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Insights White Case Llp International Law Firm Global

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Insights White Case Llp International Law Firm Global *OMB No. 2401376517634 edited by*

CASTANEDA GLOVER

The UNCITRAL Arbitration Rules Law Business Research Ltd. Reaching past the secrecy so often met in arbitration, the second edition of this commentary explains clearly and fully the workings of the UNCITRAL Rules of Arbitral Procedure recommended for use in 1976 by the United Nations. This new edition fully takes account of the revised Rules adopted in 2010 while maintaining coverage of the original Rules where these remain relevant. The differences between the old and the new Rules are clearly indicated and explained. Pulling together difficult to obtain sources from the Iran-United States Claims Tribunal, arbitrations under Chapter 11 of the North American Free Trade Agreement, and ad hoc arbitrations, it illuminates the shape the UNCITRAL Rules take in practice. The authors cogently critique that practice in the light of the negotiating history of the rules and solutions adopted by the other major private rules of arbitral procedure. To aid the specialist in the field, the practice of these various tribunals is extensively extracted and reproduced. Rich both in its analysis and sources, this text is indispensable for those working in or studying international arbitration.

Death of a Law Firm

Juris Publishing, Inc.

The rules of treaty interpretation codified in the 'Vienna Convention on the Law of Treaties' now apply to virtually all treaties, in an international context as well as within national legal systems, where treaties have an impact on a large and growing range of matters. The rules of treaty interpretation differ somewhat from typical rules for interpreting legal instruments and legislation within national legal systems. Lawyers, administrators, diplomats, and officials at international organisations are increasingly likely to encounter issues of treaty interpretation which require not only knowledge of the relevant rules of interpretation, but also how these rules have been, and are to be, applied in practice. Since the codified rules of treaty interpretation came into decree, there is a considerable body of case-law on their application. This case-law, combined with the history and analysis of the rules of treaty interpretation, provides a basis for understanding this most important task in the application of treaties internationally and within national systems of law. Any lawyer who ever has to consider international matters, and increasingly any lawyer whose work involves domestic legislation with any international connection, is at risk

nowadays of encountering a treaty provision which requires interpretation, whether the treaty provision is explicitly in issue or is the source of the relevant domestic legislation. This fully updated new edition features case law from a broader range of jurisdictions, and an account of the work of the International Law Commission in its relation to interpretative declarations. This book provides a guide to interpreting treaties properly in accordance with the modern rules.

Guide to Damages in International Arbitration Springer Nature

What is it about international arbitration that makes it so open to evolution and adaptation? What are the main pressure points today and the unmet needs of stakeholders? What are the opportunities for expansion to new sectors and new audiences? What are the drivers for change, the obstacles and the risks? And equally important, what are the core principles that should never be lost? These were the topics of the Twenty-Fourth ICCA Congress, held in Sydney, Australia, in April 2018, the proceedings of which are collected in this volume. The volume highlights arbitration as a 'living organism' that has adapted in the past to various challenges, and that today – under attack from various quarters – might need to demonstrate its adaptability again. Accordingly, the contributions address the evolving needs of users, the impact of the rapidly changing face of technology, the expectations of the public, and the convergence and divergence of different aspects of legal traditions and cultures. Topical issues of interest for practitioners, academics, and students of arbitration include the following: legitimacy and authority of arbitrators, institutions and professional organizations to act as lawmakers; investment treaty reform, with particular reference to the definition of 'investment,' the evolution of substantive treaty standards, and sustainable development obligations; commercial arbitration reform, including issues of public and private interest, the development of common law, and cost, delay and transparency concerns; revisiting party autonomy in choosing decision-makers, including through institutional appointments or investment courts; equality of arms, the economics of access, and the role of costs and third-party funding; public-private disputes and special issues that arise when State entities arbitrate; public participation and transparency, and their effect on both ISDS and commercial arbitration; revisiting conventional wisdom in organizing arbitral proceedings; lessons to be learned from other dispute resolution frameworks; technology as friend and enemy, including new tools, new threats, and cybersecurity; arbitration of disputes in conflict and post-conflict zones; inter-generational blame and praise in investment arbitration; and the emergence of sovereign wealth funds as arbitration participants. A special section on 'New Frontiers in Arbitration' offers enlightening perspectives on new types of claims and new types of stakeholders likely to affect the future of international arbitration, including the potential for climate change disputes and enlarged participation.

The Indian Legal Profession in the Age of Globalization Springer Nature

Representing the combined work of more than forty leading compliance attorneys, Corporate Compliance Answer Book helps you develop, implement, and enforce compliance programs that detect and prevent wrongdoing. You'll learn how to: Use risk assessment to pinpoint and reduce your company's areas of legal exposureApply gap analysis to detect and eliminate flaws in your compliance programConduct internal investigations that prevent legal problems from becoming major crisesDevelop records management programs that prepare you for the e-discovery involved in investigations and litigationSatisfy labor and employment mandates, environmental rules, lobbying and campaign finance laws, export control regulations, and FCPA anti-bribery standardsMake voluntary disclosures and cooperate with government agencies in ways that mitigate the legal, financial and reputational damages caused by violationsFeaturing dozens of real-world case studies, charts, tables, compliance checklists, and best practice tips, Corporate Compliance Answer Book pays for itself over and over again by helping you avoid major legal and financial burdens.

A Black and White Case Juris Publishing, Inc.

Death of a Law Firm argues that now, for the first time in history, law firms are at an existential crossroads. Taking the wrong direction might very well lead to collapse. Provocative and insightful, this book is a must-read not only for partners wishing to steer their firm clear of the abyss, but also for anyone working in the business of law--including associates and staff--or even for law students aspiring to a legal career.

Comparative Global Design Law

Springer Science & Business Media

The contributions in this book cover a wide range of topics within modern disputeresolution, which can be summarised as follows: harmonisation, enforcement andalternative dispute resolution. In particular, it looks into the impact of harmonisedEU law on national rules of civil procedure and addresses the lack of harmonisationin the US regarding the recognition and enforcement of foreign judgments. Furthermore,the law on enforcement is examined, not only by focusing on US law, but also onhow to attach assets in order to enforce a judgment. Finally, it addresses certain typesof alternative dispute resolution. In addition, the book looks into the systems andcultures of dispute resolution in several regions of the world, such as the EU, the US andChina, that have a high impact on globalisation. Hence, the book is diverse in the senseof dealing with multiple issues in the field of modern dispute resolution./div The book offers explorations of the impact of international rules and EU law on domesticcivil procedure, through case studies from, among others, the US, China, Belgium andthe Netherlands. The relevance of EU law for the national debate and its impact on theregulation of civil procedure is also considered. Furthermore, several contributions discussthe necessity and possibility of harmonisation in the emergency arbitrator mechanisms inthe EU. The harmonisation of private international law rules within the EU, particularlythose of a procedural nature, is juxtaposed to the lack thereof in the US. Also, the bookoffers an overview of the current dispute settlement mechanisms in China. The publication is primarily meant for legal academics in private international law andcivil procedure. It will also prove useful to practitioners regularly engaged in cross-borderdispute resolution and will be of added value to advanced students, as well as to those withan interest in international litigation and more generally in the area of dispute resolution. Vesna Lazić is Senior Researcher at the T.M.C. Asser Institute, Associate Professor ofPrivate Law at Utrecht University and Professor of European Civil Procedure at theUniversity of Rijeka. Steven Stuij is an expert in Private International Law and a PhD Candidate/GuestResearcher at the Erasmus School of Law, Rotterdam. Ton Jongbloed is Guest Editor on this volume./div

Routledge Handbook of Energy Law Routledge

Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty is a compilation of written contributions prepared in the context of a conference organized by the Energy Charter Secretariat, in cooperation with five other well-known legal institutions (the Arbitration Institute of the Stockholm Chamber of Commerce, the British Institute of International and Comparative Law, the International Centre for

Settlement of Investment Disputes, the International Chamber of Commerce and the Permanent Court of Arbitration). This highly successful conference took place in Brussels in October 2009. Energy Dispute Resolution: Investment Protection, Transit and the Energy Charter Treaty focuses on investment arbitration under the Energy Charter Treaty (or ECT) and on transit dispute resolution under the ECT. Part I consists of a review of awards, decisions and other developments in ECT investment arbitrations, of which nearly 30 were in the public domain as of 1 January 2011. Part II deals with the relationship between bilateral investment treaties, the ECT as a multilateral investment treaty, and European Union (EU) law, and addresses the question of whether conflict between these legal systems is inevitable. In Part III, the book reviews the highly developed provisional application mechanism of the ECT, particularly in relation to Russia, which signed the ECT in 1994 but has never ratified it. Part IV deals with the energy transit provisions of the ECT and the Treaty's potential application with respect to East-West energy transit and supply disputes. The book also contains an Editor's Preface, introductory and closing remarks, a table of contents, a detailed index, and an Appendix in the form of a CD-ROM containing the rules of arbitration of the three international arbitration mechanisms provided by the ECT (ICSID, SCC and ad hoc UNCITRAL arbitration). The book is of international application, particularly within the 51-country Energy Charter constituency (Western, Central and Eastern Europe, the former Soviet Union, Japan, Turkey, Mongolia and Australia), but is relevant to energy and international arbitration lawyers worldwide.

The Economics of Banking and Finance in Africa OUP Oxford

"Public Participation and Foreign Investment Law offers a systematic treatment of public participation from the standpoint of the three main sources of foreign investment law, namely treaties, legislation and contracts. It identifies and critically discusses the different forms of public participation that can be found or envisaged in foreign investment law. From this perspective, the book looks at public participation as vehicle to strike a balance between private and public rights and interests. This book contributes to the understanding of the current forms, level and impact of public participation. It provides indications on how such participation could be enhanced with a view of improving the balance and legitimacy of the legal instrument related to the promotion and protection of foreign investments"--

International Commercial Arbitration

Edward Elgar Publishing

This volume explores the influence of professional service firms on public policy-making from a global perspective. Drawing on cases studies from around the world, researchers from different disciplines—including sociology, political science, geography, anthropology, history, and management studies—examine how professional service firms have generated power in the policy-making process. The chapters further investigate the structure and organization of these firms and their relationship with public agencies. They discuss the impact of strategies, techniques and models promoted by these firms on political decision-making. And they analyze how these firms have contributed to the formation of global policy-pipelines, facilitating the quick diffusion of policy ideas across time and space. Exposing how professional advisors can undermine democratic decision-making, the chapters in this book explore the potential for resistance and regulation of public-private relationships.

Interest in International Arbitration CRC Press

In this book, 78 leading attorneys in California and New York describe how they evaluate, negotiate and resolve litigation cases. Selected for their demonstrated skill in predicting trial outcomes and knowing when cases should be settled or taken to trial, these attorneys identify the key factors in case evaluation and share successful strategies in pre-trial discovery, negotiation, mediation, and trials. Integrating law and psychology, the book shows how skilled attorneys mentally frame cases, understand jurors' perspectives, develop persuasive themes and arguments and achieve exceptional results for clients.

Dispute Resolution in China

Oxford University Press

Interest plays a vital and increasing role in international arbitration proceedings, with almost every case having an element of interest involved. However, until now, the topic has received very little attention, meaning that arbitrators have had very little concrete foundation on which to judge decisions on interest awards. This book is the first authoritative guidance to address this, providing a uniform approach to the awarding of interest in international arbitration. Interest in International Arbitration aligns arbitrators' decisions with standard commercial practice, offering a practical and logical approach to how interest should be awarded. It sets out traditional approaches that arbitrators have followed in the past, such as using conflict of law to apply a statutory rate from a given law, or awarding instead a subjectively 'reasonable' rate, and examines how these inconsistent approaches have resulted in a variety of awards and decisions. The author uses this analysis as a basis for a uniform approach to the issue: granting compound interest at appropriate rates unless constrained by truly mandatory law. The author sets out the calculation method, explores the benefits and limitations, and presents a thorough argument for the movement toward a uniform approach to interest awards.

CCCTB

Juris Publishing, Inc.

The Routledge Handbook of Energy Law provides a definitive global survey of the discipline of Energy Law, capturing the essential and relevant issues in Energy today. Each chapter is written by a leading expert, and provides a contemporary overview of a significant area within the field. The book is divided into six geographical regions based on continents, with a separate section on Russia, an energy powerhouse that straddles both Europe and Asia. Each section contains highly topical chapters from authors who address a number of core themes in Energy Law and Regulation: • Energy security and the role of markets • Regulating the growth of renewable energy • Regulating shifts in traditional forms of energy • Instruments in regulating disputes in energy • Impact of energy on the environment • Key issues in the future of energy and regulation. Offering an analysis of the full spectrum of current issues in Energy Law, the Routledge Handbook of Energy Law is an essential resource for advanced students, researchers, academics, legal practitioners and industry experts. Chapter 12 of this book is freely available as a downloadable Open Access PDF at http://www.taylorfrancis.com under a Creative Commons Attribution-Non Commercial-No Derivatives (CC-BY-NC-ND) 4.0 license.

Annulment of ICSID Awards OECD Publishing

Multi-Party and Multi-Contract Arbitration in the Construction IndustryJohn Wiley & Sons

Expedited Procedures in International Arbitration Cambridge University Press

Have you ever been frustrated that arbitration folk aren't more numerate? The Guide to Damages in International Arbitration is a desktop reference work for those who'd like greater confidence

when dealing with the numbers. This second edition builds upon last year's by updating and adding several new chapters on the function and role of damages experts, the applicable valuation approach, country risk premium, and damages in gas and electricity arbitrations.This edition covers all aspects of damages - from the legal principles applicable, to the main valuation techniques and their mechanics, to industry-specific questions, and topics such as tax and currency. It is designed to help all participants in the international arbitration community to discuss damages issues more effectively and communicate them better to tribunals, with the aim of producing better awards. The book is split into four parts: Part I - Legal Principles Applicable to the Award of Damages; Part II - Procedural Issues and the Use of Damages Experts; Part III - Approaches and Methods for the Assessment and Quantification of Damages; Part IV - Industry-Specific Damages Issues

The Culture of International Arbitration Multi-Party and Multi-Contract Arbitration in the Construction Industry

Because document production can discover written evidence that would otherwise not be available, it is often the key to winning a case. However, document production proceedings can be a costly and time-consuming exercise, and arbitral awards in particular are often challenged on grounds that relate to document production orders. The task of balancing the conflicting interests of the parties in this context is a major responsibility of arbitral tribunals. This book's analysis focuses on whether there exist legal principles on which arbitrators should establish rules of document production in both civil law and common law countries, and shows how international arbitration is affected. The author examines the relevant discretion of arbitral tribunals under US, English, Swiss, German, and Austrian law, and under nine of the most important sets of institutional rules, including the ICC Rules, the LCIA Rules, and the Swiss Rules. The presentation mines case law and legal literature for concepts based on the common expectations of the parties, the legitimate expectations of a party, the duty to balance different procedural expectations of the parties, the presumed intent of the parties, the underlying hypothetical bargain, implied terms, and the arbitrators' discretion. Among the topics and issues investigated are the following: - procedural rules on document production versus procedural flexibility; - how arbitral tribunals can modify the IBA Rules on a case-by-case basis; - discretion granted by legislation in each country covered; - electronic document production; - how to deal with privilege and confidentiality objections; - how to formulate or answer document production requests; - effective sanctions in case of non-compliance with procedural orders of the arbitral tribunal; - what grounds for annulment and non-enforcement a losing party can raise in what countries. Perhaps the greatest benefit of the book is the inclusion of model clauses, commensurate with both civil law and common law expectations. The author explicates the advantages and inconveniences of each model clause, and clarifies the influence of each clause on the efficiency of the proceedings and the enforcement risk. For practitioners, the book not only gives counsel a thorough overview of possible arguments for and against document production, but also assists arbitrators find a way through the jungle of opinions on the interpretation of the IBA Rules. Legal academics will appreciate the author's deeply informed analysis and commentary and the book's contribution to increasing the predictability of arbitral decisions on document production and showing how issues in dispute can be narrowed by tailor-made rules, thus helping to raise the efficiency and reduce the costs of arbitral proceedings.

Review of Maritime Transport

John Wiley & Sons

Multi-Party and Multi-Contract Arbitration in the Construction Industry provides the first detailed review of multi-party arbitration in the international construction sector. Highly practical in approach, the detailed interpretation and assessment of the arbitration of multi-party disputes will facilitate understanding and decision making by arbitrators, clients and construction contractors.

Corporate Compliance Answer Book Nijhoff International Investme

The International Centre for Settlement of Investment Disputes (ICSID) has played a leading role in establishing the field of foreign investment law. It is primarily due to the ICSID that it is no longer peculiar for individuals and corporations to have legal standing in claims against governments — probably the most notable development of international law of the last half century. Now, in its fiftieth year and ratified by more than 150 states, the ICSID received in 2015 its 500th case. This book celebrates this anniversary with an overview and analysis of ICSID case law to date and, focusing particularly on unsettled issues, assesses possible developments in the institution’s next phase. This volume collects twenty-two essays by prominent practitioners with substantial experience in investment arbitration law. The topics they cover encompass such issues as the following: • the political and economic reasons behind the creation of the ICSID; • admissibility and jurisdiction; • ICSID vis-à-vis bilateral investment treaties; • States’ concerns about the ‘partiality’ of arbitrators in favour of investors; • applicable laws under the ICSID Convention; • fact-finding rules; • conflicting interpretations of ICSID Convention provisions; • interaction of foreign investment and economic development; • value of ICSID awards in the light of EU law; • annulment of ICSID awards; • effects of denunciation (Bolivia, Ecuador, Venezuela) and non-contracting States (Russia, Brazil, India); • attribution of conduct of State-owned enterprises (SOEs); • counterclaims; • guarantees against political risk; and • allocation of costs. As a detailed response to the question whether ICSID has contributed as promised to an improvement in the investment climate and promoted the flow of private foreign capital — and as an assessment of the present and future feasibility of the ICSID system for the resolution of investment disputes by arbitration and conciliation — this book has no peers. Considering the current crisis of investment law, the book’s immediate value not only to investors and their counsel but also to practitioners and academics in the field of investment law and arbitration and public international law cannot be overstated. Dr Crina Baltag is the author of Kluwer’s 2012 book The Energy Charter Treaty: The Notion of Investor and the Associate Editor of Kluwer Arbitration Blog.

Competitive Neutrality Maintaining a Level Playing Field between Public and Private Business Oxford University Press

China's ever-expanding commercial influence has attracted global attention on how its civil and commercial disputes are resolved. This compelling new book, Dispute Resolution in China, offers a detailed examination of the elements in the Chinese legal system and the relevant reforms to the multiplicity of approaches to civil and commercial disputes in China today. This book reveals how civil litigation, commercial arbitration, mediation, and their hybrid dispute resolution have distinctly responded to, reformed, and developed in the context of China’s transformational economic growth, societal development, and international interaction in the last two decades. It situates these developments and continued experimentation within a unique

hybrid of empirical, contextual, and comparative analytical framework, while paving productive pathways towards the future. This book argues that, rather than being a legal project, China's civil and commercial dispute resolution system is essentially a social development project, which distinguishes the Chinese approach to civil justice reform from contemporary civil justice movements elsewhere. Among the primary methods of dispute resolution, commercial arbitration in China today uniquely transcending the traditional socio-political constraints, its reform has developed in favor of market-oriented considerations and shaped by China's socio-economic dynamics and internationalization needs. By contrast, civil litigation and mediation being more instrumentalist in nature, their reform is socio-politically embedded and continues to prioritize social stability. This book also shines a fresh light on comparative assessments of top-down and bottom-up changes in China's dispute resolution discourse, as well as on how China speaks to international dispute resolution systems. Original and rich in its analysis, this book will be essential reading and invaluable reference tool for scholars with a focus on Chinese law, comparative and international dispute resolution, and on broader legal, institutional, economic, social, political and cultural dimensions of dispute resolution development.

How Leading Lawyers Think Martinus Nijhoff Publishers

Foreword --Introduction --Expedited Proceedings in International Arbitration --Expedited Rules and the Possibility of Immediate Measures once a Tribunal is Constituted --The Uniform Domain Name Dispute Resolution Policy --Sports Arbitration and the Inherent Need for Speed and Effectiveness --Rediscovering the Lost Promise of International Arbitration --Expedited Institutional Arbitral Proceedings Between Autonomy and Regulation --Conclusion --About the Authors.

Corporate Compliance on a Global Scale Kluwer Law International B.V.

England is a leading centre for arbitration, both international and domestic, arising out of all manner of contractual disputes and industry sectors. This book comprises contributions from well-known arbitration practitioners and scholars who present, in a straightforward and readable fashion, the rich and varied nature of arbitration in England today. The early chapters describe the development of the arbitral system in England and its traditional leading institutions, the London Court of International Arbitration (LCIA) and the Chartered Institute of Arbitrators (CIArb). They also provide a unique focus on the specialist areas of commodity, maritime, construction and sports arbitration. The remainder of the book deals with the law and practice of arbitration in England and concludes with two additional overview chapters relating to arbitration in Scotland and the Republic of Ireland respectively. Insightful and practical guidance is given in relation to a number of key areas, including: appointing and challenging arbitrators; applicable law and the influence of EU law; the role of the court, including anti-suit and anti-arbitration injunctions and interim relief; arbitration procedure and practice in ad hoc and institutional arbitrations; factual and expert evidence, including privilege and electronic document production; challenges to, and appeals from, awards; recognition and enforcement of awards; and multilateral and bilateral investment treaty arbitration. Anyone whose pursuits or responsibilities require knowledge of arbitration in England - including practitioners, in-house counsel, business persons, academics, and students around the world - will benefit enormously from this thorough study and analysis of contemporary arbitration practice in the jurisdiction.

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