Commercial Agents and the Law: Deceit: The Lie of the Law will provide a complete and detailed account of the law of deceit as developed over the past two centuries. This new book by Peter MacDonald Eggers examines the commercial, contractual and civil relationships in which claims in deceit have been made.

Arbitration Law of Canada: Practice and Procedures of the Commercial Court is primarily intended as a reference for those who practice in the Court, it also sets those practices and procedures in context, including the Commercial Court's history. It includes the principles and procedure for obtaining and discharging freezing injunctions and the procedures for the Court's supervisory jurisdiction over arbitrations as well.

Financial Crisis Management and Bank Resolution: International Arbitration: Law and Practice (Third Edition) provides comprehensive and authoritative coverage of the basic principles and legal doctrines, and the practice, of international arbitration. The book contains a systematic, but concise, treatment of all aspects of the arbitral process, including international arbitration agreements, international arbitral proceedings and international arbitral awards. The Third Edition guides both students and practitioners through the entire arbitral process, beginning with drafting, enforcing and interpreting international arbitration agreements, to selecting arbitrators and conducting arbitral proceedings, to recognizing, enforcing and seeking to annul arbitral awards. The book is written in clear, accessible language, suited for both law students and non-specialist practitioners, as well as more experienced readers. This highly regarded work addresses both international commercial arbitration and the related fields of investment and state-to-state arbitration and is essential reading for any student of international arbitration and any practitioner seeking a complete introduction to the field. The Third Edition has been comprehensively updated to include recent legislative amendments, judicial decisions and arbitral awards. Among other things, the book provides detailed treatment of the New York Convention, the UNCITRAL Model Law on International Commercial Arbitration, all leading institutional arbitration rules (including ICC, SIAC, LCIA, AAA and others), the ICSID Convention and ICSID Arbitration Rules, and judicial decisions from leading jurisdictions. The Third Edition is integrated with the author's classic International Commercial Arbitration and with the online Born International Arbitration Lectures, enabling students, teachers and practitioners to explore particular topics in more detail. About the Author: Gary B. Born is the world's leading authority on international arbitration and litigation. He has practiced extensively in both fields in Europe, the United States, Asia and elsewhere. He is the author of International Commercial Arbitration (Kluwer Law International 3rd ed. 2021), International Arbitration and Forum Selection Agreements: Drafting and Enforcing (Kluwer Law International 6th ed. 2021), International Commercial Arbitration: Cases and Materials (Aspen 3rd ed. 2021) and International Civil Litigation in United States Courts (Aspen 6th ed. 2018).
should win needs to give way to the practical, but often complicated, task of ensuring that all relevant evidence is before the decision-maker (judge or arbitrator) and that the potential fruits of a favourable decision are not dissipated to leave the winner without financial or practical recourse. This practitioner’s guide enables you to protect your client’s position in litigation or arbitration, and ensures that success in court is not hampered by destruction of evidence, or does not lead to an expensive hollow victory because no funds or assets are available.

Employment Arbitration - 2nd Edition This text provides a concise overview of arbitration and offers guidance on the most important legal and practical questions which face the practitioner involved in an arbitration. The book includes:- the applicability of the laws of individual countries; international conventions and bilateral treaties and their relevance to the arbitral process; the arbitration agreement and how an enforceable agreement can be created and enforced, with reference to both institutional arbitration, such as governed by AAA, ICC and LCIA and ad-hoc arbitration; and the arbitral process, from appointment of the tribunal to the award and its enforcement. The jurisdiction, powers and obligations of the tribunal are also examined in detail. The book also examines the role of UNCITRAL in overcoming the lack of uniformity in the laws and rule relating to international commercial arbitration.

Freezing and Search Orders "Arbitration Law of Brazil: Practice and Procedure is a timely contribution to the development of commercial arbitration in Brazil, as it provides international practitioners and arbitrators with a useful reference tool to understand the Brazilian arbitral framework. Without sacrificing scholarly rigor, it provides a clear commentary on Brazilian arbitration legislation from a practical perspective, addressing the most relevant points in a direct and instructive manner, so that even someone unfamiliar with Brazilian law can comprehend all issues. This work reflects the experience of the authors, who are among the most prominent arbitration practitioners in Brazil. Both authors have long been committed to the development of arbitration, through teaching classes, organizing seminars and writing articles, not to mention their work on the Arbitration Committee of the Rio de Janeiro State Chapter of the Brazilian Bar Association, the first institution in Brazil to help develop and improve alternative dispute resolution mechanisms. Besides the authors’ work, this book also contains in its appendices articles from other leading Brazilian scholars analyzing relevant issues in connection with arbitration in Brazil. This provides an enlightening combination of practical background and academic debate."--Publisher’s website.

Texas Civil Procedure: Trial and Appellate Practice, 2013-2014

Deceit: The Lie of the Law Privity of Contract offers a unique perspective of how the Contracts (Rights of Third Parties) Act 1999 works in practice. Issues covered include: the operation of the doctrine of privity prior to its repeal; the scope and impact of the 1999 Act; and the operation of the 1999 Act in the most important commercial contexts to which it is applicable. It also incorporates discussion and the text of the Law Commission reports, whose proposals produced the bill that ultimately passed into law.

Arbitration Law of Australia: Practice and Procedure A comprehensive review of the arbitration law and practice in the Czech Republic including: discussion of arbitration practice and procedure; an examination of the jurisdiction of the arbitral tribunal; the appointment of
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arbitration practice and procedure

arbitrators including the challenge and replacement of arbitrators; an analysis of the various types of awards including a discussion on deliberations, agreements, settlements, and the costs of arbitration; a discussion on the amendment and challenge of awards including the liability of arbitrators; and, a review of the enforcement of domestic and foreign arbitration awards.

the practice and procedure of the commercial court

this book introduces students to trial preparation, motion practice, jury selection, the trial process, preparation of the jury charge, jury argument, jury deliberations, verdict, instructed verdicts, judgments, and post-trial motions. the text also devotes a chapter to the special problems of non-jury trials. the authors have expanded their coverage of the difficult issue of finality of judgments, and included thorough treatment of original and appellate proceedings in the courts of appeal and in the texas supreme court. new editions of this book will be issued each year.

the expert in litigation and arbitration

the new rules of the china international economic and trade arbitration commission (cietac) that came into effect on 1 may 2012 are widely recognized as the full commitment of the chinese government to the international arbitration system. clarifications of the scope of the arbitration law to include contractual disputes, disputes over rights and interests in property, and disputes between legal persons and other organizations, as well as the firm establishment of the arbitration agreement as the sole and exclusive basis for founding the jurisdiction of an arbitral tribunal, greatly allay any residual apprehension on the part of foreign investors.

this third edition of a book that has been widely relied upon since 2003 by business people and their counsel with interests in china is the first publication to offer comprehensive and authoritative coverage of the cietac rules 2012. in addition to the matchless features for which earlier editions are so greatly valued – such as in-depth coverage of enforcement of foreign judgements in china and of chinese judgements elsewhere, measures to overcome local protectionism, effects of china's most important bilateral investment treaties (bit)s, and arbitration-related interpretations of the supreme people's court – the new edition highlights such aspects of the cietac rules 2012 as the following: the new mechanism of consolidation of arbitrations; power to grant interim measures via the forms of procedural orders or interim awards; procedure of suspension of arbitration; conservator measures; interlocutory award and partial award; combining conciliation with arbitration; and expedited process under a new summary procedure. with first-hand expert guidance on the actual handling of arbitration cases, recommended arbitration agreement clauses for numerous contingencies, case studies and comparative cases to elucidate the handling of specific issues, abundant legal instruments for quick, direct reference to the relevant law, and an annex with english texts of the most important laws and regulations, this book offers all the details and insights a practitioner needs. while arbitration law and practice in china is primarily a detailed, practical examination of chinese arbitration practice and related laws, the third edition's special significance lies in its thorough and timely coverage of the cietac rules 2012. for this reason especially it will be of great practical value to business people everywhere operating or seeking opportunities to partner with chinese enterprises. it will also be useful to corporate counsel, arbitration institutions, and students of dispute resolution.

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Sale of Goods: A comprehensive review of the arbitration law and practice in Australia including: discussion of arbitration practice and procedure; an examination of the jurisdiction of the arbitral tribunal; the appointment of arbitrators including the challenge and replacement of arbitrators; an analysis of the various types of awards including a discussion on deliberations, agreements, settlements, and the costs of arbitration; a discussion on the amendment and challenge of awards including the liability of arbitrators; and, a review of the enforcement of domestic and foreign arbitration awards. Included also is a detailed commentary on the Australian Centre for International Arbitration (ACICA), as well as the Rules of the ACICA.

Fouchard, Gaillard, Goldman on International Commercial Arbitration: Commercial Agents and the Law is a practical approach to the modern law relating to commercial agency agreements, a complete guide to the workings of the relationship between commercial agents and their principal within its domestic and European context. This book is a complete guide to the workings of the relationship between commercial agents and their principal within its domestic and European context. The common law rules governing the relationship between principal and agent were pretty well established and well understood by English lawyers when, in 1993, the Commercial Agents (Council Directive) Regulations were enacted. The 1993 Regulations implement EC Directive 86/653 on self-employed commercial agents. The 1993 Regulations, like the EC Directives, are not, however, a complete code of rules governing the relationship, so they have to co-exist with the pre-existing common law rules. Both sets of principles therefore have to be applied.

Federal Practice and Procedure: Jurisdiction and related matters
The Practitioner’s Handbook on International Commercial Arbitration provides concise country reports on important jurisdictions for international arbitral proceedings, as well as commentaries on well-known arbitration rules which are frequently incorporated in international legal agreements. Most international commercial contracts now include an arbitration clause as an alternative to resolving disputes in the state courts. This second edition of the Practitioner’s Handbook includes newly updated country chapters, expanded international coverage and commentary on the most important arbitration rules worldwide. It is written by world-leading arbitration practitioners and academics and combines a practical approach with in-depth legal research and analysis of important national and international case law. The book is unique in its coverage, providing uniformly designed country reports and thorough commentaries on internationally recognized arbitration rules in just one volume. There are individual chapters for the following countries: Austria, Belgium, China & Hong Kong, England, France, Germany, Italy, Netherlands, Singapore, Sweden, Switzerland, USA. Each country report covers: jurisdiction, the tribunal, arbitration procedure, the award, amendments and challenge to the award, liability of arbitrators and enforcement of national awards; and provides details of national arbitration laws, arbitral institutions in the jurisdiction, model arbitration clauses and a bibliography, including a list of key judicial decisions. The first edition was reviewed as “an outstanding book” and “an extremely useful tool”. The work is an indispensable one-stop reference point for lawyers drafting international arbitration clauses or handling arbitration proceedings in different countries.

The Arbitration Journal: Focusing on practical principles or guidelines for arbitrators, this book covers everything a prospective international commercial arbitrator should know about conducting an arbitration in Hong Kong. Specifically geared to those interested in or starting work
example: who can raise the issue of illegality?; must illegality be pleaded? And when can a party recover money or property transferred pursuant to an illegal transaction? Divided into three main sections the text: deals with illegality as a defence to claims in various departments of the civil law; and examines the forfeiture rule as a tool which one party could compel another to disgorge profits which the other has acquired or would otherwise acquire from his illegal conduct. The third section of the text discusses the circumstances when, by way of exception, the court will enforce the claim of a person even though that person has been guilty of an illegality. Overall the text provides an account of the illegalities in civil law and a critical analysis of the current rules, with suggestions for reform.

Arbitration Law of Brazil The Expert in Litigation and Arbitration provides the complete picture of the role and duties of the expert witness in the UK, Germany, France, Italy, USA, Australia, Hong Kong and China. With articles and chapters from leading practitioners around the world, the book looks at the role of the expert in many different disciplines and jurisdictions, examining topical issues such as the independent status of the expert and professional liability. This book looks at the role of experts in both arbitration and litigation, considering how experts are currently used in civil actions and what lessons can be learnt from this. With much practical advice for the inexperienced expert witness, it covers many of the pitfalls faced by experts, looking at the various situations that can arise either in court or before an arbitrator.

The Practice of International Commercial Arbitration "This book offers a practical one-stop guide to practice and procedure in the Commercial Court. It draws together the multiplicity of rules, practice directions and procedures applicable at the various stages of commercial court actions, saving invaluable time. The developments encompassed in the fifth edition include the effect of the Civil Procedure Rules, the Commercial Court Practice Direction, the Commercial Court Guide, the Civil Evidence Act 1995 and the Arbitration Act 1996. As well as providing a clear explanation of each of the rules, the authors also include expert analysis of their practical implications."

Arbitration International English summary: It is an often repeated mantra - some might say a hackneyed phrase - that arbitration may only be as good as the arbitrators acting in it. In this context it has become of increasing importance if and to what extent an arbitrator may be held liable at least if he acted in clear misconduct. In his work, Jens Gal endeavours to create a feasible system of liability by comparing the legal situations under the laws of Austria, England, France, Germany, Switzerland and the United States of America. In doing so, special attention is given to the legal basis of any possible damage claim, i.e. the so-called Schiedsrichtervertrag (arbitrator's contract), to duties the breach of which might lead to liability, to the arbitrator's immunity from suit and to possibilities by which an arbitrator might further reduce his risk of being held liable. German description: Mit stetig wachsender Zahl der Schiedsverfahren im internationalen Rechtsverkehr und zunehmender Verrechtlichung der Schiedsgerichtsbarkeit rückt auch der Schiedsrichter in seiner Funktion als Dienstleister vermehrt in das Blickfeld der Rechtswissenschaft. Hierbei gewinnt auch die Frage einer möglichen Haftung des Schiedsrichters deutlich an Interesse. Jens Gal vergleicht die in Deutschland, England, Frankreich, Österreich, der Schweiz und den Vereinigten Staaten von Amerika entworfenen Haftungsmodelle. Er bereitet das Thema in seinen unterschiedlichen Dimensionen - historisch, rechtsvergleichend und dogmatisch - auf und entwickelt eine kohärente Haftungssystematik. Das Augenmerk gilt zunachst dem als Haftungsgrundlage ausgemachten sogenannten Schiedsrichtervertrag und seiner dogmatischen Ausgestaltung. Im Anschluss hieran widmet sich der Autor möglichen haftungsauslösenden...

Die Haftung des Schiedsrichters in der internationalen Handelsschiedsgerichtsbarkeit

Commercial Arbitration Directives: Rights and Remedies in English and Community Law analysiert die Auswirkungen der EC-Directives auf nationales Recht, das lange Zeit ein Problem und weiterhin ein Problem ist - sowohl in Bezug auf die Interpretation als auch die Implementierung. Dieses Buch von Barrister Richard Brent bietet dem Leser praktische und unverzichtbare Einblicke in die gesetzlichen Prozesse, die rechtliche Grundlage für die Anwendung von Direktiven, die Transposition und Implementierung von Direktiven bieten.


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The Practice and Procedure of the Commercial Court

This is the eighth volume of the “Hague Yearbook of International” Law,” which succeeds the Yearbook of the Association of Attenders and Alumni of the Hague Academy of International Law. The title “Hague Yearbook of International Law” reflects the close ties which have always existed between the AAA and the City of The Hague with its international law institutions, and indicates the Editors’ intention to devote attention to developments taking place in those international law institutions, viz. the International Court of Justice, the Permanent Court of Arbitration, the Iran-United States Claims Tribunal and the Hague Conference on Private International Law. This volume contains in-depth articles on these developments (in English and French) and summaries of (aspects of) decisions rendered by the International Court of Justice, the Permanent Court of Arbitration and the Iran-United States Claims Tribunal.

The Arbitrator’s Mandate

Arbitration Law of Czech Republic: Practice and Procedure Employment Arbitration provides practical commentary and analysis in the area of employment arbitration, for both the novice and the seasoned practitioner. It contains a comprehensive overview of the major developments in this emerging field and it supplies the reader with analysis, perspective, and commentary. The cases selected for presentation and analysis are the most significant decided to date. The case summaries are comprehensive, cogent, and objectively rendered. In addition, they contain critical evaluations which can be of use in developing litigation strategy or advising clients on business practices. The volume also describes and assesses political developments - proposed legislation and lobbying efforts - that address or which could affect this new use of arbitration. Employment Arbitration emphasizes a number of issues that are particularly controversial in the area: the enforceability of employer-imposed arbitration agreements, the award of attorney’s fees and punitive damages, and the review of arbitral determinations on civil rights claims. Finally, the volume provides the reader with model employment arbitration agreements that are accompanied by extensive commentary and explanations.

Law Society Journal

“This classic and invaluable practical guide to arbitration has been updated to incorporate developments and case law resulting from the 1996 Arbitration Act. Taking his lead from the experience of practising arbitrators, Cato examines the problems encountered on a day-to-day basis by professional advisers, lawyers, arbitrators, expert witnesses and parties to arbitration. Alphabetically arranged from appointments to witnesses, each problem is listed with the facts of the case, questions arising and a suggested course of action, making this an essential work of reference for all those involved in arbitration.”

Federal Practice and Procedure Financial Crisis Management and Bank Resolution provides an analysis of the responses to the recent crisis.
that has beset the international financial markets taking a top down approach looking at the mechanisms to manage a financial crisis, to the practicalities of dealing with the resolution of a bank experiencing distress. This work is an interdisciplinary analysis of the law and policy surrounding crisis management and bank resolution. It comprises contributions from a team of leading experts in the field that have been carefully selected from across the globe. These experts are drawn from the law, central banks, government, financial services and academia. This edited collection will provide a new and important contribution to the subject at a crucial time in the debate around banking resolution and crisis management regimes, and help to plug the gap in our knowledge and understanding of the law of bank resolution and restructuring.