide to Validity Questions	145
3. <i>Kompetenz-Kompetenz</i> and the Arbitrators’ Jurisdiction	147
(a) Who Decides Party Issues?	148
(b) Who Decides Scope Issues?	149
(c) Who Decides Validity Issues?	149
(d) Who Decides Arbitrability and “Arbitrability-related” Issues?	150
4. Forum-Specific Issues: When and on What Grounds May Courts Avoid Arbitration of Otherwise Arbitrable Disputes?	152
(a) Limitation Periods	153
(b) Waiver of a Party’s Right to Arbitrate the Dispute	154
(c) Res Judicata and Collateral Estoppel	154

5. Appealability of Courts' Arbitral Jurisdiction Determinations	156
D. Arbitral Jurisdiction before the Arbitrators	157
1. Procedural Aspects of Arbitrators' Jurisdictional Determinations	158
(a) Timing and Form of Jurisdictional Objections	158
(b) Deferring the Jurisdictional Determination and Joining It with the Merits	160
(c) Special Jurisdictional Procedures for Different Institutional Regimes	160
2. Choice of Law Governing Arbitrators' Jurisdictional Determinations	161
3. <i>Kompetenz-Kompetenz</i> and the Scope and Validity of the Arbitrators' Jurisdiction	162
(a) Preclusive Effect of Prior Judicial Determinations	163
(b) Waiver of Jurisdictional Challenges	165
4. Preclusive Effect of Prior Judicial Determinations on Forum-specific Issues.	165
5. Appealability of Interim Arbitral Determinations of Arbitral Jurisdiction.	167
E. Arbitral Jurisdiction upon Vacatur	168
1. Confirmation and Vacatur of Awards Rendered in New York	168
2. Law Governing the Interpretation and Validity of the Arbitration Agreement	170
3. <i>Kompetenz-Kompetenz</i> and Judicial Review upon Vacatur	171
(a) Review of the Arbitrators' Decision as to the Parties Bound by the Agreement.	172
(b) Review of Arbitrators' Determination of Scope of Arbitration Agreement	175
(c) Review of Arbitral Determinations of the Validity of the Arbitration Agreement	177
(i) Severability at the Vacatur Stage	177
(ii) Deference on Validity of the Arbitration Agreement.	178
(iii) Deference to Arbitrators on "Arbitrability-Related" Issues	179
(d) Deference in Cases Where a Court Compelling Arbitration Has Ruled on the Jurisdictional Issue	181
(e) Waiver of Jurisdictional Objections by Failure to Raise Them Before Vacatur	182
4. Deference to Arbitrators on Forum-Specific Issues	183

F. Arbitral Jurisdiction at Recognition and Enforcement.	184
1. The Place of Arbitral Jurisdiction in Recognition and Enforcement	185
2. Choice of Law Governing the Recognition and Enforcement of an Arbitral Award and Defenses Thereto.	186
3. <i>Kompetenz-Kompetenz</i> and Review of Arbitral Jurisdiction in Recognition and Enforcement Proceedings.	187
(a) Deference to Prior Arbitral Decision as to the Parties Bound by the Agreement.	188
(b) Deference to the Arbitrators' Determination of Scope of Agreement.	191
(c) Deference to Arbitrators' Determination as to Validity of Agreement.	193
(d) Deference to Arbitrators on Arbitrability and "Arbitrability-Related" Issues	196
4. Deference to Arbitrators and Vacatur Courts on Forum-Specific Issues	197
5. Waiver of Jurisdiction Challenges.	198

Chapter 7

Enforcing International Arbitration Agreements. **201**

John Fellas

A. Proceeding with the Arbitration without Court Intervention	202
B. Court Intervention: Introduction.	203
1. The Federal Policy in Favor of Arbitration and the New York and Panama Conventions	204
(a) The Federal Policy in Favor of Arbitration	204
(b) The New York and Panama Conventions	205
2. The Jurisdiction of U.S. Federal Courts	207
(a) Subject-Matter Jurisdiction	207
(b) Personal Jurisdiction	210
3. The Allocation of Power between Arbitrators and Courts	210
(a) <i>Kompetenz-Kompetenz</i>	211
(b) The Separability Presumption.	213
4. Common Arbitrability Issues	215
(a) Challenges to the Contract	216
(i) Challenges to the Validity of the Contract vs. a Claim that No Contract Was Ever Concluded	216

(ii) Challenges to the Validity of the Contract as a Whole vs. Challenges Directed Specifically at the Arbitration Clause . . .	217
(b) Nonsignatories	218
(i) Introduction	218
(ii) Theories by which Nonsignatories Can Be Obligated to Arbitrate	220
a. Incorporation by Reference	221
b. Assumption by Conduct	221
c. Agency	221
d. Alter Ego/Piercing of the Corporate Veil	221
e. Estoppel	222
f. Third-Party Beneficiary	222
(c) The Scope of an Arbitration Clause	222
(i) Referring Disputes about Scope to the Arbitrators	223
(ii) Judicial Resolution of Disputes about Scope	224
(d) Waiver	227
C. Court Intervention: Compelling Arbitration	228
1. Actions to Compel Arbitration under the Federal Arbitration Act . . .	228
2. CPLR § 7503(c).	230
D. Court Intervention: Staying Litigation Commenced in the United States in Breach of an Arbitration Clause.	233
1. Motions to Stay or Dismiss Litigation under the Federal Arbitration Act	233
2. The Arbitrability of Claims under U.S. Law	235
3. Cases that Include Nonarbitrable Claims	236
E. Court Intervention: Antisuit Injunctions	238
1. Antisuit Injunctions: An Overview	238
2. Circumstances in Which Courts Grant Antisuit Injunctions to Enforce Arbitration Agreements	240
3. Circumstances Where Courts Have Denied Antisuit Injunctions in Aid of Arbitration	245
F. Damages for Breach of an Arbitration Agreement	248
G. Conclusion	248

Chapter 8

Obtaining Preliminary Relief	249
<i>Robert H. Smit and Tyler B. Robinson</i>	
A. Introduction to Preliminary Relief	249
B. Preliminary Relief from Arbitral Tribunals in New York	250
1. The Authority of Arbitral Tribunals to Issue Preliminary Relief.	250
(a) Authority Derived from the Arbitration Clause and the Chosen Arbitration Rules	251
(b) Authority Derived from Applicable Arbitration Law	252
2. Preliminary Relief from Arbitral Tribunals: Types of Relief.	254
3. Preliminary Relief from Arbitral Tribunals: Procedures	255
4. Preliminary Relief from Arbitral Tribunals: Judicial Enforcement.	256
5. Preliminary Relief from an Emergency Arbitrator	258
(a) The Need for Emergency Arbitral Relief.	258
(b) B.5(b) Overview of Emergency Arbitral Relief Procedures.	258
C. Preliminary Relief from Courts in Aid of Arbitration	260
1. The New York Convention and Preliminary Relief	261
2. Preliminary Relief from Federal Court	263
3. Preliminary Relief from New York State Courts	265
(a) Preliminary Relief under NY CPLR § 7502(c)	266
(b) Additional Requirements for Grant of Preliminary Relief	267

Chapter 9

Discovery	269
<i>John L. Gardiner, Lea Haber Kuck, and Julie Bédard</i>	
A. Introduction	269
B. Framework for Discovery in International Arbitrations Venued in New York	270
1. Statutory Framework	270
(a) The Federal Arbitration Act	270
(b) The New York Civil Practice Law and Rules	270
2. Courts in New York Support Party Autonomy: Supremacy of the Parties' Agreement on Discovery	271

3. In the Absence of an Agreement to the Contrary, Discovery in Arbitration Will Be More Limited than Discovery in Litigation in State or Federal Court	273
4. Arbitration Rules and Guidelines	274
(a) International Chamber of Commerce	275
(b) International Centre for Dispute Resolution	275
(c) U.N. Commission on International Trade Law	276
(d) International Institute for Conflict Prevention and Resolution	276
(e) The International Bar Association’s Rules on Taking of Evidence in International Commercial Arbitration	278
5. The Discretion of the Arbitral Tribunal	278
C. Discovery between the Parties	280
1. Document Discovery	280
(a) Documents in “Hard Copy” Form	280
(b) Electronically Stored Documents and Information	281
(c) Consequences of a Party’s Failure to Produce Documents	283
2. Availability of Depositions	285
3. Other Discovery Devices	285
4. Privilege	286
5. Confidentiality	287
D. Obtaining Discovery from Nonparties	288
E. Discovery from Expert Witnesses	290
F. Discovery when Seeking Preliminary Relief in Aid of Arbitration	291
G. Discovery in New York in Aid of a Foreign Arbitration	291

Chapter 10

Damages in International Arbitration 295

Claudia T. Salomon and Peter D. Sharp

A. Introduction	295
B. Principles Controlling the Proof and Calculation of Damages	296
1. Commercial Damages for Breach of Contract	296
2. Money Damages vs. Specific Performance	297
3. Expectation Damages	299
(a) General Damages	299

(b) Special Damages	300
(c) Duty to Mitigate	302
4. Liquidated Damages and Penalties	302
5. Punitive Damages	303
6. Alternate Theories of Commercial Damages	304
(a) Reliance	304
(b) Restitution	305
7. A Special Case: Demonstrating Damages for Anticipated Future Profits from a Lost Business Opportunity	306
(a) New York Law	306
(b) International Law	307
a. Evidence-based Methods	309
b. Estimate-based Methods	309
C. Calculation of Interest in Damages Awards	311
1. Interest under New York Law	311
(a) Prejudgment Interest	311
(b) Postjudgment Interest	312
D. Awards of Tribunal Costs and Attorneys' Fees	312
1. Awards of Tribunal Costs	313
2. Awards of Attorneys' Fees	314
(a) Determining "Reasonableness" in Calculating Fee Awards	315
(b) Power to Award Fees and the Timing of Awards	315
E. Corrections, Interpretations, and Additional Awards	316

Chapter 11

Class Action Arbitration	319
<i>William H. Baker</i>	
A. General Principles Governing Class Actions in Courts in the United States	320
B. The U.S. Supreme Court's Decision in <i>Bazzle</i>	322
C. The Class Arbitration Rules Established by the AAA and JAMS Following <i>Bazzle</i>	327
1. AAA Class Arbitration Rules	327
2. JAMS Class Arbitration Rules	329

D. The Effect of <i>Hall St. Associates v. Mattel</i> on Class Arbitrations	330
E. The Different Sources of Law Which One Must Consider in Determining Whether a Silent Arbitration Clause Permits a Class Arbitration	333
F. Federal Circuit Court and State Court Decisions Regarding Consolidation of Arbitrations and Class Arbitrations before <i>Bazzle</i>	334
G. Clause Construction Decisions by Arbitral Panels Adjudicating Class Arbitrations after <i>Bazzle</i>	336
H. Class Certification Decisions by Arbitral Tribunals after <i>Bazzle</i>	340
1. Numerosity.	341
2. Commonality.	342
3. Typicality.	343
4. Adequacy of Class Representative(s)	343
5. Adequacy of the Class Representative(s)' Counsel	344
6. Substantial Similarity of Arbitration Agreements	344
7. Predominance and Superiority of Claims	345
I. Arbitral Clauses Prohibiting Class Actions and Public Policy Arguments Against Such Clauses.	346
J. Preemption of State Arbitration Laws by the FAA	351
K. Pending Legislation: The Arbitration Fairness Act	355
L. Conclusion	355

Chapter 12

Challenging and Enforcing International Arbitral Awards in New York Courts 357

John V. H. Pierce and David N. Cinotti

A. Introduction	357
1. Options for the “Winner” and the “Loser” in International Arbitration	357
2. The Legal Regime Applicable to Actions to Challenge or Enforce International Arbitral Awards in New York Courts.	359
B. Procedural Issues Involved in Challenging and Enforcing International Arbitral Awards in New York Courts	361
1. Actions in the Federal Courts of New York	362
(a) General Procedural Considerations	362
(i) Timing of Application to Confirm or Vacate Award	362
(ii) Form of Application to Confirm or Vacate Award	363

(iii) Service of Application to Confirm or Vacate Award	364
(iv) Requirement of a Written Arbitration Agreement	366
(b) Subject-Matter Jurisdiction	366
(c) Personal Jurisdiction	371
(i) The Need to Establish a Basis for Jurisdiction	371
(ii) Jurisdiction by Consent	372
(iii) Jurisdiction Through Minimum Contacts	373
(iv) <i>Quasi in rem</i> Jurisdiction	375
(d) Establishing Venue	377
(e) Removal of Enforcement Proceedings from State to Federal Court.	378
(i) Exception to Well-Pleaded Complaint Rule	378
(ii) Removal Authorized if an Action “Relates to” a Convention Agreement or Award	379
(iii) Timing of Removal	381
2. Actions in New York State Courts.	381
(a) Form and Location of Action	382
(b) Statute of Limitations	382
C. Substantive Issues Involved in Challenging International Arbitral Awards in New York Courts	383
1. Grounds for Nonrecognition under the New York Convention	383
(a) Absence of a Valid Arbitration Agreement (Article V(1)(a)).	384
(b) Denial of Opportunity to Present One’s Case (Article V(1)(b)).	389
(c) Excess of Authority (Article V(1)(c))	390
(d) Violations of Arbitral Procedures or the Law of the Arbitral Situs (Article V(1)(d))	391
(e) Awards that Are Not Binding or Have Been Set Aside (Article V(1)(e))	392
(f) Awards that Address Nonarbitrable Issues (Article V(2)(a)).	393
(g) Awards that Violate Public Policy (Article V(2)(b))	394
2. FAA Chapter 1 Grounds for Vacating International Arbitral Awards	395
(a) Award Procured by Corruption, Fraud, or Undue Means (Section 10(a)(1))	397
(b) Partiality or Corruption of the Arbitrators (Section 10(a)(2))	397
(c) Failure to Adjourn or Hear Evidence; Prejudicial Misbehavior (Section 10(a)(3))	399

(d) Exceeding Jurisdiction (Section 10(a)(4))	401
(e) Manifest Disregard of the Law	401
(f) Public Policy	404
3. New York State Law Grounds for Vacating Awards	404
4. Choice of Arbitral Law When Resisting Enforcement of an Award Made in the United States	406

Chapter 13

Enforcing Awards Involving Foreign Sovereigns 413

Brian King, Alexander Yanos, Jessica Bannon Vanto, and Phillip Riblett

A. Introduction: The Unique Characteristics of Arbitrations Involving Sovereigns	413
B. The Legal Regime Applicable to the Enforcement of Arbitral Awards Against Sovereigns in New York	415
1. Sovereigns Usually Pay Arbitral Awards	415
2. The Recognition of Awards Rendered Against Sovereigns.	417
(a) Recognition of Awards Subject to the New York Convention	417
(b) Recognition of ICSID Awards in the United States Is Not Necessary	418
(c) An Alternative Track: Recognition of a Foreign Court's Recognition of the Award.	418
3. Sovereigns Enjoy Significant Immunities With Respect to the Enforcement of Arbitral Awards Against Them	419
4. Foreign Sovereigns Are Not Immune From Personal Jurisdiction and Service	422
C. Dealing with the Problem of Recalcitrant States	424
1. Predispute Protections	424
2. Prearbitration Attachment	424
(a) The Requirement of Explicit Waiver	425
(b) Procedure for Prearbitration Attachment	426
3. Interim Measures from the Arbitral Tribunal	426
4. Prerecognition Attachment and Explicit Waiver.	427
5. Postrecognition Attachment and Execution	430
6. What Kind of Assets May Be Attached?	431
(a) Identity of the Asset Owner.	432
(b) Application of State Law	433

(c) Debt and Property Subject to Attachment	434
(d) Garnishment of Royalties or Taxes	434
(e) Attachment of Trust Accounts	436

APPENDICES

1. United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards	439
2. Inter-American Convention on International Commercial Arbitration	447
3. Federal Arbitration Act	453
4. NY Civil Practice Law and Rules, Article 75	463
5. International Centre for Dispute Resolution (“ICDR”) International Dispute Resolution Procedures, Including Mediation and Arbitration Rules	469
6. International Chamber of Commerce (“ICC”) Rules of Arbitration.	493
7. International Institute for Conflict Prevention and Resolution (“CPR”) Rules for Non-Administered Arbitration of International Disputes	519
8. JAMS International Arbitration Rules.	551
9. ICDR Guidelines for Arbitrators Concerning Exchanges of Information	569
10. AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes	573
11. CPR Protocol on Disclosure of Documents and Presentation of Witnesses in Commercial Arbitration	585
Table of Cases	597
Table of Authorities	641
Table of Conventions.	651
Table of Legislation	653
Table of Rules	657
Table of Arbitral Awards	659
Index	665