

THE PANAMA
CONVENTION
AND ITS
IMPLEMENTATION
UNDER THE
FEDERAL
ARBITRATION ACT

JOHN P. BOWMAN

KLUWER LAW INTERNATIONAL

The Panama Convention And Its Implementation Under The Federal Arbitration Act

**Laurence Shore, Tai-Heng
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The Panama Convention And Its Implementation Under The Federal Arbitration Act:

The Panama Convention and Its Implementation Under the Federal John Bowman,2002-10-09 As the only complete and systematic treatment on the subject this book offers the first comprehensive analysis of the Panama Convention its implementing legislation in the United States and United States court decisions construing its provisions By comparing the Panama and New York Conventions it identifies important differences such as the Panama Convention s mandatory application of the Rules of Procedure of the IACAC to ad hoc arbitrations and differences in the Conventions provisions concerning the grounds for recognition and enforcement of arbitral awards By comparing Chapter 3 of the Federal Arbitration Act with the other provisions of the federal act this book exposes problems in the implementing law as well as ways in which Chapter 3 improves on the federal law implementing the New York Convention Through a critical review of Convention jurisprudence in the United States it highlights at least three areas in which the courts need to do a much better job the Convention s field of application application of the IACAC Rules differentiation between the New York and Panama Conventions

Arbitration Law in America Edward J. Brunet,2006-01-09 This is a book about changing the terms of American Arbitration Law The book contains individual views of the four co authors and criticisms of the individual recommendations of the authors The book contains point and counterpoint and numerous controversial ideas The authors present the competing arguments on some of the most controversial topics in arbitration arbitration of employment disputes between employers and their former employees and arbitration of disputes between consumers and product sellers

International Arbitration in the United States Laurence Shore,Tai-Heng Cheng,Jenella E. La Chuisa,Laurence Schaner,Mara V.J. Senn,2016-04-24 International Arbitration in the United States is a comprehensive analysis of international arbitration law and practice in the United States U S Choosing an arbitration seat in the U S is a common choice among parties to international commercial agreements or treaties However the complexities of arbitrating in a federal system and the continuing development of U S arbitration law and practice can be daunting to even experienced arbitrators This book the first of its kind provides parties opting for private justice with vital judicial reassurance on U S courts highly supportive posture in enforcing awards and its pronounced reluctance to intervene in the arbitral process With a nationwide treatment describing both the default forum under federal arbitration law and the array of options to which parties may agree in state courts under state international arbitration statutes this book covers aspects of U S arbitration law and practice as the following institutions and institutional rules that practitioners typically use ethical considerations costs and fees provisional measures and confidentiality There are also chapters on arbitration in specialized areas such as class actions securities construction insurance and intellectual property

Enforcement of Foreign Arbitral Awards and Judgments in New York Andreas A. Frischknecht,Yasmine Lahlou,Gretta L. Walters,2016-04-24 Merely obtaining a favorable arbitral award or judgment at the end of a dispute holds little value unless the prevailing party is able to enforce it This book more

thoroughly than any other source shows practitioners how to navigate the relevant laws in New York a leading global financial center known for its pro enforcement policies and the powerful discovery tools it makes available to creditors No other resource explores the current state of the law in New York as comprehensively as this book Beyond its sheer practical significance given the likelihood of debtors having assets in or routing U S dollar transactions through New York this book provides creditors and their counsel with the critical information they need to define their global enforcement strategy and facilitate their enforcement efforts not only in New York but potentially worldwide Among the issues and topics that the book tackles are the following review of the fundamentals of U S practice and procedure for non New York practitioners easy to understand jargon free explanation of the often daunting state and federal procedures for enforcement up to date clear presentation of the relevant case law including key state and federal decisions explanation of how state and federal laws intersect with international law review of significant recent developments impacting a creditor s ability to reach foreign defendants and their assets outside the U S in post judgment execution proceedings and comprehensive advice on the practicalities of executing a judgment Given the critical role New York plays in a host of cross border transactions and its status as a hub for worldwide judgment and award enforcement the demand to better understand the laws and judicial system within the state has never been higher This comprehensive yet practical guide to navigating award and judgment enforcement in New York provides the understanding both the basics and the nuances in this area that is critical for any domestic or international practitioner when advising a client as to the likelihood of collection in or through New York

International Litigation David J. Levy, 2003 Provides American and foreign lawyers with a practical overview and summary of the issues and strategies that parties and attorneys most often confront when engaged in international litigation in U S federal district courts *Practitioner's Handbook on International Arbitration and Mediation - Third Edition* Richard Chernick, Daniel M. Kolkey, Barbara Reeves Neal, 2012-04-01 The Practitioner s Handbook on International Arbitration and Mediation 3rd Edition is a unique work with each chapter written by a well known practitioner and expert in the field It covers each step of the international arbitration and mediation process and offers separate chapters that summarize the laws of leading arbitral venues This Handbook is intended to make the reader into a better practitioner or arbitrator mediator Moreover each chapter has been written to provide practical advice and guidance Unlike many works with multiple authors this work is not simply a collection of essays on a general subject This book is a unified work with cross references among the chapters and a consistent format throughout The Practitioner s Handbook is divided into three parts Part One describes in detail each step of the international arbitration process and offers tips Part Two deals with each step and facet of an international mediation Each of these chapters is filled with Practitioners Expert Commentary Part Three summarizes the laws of leading arbitral jurisdictions like Hong Kong England Switzerland and France These chapters give you detailed guidance on the laws governing international arbitration in that particular jurisdiction As a result the chapters in Part Three

are a bit more technical as the authors realized that the reader would need citations to and commentary on the local arbitration statutes and rules The CD ROM that accompanies this Work contains relevant original source material that is germane to the text A review of the table of contents of the material contained on the CD ROM will acquaint you with the range of material covered

International Commercial Arbitration in New York James H. Carter, John Fellas, 2013

International Commercial Arbitration in New York focuses on the distinctive aspects of international arbitration in New York Serving as an essential strategic guide this book allows practitioners to represent clients more effectively in cases where New York is implicated as either the place of arbitration or evidence or assets are located in New York Each chapter elucidates a vital topic including the existing New York legal landscape drafting considerations for clauses designating New York as the place of arbitration and material and advice on selecting arbitrators The book also covers a series of topics at the intersection of arbitral process and the New York courts including jurisdiction enforcing arbitration agreements and obtaining preliminary relief and discovery Class action arbitration challenging and enforcing arbitral awards and biographical materials on New York based international arbitrators is also included making this a comprehensive valuable resource for practitioners

Arbitration of International Business Disputes William W. Park, 2012-09-20

Arbitration of International Business Disputes 2nd edition is a fully revised and updated anthology of essays by Rusty Park a leading scholar in international arbitration and a sought after arbitrator for both commercial and investment treaty cases This collection focuses on controversial questions in arbitration of trade financial and investment disputes The essays address some of the most interesting topics in cross border business dispute resolution many of which have endured over several decades and remain subject to radically different views Examples include the proper role of judicial review the allocation of jurisdictional tasks evolution of arbitration s statutory and treaty framework free trade and bilateral investment agreements and the balance between fixed rules and arbitral discretion The book is structured around three themes arbitration s legal framework the conduct of arbitral proceedings and a comparison of arbitration in specific fields such as finance intellectual property and taxation In each of these areas analysis includes the tensions between fairness and efficiency and the accurate application of substantive law as well as the implications of mandatory procedural norms Augmented by more than a dozen new contributions and a revised introduction this 2nd edition retains all of its earlier practical and scholarly relevance and includes a Foreword by V V Johnny Veeder QC

NAFTA Chapter Eleven Reports: Primary materials Charles H. Brower, Jack J. Coe, William S. Dodge, 2006-01-01

This initial volume collects and thoroughly indexes selected primary documents essential to a full understanding of the adjudications contained in subsequent volumes It is designed to be a convenient stand along reference valuable in connection with investor state arbitrations of all kinds Among the documents compiled are treaties arbitration rules and other legal texts relied upon by arbitrators and parties The work orders the documents in a logical user friendly manner and includes a detailed index and a full bibliography

Arbitration of

International Mining Disputes Henry G. Burnett, 2017 International Commercial Arbitration Gary Born, 2009

International Commercial Arbitration Third Edition is an authoritative treatise providing the most complete available commentary and analysis on all aspects of the international commercial arbitration process. This completely revised and expanded edition of Gary Born's authoritative work is divided into three main parts dealing with the International Arbitration Agreement, International Arbitral Procedures and International Arbitral Awards. The Third Edition provides a systematic framework for both current analysis and future developments as well as exhaustive citations from all leading legal systems.

INTERNATIONAL ARBITRATION AGREEMENTS Legal Framework for International Arbitration Agreements International Arbitration Agreements and the Separability Presumption Choice of Law Governing International Arbitration Agreements Formation Validity and Legality of International Arbitration Agreements International Arbitration Agreements and Competence Competence Effects and Enforcement of International Arbitration Agreements Interpretation of International Arbitration Agreements

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INTERNATIONAL ARBITRAL AWARDS Legal Framework for International Arbitral Awards Form and Content of International Arbitral Awards Correction Interpretation and Supplementation of International Arbitral Awards Annulment of International Arbitral Awards Recognition and Enforcement of International Arbitral Awards Preclusion *Lis Pendens* and *Stare Decisis* in International Arbitral Awards

Arbitration Beyond Borders Michael Reisman, Nigel Blackaby, 2023-04-25

The influential vision and work of the late Guillermo Aguilar Ivarez, one of the world's leading arbitral innovators, have left the principles and practice of international arbitration with a rich legacy of insight and achievement. In this one-of-a-kind book, thirty-two prominent arbitrators and scholars consider the vital issues that concerned him and to which he often gave a new clarity. Each chapter addresses a cutting-edge issue of contemporary international arbitration, including the following: ethical standards for party representatives in international arbitration; responsibilities of international arbitrators in the conduct of proceedings; alternatives to investment arbitration; corruption and red flags in international arbitration; abuse of rights in restructuring to access investment protection; foreign investment disputes under the United States-Mexico-Canada Agreement 2020; the illegality defense in investor-State arbitration; arbitration and insolvency; status of annulled awards in investment arbitration; the arbitration backlash. The collection addresses in depth some of the most pressing technical and political considerations facing international arbitration today. Its focus will enable arbitrators and all

whose work involves them in the arbitral process as well as academics in the field to equip themselves to address critical issues as they arise during the conduct of any international commercial or investment arbitration

International Commercial Arbitration Gary B. Born, 2014-10-01 The second edition of Gary Born's *International Commercial Arbitration* is an authoritative 4 408 page treatise in three volumes providing the most comprehensive commentary and analysis on all aspects of the international commercial arbitration process that is available The first edition of *International Commercial Arbitration* is widely acknowledged as the preeminent commentary in the field It was awarded the 2011 Certificate of Merit by the American Society of International Law and was voted the International Dispute Resolution Book of the Year by the Oil Gas Mining and Infrastructure Dispute Management list serve in 2010 The first edition has been extensively cited in national court decisions and arbitral awards around the world The treatise comprehensively examines the law and practice of contemporary international commercial arbitration thoroughly explicating all relevant international conventions national arbitration statutes and institutional arbitration rules It focuses on both international instruments particularly the New York Convention and national law provisions in all leading jurisdictions including the UNCITRAL Model Law on International Commercial Arbitration Practitioners academics clients institutions and other users of international commercial arbitration will find clear and authoritative guidance in this work The second edition of *International Commercial Arbitration* has been extensively revised expanded and updated to include all material legislative judicial and arbitral authorities in the field of international arbitration prior to January 2014 It also includes expanded treatment of annulment recognition of awards counsel ethics arbitrator independence and impartiality and applicable law Overview of volumes Volume I covering *International Arbitration Agreements* provides a comprehensive discussion of international commercial arbitration agreements It includes chapters dealing with the legal framework for enforcing international arbitration agreements the separability presumption choice of law formation and validity nonarbitrability competence competence and the allocation of jurisdictional competence the effects of arbitration agreements interpretation and non signatory issues Volume II covering *International Arbitration Procedures* provides a detailed discussion of international arbitral procedures It includes chapters dealing with the legal framework for international arbitral proceedings the selection challenge and replacement of arbitrators the rights and duties of international arbitrators selection of the arbitral seat arbitration procedures disclosure and discovery provisional measures consolidation joinder and intervention choice of substantive law confidentiality and legal representation and standards of professional conduct Volume III dealing with *International Arbitral Awards* provides a detailed discussion of the issues arising from international arbitration awards It includes chapters covering the form and contents of awards the correction interpretation and supplementation of awards the annulment and confirmation of awards the recognition and enforcement of arbitral awards and issues of preclusion lis pendens and stare decisis

Annulment Under the ICSID Convention R. Doak Bishop, Silvia M. Marchili, 2012-12-06 The book systematically describes the theory and

practice of ICSID annulment proceedings by thoroughly analysing this mechanism in light of the annulment decisions rendered so far as well as the publications on the issue Organised to suit the needs of the practitioner it outlines the recent trends in the area providing the most up to date analysis of the subject It also addresses key topics involving ICSID annulment such as the procedural issues which frequently arise in this type of proceedings for example admissibility of new evidence and arguments in annulment proceedings res judicata in resubmitted cases The sections on each ground for annulment include an analysis of the applicable standard as well as a detailed description and study of each annulment decision that addressed the respective ground creating an authoritative and complete resource International Commercial Arbitration A. J. van den Berg, 2003-01-01 The collected papers in ICCA Congress Series no 11 as reflected in its title address important contemporary questions in international commercial arbitration Included are contributions written by participants in the UNCITRAL Working Group on Arbitration and Conciliation on its current work on the requirement of a written form for an arbitration agreement interim measures of protection and UNCITRAL's Model Law on International Commercial Conciliation Further contributions give leading practitioners views on illegality in the formation and performance of contracts or in the conduct of the arbitration examining questions on how the arbitral tribunal should deal with these vexed issues and how forgery and fraud may be detected The factors that lead to acceptance by parties of the decisions of arbitrators are dealt with in contributions on the psychological aspects of dispute resolution The volume concludes with a series of articles on arbitration under investment treaties written by experienced arbitrators and practitioners with special emphasis on ICSID and NAFTA and the emerging issues of transparency accountability and review Contains lengthy articles on the ongoing work of UNCITRAL on proposed amendments to the UNCITRAL Model Law on International Commercial Arbitration and the recently adopted Model Law on International Commercial Conciliation Details the current thinking on the requirement of an arbitration agreement in writing and how this can be accommodated by the UNCITRAL Model Law and the 1958 New York Convention Addresses the granting of interim measures by arbitral tribunals and their enforcement by national and foreign courts Analyzes issues raised by illegality in the formation and performance of contracts and in the conduct arbitrations and provides a systematic overview of the answers given by legislation arbitrators and courts Provides insight into the attitudes of arbitrators and parties regarding dispute settlement processes Addresses the changing public perception of arbitration under investment treaties **International Dispute Resolution in Latin America** Christian Leathley, 2007-01-01 As a complete and consolidated text on the bilateral multilateral and sub regional institutions that operate in Latin America and the Caribbean International Dispute Resolution in Latin America An Institutional Overview will be of great interest to corporate counsel international lawyers and business people as well as to students of international dispute resolution and international affairs Public officials in the region will appreciate the book's assistance in enabling them to decipher the institutional labyrinth which currently exists in Latin America BOOK JACKET International Arbitration in Latin America

Gloria M. Alvarez, Mélanie Riofrio Piché, Felipe V. Sperandio, 2021-04-08 Energy projects in Latin America are a major contributor to economic growth worldwide This book is the first to offer a comprehensive in depth analysis of specific issues arising from energy and natural resources contracts and disputes in the region covering a wide range of procedural substantive and socio legal issues The book also includes how states have shifted from passive business partners to more active controlling players The book contains an extensive treatment and examination of the particularities of arbitration practice in Latin America including arbitrability public order enforcement and the complex public private nature of energy transactions Specialists experienced in resolving international energy and natural disputes throughout the region provide detailed analysis of such issues and topics including state owned entities as co investors or contracting parties role of environmental law indigenous rights and public participation issues related to political changes corruption and quantification of damages climate change renewable energy and the energy transition force majeure hardship and price reopeners arbitration in the electricity sector take or pay contracts recognition and enforcement of awards tension between stabilization clauses and human rights mediation as a method for dispute settlement in the energy and natural resources sector and different comparative approaches taken by national courts in key Latin American jurisdictions The book also delivers a clear explanation on the impact made to the arbitration process by Covid 19 emerging laws changes of political circumstances the economic global trends in the oil gas market the energy transition and the rise of new technologies This invaluable book will be welcomed by in house lawyers government officials as well as academics and rest of the arbitration community involved in international arbitration with particular interest in the energy and natural resources sector

International Law Reports Elihu Lauterpacht, C. J. Greenwood, A. G. Oppenheimer, 2008-02-28 The International Law Reports is the only publication in the world wholly devoted to the regular and systematic reporting in English of decisions of international courts and arbitrators as well as judgments of national courts Volume 132 reports on amongst others the 2007 Partial Award in Eurotunnel arbitration the Bermudan Court of Appeal case on treaties Braswell and the UK House of Lords judgments in joined appeals in Jones Margaret and Ayliffe together with the lower court decisions Enforcement of Judgments, Awards & Deeds in Commercial Matters Carel J. H. Lynden (baron van), 2013 One of the first things international practitioners must consider is where to conduct legal proceedings But the second thought must be whether a judgment or award or a deed for that matter is enforceable in the debtor's jurisdiction or the jurisdiction where there are assets This first edition of Enforcement of Judgments Awards and Deeds provides the answer to such questions for a variety of jurisdictions The New York Convention of 1958 is widely implemented and therewith provides the basis for recognition of arbitral awards in many countries where court judgments are concerned the position is different This book assists practitioners to make the right choice Cover Contemporary Issues in International Arbitration and Mediation: The Fordham Papers (2009) Arthur W. Rovine, 2010-05-20 The 2009 volume of Contemporary Issues in International Arbitration and Mediation The Fordham

Papers is a collection of important works in international arbitration and mediation written by the prominent speakers at the 2009 Fordham Law School Conference on International Arbitration and Mediation. The 25 papers are organized into the following six parts: Part I Investor State Arbitration; Part II Arbitrator Ethics; Part III Damages in International Commercial Arbitration; Part IV The Theory and Philosophy of International Arbitration; Part V Investor State Mediation; Part VI Mediation in the Context of Arbitration.

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The Panama Convention And Its Implementation Under The Federal Arbitration Act Introduction

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