

THE CAMBRIDGE HANDBOOK OF JUDICIAL CONTROL OF ARBITRAL AWARDS

A unique collaboration between academic scholars, legal practitioners, and arbitrators, this handbook focuses on the intersection of arbitration – as an alternative to litigation – and the court systems to which arbitration is ultimately beholden. The first three parts analyze issues relating to the interpretation of the scope of arbitration agreements, arbitrator bias and conflict of interest, arbitrator misconduct during the proceedings, enforceability of arbitral awards, and the grounds for vacating awards. The next section features fifteen country-specific reviews, which demonstrate that, despite the commonality of principles at the international level, there are a significant number of differences in the application of those principles at the national level. This work should be read by anyone interested in the general rules and principles of the enforceability of foreign arbitral awards and the grounds for courts to vacate or annul such awards.

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Edited by Larry A. DiMatteo , Marta Infantino , Nathalie M-P Potin

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To my son, Ian Griffith DiMatteo, the pride and joy of my life.

LAD

To don Calogero Fausto Infantino, whose generosity is second only to his wisdom.

MI

À mes proches pour leur soutien indéfectible.

NP

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Preface

This book comprises the collected and revised papers presented at a conference on the relationship between arbitration and the courts, held at Lyon Catholic University in April 2019. The topics selected for the conference and hence for the chapters of this book range from the theoretical to the analysis of rules and to arbitration practice. The analysis can be divided between the macro and the micro. The generic issues related to courts and arbitration are presented in the first three parts of the book and include arbitrator misconduct, bias, and conflict of interest; association-specific rules, drafting of arbitration clauses; the enforceability of arbitral awards; and the scope and interpretation of arbitration clauses. The book then shifts focus to view these issues on a country-to-country basis. The “country reports” act as case studies to show the commonalities and divergences among national arbitration laws. The countries selected for review are geographically diverse and include countries from six continents: Africa (Nigeria), Asia (China), Australia, Europe (Bulgaria, France, Germany, Italy, Poland, Russia, Spain, Switzerland, Ukraine, the United Kingdom), North America (the United States), and South America (Argentina).

As editors of this book, it has been a pleasure to work with a fine group of scholars and practitioners. We are in debt to all the contributors to this book. We are also indebted to the Lyon Catholic University, the University of Trieste, and the University of Florida for their financial support, especially the Law School at the Lyon Catholic University for hosting the conference. Special thanks to the Dean of Lyon Catholic University, Michael Cannarsa, for his encouragement and support. Finally, we were ably assisted by the editorial and production staff at Cambridge University Press, who had faith in the value of this book and who have been on hand to help us as it progressed from idea to finished work. In particular, we are grateful to Matt Gallaway, our editor.

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