

**NEW YORK DISPUTE RESOLUTION LAWYER INDEX (2008-present)**

| <b>Title</b>  | <b>Author</b>            | <b>Vol.</b> | <b>No.</b> | <b>Issue</b> | <b>Yr.</b> | <b>Pg.</b> |
|---|--------------------------|-------------|------------|--------------|------------|------------|
| <b>Case Law Comments</b>  |                          |             |            |              |            |            |
| Helping the Supreme Court Help Arbitration: Narrowing the Grounds for Review of Awards in <i>Hall Street</i> and Beyond               | Neeseman, Carroll        | 1           | 1          | FALL         | 2008       | 13         |
| Heightened Review of Arbitration Awards Under State Law After the Supreme Court's Decision in <i>Hall Street Associates v. Mattel</i> | Brown, William J.T.      | 1           | 1          | FALL         | 2008       | 18         |
| After the New York State Court of Appeals Decision in <i>Hauzinger</i> : What Next?   | Thaler, Robert S.        | 1           | 1          | FALL         | 2008       | 23         |
| What Is the Extent of Confidentiality in Mediation After <i>Hauzinger</i> ?   | Beane, Leona             | 1           | 1          | FALL         | 2008       | 26         |
| Rule 408 of the Federal Rules of Evidence and Confidentiality in Mediation  | Richardson, John Michael | 1           | 1          | FALL         | 2008       | 28         |
| Unconscionability—Should We Revisit This Backdoor Challenge to Arbitration?   | Kaster, Laura A.         | 1           | 1          | FALL         | 2008       | 31         |
| <b>Legislative and Other Developments</b>   |                          |             |            |              |            |            |
| The Status of the Revised Uniform Arbitration Act in New York   | Brown, William J.T.      | 1           | 1          | FALL         | 2008       | 33         |
| The Status of the Uniform Mediation Act in New York   | Moxley, Charles J., Jr.  | 1           | 1          | FALL         | 2008       | 34         |
| The UMA: A Good Fit for New York  | Reuben, Richard C.       | 1           | 1          | FALL         | 2008       | 35         |
| Congress Considers Legislation That Could Significantly Alter Arbitration in the United States  | Kantor, Mark             | 1           | 1          | FALL         | 2008       | 38         |
| New N.Y. Court Rules for ADR Neutral Qualification  |                          | 1           | 1          | FALL         | 2008       | 42         |
| New Pilot Program at FINRA  |                          | 1           | 1          | FALL         | 2008       | 42         |
| <b>International Activity</b>   |                          |             |            |              |            |            |
| ICDR Issues New “Discovery” Guidelines  | Carter, James H.         | 1           | 1          | FALL         | 2008       | 43         |

|   |   |   |   |        |      |    |
|---|---|---|---|--------|------|----|
| The European Directive on Commercial Mediation: What It Means, What It Says, and What It Doesn't  | Phillips, F. Peter                          | 1 | 1 | FALL   | 2008 | 45 |
| The New York Convention at Age 50: A Primer on the International Regime for Enforcement of Foreign Arbitral Awards  | Cohen, Stephanie                            | 1 | 1 | FALL   | 2008 | 47 |
| Investor-State Arbitration: An Overview on ICSID  | Whittaker, Janet                            | 1 | 1 | FALL   | 2008 | 51 |
| <b>ADR Practice and Future</b>  |   |   |   |        |      |    |
| The Future of Arbitration   | Wilkinson, John                             | 1 | 1 | FALL   | 2008 | 54 |
| The Reasons for Mediation's Bright Future   | Sussman, Edna                               | 1 | 1 | FALL   | 2008 | 57 |
| The Future of Collaborative Law   | Solovay, Norman                             | 1 | 1 | FALL   | 2008 | 61 |
| Scope of Discovery in Commercial Arbitration  | Moxley, Charles J., Jr.                     | 1 | 1 | FALL   | 2008 | 65 |
| The Ethical Compass   | Greenberg, Elayne E.                        | 2 | 1 | SPRING | 2009 | 8  |
| <b>ADR News</b>   |   |   |   |        |      |    |
| The Globalization of the Arbitration Service Industry: Current Developments in the Institutional Provider World   | Garfinkel, Barry H.;<br>Ravanides, Christos | 2 | 1 | SPRING | 2009 | 11 |
| Mediator Receives the Nobel Peace Prize   | Warshauer, Irene C.                         | 2 | 1 | SPRING | 2009 | 18 |
| Editor's Note: President Obama's Memorandum on Collaboration  |   | 2 | 1 | SPRING | 2009 | 19 |
| <b>ADR Practice and Legislative Updates</b>   |   |   |   |        |      |    |
| Tailoring Your Arbitration Proceeding with the New CPR Protocol   | Newman, Lawrence W.                         | 2 | 1 | SPRING | 2009 | 20 |
| Notes on the Final Report of the ABA Section of Dispute Resolution Task Force on Improving Mediation Quality  | Thorpe, R. Wayne                            | 2 | 1 | SPRING | 2009 | 23 |
| New Rule 5.5 of the New York Rules of Professional Conduct and the Representation of Parties in New York Arbitrations by Lawyers Not Licensed to Practice in New York | Mason, Christopher M.                       | 2 | 1 | SPRING | 2009 | 25 |
| Protocol for E-Disclosure in Arbitration Issued by the Chartered Institute of Arbitrators   | Certilman, Steven A.                        | 2 | 1 | SPRING | 2009 | 31 |

|  |  |   |   |        |      |    |
|--|--|---|---|--------|------|----|
| Guidelines for Interviewing Prospective Arbitrators  | Dundas, Hew R.                             | 2 | 1 | SPRING | 2009 | 33 |
| Why a Uniform Collaborative Law Act?   | Solovay, Norman;<br>Maxwell, Jr., Lawrence | 2 | 1 | SPRING | 2009 | 36 |
| The Dark Before the Dawn: The Revised Uniform Arbitration Act  | Brown, William J.T.                        | 2 | 1 | SPRING | 2009 | 41 |
| <b>Case Law Developments</b>   |  |   |   |        |      |    |
| Manifest Disregard of the Law After <i>Hall Street</i> : A Continued Role for an Extra-Statutory Doctrine? | Kahn, Sherman; Nodel, Jordan               | 2 | 1 | SPRING | 2009 | 45 |
| Non-Party Discovery in Arbitration: The Second Circuit Weights In  | Goldstein, Marc J.                         | 2 | 1 | SPRING | 2009 | 49 |
| Is It Arbitrable?: Case Developments   | Riback, Stuart M.                          | 2 | 1 | SPRING | 2009 | 52 |
| Step Clauses: Obstacles to Enforceability  | Mentz, Barbara A.                          | 2 | 1 | SPRING | 2009 | 54 |
| Class Action Waivers in Arbitration Agreements: The Second Circuit Speaks                                  | Gwynne, James Benjamin                     | 2 | 1 | SPRING | 2009 | 60 |
| <b>Mediation's Benefits By Practice Areas</b>  |  |   |   |        |      |    |
| Mediation and Estate Litigation  | Beane, Leona                               | 2 | 1 | SPRING | 2009 | 62 |
| Why Mediation Works to Resolve Workplace Disputes  | Raisfeld, Ruth D.                          | 2 | 1 | SPRING | 2009 | 66 |
| Mediating IP Disputes  | Plant, David W.                            | 2 | 1 | SPRING | 2009 | 68 |
| <b>Reflections on Med-Arb and Arb-Med: Around the World</b>  |  |   |   |        |      |    |
| Developing an Effective Med-Arb/Arb-Med Process  | Sussman, Edna                              | 2 | 1 | SPRING | 2009 | 71 |
| Same-Neutral Med-Arb: What Does the Future Hold?   | Phillips, Gerald F.                        | 2 | 1 | SPRING | 2009 | 75 |
| Med-Arb Should Be Dead   | Kichaven, Jeff                             | 2 | 1 | SPRING | 2009 | 80 |
| A Case Study: Med-Arb Worked in U.S. for Real Estate Partnership Claims                                    | Cottone, Philip S.                         | 2 | 1 | SPRING | 2009 | 83 |
| Making Med-Arb Work in Australia   | Limbury, Alan L.                           | 2 | 1 | SPRING | 2009 | 84 |
| Arb-Med: A Reflection á Propos of a Bolivian Experience  | Tarrazón, Mercedes                         | 2 | 1 | SPRING | 2009 | 87 |

|   |                                       |   |   |        |      |     |
|---|---------------------------------------|---|---|--------|------|-----|
| Designing Effective Med-Arb and Arb-Med Processes in Brazil   | Pedro Alberto Costa Braga de Oliveira | 2 | 1 | SPRING | 2009 | 89  |
| Med-Arb in Ontario: Enforceability of Med-Arb Agreement Confirmed by Court of Appeal  | Leon, Barry; Peterson, Alexandra      | 2 | 1 | SPRING | 2009 | 92  |
| Some Limits to Applying Chinese Med-Arb Internationally   | Cheng, Tai-Heng; Kohtio, Anthony      | 2 | 1 | SPRING | 2009 | 95  |
| Med-Arb—An English Perspective  | Lang, Jon                             | 2 | 1 | SPRING | 2009 | 98  |
| Arb-Med and Med-Arb Are Well-Suited to Meeting India's ADR Needs  | Panchu, Sriram                        | 2 | 1 | SPRING | 2009 | 103 |
| The Use of Med-Arb-Like Mechanisms in Italy and Other European Countries  | Morresi, Renzo Maria                  | 2 | 1 | SPRING | 2009 | 106 |
| Perspectives from Japan: A New Concept in Dispute Resolution—the Mediation-Arbitration Hybrid   | Oghigian, Haig                        | 2 | 1 | SPRING | 2009 | 110 |
| Muslims' and Arabs' Practice of ADR   | Antaki, Nabil N.                      | 2 | 1 | SPRING | 2009 | 113 |
| Hybrid ADR Processes in South Africa  | Jordaan, Barney                       | 2 | 1 | SPRING | 2009 | 117 |
| <b>New Books</b>  |                                       |   |   |        |      |     |
| Book Review: <i>Full Access Passport: The Principles and Practice of International Commercial Arbitration</i>   | Reviewed by Stefan B. Kalina          | 2 | 1 | SPRING | 2009 | 120 |
| Book Review: <i>Challenging Conflict: Mediation Through Understanding</i>   | Beane, Leona                          | 2 | 1 | SPRING | 2009 | 122 |
| Author's Summary: <i>The New Lawyer: Moving from Warrior to Conflict Resolver</i>   | Macfarlane, Julie                     | 2 | 1 | SPRING | 2009 | 123 |
| Dispute Resolution Section News   |                                       | 2 | 2 | FALL   | 2009 | 6   |
| <b>Ethics and Diversity</b>   |                                       |   |   |        |      |     |
| The Ethical Compass<br>The Jelly Bean Challenge: How Attorneys Serving as Neutrals Identify and Coordinate the Ethical Mandates of the 2009 Rules of Professional Conduct with the Ethical Mandates of Dispute Resolution | Greenberg, Elayne E.                  | 2 | 2 | FALL   | 2009 | 7   |
| Diversifying the ADR Field  | Alvarez, Erin Gleason                 | 2 | 2 | FALL   | 2009 | 13  |



|   |   |   |   |      |      |    |
|---|---|---|---|------|------|----|
| <b>ADR News</b>   |   |   |   |      |      |    |
| The Obama Administration Establishes a New Era of Transparency, Public Involvement and Collaboration          | Siegel, Joseph A.                         | 2 | 2 | FALL | 2009 | 17 |
| Justice Sotomayor's Position on Arbitration: A Survey of Past Cases and a View to the Future                  | Smith, Quinn                              | 2 | 2 | FALL | 2009 | 19 |
| Recent FINRA Dispute Resolution Initiatives   | Rosenfeld, Avi                            | 2 | 2 | FALL | 2009 | 21 |
| ADR News Updates  |   | 2 | 2 | FALL | 2009 | 24 |
| <b>U.S. Arbitration Case Analyses</b>   |   |   |   |      |      |    |
| Developments in Arbitration: Arbitration at the United States Supreme Court—October Term 2008                 | Kahn, Sherman                             | 2 | 2 | FALL | 2009 | 25 |
| In <i>ReliaStar</i> the Second Circuit Confirms That Arbitrators Have Inherent Authority to Sanction          | Nodel, Jordan                             | 2 | 2 | FALL | 2009 | 30 |
| <i>Stolt-Nielsen</i> : The Supreme Court Takes Up Issues of Class Arbitration                                 | Brown, William J.T.                       | 2 | 2 | FALL | 2009 | 33 |
| Did You Agree to Arbitrate?   | Kaster, Laura A.                          | 2 | 2 | FALL | 2009 | 36 |
| Arbitration Agreements and Bankruptcy—Which Law Trumps When?  | Sussman, Edna;<br>Tongo, Osata Tonia      | 2 | 2 | FALL | 2009 | 38 |
| <b>International Roundup</b>  |   |   |   |      |      |    |
| The Restatement (Third) of the U.S. Law of International Commercial Arbitration: Some Questions Along the Way | Bermann, George A.                        | 2 | 2 | FALL | 2009 | 42 |
| A Farewell to Arms? West Tankers and the Demise of the Anti-Suit Injunction in Europe                         | Nelson, Timothy G.;<br>McInerney, Colm P. | 2 | 2 | FALL | 2009 | 45 |
| Advising Clients on ADR: Professional Conduct Obligations for English Solicitors                              | Oddy, Alexander J.                        | 2 | 2 | FALL | 2009 | 49 |
| International Mediator Certification and Expanding the Mediation Pie  | Leathes, Michael                          | 2 | 2 | FALL | 2009 | 52 |
| Mediation Confidentiality and the Mediator as Witness: An English Case Development                            | Dundas, Hew R.                            | 2 | 2 | FALL | 2009 | 55 |

|  |                         |   |   |        |      |    |
|--|-------------------------|---|---|--------|------|----|
| International Perspectives: Arbitration Agreements and Bankruptcy  | Sussman, Edna           | 2 | 2 | FALL   | 2009 | 58 |
| <b>Mediation Tips and Stories</b>  |                         |   |   |        |      |    |
| Creative Mediated Solutions  | Warshauer, Irene C.     | 2 | 2 | FALL   | 2009 | 59 |
| Insurance Company Mediations   | Scarpato, Peter         | 2 | 2 | FALL   | 2009 | 61 |
| Business Divorce Mediation   | Lutringer, Richard      | 2 | 2 | FALL   | 2009 | 64 |
| A Med-arb Variant: Binding Mediation—an Oxymoron? Yes but Doable   | Ginsberg, Eugene S.     | 2 | 2 | FALL   | 2009 | 68 |
| <b>Dispute Resolution Section Reports</b>  |                         |   |   |        |      |    |
| Guidance for Arbitrators in Finding the Balance Between Fairness and Efficiency  |                         | 2 | 2 | FALL   | 2009 | 69 |
| Report of the Dispute Resolution Section on the Arbitration Fairness Act and Other Federal Arbitration Bills   |                         | 2 | 2 | FALL   | 2009 | 76 |
| DRS Committee News   |                         | 3 | 1 | SPRING | 2010 | 7  |
| <b>Ethics</b>  |                         |   |   |        |      |    |
| The Ethical Compass: Should There Be a Rule Compelling ADR? Follow the Road Where a Thousand Flowers May Grow  | Greenberg, Elayne E.    | 3 | 1 | SPRING | 2010 | 8  |
| <b>Arbitration</b>   |                         | 3 | 1 | SPRING | 2010 |    |
| <i>Throw Down the Muskets, Seek Out the Town Elders</i><br>This Is a Brief History of Arbitration in the United States                                 | Certilman, Steven A.    | 3 | 1 | SPRING | 2010 | 10 |
| Congressional Developments on Arbitration: Update  | Sussman, Edna           | 3 | 1 | SPRING | 2010 | 14 |
| Traps for the Unwary: Major Differences Between New York and Federal Arbitration Law   | Moxley, Charles J., Jr. | 3 | 1 | SPRING | 2010 | 16 |
| Arbitrator Correction of Awards: The Second Circuit Finds a Way  | Goldstein, Marc J.      | 3 | 1 | SPRING | 2010 | 21 |
| Applicability of the Supreme Court's Decision in <i>Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers and Trainmen</i> to Step Clauses | Barbara Mentz           | 3 | 1 | SPRING | 2010 | 25 |

|  |   |   |   |        |      |    |
|--|---|---|---|--------|------|----|
| The Source and Limits of Arbitral Authority to Sanction: Questions Growing Out of ReliaStar Life Insurance Company of New York v. EMC National Life Company, a/k/a National Travelers Life Company | Peterson, Jennifer  | 3 | 1 | SPRING | 2010 | 29 |
| <b>Mediation</b>   |   |   |   |        |      |    |
| “Good Faith” Participation in Court-Annexed Mediation Defined by Southern District of New York Bankruptcy Judge in Recent Sanctioning of Lawyers   | Raisfeld, Ruth D.   | 3 | 1 | SPRING | 2010 | 32 |
| Exit Strategies: Typology and Tips   | Jacks, Joshua;<br>Schweisberg, Matt;<br>Thompson, Douglas;<br>Tonkin, Elissa Tonkin | 3 | 1 | SPRING | 2010 | 34 |
| Environmental Disputes Mediation: Public Construction Projects   | Rhodes, James M.  | 3 | 1 | SPRING | 2010 | 37 |
| Using Mediation to Address Co-Guardianship Disputes  | Beane, Leona  | 3 | 1 | SPRING | 2010 | 42 |
| Employment Law for Mediators and Arbitrators   | Hoguet, Laura B.  | 3 | 1 | SPRING | 2010 | 44 |
| <b>International</b>   |   |   |   |        |      |    |
| Balancing Discovery with EU Data Protection in International Arbitration Proceedings   | Retzer, Karin; Kahn, Sherman  | 3 | 1 | SPRING | 2010 | 47 |
| The Administration Reviews the U.S. Model Bilateral Investment Treaty  | Kantor, Mark  | 3 | 1 | SPRING | 2010 | 52 |
| Use of Section 1782 in Aid of International Arbitration: The View from the Fifth Circuit   | Zaslowsky, David  | 3 | 1 | SPRING | 2010 | 58 |
| <i>Saipem S.p.A. v. The People’s Republic of Bangladesh</i> : ICSID Restrains a Judiciary Run Amok   | Neuhaus, Joseph E.;<br>Browning, Ian E.   | 3 | 1 | SPRING | 2010 | 61 |
| Clash of the New York Convention with the McCarran-Ferguson Act: Can State Insurance Law Ban Arbitration of International Insurance Disputes?  | Brown, William J.T.   | 3 | 1 | SPRING | 2010 | 65 |
| Recent Developments in Commercial Mediation in China   | Phillips, F. Peter  | 3 | 1 | SPRING | 2010 | 67 |
| Receptivity of ADR in Brazil for Commercial Disputes   | Costa Braga de Oliveira,<br>Pedro Alberto   | 3 | 1 | SPRING | 2010 | 68 |



|  |                              |   |   |        |      |    |
|--|------------------------------|---|---|--------|------|----|
| <b>Book Reviews</b>  |                              |   |   |        |      |    |
| <i>Nudge</i> by Richard H. Thaler and Cass Sunstein  | Kaster, Laura A. (Reviewer)  | 3 | 1 | SPRING | 2010 | 71 |
| <i>Mediating Legal Disputes: Effective Strategies for Neutrals and Advocates</i> by Dwight Golann  | Kramer, Nancy (Reviewer)     | 3 | 1 | SPRING | 2010 | 72 |
| <i>The American Influence on International Commercial Arbitration: Doctrinal Developments and Discovery Methods</i> by Pedro J. Martinez-Fraga   | Kalina, Stefan B. (Reviewer) | 3 | 1 | SPRING | 2010 | 73 |
| <b>Case Notes</b>  |                              |   |   |        |      |    |
| The Right to Arbitrate: A New Standard for Child Custody Decisions in New Jersey: <i>Fawzy v. Fawzy</i>  | Hibbert, Colleen J.          | 3 | 1 | SPRING | 2010 | 75 |
| When the Selected Arbitral Forum Is Unavailable: <i>New Port Richey Medical Investors, LLC v. Stern</i>  | Hsu, Steven                  | 3 | 1 | SPRING | 2010 | 76 |
| Sanctions for Frivolous Appeal of Arbitral Award: <i>DMA International, Inc. v. Qwest Communications International</i>   | Jossen, Matthew              | 3 | 1 | SPRING | 2010 | 77 |
| Courts Have Put the “Judicata” in <i>Res Judicata</i> with Respect to Whether the Doctrine Applies to Prior Arbitration Awards   | Poleganova, Elena            | 3 | 1 | SPRING | 2010 | 78 |
| In <i>Aurelius Capital Partners</i> the Second Circuit Applies the Foreign Sovereign Immunities Act to Prevent Judgment Creditors of the Republic of Argentina from Attaching and Executing Against Assets in New York | Tongo, Osato Tonia           | 3 | 1 | SPRING | 2010 | 79 |
| DRS Committee News   |                              | 3 | 2 | FALL   | 2010 | 6  |
| ADR News   |                              | 3 | 2 | FALL   | 2010 | 7  |
| <b>Ethics</b>  |                              | 3 | 2 | FALL   | 2010 |    |
| The Ethical Compass: Two for the Price of One Is a Costly Choice: The Ethical Issues for Lawyer-Mediators Who Consider Drafting Agreements   | Greenberg, Elayne E.         | 3 | 2 | FALL   | 2010 | 8  |
| <b>Supreme Court Review</b>  |                              | 3 | 2 | FALL   | 2010 |    |
| Developments in Arbitration: Arbitration at the United States Supreme Court—October Term 2009  | Kahn, Sherman                | 3 | 2 | FALL   | 2010 | 12 |

|  |                                   |   |   |      |      |    |
|--|-----------------------------------|---|---|------|------|----|
| <b>The Dispute Resolution Spectrum Explored</b>  |                                   | 3 | 2 | FALL | 2010 |    |
| "Deal Mediation": The Art of the Deal  | Abrams, Hesha                     | 3 | 2 | FALL | 2010 | 18 |
| Dispute Boards: An Effective Tool for Dispute Reduction and Prevention   | Thevenin, Nancy M.                | 3 | 2 | FALL | 2010 | 20 |
| Settlement Counsel: Answers to the FAQs  | McGuire, James E.                 | 3 | 2 | FALL | 2010 | 23 |
| Collaborative Law and the Uniform Collaborative Law Act  | Schepard, Andrew                  | 3 | 2 | FALL | 2010 | 26 |
| A New Online Approach to Managing and Resolving Monetary Claims  | Ring, James F.                    | 3 | 2 | FALL | 2010 | 30 |
| Mediation—Alchemical Crucible for Transforming Conflict to Resolution  | Baum, Simeon H.                   | 3 | 2 | FALL | 2010 | 33 |
| Cross-Border Commerce and Online Dispute Resolution: Emerging International Legislative and Systemic Developments        | Rogers, Vikki; Bloch, Christopher | 3 | 2 | FALL | 2010 | 37 |
| Telephone Mediation  | Yamshon, Daniel                   | 3 | 2 | FALL | 2010 | 40 |
| Early Neutral Evaluation in the Northern District of California: A Distinct and Valuable Process, but Not for Every Case | Herman, Howard A.                 | 3 | 2 | FALL | 2010 | 42 |
| The Summary Jury Trial and Other Hybrid Forms of ADR   | Lambros, Thomas D.                | 3 | 2 | FALL | 2010 | 45 |
| An Arbitration GPS   | Pessen, Abigail                   | 3 | 2 | FALL | 2010 | 48 |
| Creating Space for Dialogue Involving Serious Crime  | Collins, Mark                     | 3 | 2 | FALL | 2010 | 51 |
| <b>Mediation</b>   |                                   | 3 | 2 | FALL | 2010 |    |
| Mediation Committee White Paper—Report of the Dispute Resolution Section on Mediator Quality and Credentialing           |                                   | 3 | 2 | FALL | 2010 | 54 |
| <b>Arbitration</b>   |                                   | 3 | 2 | FALL | 2010 |    |
| Is Arbitration the "New Litigation"? The Choice Is Yours   | Stipanowich, Thomas               | 3 | 2 | FALL | 2010 | 57 |

|   |  |   |   |        |      |    |
|---|--|---|---|--------|------|----|
| <b>Book Reviews</b>   |  | 3 | 2 | FALL   | 2010 |    |
| <i>International Commercial Arbitration in New York</i> by James Carter and John Fellas, Editors                              | Newman, Lawrence W.<br>(Reviewer)      | 3 | 2 | FALL   | 2010 | 60 |
| <i>The Organizational Ombudsman: Origins, Roles, and Operations—A Legal Guide</i> by Charles L. Howard                        | Kalina, Stefan B.<br>(Reviewer)        | 3 | 2 | FALL   | 2010 | 61 |
| <b>Case Note</b>  |  | 3 | 2 | FALL   | 2010 |    |
| The Eleventh Circuit Rejects Manifest Disregard   | Hibbert, Colleen J.                    | 3 | 2 | FALL   | 2010 | 64 |
| <b>Dispute Resolution Section News</b>  |  | 4 | 1 | SPRING | 2011 | 7  |
| <b>Ethics</b>   |  | 4 | 1 | SPRING | 2011 |    |
| The Ethical Compass: It's A Small World After All: Cultural Competence for Advocates in Dispute Resolution Processes          | Greenberg, Elayne E.                   | 4 | 1 | SPRING | 2011 | 9  |
| Draft Dodging? An Ethical Analysis of Mediator-Attorney Drafting  | Raich, Cara M.                         | 4 | 1 | SPRING | 2011 | 12 |
| <b>Arbitration</b>  |  | 4 | 1 | SPRING | 2011 |    |
| Will <i>Stolt-Nielsen</i> Push Consumer, Employment and Franchise Disputes Back Into the Courts?                              | Kuck, Lea Haber;<br>Litt, Gregory A.   | 4 | 1 | SPRING | 2011 | 16 |
| Investing in Commercial Claims; New York Perspectives   | Seidel, Selvyn                         | 4 | 1 | SPRING | 2011 | 20 |
| The Boundaries of Arbitral Power—A Doctrine Revisited   | Kaster, Laura A.;<br>Archer, Judith A. | 4 | 1 | SPRING | 2011 | 25 |
| Reflections on the Use of Dispositive Motions in Arbitration  | Sussman, Edna;<br>Ebere, Solomon       | 4 | 1 | SPRING | 2011 | 28 |
| Summary of Recommendations in the College of Commercial Arbitrators: Protocols for Expeditious and Cost-Effective Arbitration |  | 4 | 1 | SPRING | 2011 | 32 |
| <b>Mediation</b>  |  | 4 | 1 | SPRING | 2011 |    |
| This Is Your Brain on Mediation: What Neuroscience Can Add to the Practice of Mediation                                       | Weitz, Daniel                          | 4 | 1 | SPRING | 2011 | 36 |
| A Stitch in Time: Preventing the Escalation of Conflict   | Patrick Green                          | 4 | 1 | SPRING | 2011 | 39 |

|   |                                      |   |   |        |      |    |
|---|--------------------------------------|---|---|--------|------|----|
| Italy Responds to the EU Mediation Directive and Confronts Court Backlog: The New Civil Courts Mandatory Mediation Law          | De Paolis, Francesca                 | 4 | 1 | SPRING | 2011 | 41 |
| <b>International Arbitration</b>  |                                      | 4 | 1 | SPRING | 2011 |    |
| Arbitration to Improve and Expedite Cross-Border Bankruptcies   | Gropper, Allan L.                    | 4 | 1 | SPRING | 2011 | 45 |
| Transparency in Investment Arbitration: A Creeping Reality?   | Matthews, Joe                        | 4 | 1 | SPRING | 2011 | 49 |
| The Arbitral Tribunal or the National Court—Who Decides Whether There Is an Agreement to Arbitrate?                             | Lindsay, Emma                        | 4 | 1 | SPRING | 2011 | 52 |
| Building a New Way of Researching   | Maguire, Morgan D.                   | 4 | 1 | SPRING | 2011 | 55 |
| Discovery and Cross-Examination Challenges in International Arbitrations: A Singapore Perspective                               | Yeap SC, Andre;<br>Wong, Adrian Wong | 4 | 1 | SPRING | 2011 | 58 |
| New York State Bar Association Guidelines for the Arbitrator's Conduct of the Pre-Hearing Phase of International Arbitrations   |                                      | 4 | 1 | SPRING | 2011 | 62 |
| <b>Mixed ADR Processes</b>  |                                      | 4 | 1 | SPRING | 2011 |    |
| Practical Uses of ADR in Outsourcing Relationships  | Millstein, Julian;<br>Kahn, Sherman  | 4 | 1 | SPRING | 2011 | 68 |
| <b>Book Reviews</b>   |                                      | 4 | 1 | SPRING | 2011 |    |
| <i>Bargaining With The Devil: When to Negotiate, When to Fight</i> by Robert Mnookin  | Vivian Berge (Reviewer)              | 4 | 1 | SPRING | 2011 | 72 |
| <i>Take the Witness: Cross-Examination in International Arbitration</i> by Lawrence W. Newman and Ben H. Sheppard, Jr., Editors | Kalina, Stefan B.                    | 4 | 1 | SPRING | 2011 | 73 |
| <i>The Middle Voice</i> by Joseph B. Stulberg and Lela P. Love  | Kaster, Laura A.                     | 4 | 1 | SPRING | 2011 | 76 |
| <b>Case Notes</b>   |                                      | 4 | 1 | SPRING | 2011 |    |
| Pre-Hearing Deposition of Witness Allowed in Federal Compulsory Arbitration Case  | Raab, Ira J.                         | 4 | 1 | SPRING | 2011 | 77 |

|  |  |   |   |        |      |    |
|--|--|---|---|--------|------|----|
| District Courts Lack Inherent Authority to Sanction for Conduct Occurring During Court-Ordered Arbitration: <i>Positive Software Solutions, Inc. v. New Century Mortgage Corp.</i> | Gambol, Anthony  | 4 | 1 | SPRING | 2011 | 78 |
| New York Court of Appeals Establishes Ability to Pay as the Standard for Challenging Cost-Sharing Provisions in Arbitration Agreements   | Astiz, Alyssa  | 4 | 1 | SPRING | 2011 | 80 |
| When Divorcing Spouses Can Neither Collaborate Nor Cooperate, Texas Court Rules on Collaborative and Cooperative Law: <i>In re Mary Lynn Mabray</i>                                | Hill, Meghan   | 4 | 1 | SPRING | 2011 | 82 |
| <i>Nachmani v. By Design, LLC</i> : A Cautionary Note on Drafting Arbitration Clauses  | Hynes, Katherine Vance   | 4 | 1 | SPRING | 2011 | 84 |
| <b>DRS Committee Reports</b>   |  | 4 | 1 | SPRING | 2011 | 85 |
| <b>NYSBA Dispute Resolution Section Adopts Report on the Uniform Collaborative Law Act</b>   |  | 4 | 1 | SPRING | 2011 | 93 |
| <b>Reports on the Panels at the DRS Annual Meeting</b>   |  | 4 | 1 | SPRING | 2011 | 94 |
| The Benefits of Mediation and Arbitration for Dispute Resolution   |  | 4 | 2 | SUMMER | 2011 | 6  |
| Reflections on Mediation in Bankruptcy Matters   | Berkoff, Leslie A.   | 4 | 2 | SUMMER | 2011 | 9  |
| The Benefits of Alternative Dispute Resolution for Resolving Construction Disputes   | Rusk, John; Breakall, Walter; Eckman, Amy K.                                 | 4 | 2 | SUMMER | 2011 | 10 |
| Successful Resolution of Cooperative, Condominium and Homeowners Association Disputes  | Davis, Gail R.; Goldsmith, Walter  | 4 | 2 | SUMMER | 2011 | 18 |
| Benefits of the Use of Mediation in Elder Law Related Disputes   | Bunim, Mark J.; Mentz, Barbara; Beane, Leona; Piro, Claire A.                | 4 | 2 | SUMMER | 2011 | 20 |
| The Benefits of Employment Arbitration in Employment Law   | Spelfogel, Evan J.   | 4 | 2 | SUMMER | 2011 | 24 |
| Mediation to Resolve Workplace Disputes: A User's Guide  | Raisfeld, Ruth D.; Shaw, Margaret L.; Wittenberg, Carol; Mackenzie, Susan T. | 4 | 2 | SUMMER | 2011 | 28 |

|   |  |   |   |        |      |    |
|---|--|---|---|--------|------|----|
| The Benefits of Alternative Dispute Resolution for Resolving Environmental Disputes                                   | Batson, David; Bickerman, John; Esterman, Pamela; Rhodes, James M.; Siegel, Joseph | 4 | 2 | SUMMER | 2011 | 34 |
| White Paper on Family Law   | Newman, Charles M.; Piro, Clare A.; Silbermann, Jacqueline W.; Vacca, Andrea       | 4 | 2 | SUMMER | 2011 | 42 |
| The Benefits of Mediation and Arbitration for Dispute Resolution in Health Law  | Martin, Linda; Hyman, Chris Stern  | 4 | 2 | SUMMER | 2011 | 49 |
| Insurance/Reinsurance Arbitration and Mediation   | Platto, Charles; Scarpato, Peter A.; Baum, Simeon H.                               | 4 | 2 | SUMMER | 2011 | 54 |
| The Benefits of Mediation and Arbitration for Dispute Resolution in Intellectual Property Law                         | Agris, Cheryl H.; Gilbert, Stephen P.; Miller, Charles E.; Kahn, Sherman           | 4 | 2 | SUMMER | 2011 | 61 |
| An Introduction to Alternative Dispute Resolution for Resolving Municipal Disputes                                    | Esterman, Pamela; Kenneally, Michael Jr.; Protter, Howard                          | 4 | 2 | SUMMER | 2011 | 66 |
| The Benefits of Mediation and Arbitration for Dispute Resolution in Outsourcing Agreements                            | Millstein, Julian; Kahn, Sherman   | 4 | 2 | SUMMER | 2011 | 68 |
| Use of Mediation and Arbitration to Resolve Securities Related Disputes   | Warshauer, Irene C.  | 4 | 2 | SUMMER | 2011 | 73 |
| Resolving Disputes Among Small Business Owners: Assessing the Benefits of Mediation and Arbitration Versus Litigation | Lutringer, Richard; Krauss, Geri S.; Beane, Leona                                  | 4 | 2 | SUMMER | 2011 | 75 |
| Trusts and Estates Law Section  | Murphy, Kevin; Teitel, Jill; Beane, Leona; Levitan, Barbara                        | 4 | 2 | SUMMER | 2011 | 77 |
| <b>Dispute Resolution Section News</b>  |  | 4 | 3 | FALL   | 2011 |    |
| Commercial Arbitration Training Program   |  | 4 | 3 | FALL   | 2011 | 8  |
| Second Annual Commercial Mediation Training Generates a Fresh Crop of Commercial Mediators                            |  | 4 | 3 | FALL   | 2011 | 8  |

|   |                                    |   |   |      |      |    |
|---|------------------------------------|---|---|------|------|----|
| Third Party Funding Program   |                                    | 4 | 3 | FALL | 2011 | 8  |
| Task Force on New York Law in International Matters   |                                    | 4 | 3 | FALL | 2011 | 9  |
| International Mediation Accreditation Comes to New York   |                                    | 4 | 3 | FALL | 2011 | 9  |
| <b>Ethics</b>   |                                    | 4 | 3 | FALL | 2011 |    |
| The Ethical Compass: The Globalized Practice of Law: Part Two<br>It's a Small World After All: Cultural Competence with Your International Brethren | Greenberg, Elayne E.               | 4 | 3 | FALL | 2011 | 10 |
| <b>Arbitration</b>  |                                    | 4 | 3 | FALL | 2011 |    |
| Developments in Supreme Court Jurisprudence: The Court's <i>AT&amp;T</i> Decision and the Second Circuit's Treatment of <i>Stolt-Nielsen</i>        | Kahn, Sherman                      | 4 | 3 | FALL | 2011 | 13 |
| Restrictions on Obtaining Testimony and Documents from Non-Parties Under the Federal Arbitration Act  | Roberts, Kathleen A.               | 4 | 3 | FALL | 2011 | 18 |
| The <i>Hall Street</i> Parade: State Courts Step Out and Consider Expanded Review of Arbitration Awards   | Oberman, Michael S.                | 4 | 3 | FALL | 2011 | 23 |
| The Dodd-Frank Act: Seeking Fairness and the Public Interest in Consumer Arbitration  | Sussman, Edna                      | 4 | 3 | FALL | 2011 | 26 |
| Reaffirming Basic Powers of the New York Arbitrator:<br>A Plea for Harmony in State and Federal Arbitration Law                                     | Brown, William J.T.                | 4 | 3 | FALL | 2011 | 31 |
| <b>International Arbitration</b>  |                                    | 4 | 3 | FALL | 2011 |    |
| The New ICC Rules of Arbitration  | Shannon, Victoria; Ulicny, Suzanne | 4 | 3 | FALL | 2011 | 34 |
| European Developments—French Rules on Arbitration and European Commission Proposal  | Kessedjian, Catherine              | 4 | 3 | FALL | 2011 | 37 |
| New Hong Kong Arbitration Law Comes Into Force  | Bao, Chiann                        | 4 | 3 | FALL | 2011 | 40 |
| Ireland's Thoroughly Modern Arbitration Law   | Reichert, Klaus SC                 | 4 | 3 | FALL | 2011 | 43 |

|  |  |   |   |      |      |    |
|--|--|---|---|------|------|----|
| <b>Mediation</b>   |  | 4 | 3 | FALL | 2011 |    |
| Neuro-Literacy for Collaborative (and Other) Lawyers   | Tesler, Pauline H.   | 4 | 3 | FALL | 2011 | 46 |
| The Counterintuitive Mediator  | Scarpato, Peter A.   | 4 | 3 | FALL | 2011 | 51 |
| Mediator Liability: A Survey of Recent Developments  | Badgley, Robert A.   | 4 | 3 | FALL | 2011 | 54 |
| Differences Between U.S. and European Mediator Standards   | Kiser, Randall;<br>Ginder, Nicole                          | 4 | 3 | FALL | 2011 | 56 |
| Attorneys' Inability to Predict Case Outcomes: Mediation to the Rescue   | Ebere, Solomon   | 4 | 3 | FALL | 2011 | 59 |
| <b>Report</b>  |  | 4 | 3 | FALL | 2011 |    |
| 2010 Dispute Resolution Section Survey   | Beane, Leona   | 4 | 3 | FALL | 2011 | 62 |
| <b>Book Reviews</b>  |  | 4 | 3 | FALL | 2011 |    |
| <i>A Guide to the ICDR International Arbitration Rules</i><br>By Martin F. Gusy, James M. Hosking and Franz T. Schwarz   | Kalina, Stefan B.<br>(Reviewer)                            | 4 | 3 | FALL | 2011 | 64 |
| <i>The Evolving International Investment Regime: Expectations, Realities, Options</i><br>By José E. Alvarez and Karl P. Sauvart, with Kamil Gérard Ahmed and Gabriela P. Vizcaíno (eds.) | Kehoe, Edward G.<br>(Reviewer)                             | 4 | 3 | FALL | 2011 | 66 |
| <i>Lawyering with Planned Early Negotiation: How You Can Get Good Results for Clients and Make Money</i><br>By John Lande  | Huff, Margaret M.<br>(Reviewer)                            | 4 | 3 | FALL | 2011 | 68 |
| <i>Mediation Ethics</i> , Ellen Waldman, Editor  | Scanlon, Kathleen M.<br>(Reviewer)                         | 4 | 3 | FALL | 2011 | 70 |
| <i>ADR in Business: Practice and Issues Across Countries and Cultures, Volume II</i><br>Arnold Ingen-Housz, Editor   | Gorskie, Jennifer L.;<br>Draper, Matthew E.<br>(Reviewers) | 4 | 3 | FALL | 2011 | 71 |

|  |                      |   |   |        |      |    |
|--|----------------------|---|---|--------|------|----|
| <b>Case Notes</b>  |                      | 4 | 3 | FALL   | 2011 |    |
| District Court Reverses, as an Abuse of Discretion, a Bankruptcy Court Order of Sanctions and Contempt for Failure to Participate in Good Faith in a Court-Ordered Mediation | Mentz, Barbara       | 4 | 3 | FALL   | 2011 | 74 |
| Robert Mnookin, Harvard Negotiation and Mediation Guru, Crosses Over to Patent Damages Expert  | Kaster, Laura A.     | 4 | 3 | FALL   | 2011 | 79 |
| <b>Dispute Resolution Section News</b>   |                      | 5 | 1 | SPRING | 2012 |    |
| Committee Reports  |                      | 5 | 1 | SPRING | 2012 | 8  |
| <b>Ethics</b>  |                      | 5 | 1 | SPRING | 2012 |    |
| The Ethical Compass: Show Me the Money: Part One   | Greenberg, Elayne E. | 5 | 1 | SPRING | 2012 | 9  |
| <b>Women in ADR</b>  |                      | 5 | 1 | SPRING | 2012 |    |
| Déjà Vu: A Personal Reflection on Women in International Arbitration   | Kaye, Judith S.      | 5 | 1 | SPRING | 2012 | 12 |
| Taking the Bias Out of the Neutral   | Weisberg, Anne       | 5 | 1 | SPRING | 2012 | 14 |
| Then and Now—A Quarter Century of Women in Arbitration   | Barrington, Louise   | 5 | 1 | SPRING | 2012 | 16 |
| Women in Law and Arbitration: Running in Place or Sliding Backward   | Mentz, Barbara A.    | 5 | 1 | SPRING | 2012 | 18 |
| <b>Arbitration</b>   |                      | 5 | 1 | SPRING | 2012 |    |
| Confidentiality in U.S. Arbitration  | Kaster, Laura A.     | 5 | 1 | SPRING | 2012 | 23 |
| Breaking News, Now Leading Precedents on “Evident Partiality”: <i>Scandinavian Reinsurance</i> and <i>U.S. Electronics</i>   | Oberman, Michael S.  | 5 | 1 | SPRING | 2012 | 28 |
| E-Discovery Demystified for Arbitrators—<br>Tips for How to Manage e-Discovery for Efficient Proceedings   | Kahn, Sherman        | 5 | 1 | SPRING | 2012 | 32 |

|  |   |   |   |        |      |    |
|--|---|---|---|--------|------|----|
| To Enforce or Not to Enforce:<br>Two Recent Illustrations of Problems Enforcing International Arbitration Awards Against Foreign Sovereigns in U.S. Courts | Boykin, James H.;<br>Dunin-Wasowicz, Jan K.             | 5 | 1 | SPRING | 2012 | 35 |
| <b>Med-Arb</b>   |   | 5 | 1 | SPRING | 2012 |    |
| Med-Arb, Arb-Med—A Case Study in Success   | Lacovara, Philip Allen                                  | 5 | 1 | SPRING | 2012 | 39 |
| Med-Arb: Yes or No?  | LaMothe, Louise A.                                      | 5 | 1 | SPRING | 2012 | 43 |
| Hong Kong Appellate Court Upholds Mainland Chinese Arbitral Award Despite Claim of Apparent Bias During “Med-Arb”  | Hosking, James;<br>Draper, Matthew                      | 5 | 1 | SPRING | 2012 | 45 |
| <b>Mediation</b>   |   | 5 | 1 | SPRING | 2012 |    |
| Exploring Key Elements for Mediation Training and Certification—An Interview with Heather Allen  | Kaster, Laura A.;<br>Allen, Heather                     | 5 | 1 | SPRING | 2012 | 49 |
| What’s In It for Me? Mediator Certification and the Laws of Supply and Demand  | Vanenkova, Irena  | 5 | 1 | SPRING | 2012 | 51 |
| The Mediators’ Institute of Ireland: A Model for Accreditation, Ongoing Education and Independent Regulation   | Erwin, Karen  | 5 | 1 | SPRING | 2012 | 55 |
| Personal Injury Mediation: Differences in the U.S. and UK Experience and the Impact of Litigation Funding in the UK  | David, Deborah A.                                       | 5 | 1 | SPRING | 2012 | 58 |
| Online Mediation vs. Traditional Mediation: The Pros and Cons  | Lombardi, Ettore Maria                                  | 5 | 1 | SPRING | 2012 | 61 |
| <b>International Arbitration</b>   |   | 5 | 1 | SPRING | 2012 |    |
| Peace, One Dispute at a Time: The Jerusalem Arbitration Center   | Rogers, Catherine A.                                    | 5 | 1 | SPRING | 2012 | 65 |
| First Tailored Rules for Investor-State Mediation—Draft for Comment Prepared by the International Bar Association State Mediation Subcommittee             | Legum, Barton;<br>Joubin-Bret, Anna;<br>Manassyan, Inna | 5 | 1 | SPRING | 2012 | 68 |
| Time Limits for Institutional Challenges Against Arbitrators: Binding Upon the Judge in Setting Aside Proceedings?   | Mourre, Alexis  | 5 | 1 | SPRING | 2012 | 71 |
| P.R.I.M.E. Finance: A New Dispute Resolution Facility for Conflicts Relating to Complex Financial Products   | Meijer, Gerard J.;<br>Perera, Camilla                   | 5 | 1 | SPRING | 2012 | 74 |

|  |                              |   |   |        |      |    |
|--|------------------------------|---|---|--------|------|----|
| <b>Book Reviews</b>  |                              | 5 | 1 | SPRING | 2012 |    |
| Definitive Creative Impasse-Breaking Techniques in Mediation (Molly Klapper, J.D., Ph.D., Editor)  | Kalina, Stefan B. (Reviewer) | 5 | 1 | SPRING | 2012 | 77 |
| How Leading Lawyers Think: Expert Insights Into Judgment and Advocacy by Randall Kiser   | Kaster, Laura A. (Reviewer)  | 5 | 1 | SPRING | 2012 | 79 |
| <b>Case Notes</b>  |                              | 5 | 1 | SPRING | 2012 |    |
| Attorney Disqualification in Arbitration Proceedings Is an Issue for the Court<br><i>Northwestern National Ins. Co. v. Insco Ltd.</i>        | Wetherell, Nicole J.         | 5 | 1 | SPRING | 2012 | 81 |
| Piecemeal Litigation<br><i>KPMG LLP v. Cocchi</i>  | Shenassa, Melody             | 5 | 1 | SPRING | 2012 | 83 |
| Arbitral Right to Ensure Capability of Compliance<br><i>On Time Staffing, LLC v. National Union Fire Insurance Company of Pittsburgh, PA</i> | Genova, Alison L.            | 5 | 1 | SPRING | 2012 | 84 |
| <b>Dispute Resolution Section Fall and Annual Meetings</b>   |                              | 5 | 1 | SPRING | 2012 |    |
| Fall Meeting   |                              | 5 | 1 | SPRING | 2012 | 85 |
| Annual Meeting   |                              | 5 | 1 | SPRING | 2012 | 86 |
| <b>Dispute Resolution Section News</b>   |                              | 5 | 2 | FALL   | 2012 |    |
| Bill That Would Negatively Impact Arbitration Tabled in the New York Assembly  | Wilkinson, John              | 5 | 2 | FALL   | 2012 | 7  |
| "The Basics of Mediating Trusts & Estates Disputes"  | Beane, Leona; Steele, Robert | 5 | 2 | FALL   | 2012 | 7  |
| Third Annual Commercial Mediation Training Generates a Fresh Crop of Commercial Mediators  | Peterson, Jennifer           | 5 | 2 | FALL   | 2012 | 8  |
| Second Annual Commercial Arbitration Training Attracts Wide Audience   | Moxley, Charles J., Jr.      | 5 | 2 | FALL   | 2012 | 8  |
| <b>Ethics</b>  |                              | 5 | 2 | FALL   | 2012 |    |

|   |   |   |   |      |      |    |
|---|---|---|---|------|------|----|
| The Ethical Compass: Show Me the Money: Part Two<br>Monetizing the "Value Added" of Attorneys Who Serve as Mediators and<br><b>Arbitrators</b>  | Greenberg, Elayne E.                              | 5 | 2 | FALL | 2012 | 10 |
| Calibrating Arbitration Presentations—Mock Arbitration  |   | 5 | 2 | FALL | 2012 |    |
| Improving Your Arbitration Presentation With a Mock Arbitration: Two Case<br>Studies  | Sussman, Edna                                     | 5 | 2 | FALL | 2012 | 15 |
| The Social Science Edge in Arbitration and Mediation  | Anthony, Dr. Philip K;<br>Weinstein, Les J.       | 5 | 2 | FALL | 2012 | 17 |
| Mock Arbitrations: Getting the Most Value for Your Project  | Tuholski, Stephen                                 | 5 | 2 | FALL | 2012 | 20 |
| <b>Arbitration</b>  |   | 5 | 2 | FALL | 2012 |    |
| Arbitration the Supreme Court (2011 to 2012 Term)   | Kahn, Sherman                                     | 5 | 2 | FALL | 2012 | 22 |
| The New York City Bar Association's International Commercial Disputes<br>Committee Reports on the Manifest Disregard of Law Doctrine and<br>International Arbitration in New York   | Shore, Laurence; Zammit,<br>Joe; Bouchenaki, Amal | 5 | 2 | FALL | 2012 | 26 |
| Tailor-Made—Unique Dispute Resolution Clauses in M&A Agreements   | Hall, Richard; Pitkowitz,<br>Matthias M.          | 5 | 2 | FALL | 2012 | 29 |
| Browsewrap Arbitration? Enforcing Arbitration Provisions in Online Terms<br>of Service  | Kahn, Sherman;<br>Kiferbaum, David                | 5 | 2 | FALL | 2012 | 33 |
| How Should New York Courts Apply the Federal Arbitration Act in<br>Commercial Arbitration Cases: Does the Federal Act Wholly Displace the<br>State Arbitration Statute or Does It Only Preempt New York State<br>Provisions That Limit the Power of the Arbitrator? | Brown, William J.T.                               | 5 | 2 | FALL | 2012 | 37 |
| <b>International</b>  |   | 5 | 2 | FALL | 2012 |    |
| CIETAC Arbitration Rules 2012—Another Move Forward  | Jianlong, Yu                                      | 5 | 2 | FALL | 2012 | 39 |
| Introduction to Arbitration in the People's Republic of China   | Horrigan, Brenda; Tang,<br>Helen                  | 5 | 2 | FALL | 2012 | 41 |
| Anti-Suit Injunctions and Insurance Coverage  | Halprin, Peter A.                                 | 5 | 2 | FALL | 2012 | 44 |

|   |                              |   |   |      |      |    |
|---|------------------------------|---|---|------|------|----|
| The New U.S. Model BIT: "If Both Sides Are Angry With You, You Must Be Doing Something Right"   | Kantor, Mark                 | 5 | 2 | FALL | 2012 | 47 |
| The Revised Swiss Rules of International Arbitration  | Habegger, Philipp            | 5 | 2 | FALL | 2012 | 61 |
| Where Does <i>Forum Non Conveniens</i> Fit in Enforcing Foreign Arbitral Awards?  | Goldstein, Marc              | 5 | 2 | FALL | 2012 | 64 |
| <b>Mediation</b>  |                              | 5 | 2 | FALL | 2012 |    |
| How German Judges Will Use Mediation Under the Recent German "Mediation Law"  | Flockermann, Julia           | 5 | 2 | FALL | 2012 | 68 |
| Mediating the Multi-Cultural Fugue of Divorce Mediation   | Roytberg, Alla               | 5 | 2 | FALL | 2012 | 72 |
| A Fact-Finding Process Might Be the Solution for Resolving Your Employment Dispute  | Zaino, Jeffrey T.            | 5 | 2 | FALL | 2012 | 75 |
| From Mediation to Settlement and From Settlement to Final Offer Arbitration: A Case Study of MEDALOA in a Transnational Business Dispute Mediation                  | Mironi, Mordehai (Moti)      | 5 | 2 | FALL | 2012 | 77 |
| Mediation: A Tool for European Business People  | van der Vleugel, Fabienne    | 5 | 2 | FALL | 2012 | 81 |
| <b>Book Reviews</b>   |                              | 5 | 2 | FALL | 2012 |    |
| <i>Stories Mediators Tell</i> (Eric R. Galton and Lela P. Love, Editors)  | Reviewed by Stefan B. Kalina | 5 | 2 | FALL | 2012 | 83 |
| <i>Arbitration of International Intellectual Property Disputes</i> (Edited by Thomas D. Halket)   | Reviewed by William H. Baker | 5 | 2 | FALL | 2012 | 84 |
| <i>ADR Advocacy, Strategies and Practice for Intellectual Property Cases</i> (Harrie Samaras, Editor)   | Reviewed by Laura A. Kaster  | 5 | 2 | FALL | 2012 | 86 |
| <b>Case Notes</b>   |                              | 5 | 2 | FALL | 2012 |    |
| Two Courts Address Sanctions for Seeking Judicial Relief from Arbitration <i>Enmon v. Prospect Capital Corp. and World Business Paradise, Inc. v. SunTrust Bank</i> | Belagorudsky, Julia          | 5 | 2 | FALL | 2012 | 88 |
| Second Circuit Denial to Rehear Continues the Debate Over Arbitration Clauses With Class Action Waivers in Consumer Contracts                                       | Aniagolu, Asari              | 5 | 2 | FALL | 2012 | 90 |

|  |                          |   |   |        |      |    |
|--|--------------------------|---|---|--------|------|----|
| <b>Dispute Resolution Section News</b>   |                          | 6 | 1 | SPRING | 2013 |    |
| Annual Meeting   |                          | 6 | 1 | SPRING | 2013 | 8  |
| October—DR Section at Fordham  |                          | 6 | 1 | SPRING | 2013 | 8  |
| Opening This Spring: The New York International Arbitration Center   |                          | 6 | 1 | SPRING | 2013 | 8  |
| <b>Ethics</b>  |                          | 6 | 1 | SPRING | 2013 | 10 |
| Confidentiality: The Illusion and the Reality—Affirmative Steps for Lawyers and Mediators to Help Safeguard Their Mediation Communications | Greenberg, Elayne E.     | 6 | 1 | SPRING | 2013 |    |
| <b>Arbitration</b>   |                          | 6 | 1 | SPRING | 2013 |    |
| Fast Track Arbitration: A Proposed Solution to the "Elephantine Laboriousness" of International Commercial Arbitration                     | Wessel, Jane             | 6 | 1 | SPRING | 2013 | 13 |
| Emergency Interim Relief Under the ICDR Rules: Practical and Legal Considerations  | Casey, J. Brian          | 6 | 1 | SPRING | 2013 | 16 |
| Arbitration's Enduring Value: Looking Beyond Time and Cost   | Berger, James E.         | 6 | 1 | SPRING | 2013 | 20 |
| Mandatory Trust Arbitration in the U.S. and Abroad   | Strong, S.I.             | 6 | 1 | SPRING | 2013 | 23 |
| The Firm Roots of ADR in Federal Acquisition   | Dietrich, John A.        | 6 | 1 | SPRING | 2013 | 26 |
| Benefits of Arbitration for Commercial Disputes  |                          | 6 | 1 | SPRING | 2013 | 30 |
| <b>Mediation</b>   |                          | 6 | 1 | SPRING | 2013 |    |
| Is Mediation Confidential in New York?   | Weil, Richard S.         | 6 | 1 | SPRING | 2013 | 33 |
| Are You Sure You Can Still Tell Mediation and Arbitration Apart?   | Solovy, Norman           | 6 | 1 | SPRING | 2013 | 36 |
| Estimating the Financial Value of a Lawsuit With the Case Value Analyzer™  | Palmer Michael           | 6 | 1 | SPRING | 2013 | 38 |
| Barking Up the Right Tree: Animals Deserve ADR, Too  | Voda-Hamilton, Debra Vey | 6 | 1 | SPRING | 2013 | 42 |
| <b>International</b>   |                          | 6 | 1 | SPRING | 2013 |    |

|   |   |   |   |        |      |    |
|---|---|---|---|--------|------|----|
| The 2012 International Arbitration Survey: Current and Preferred Practices in the Arbitral Process  | Friedland, Paul;<br>Templeman, John               | 6 | 1 | SPRING | 2013 | 44 |
| Review of New York Federal Petitions for Confirmation of Arbitral Awards Shows Swift Resolutions and Certainty of Awards  | McCarthy, Tim; Hoffman, David; Ragab, Ryham       | 6 | 1 | SPRING | 2013 | 47 |
| The Italian Saga of Mandatory Mediation: The Constitutional Court Ruling  | De Paolis, Francesca;<br>Giudice, Giovanni Nicola | 6 | 1 | SPRING | 2013 | 49 |
| Mauritius International Arbitration Act   | Soopramanien, Shalini O.                          | 6 | 1 | SPRING | 2013 | 52 |
| <b>Book Review</b>  |   | 6 | 1 | SPRING | 2013 |    |
| The Public Policy Exception Under the New York Convention (Author: Anton Maurer)  | Reviewed by Edna Sussman                          | 6 | 1 | SPRING | 2013 | 56 |
| <b>Case Notes</b>   |   | 6 | 1 | SPRING | 2013 |    |
| Second Circuit Highlights the Extraordinary Difficulty in Establishing Manifest Disregard<br><i>Goldman Sachs Execution &amp; Clearing v. The Official Unsecured Creditors' Committee of Bayout Group, LLC, et al.</i>                      | Lai, Joyce  | 6 | 1 | SPRING | 2013 | 58 |
| Court Denies Disqualification of Attorney in Matrimonial Litigation Despite Attorney's Initial Participation in Collaborative Law Process<br><i>Mandell v. Mandell</i> , 36 Misc. 3d 797, 949 N.Y.S.2d 580 (Sup. Ct., Westchester Co. 2012) | Barrow, Erica                                     | 6 | 1 | SPRING | 2013 | 60 |
| Arbitrating Arbitrability—The Second Circuit's Application of the "Clear and Unmistakable" Standard   | Hussain, Saira                                    | 6 | 1 | SPRING | 2013 | 62 |
| Mediation Privilege Under the UMA—Two Recent Cases from New Jersey  | DeStefano, Katherine                              | 6 | 1 | SPRING | 2013 | 64 |
| <b>Annual Meeting</b>   |   | 6 | 1 | SPRING | 2013 |    |
| Program I: No Longer Business As Usual  | Kremer, Michelle                                  | 6 | 1 | SPRING | 2013 | 66 |
| Program II: New Tools For a New Age   | Gornell, Emily                                    | 6 | 1 | SPRING | 2013 | 67 |
| Program III: Hot Topics in Arbitration and Lessons for the Future   | Elisha, Natalie; Kartez, Ross J.                  | 6 | 1 | SPRING | 2013 | 68 |

|   |  |   |   |        |      |    |
|---|--|---|---|--------|------|----|
| Program IV: Ethically and Effectively Maximizing Mediation Outcomes for Your Client                 | Fagain, John James;<br>Breaux, Adam John | 6 | 1 | SPRING | 2013 | 69 |
| <b>Scenes from the Annual Meeting</b>   |  | 6 | 1 | SPRING | 2013 | 72 |
| <b>Dispute Resolution Section News</b>  |  |   |   |        |      |    |
| The New AAA Commercial Arbitration Rules  |  | 6 | 2 | FALL   | 2013 | 7  |
| The Dispute Resolution Section Adopts Recommendations for Court-Annexed Mediation in New York State | Singer, David C.                         | 6 | 2 | FALL   | 2013 | 7  |
| A Home for International Arbitration in New York  | Dosman, Alexandra                        | 6 | 2 | FALL   | 2013 | 13 |
| 10 Questions: New York as a Leading Arbitration Centre (an Interview with Edna Sussman)             |  | 6 | 2 | FALL   | 2013 | 15 |
| <b>Ethical Compass</b>  |  | 6 | 2 | FALL   | 2013 |    |
| <b>What Sally Soprano Teaches Lawyers About Hitting the Right Ethical Note in ADR Advocacy</b>      | Greenberg, Elayne E.                     | 6 | 2 | FALL   | 2013 | 18 |
| <b>Ombuds</b>   |  | 6 | 2 | FALL   | 2013 |    |
| Organizational Ombuds—Ensuring an Effective Dispute Resolution System                               | Williams, Randy                          | 6 | 2 | FALL   | 2013 | 21 |
| Organizational Ombuds: Competencies, Conversations and Case Management                              | Casino, Susan                            | 6 | 2 | FALL   | 2013 | 24 |
| Profiles in ADR—Paths to the Same Amazing Job—Ombudsman   | Kaster, Laura A.                         | 6 | 2 | FALL   | 2013 | 26 |
| <b>Arbitration</b>  |  | 6 | 2 | FALL   | 2013 |    |
| An Emphasis on Arbitrator Authority—Arbitration at the Supreme Court (2012 to 2013 Term)            | Kahn, Sherman                            | 6 | 2 | FALL   | 2013 | 28 |
| The Bespoke Clause: Tailoring Federal Rule 68 to Arbitration for a Better Fit                       | Pessen, Abigail                          | 6 | 2 | FALL   | 2013 | 32 |
| CPR Expands Arbitration Options with Newly Released Administered Arbitration Rules                  | André, Olivier P.                        | 6 | 2 | FALL   | 2013 | 35 |
| American Arbitration Association Launches Mediation.org   | Coleman, Jr., Harold                     | 6 | 2 | FALL   | 2013 | 39 |

|  |                                  |   |   |        |      |    |
|--|----------------------------------|---|---|--------|------|----|
| <b>Mediation</b>   |                                  | 6 | 2 | FALL   | 2013 |    |
| Neuroscience and Law: Is Neuro-Literacy Optional Anymore?  | Tesler, Pauline; Solovay, Norman | 6 | 2 | FALL   | 2013 | 41 |
| <b>International</b>   |                                  | 6 | 2 | FALL   | 2013 |    |
| Lead 5.4 Million Thirsty Horses to Water in Italy—Developments in Mandatory Mediation  | De Palo, Giuseppe                | 6 | 2 | FALL   | 2013 | 45 |
| Can Counsel Ethics Beat Guerrilla Tactics?: Background and Impact of the New IBA Guidelines on Party Representation in International Arbitration | Sussman, Edna                    | 6 | 2 | FALL   | 2013 | 47 |
| <b>Book Reviews</b>  |                                  | 6 | 2 | FALL   | 2013 |    |
| <i>Commercial Litigation in New York State Courts (Third Edition)</i>  | Baum, Simeon (Reviewer)          | 6 | 2 | FALL   | 2013 | 51 |
| <i>Outsourcing Justice: The Rise of Modern Arbitration Laws in America</i> by Imre Szalai  | Kalina, Stefan B. (Reviewer)     | 6 | 2 | FALL   | 2013 | 54 |
| <b>Case Notes</b>  | Kaster, Laura A.                 | 6 | 2 | FALL   | 2013 |    |
| The Power to Sanction— <i>Seagate Technology, LLC v. Western Digital Corporation</i>   |                                  | 6 | 2 | FALL   | 2013 | 56 |
| <i>LJL 33rd Street Assoc. v. Pitcairn Properties</i> , Nos. 11-5425, 12-1382 (2d Cir. July 31, 2013)   |                                  | 6 | 2 | FALL   | 2013 | 57 |
| The New Jersey Supreme Court Focuses on Mediation Privilege in <i>Willingboro Mall v. Franklin Ave.</i>  |                                  | 6 | 2 | FALL   | 2013 | 57 |
| <b>Dispute Resolution Section News</b>   |                                  |   |   |        |      |    |
| New Subcommittee of Mediation Committee  |                                  | 7 | 1 | SPRING | 2014 | 7  |
| Reports from the Dispute Resolution Section Annual Meeting Program   |                                  | 7 | 1 | SPRING | 2014 | 7  |
| <b>Ethical Compass</b>   |                                  | 7 | 1 | SPRING | 2014 |    |
| The Cheater's "High"—Harmonize Ethics, Research and Negation Behavior  | Greenberg, Elayne E.             | 7 | 1 | SPRING | 2014 | 13 |
| <b>Arbitration</b>   |                                  | 7 | 1 | SPRING | 2014 |    |

|  |                                   |   |   |        |      |    |
|--|-----------------------------------|---|---|--------|------|----|
| How Technology Assisted Review Can Decrease the Cost of E-Discovery in Arbitrations  | Grande, Ignatius; Lee, Joseph     | 7 | 1 | SPRING | 2014 | 16 |
| The American Arbitration Association's Amended Commercial Arbitration Rules  | Tuchmann, Eric P.                 | 7 | 1 | SPRING | 2014 | 18 |
| The Basics of Company Valuation for Dispute Resolution Professionals   | Hobbs, David R.; Thorpe, Chris    | 7 | 1 | SPRING | 2014 | 22 |
| The Forum of Choice for Arbitrating Cybersquatting: The Uniform Domain Name Dispute Resolution Policy  | Levine, Gerald M.                 | 7 | 1 | SPRING | 2014 | 26 |
| Class Arbitration Decisions in 2013 Confirmed the Importance of Class Action Waivers   | Kuck, Lea Haber; Litt, Gregory A. | 7 | 1 | SPRING | 2014 | 29 |
| What Is Expert Determination? The Secret Alternative to Arbitration  | Reisberg, Steven H.               | 7 | 1 | SPRING | 2014 | 32 |
| Condition Confusion: A Look at BG Group PLC v. Republic of Argentina   | Kartez, Ross J.                   | 7 | 1 | SPRING | 2014 | 35 |
| <b>Mediation</b>   |                                   | 7 | 1 | SPRING | 2014 |    |
| Negotiation Tricks for Successful Mediators: The Framing Effect  | Winkler, Claudia                  | 7 | 1 | SPRING | 2014 | 41 |
| Conflicts Between the Ethical Principles That Are Critical to Preserving Trust in the Mediation Process—A Need for Increased Understanding and Concern | Baum, Simeon H.; Kolb, Daniel F.  | 7 | 1 | SPRING | 2014 | 45 |
| <b>International</b>   |                                   | 7 | 1 | SPRING | 2014 |    |
| The German Mediation Act—An Overview   | Niedostadek, Prof. Dr. André      | 7 | 1 | SPRING | 2014 | 48 |
| In New York, Limitations on Use of Estoppel Doctrine to Join Non-Signatories to an Arbitration Agreement   | Dosman, Alexandra                 | 7 | 1 | SPRING | 2014 | 51 |
| Will Patents Be the Next Wave in Investor-State Arbitration?   | Kahn, Sherman                     | 7 | 1 | SPRING | 2014 | 53 |
| <b>Book Reviews</b>  |                                   | 7 | 1 | SPRING | 2014 |    |
| The Rise of Transparency in International Arbitration: The Case for the Anonymous Publication of Arbitral Awards                                       | Landsman, Kim J. (Reviewer)       | 7 | 1 | SPRING | 2014 | 57 |

|  |                                 |   |   |        |      |    |
|--|---------------------------------|---|---|--------|------|----|
| <i>The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration</i> , Third Edition | Kalina, Stefan B.<br>(Reviewer) | 7 | 1 | SPRING | 2014 | 60 |
|--|---------------------------------|---|---|--------|------|----|

|   |                                    |   |   |        |      |    |
|---|------------------------------------|---|---|--------|------|----|
| <b>Case Notes</b>   |                                    | 7 | 1 | SPRING | 2014 |    |
| Second Circuit Denies Argentina's Foreign Sovereign Immunity Claim in Arbitration Dispute— <i>Blue Ridge Investments, L.L.C. v. Republic of Argentina</i> , 735 F.3d (72 (2d Cir. 2013)   | Huggins, Michael L.                | 7 | 1 | SPRING | 2014 | 62 |
| The Ninth Circuit Precludes Parties from Contractually Divesting Courts of Authority to Review Arbitration Awards as Specified In the FAA— <i>In re Walmart Wage and Hour Employment Practices Litigation</i> , 737 F.3d 1262 (9th Cir. 2013) | Shuldman, Steven W.                | 7 | 1 | SPRING | 2014 | 63 |
| Excluding Evidence in Arbitrations Is Not Always a Basis for Vacatur— <i>Doral Financial Corp. v. Garcia-Vélez</i> , 725 F.3d 27 (1st Cir. 2013)  | Kaster, Laura A.                   | 7 | 1 | SPRING | 2014 | 65 |
| <b>Ethical Compass</b>  |                                    | 7 | 2 | FALL   | 2014 |    |
| When the Price of Settlement Is Ethically Prohibitive: Non-Disparagement Clauses That Apply to Lawyers  | Greenberg, Elayne E.               | 7 | 2 | FALL   | 2014 | 6  |
| <b>Arbitration</b>  |                                    | 7 | 2 | FALL   | 2014 |    |
| Arbitrator Deliberations: The Impact of the Unconscious on Decision Making  | Sussman, Edna                      | 7 | 2 | FALL   | 2014 | 8  |
| AAA Releases New Construction Industry Cost Containment Rules—It's Not Too Late to Opt In   | Eckman, Amy                        | 7 | 2 | FALL   | 2014 | 13 |
| The Emergence of Emergency Procedures in Arbitration  | Landsman, Kim                      | 7 | 2 | FALL   | 2014 | 15 |
| Arbitrating a Dispute with a Pro Se Party: The Challenges the Arbitrator Faces  | Zaino, Jeffrey T.                  | 7 | 2 | FALL   | 2014 | 18 |
| Lawyers' "Competence" in the Funding World  | Seidel, Selvyn;<br>Sherman, Sandra | 7 | 2 | FALL   | 2014 | 20 |
| <b>Mediation</b>  |                                    | 7 | 2 | FALL   | 2014 |    |
| New York Commercial Division's New Mandatory Mediation Pilot Program  | Kaster, Laura A.                   | 7 | 2 | FALL   | 2014 | 24 |
| <b>International</b>  |                                    | 7 | 2 | FALL   | 2014 |    |
| How Useful Are Party-Appointed Experts in International Arbitration?  | Rosen, Howard                      | 7 | 2 | FALL   | 2014 | 26 |

|   |                                 |   |   |        |      |    |
|---|---------------------------------|---|---|--------|------|----|
| Arbitration by Default Rather Than by Consent   | Moses, Margaret L.              | 7 | 2 | FALL   | 2014 | 30 |
| The New 2014 WIPO ADR Rule Set: Flexible, Efficient and Improved  | Michaelson, Peter               | 7 | 2 | FALL   | 2014 | 32 |
| Toward a Treaty Basis for Transparency in Investor-State Arbitration  | Dosman, Alexandra               | 7 | 2 | FALL   | 2014 | 36 |
| <b>Book Reviews</b>   |                                 | 7 | 2 | FALL   | 2014 |    |
| <i>Soft Law in International Arbitration</i>  | Kalina, Stefan B.<br>(Reviewer) | 7 | 2 | FALL   | 2014 | 39 |
| <i>Guerrilla Tactics in International Arbitration</i>   | Sussman, Edna<br>(Reviewer)     | 7 | 2 | FALL   | 2014 | 41 |
| <b>Case Notes</b>   |                                 | 7 | 2 | FALL   | 2014 |    |
| <i>Veleron Holding</i> —U.S. Courts Will Not Follow Foreign Arbitral Confidentiality Requirements   | Kaster, Laura A.                | 7 | 2 | FALL   | 2014 | 43 |
| <i>CEATS, Inc. v. Continental Airlines, Inc.</i> —Using an Objective Reasonableness Standard, the Federal Circuit Finds That a Mediator’s Duty to Disclose Potential Conflicts Is Analogous to a Judge’s Duty to Recuse Under 28 U.S.C. §455(a) | Mentz, Barbara A.               | 7 | 2 | FALL   | 2014 | 44 |
| <i>Cellu Beep, Inc. v. Telecorp Communications, Inc.</i> —Ruling on Statute of Limitation by Arbitrator Did Not Establish Bias and Decision That Mediation Did Not Toll Limitations and Was Not Manifest Disregard                              | Kaster, Laura A.                | 7 | 2 | FALL   | 2014 | 47 |
| <i>Union Carbide Canada Inc. v. Bombardier, Inc.</i> —Mediation Is Inherently Confidential Yet Mediation Communications Are Admissible in Court Proceedings to Enforce a Settlement Agreement Allegedly Made in Mediation                       | Leon, Barry                     | 7 | 2 | FALL   | 2014 | 48 |
| <b>Section News</b>   |                                 | 8 | 1 | SPRING | 2015 |    |
| <b>Dispute Resolution and Corporate Counsel Sections Annual Meeting Program: How to Succeed in ADR (by Really Trying)—A Blueprint for the Effective Use of Arbitration and Mediation</b>  |                                 | 8 | 1 | SPRING | 2015 |    |
| Panel I: ADR Choices Have Consequences—A debate on the pros and cons of arbitration   | Alwan, Donia                    | 8 | 1 | SPRING | 2015 | 6  |
| Panel II: Nothing But the Truth?—Ethical duties of candor in ADR  | Vo Thoi Lai, Cam Tu             | 8 | 1 | SPRING | 2015 | 7  |

|   |  |   |   |        |      |    |
|---|--|---|---|--------|------|----|
| Panel III: The Verdict—How do arbitrators actually deliberate?  | Ng, James                                  | 8 | 1 | SPRING | 2015 | 9  |
| Panel IV: Show Me the Money! How damages are determined in arbitration  | Arboleda, Maria Alejandra                  | 8 | 1 | SPRING | 2015 | 9  |
| <b>Ethical Compass</b>  |  | 8 | 1 | SPRING | 2015 |    |
| When “Yes” Actually Means “No”: Rethinking Informed Consent to ADR Processes  | Greenberg, Elayne E.                       | 8 | 1 | SPRING | 2015 | 11 |
| <b>Arbitration</b>  |  | 8 | 1 | SPRING | 2015 |    |
| Using Forum Selection Clauses to Avoid Default Arbitration Rules  | McWilliams, Emily K.;<br>Suskin, Howard S. | 8 | 1 | SPRING | 2015 | 14 |
| “And, the Law Applicable to the Arbitration Agreement Is...”  | Levin, Erika Sondahl                       | 8 | 1 | SPRING | 2015 | 17 |
| <b>Mediation</b>  |  | 8 | 1 | SPRING | 2015 |    |
| Striving for the “Bullet-Proof” Mediation Settlement Agreement  | Sussman, Edna;<br>Weiner, Conna A.         | 8 | 1 | SPRING | 2015 | 22 |
| A Labor Mediator’s Perspective on Mediation   | Lobel, Ira B.                              | 8 | 1 | SPRING | 2015 | 27 |
| <b>International</b>  |  | 8 | 1 | SPRING | 2015 |    |
| <i>Commissions Import Export v. Republic of the Congo:</i><br>Finding No FAA Preemption and Endorsing Parallel Mechanism for<br>Enforcing Foreign Judgments | Cheng, Theodore K.                         | 8 | 1 | SPRING | 2015 | 30 |
| Dealing with “Pathological” Arbitration Clauses: The Italian Approach   | Prandi, Fabrizio M.                        | 8 | 1 | SPRING | 2015 | 34 |
| Large-Scale Empirical Study of International Commercial Mediation and<br>Conciliation Provides Support to UNCITRAL Process                                  | Strong, S.I.                               | 8 | 1 | SPRING | 2015 | 36 |
| The Time Has Come: An International Regime for the Enforcement of<br>Mediated Settlement Agreements   | Sussman, Edna                              | 8 | 1 | SPRING | 2015 | 38 |
| The Future of International Mediation—Is a Revolution at Hand?  | Kaster, Laura A.                           | 8 | 1 | SPRING | 2015 | 43 |
| <b>Book Review</b>  |  | 8 | 1 | SPRING | 2015 |    |
| <i>New York Contract Law: A Guide for Non-New York Attorneys</i>  | Kalina, Stefan B.<br>(Reviewer)            | 8 | 1 | SPRING | 2015 | 45 |

|   |                           |   |   |        |      |    |
|---|---------------------------|---|---|--------|------|----|
| <b>Case Notes</b>   |                           | 8 | 1 | SPRING | 2015 |    |
| <i>Paula Andrews v. County of Rockland</i> , 992 N.Y.S.2d 131 (2d Dep't 2014)—Vacating an award under CPLR 711 on the ground that it was not final and definite because the arbitrator failed to determine the negligence of each party, which was the issue submitted to him | Losembe Botumbe, Severine | 8 | 1 | SPRING | 2015 | 47 |
| Scope of Arbitration Clauses in Jurisdictional Disputes— <i>FarmedHere, LLC v. Just Greens, LLC</i> —Illinois Court Cannot Hear Preliminary Matters Where New York Arbitration Is Provided  | Lyons, Gabrielle          | 8 | 1 | SPRING | 2015 | 47 |
| Contracted Arbitration May Not Be Waived Due to Initial Litigation— <i>LG Electronics, Inc. v. Wi-LAN USA, Inc.</i>   | Martucci, Megan           | 8 | 1 | SPRING | 2015 | 49 |
| <b>Ethical Compass</b>  |                           |   |   |        |      |    |
| The <i>Smith</i> Case: Is the Glass Half Full?  | Greenberg, Elayne E.      | 8 | 2 | FALL   | 2015 | 6  |
| <b>Arbitration</b>  |                           |   |   |        |      |    |
| Developments in IP Arbitration: An Arbitrator's View  | O'Neill, Jr., Philip D.   | 8 | 2 | FALL   | 2015 | 9  |
| Arbitrating Standards—Arbitration of FRAND Patent Licensing Disputes  | Bartlett, Jason           | 8 | 2 | FALL   | 2015 | 12 |
| Silicon Valley Arbitration & Mediation Center: Advancing ADR for Tech Disputes  | Benton, Gary L.           | 8 | 2 | FALL   | 2015 | 15 |
| Eat the Frog First: Address Damages Early   | Ludington, Carol          | 8 | 2 | FALL   | 2015 | 18 |
| Congress Seeks to Put New Requirements on the CFPB's Moves to Regulate Consumer Arbitration   | Bleemer, Russ             | 8 | 2 | FALL   | 2015 | 21 |
| New American Arbitration Association Rules for Accounting and Related Services Arbitrations—An Emphasis on Management by the Panel, Efficiency and Proportion   | Mentz, Barbara; Kolb, Dan | 8 | 2 | FALL   | 2015 | 26 |
| Guided Decision Making: Promoting Settlement During Arbitration   | Glick, Ruth V.            | 8 | 2 | FALL   | 2015 | 31 |
| International Arbitration in the Early Americas: The 1656 Dispute Resolution Proceeding Regarding Reparations for the Death of a Seneca Captain "Ahiarantouan"  | Anderson, Jonathan        | 8 | 2 | FALL   | 2015 | 34 |

|  |                                 |   |   |      |      |    |
|--|---------------------------------|---|---|------|------|----|
| <b>Mediation</b>   |                                 |   |   |      |      |    |
| Effective Advocacy in Mediation  | Berkoff, Leslie                 | 8 | 2 | FALL | 2015 | 36 |
| Utilizing Damages Experts to Make for a Successful Mediation   | Shampnoi, Elizabeth             | 8 | 2 | FALL | 2015 | 38 |
| Designing an Online Global Mediation Advocacy Training Program for Commercial Lawyers                              | Rogers, Vikki                   | 8 | 2 | FALL | 2015 | 40 |
| International  |                                 |   |   |      |      |    |
| Unusual but Relevant: Some Commercial Arbitration Treaties to Keep at Hand   | Sabater, Aníbal                 | 8 | 2 | FALL | 2015 | 43 |
| DIFC Practice Direction No. 2: Converting Judgments into Arbitral Awards Enforceable Under the New York Convention | Epstein, Louis                  | 8 | 2 | FALL | 2015 | 46 |
| Working with Experts in International Arbitration: Four Practical Tips   | Dosman, Alexandra               | 8 | 2 | FALL | 2015 | 50 |
| TTIP—A Boost for Arbitration and a More Balanced Multilateral Investment Regime?                                   | Mayr-Riedler, Thomas K.         | 8 | 2 | FALL | 2015 | 52 |
| <b>Book Reviews</b>  |                                 |   |   |      |      |    |
| <i>Ethics in International Arbitration</i>   | Kalina, Stefan B.<br>(Reviewer) | 8 | 2 | FALL | 2015 | 57 |
| <i>The Golden Age of Arbitration: Dispute Resolution Under Elizabeth I</i>   | Sussman, Edna<br>(Reviewer)     | 8 | 2 | FALL | 2015 | 59 |
| <b>Case Notes</b>  |                                 |   |   |      |      |    |
| <i>McKenna Long &amp; Aldridge, LLP v. Ironshore Specialty Ins. Co.</i>  | Liu, Hui                        | 8 | 2 | FALL | 2015 | 62 |
| <i>PoolRe Ins. Corp. v. Organizational Strategies, Inc.</i>  | Kartez, Ross                    | 8 | 2 | FALL | 2015 | 63 |
| <i>Citigroup Global Markets, Inc. v. John Leopoldo Fiorilla</i>  | Adelson, Marcia                 | 8 | 2 | FALL | 2015 | 65 |
| <i>Mach Mining, LLC v. Equal Employment Opportunity Commission</i>   | Pessen, Abigail                 | 8 | 2 | FALL | 2015 | 66 |

|  |  |   |   |        |      |    |
|--|--|---|---|--------|------|----|
| <i>Mobil Cerro Negro, Ltd. et al. v. Bolivarian Republic of Venezuela</i>            | Riccio, Andrew;<br>Hanessian, Grant;<br>Zaslowsky, David   | 8 | 2 | FALL   | 2015 | 66 |
| <i>Citigroup, Inc. v. Abu Dhabi Investment Authority</i>                             | Weiner, Conna A.   | 8 | 2 | FALL   | 2015 | 67 |
| <i>Larry Whitt v. Prosper Funding LLC et al.</i>                                     | Kahn, Sherman  | 8 | 2 | FALL   | 2015 | 69 |
| <b>A Tribute to Judge Judith S. Kaye</b>   |  | 9 | 1 | SPRING | 2016 |    |
| New York Court of Appeals Judges' Memories of Judge Kaye                             | Bellacosa, Joseph;<br>DiFiore, Janet; Graffeo,<br>Vicki; Lippman, Jonathan;<br>Read, Susan; Rosenblatt,<br>Albert M.; Smith, Robert;<br>Wachtler, Sol; Wesley,<br>Richard  | 9 | 1 | SPRING | 2016 | 5  |
| A Tribute to Judith by Judge Carmen Ciparick   | on behalf of the New York<br>Court of Appeals  | 9 | 1 | SPRING | 2016 | 8  |
| New York International Arbitration Center Executive Committee Memories of Judge Kaye | Carter, James H.;<br>Galligan, Michael W.;<br>Mattiaccio, Richard L.;<br>Neuhaus, Joe; Permesly,<br>Jennifer; Sherwin, Peter;<br>Silberberg, Richard H.;<br>Sills, Robert L.; Sussman,<br>Edna; Younger, Stephen<br>P. | 9 | 1 | SPRING | 2016 | 10 |
| Alexandra Dosman: Remarks in Honor of Judith S. Kaye                                 | (Executive Director,<br>NYIAC  | 9 | 1 | SPRING | 2016 | 13 |
| Chief Judge Judith S. Kaye at Skadden, Arps  |  | 9 | 1 | SPRING | 2016 | 14 |
| Luisa M. Kaye Eulogy of Judith S. Kaye   | Judge Kaye's daughter  | 9 | 1 | SPRING | 2016 | 16 |
| Jonathan Kaye Eulogy of Judith S. Kaye   | Judge Kaye's son   | 9 | 1 | SPRING | 2016 | 17 |
| Gordon Kaye Eulogy of Judith S. Kaye   | Judge Kaye's son   | 9 | 1 | SPRING | 2016 | 18 |

|  |  |   |   |        |      |    |
|--|--|---|---|--------|------|----|
| Sonja and Andrea Hagemeyer Eulogy of Judith S. Kaye  | Judge Kaye's granddaughters                                | 9 | 1 | SPRING | 2016 | 19 |
| Michael Bloomberg Eulogy of Judith S. Kaye   | former Mayor of the City of New York                       | 9 | 1 | SPRING | 2016 | 20 |
| <b>New York for International Arbitration</b>  |  |   |   |        |      |    |
| Déjà Vu: A Personal Reflection on Women in International Arbitration   | Kaye, Judith S.  | 9 | 1 | SPRING | 2016 | 22 |
| New York and International Arbitration: A View from the State Bench  | Kaye, Judith S.  | 9 | 1 | SPRING | 2016 | 24 |
| 10 Questions About New York as a Leading Arbitration Center (Interview with Edna Sussman)  |  | 9 | 1 | SPRING | 2016 | 27 |
| NYIAC Case Law Library—Overview  | Stadnyk, Mark;<br>Dosman, Alexandra                        | 9 | 1 | SPRING | 2016 | 30 |
| NYIAC: Second Circuit Finds That <i>Res Judicata</i> Issue Is for Arbitrators, Not Courts  |  | 9 | 1 | SPRING | 2016 | 31 |
| NYIAC: Sovereign Immunity Is No Defense to the Recognition of ICSID Award Against Venezuela; New York Court Stays Recognition on Basis of ICSID Internal Proceedings             |  | 9 | 1 | SPRING | 2016 | 31 |
| NYIAC: “To Stay or Not to Stay”: Second Circuit Clarifies Procedure Following Successful Motion to Compel Arbitration  |  | 9 | 1 | SPRING | 2016 | 33 |
| NYIAC: International Arbitration Pre-Hearing Checklist   | Sabater, Aníbal  | 9 | 1 | SPRING | 2016 | 35 |
| Book Review: <i>International Commercial Arbitration in New York</i>   | Sussman, Edna<br>(Reviewer)                                | 9 | 1 | SPRING | 2016 | 37 |
| Book Review: <i>New York Contract Law: A Guide for Non-New York Attorneys</i>  | Kalina, Stefan B.<br>(Reviewer)                            | 9 | 1 | SPRING | 2016 | 37 |
| Why Choose New York Law?   | Galligan, Michael W.                                       | 9 | 1 | SPRING | 2016 | 41 |
| The International Commercial Disputes Committee of the New York City Bar Association Reports on the Manifest Disregard of Law Doctrine and International Arbitration in New York | Shore, Laurence;<br>Zammit, Joseph P.;<br>Bouchenaki, Amal | 9 | 1 | SPRING | 2016 | 46 |

|   |  |   |   |        |      |    |
|---|--|---|---|--------|------|----|
| Using New York Fora to Enforce Judgments After <i>Motorola Credit Corp. v. Standard Chartered Bank</i> and <i>Daimler AG v. Bauman</i>  | Haridi, Samaa A.;<br>Zimmerman, Samuel L.          | 9 | 1 | SPRING | 2016 | 49 |
| "Who Decides?" The <i>Res Judicata</i> Effect of Arbitral Awards and Federal Confirmation Judgments Are Matters for Arbitral Resolution | Cheng, Tai-Heng;<br>DiClemente, Adam J.            | 9 | 1 | SPRING | 2016 | 52 |
| Court Review of Arbitral Tribunals' Jurisdictional Decisions  | Sasson, Monique                                    | 9 | 1 | SPRING | 2016 | 54 |
| The Corruption Defense Asserted in International Arbitration Disputes: A Look at <i>BSG Resources v. Guinea</i>                         | Greenblatt, Jonathan;<br>Torres-Fowler, R. Zachary | 9 | 1 | SPRING | 2016 | 58 |
| Muddy Waters in the Land of Section 1782  | Newman, Lawrence W.;<br>Zaslowsky, David           | 9 | 1 | SPRING | 2016 | 62 |
| Effectuating International Arbitration Through Judicial Preliminary Relief in New York  | Bédard, Julie;<br>Pavlacka, Christopher            | 9 | 1 | SPRING | 2016 | 65 |
| <b>Section News</b>   |  | 9 | 2 | SUMMER | 2016 |    |
| Proposal for Court-Annexed Voluntary Mediation in the Civil Courts of New York State  |  | 9 | 2 | SUMMER | 2016 | 6  |
| <b>Ethical Compass</b>  |  | 9 | 2 | SUMMER | 2016 |    |
| ...because it's not just about money  | Greenberg, Elayne E.                               | 9 | 2 | SUMMER | 2016 | 9  |
| <b>Arbitration</b>  |  | 9 | 2 | SUMMER | 2016 |    |
| The Curious Tom Brady "Deflategate" Case  | Landsman, Kim                                      | 9 | 2 | SUMMER | 2016 | 11 |
| Architectural Underpinning: Consequences of Violating Provider Rules  | Levine, Gerald M.                                  | 9 | 2 | SUMMER | 2016 | 14 |
| The Case for Bringing Diversity to the Selection of ADR Neutrals  | Cheng, Theodore K.                                 | 9 | 2 | SUMMER | 2016 | 18 |
| Recovery of Attorneys' Fees and Costs: Displacing the "American Rule" in Petitions to Confirm International Arbitral Awards             | Stadnyk, Mark                                      | 9 | 2 | SUMMER | 2016 | 21 |
| Down the Path to Regulation: Arbitration Safe for Now, but the CFPB Is Moving to Bar Litigation Class Waivers                           | Bleemer, Russ                                      | 9 | 2 | SUMMER | 2016 | 23 |
| <b>Mediation</b>  |  | 9 | 2 | SUMMER | 2016 |    |

|  |  |   |   |        |      |    |
|--|--|---|---|--------|------|----|
| The Global Pound Conference: The Journey to Determine the Needs of Users Has Started                               | Masucci, Deborah                                   | 9 | 2 | SUMMER | 2016 | 27 |
| <b>International</b>   |  | 9 | 2 | SUMMER | 2016 |    |
| Precedential Value of Arbitral Awards in International Arbitration   | Sicard-Mirabal, Josefa                             | 9 | 2 | SUMMER | 2016 | 29 |
| Increasing Internalization of Chinese Arbitration  | Cheung-Gaffney, Elizabeth                          | 9 | 2 | SUMMER | 2016 | 32 |
| Is New York Law Appealing to Asian Parties?  | Cuniberti, Gilles                                  | 9 | 2 | SUMMER | 2016 | 35 |
| Virtual International Arbitration: The Fast Development of Technology and Its Impact on Arbitration Proceedings    | Cozzi, Fabio                                       | 9 | 2 | SUMMER | 2016 | 37 |
| The Trans-Pacific Partnership Investment Chapter: Setting a New Standard in International Investment Agreements    | Hodgson, Mélida                                    | 9 | 2 | SUMMER | 2016 | 40 |
| Methods of Facilitating Mediation by Arbitrators in China  | Fei, Jessica; Gu, David                            | 9 | 2 | SUMMER | 2016 | 43 |
| Promoting Settlement in Arbitration: Is the "German Approach" Really Incompatible With the Role of the Arbitrator? | Berger, Klaus Peter                                | 9 | 2 | SUMMER | 2016 | 46 |
| Dispute Board Rules Currently in Force: A Selective Overview, Comparison and Practical Considerations              | Taggart, Paul G.; Cetinel, Yasemin                 | 9 | 2 | SUMMER | 2016 | 50 |
| A Method for Efficient and Transparent Decision Making—A German Experience Suitable for International Arbitration? | Schäfer, Jan K.                                    | 9 | 2 | SUMMER | 2016 | 53 |
| <b>Book Reviews</b>  |  | 9 | 2 | SUMMER | 2016 |    |
| <i>Domain Name Arbitration</i>   | Kaster, Laura A. (Reviewer)                        | 9 | 2 | SUMMER | 2016 | 56 |
| You, Too, Can Be a Superforecaster   | Palmer, Michael (Reviewer)                         | 9 | 2 | SUMMER | 2016 | 58 |
| <b>Case Notes</b>  |  | 9 | 2 | SUMMER | 2016 |    |
| DirecTV v. Imburgia—What Does It Mean?   | Kaster, Laura A.                                   | 9 | 2 | SUMMER | 2016 | 62 |
| Goldman, Sachs & Co. v. Athena Venture Partners, L.P.  | Zaslowsky, David; Hanessian, Grant; Bloom, Michael | 9 | 2 | SUMMER | 2016 | 63 |

|   |   |    |   |        |      |    |
|---|---|----|---|--------|------|----|
| Ethical Compass: The Power of Empathy   | Greenberg, Elayne E.                    | 9  | 3 | FALL   | 2016 | 8  |
| Special Feature: Transcript of the Inaugural Judith S. Kaye Arbitration Lecture   |   | 9  | 3 | FALL   | 2016 | 11 |
| Discourse and Dialogue: New York Attorneys Speak Candidly About the Arbitral Process, Large, Complex Cases, and the AAA   | Rangachari, Rekha; Zaino, Jeffrey T.    | 9  | 3 | FALL   | 2016 | 20 |
| Civility—and the Quaker History of Arbitration: An Interview with F. Peter Phillips                                       | Kaster, Laura                           | 9  | 3 | FALL   | 2016 | 24 |
| Court-Related Mediation—Early and Flexible Leads to Success   | Shack, Jennifer                         | 9  | 3 | FALL   | 2016 | 27 |
| Technology in Court-Annexed Mediation: Policy and Praxis  | Leslie, Dean W. M.                      | 9  | 3 | FALL   | 2016 | 30 |
| Transforming a Fractured Industry: Employing ADR Techniques to Improve Collaboration in the Construction Industry         | Greenwald, Nancy                        | 9  | 3 | FALL   | 2016 | 35 |
| Counsel Ethics and the Choice of Arbitral Seat  | Reichert, Klaus SC                      | 9  | 3 | FALL   | 2016 | 37 |
| Istanbul Arbitration Centre Opens Its Doors   | Aydin, Ayça                             | 9  | 3 | FALL   | 2016 | 39 |
| The Court of Innovative Arbitration (COIA): An Attractive Alternative in International Arbitration                        | Martens, Dirk-Reiner; Novacescu, Lucian | 9  | 3 | FALL   | 2016 | 41 |
| Binding Mediation: A New Form of Amiable Composition  | Tirado, Joe                             | 9  | 3 | FALL   | 2016 | 44 |
| Beverly v. Abbott Labs, 817 F.3d 328, 331-32 (7th Cir. 2016)—The Seventh Circuit Enforces Mediation Settlement Term Sheet | Kaster, Laura                           | 9  | 3 | FALL   | 2016 | 52 |
| Geier v. M-Qube Inc., 2015 U.S. App. LEXIS 9640 (9th Cir. 2016)   | Kahn, Sherman                           | 9  | 3 | FALL   | 2016 | 53 |
| Sgouros v. TransUnion Corp., 817 F.3d 1029 (7th Cir. 2016)  | Kahn, Sherman                           | 9  | 3 | FALL   | 2016 | 54 |
| Ethical Compass: When the Empty ADR Chair Is Occupied by a Litigation Funder  | Greenberg, Elayne E.                    | 10 | 1 | SPRING | 2017 | 7  |
| Arbitration   |   |    |   |        |      |    |
| Mediating the “Loose Ends” After Arbitration  | Ghikas, Gerald W.                       | 10 | 1 | SPRING | 2017 | 10 |
| Second Circuit Reaffirms Manifest Disregard as a Valid Ground for Vacature of Arbitration Award                           | Lozowicki, Edward                       | 10 | 1 | SPRING | 2017 | 13 |

|   |   |    |   |        |      |    |
|---|---|----|---|--------|------|----|
| Interim, Provisional and Conservatory Measures in U.S. Arbitration  | Skulnik, Steven                                   | 10 | 1 | SPRING | 2017 | 17 |
| Provider and Arbitrator Immunity for Acting in Their Official Capacities  | Levine, Gerald M.                                 | 10 | 1 | SPRING | 2017 | 22 |
| Arbitration of Disputes in the Aerospace Industry   | Smith, Stephen E.;<br>Schiefelbein, Lester W. Jr. | 10 | 1 | SPRING | 2017 | 25 |
| Arbitrating Fair Labor Standard Act Cases—Is the Process a Problem?   | Frisch, Tracy B.;<br>Weinstein, Robyn             | 10 | 1 | SPRING | 2017 | 28 |
| Mediation   |   |    |   |        |      |    |
| When the Deal Goes South: Mediating Disputes in Post-Merger Litigation  | Rosenbloom, Arthur H.                             | 10 | 1 | SPRING | 2017 | 30 |
| Twelve Tips for Effective Settlement Negotiations   | Reisberg, Steven H.                               | 10 | 1 | SPRING | 2017 | 32 |
| International   |   | 10 |   |        |      |    |
| Russia's Comprehensive Arbitration Reforms  | Pettibone, Peter                                  | 10 | 1 | SPRING | 2017 | 35 |
| The Importance of Legal Culture for Contract Construction: Norwegian Law, English Law and International Arbitration | Cordero-Moss, Giuditta                            | 10 | 1 | SPRING | 2017 | 39 |
| Hong Kong's Third Party Funding of Arbitration Law Reform and "Light Touch" Regulation                              | Rooney, Kim M.                                    | 10 | 1 | SPRING | 2017 | 42 |
| The Hague Convention on Choice of Court Agreements: A Realistic Competitor to the New York Convention?              | Hendrix, Glenn P.; Teitz,<br>Louise Ellen         | 10 | 1 | SPRING | 2017 | 47 |
| Investor-State Dispute Settlement Under CETA—A New Permanent Cour   | Tishler, Sarah C. C.                              | 10 | 1 | SPRING | 2017 | 52 |
| Open and Shut: The Innovative Use of Opening Argument in International Arbitration                                  | de Gramont, Alexandre                             | 10 | 1 | SPRING | 2017 | 55 |
| Book Reviews  |   |    |   |        |      |    |
| International Arbitration: Commercial and Investment Treaty Law and Practice  | Davidson, Robert B.<br>(Reviewer)                 | 10 | 1 | SPRING | 2017 | 59 |
| International Commercial Arbitration in New York (2nd Edition)  | Millson, Rory                                     | 10 | 1 | SPRING | 2017 | 61 |
| Case Notes  |   |    |   |        |      |    |

|  |   |    |   |        |      |    |
|--|---|----|---|--------|------|----|
| Moss v. First Premier Bank—The Second Circuit Follows Its Own Precedent—Won't Compel Arbitration When the Exclusively Named Arbitral Provider Is Unavailable to Administer the Dispute | Branon, Bryan J.  | 10 | 1 | SPRING | 2017 | 65 |
| Ethical Compass  |   |    |   |        |      |    |
| When Worldviews Collide—Strategic Advocacy v. a Mediator's Ethical Obligations   | Greenberg, Elayne E.  | 10 | 2 | FALL   | 2017 |    |
| Arbitration  |   |    |   |        |      |    |
| The American Arbitration Association's Administrative Review Council   | Tuchmann, Eric; Carbone, Sasha; Frisch, Tracey; Kyriakides, Simon | 10 | 2 | FALL   | 2017 | 11 |
| Arbitration Predominates for Dispute Resolution Among Participants in the Health Care Industry   | Benesch, Katherine  | 10 | 2 | FALL   | 2017 | 17 |
| Making Arbitration More Appealing  | Lampert, Michael A.   | 10 | 2 | FALL   | 2017 | 19 |
| The Arbitrator's Proposal  | Gilbert, Stephen P.   | 10 | 2 | FALL   | 2017 | 24 |
| Arbitration on Television: My Experience on The People's Court   | Hoffman, David J.   | 10 | 2 | FALL   | 2017 | 31 |
| Why Do Some Claimants Pursue Losing Claims in Arbitration?   | James, Dwight   | 10 | 2 | FALL   | 2017 | 33 |
| Arbitration Offers Efficiency and Economic Benefits Compared to Court Proceedings  | Weinstein, Roy  | 10 | 2 | FALL   | 2017 | 36 |
| Mediation  |   |    |   |        |      |    |
| How Mediation Changed Me as a Lawyer   | Halper, Adam J.; Oppenheim, Caroline P.                           | 10 | 2 | FALL   | 2017 | 41 |
| Mediating a Products Liability Case  | Hector, Bruce J.  | 10 | 2 | FALL   | 2017 | 44 |
| International  |   |    |   |        |      |    |
| The International Criminal Court   | Aluoch, Joyce H.E.  | 10 | 2 | FALL   | 2017 | 46 |
| Building a Practice as a Neutral   |   |    |   |        |      |    |

|   |   |    |   |        |      |    |
|---|---|----|---|--------|------|----|
| Eight Common Mistakes Mediators Make When Trying to Generate Business   | Rappaport, Anna                             | 10 | 2 | FALL   | 2017 | 49 |
| New Rights for Freelance Workers in New York City   | Singer, David C.                            | 10 | 2 | FALL   | 2017 | 52 |
| Book Reviews  |   |    |   |        |      |    |
| The CPR Corporate Counsel Manual for Cross-Border Dispute Resolution  | Bart Schwartz (Reviewer)                    | 10 | 2 | FALL   | 2017 | 55 |
| How Arbitration Made a Difference: Arbitrating for Peace  | Sussman, Edna (Reviewer)                    | 10 | 2 | FALL   | 2017 | 57 |
| Case Notes  |   |    |   |        |      |    |
| Altelecom Sh.A v. Unifi Communications, Inc., 2017 WL 2364365 (S.D.N.Y. May 30, 2017): Enforcing Consent Awards Under the New York Convention | Kaster, Laura A.                            | 10 | 2 | FALL   | 2017 | 59 |
| Case Summaries  | Feliu, Alfred G.                            | 10 | 2 | FALL   | 2017 | 61 |
| Ethical Compass   |   |    |   |        |      |    |
| Acts Like a Lawyer, Talks Like a Lawyer . . . Non-Lawyer Advocates Representing Parties in Dispute Resolution                                 | Greenberg, Elayne E.                        | 11 | 1 | SPRING | 2018 | 7  |
| Arbitration   |   |    |   |        |      |    |
| Summary of Report of the New York City Bar on Awards of Interest in International Commercial Arbitration                                      | Childs, Thomas                              | 11 | 1 | SPRING | 2018 | 11 |
| Mediation   |   |    |   |        |      |    |
| Business Essentials for Neutrals: Starting, Growing, and Sustaining Your Practice   | Holmes, Reginald A.; Panarella, Merriann M. | 11 | 1 | SPRING | 2018 | 14 |
| Automatic Court-Annexed Mediation in New York's Federal District Courts—Sometimes Numbers Don't Lie   | Shaffer, Gary                               | 11 | 1 | SPRING | 2018 | 21 |
| International   |   |    |   |        |      |    |
| M&A Arbitration and Expedited Procedures: A Need for Speed?   | Ortiz, Alejandro Lopez                      | 11 | 1 | SPRING | 2018 | 25 |

|   |   |    |   |        |      |    |
|---|---|----|---|--------|------|----|
| Globalizing Trends in Ascertaining the Content of the Applicable Law in International Arbitration—Beyond the Civil-Common Law Divide  | Wahab, Mohamed S. Abdel                 | 11 | 1 | SPRING | 2018 | 28 |
| Multilingual Arbitrations: Optimizing Parties' Agreements, Scope, Costs, Award-Making   | Carducci, Guido                         | 11 | 1 | SPRING | 2018 | 31 |
| Special Feature   |   |    |   |        |      |    |
| Artificial Intelligence Challenges and Opportunities for International Arbitration  | Paisley, Kathleen; Sussman, Edna        | 11 | 1 | SPRING | 2018 | 35 |
| Arbitrator Intelligence: From Institution to Data in Arbitrator Appointments  | Rogers, Catherine A.                    | 11 | 1 | SPRING | 2018 | 41 |
| A Data-Driven Exploration of Arbitration as a Settlement Tool: Does Reality Match Perception?   | Canada, Brian; Slate, Debi; Slate, Bill | 11 | 1 | SPRING | 2018 | 45 |
| The Unusual Suspects—Easier to Find With GAR's ART  | Samuels, David                          | 11 | 1 | SPRING | 2018 | 49 |
| Book Reviews  |   |    |   |        |      |    |
| <i>The College of Commercial Arbitrators Guide to Best Practices in Commercial Litigation—Taking a Test Drive Down the Highways and By-Ways of Best Practices</i> (4th Edition) | Reviewed by Simeon H. Baum              | 11 | 1 | SPRING | 2018 | 55 |
| <i>ADR Advocacy, Strategies, and Practices for Intellectual Property and Technology Cases</i> (Second Edition)  | Reviewed by Joseph Zammit               | 11 | 1 | SPRING | 2018 | 58 |
| <i>The Roles of Psychology in International Arbitration</i>   | Reviewed by Jane Wessel and Ben Pilbrow | 11 | 1 | SPRING | 2018 | 61 |
| Award-Winning Student Papers  |   |    |   |        |      |    |
| Med-Arb: How to Mitigate the Risk of Setting Aside or Refusal of Recognition and Enforcement of a Med-Arb Award   | Benzidi, Sarah                          | 11 | 1 | SPRING | 2018 | 64 |
| The Past, Present and Future of the Doctrine of 'Manifest Disregard'  | Mudd, Carl                              | 11 | 1 | SPRING | 2018 | 77 |
| Ethical Compass   |   |    |   |        |      |    |
| Ethics Meets the "O" in DR  | Greenberg, Elayne E.                    | 11 | 2 | FALL   | 2018 | 7  |
| Arbitration   |   |    |   |        |      |    |

|  |   |    |   |      |      |    |
|--|---|----|---|------|------|----|
| Cyber Attacks: Issues Raised in Arbitration  | Sussman, Edna   | 11 | 2 | FALL | 2018 | 10 |
| Keeping Arbitration Safe for Texas   | Boyce, John   | 11 | 2 | FALL | 2018 | 13 |
| The Arbitration of Intercreditor Disputes Among Financial Institutions   | Gray, Richard M.  | 11 | 2 | FALL | 2018 | 17 |
| It's Never Too Late to Arbitrate   | Silberberg, Richard H.;<br>Chin Feman, Dai Wai                              | 11 | 2 | FALL | 2018 | 20 |
| Mediation  |   |    |   |      |      |    |
| The Underutilization of Mediation in New York and What Should Be Done About It?                                  | Feerick, John D.; Shaffer,<br>Gary P.                                       | 11 | 2 | FALL | 2018 | 23 |
| Another Approach to Avoiding Litigation  | Gettner, Alan; Shaffer,<br>Gary P.  | 11 | 2 | FALL | 2018 | 34 |
| Hybrid Proceedings: Resolving Disputes by Integrating Arbitration and Mediation                                  | Reeves, Barbara A.  | 11 | 2 | FALL | 2018 | 36 |
| The Crucial Prologue: Telling Your Story in the Pre-Mediation Statement  | Halper, Adam J.; Eagle,<br>Bart J.  | 11 | 2 | FALL | 2018 | 38 |
| International  |   |    |   |      |      |    |
| Enforcing International Arbitration Awards Rendered Under the ICSID Convention                                   | Panarella, Merriann   | 11 | 2 | FALL | 2018 | 43 |
| Consent or Agreed Awards and the New York Convention—What Is the Status?   | Kaster, Laura A.  | 11 | 2 | FALL | 2018 | 48 |
| What Users Want and How to Address Their Needs and Expectations Using the Results of the Global Pound Conference | Bouchenaki, Amal; Cross,<br>Jonathan; Tan, Liang-Ying;<br>Marroquin, Silvia | 11 | 2 | FALL | 2018 | 56 |
| The Singapore Convention: A First Look   | Masucci, Deborah; Ravala,<br>M. Salman                                      | 11 | 2 | FALL | 2018 | 60 |
| Data Protection Meets International Arbitration: The Impact of the GDPR on Arbitration                           | Paisley, Kathleen   | 11 | 2 | FALL | 2018 | 63 |
| International Arbitration and the Development of Common Law  | Radjai, Noradele  | 11 | 2 | FALL | 2018 | 67 |

|  |  |    |   |        |      |    |
|--|--|----|---|--------|------|----|
| Updates from the Institutions  |  |    |   |        |      |    |
| AAA-ICDR 2018 Update   | Martinez, Luis; Skipper, Michelle; Zaino, Jeffrey T. | 11 | 2 | FALL   | 2018 | 72 |
| Institutional Arbitration “Made in Germany”: The New Arbitration Rules of the German Arbitration Institute (DIS) | Berger, Klaus Peter                                  | 11 | 2 | FALL   | 2018 | 75 |
| International Arbitration in Stockholm: Modern, Efficient ADR with Century-Old Roots                             | Ipp, Anja Havedal                                    | 11 | 2 | FALL   | 2018 | 79 |
| LCIA Innovations and Initiatives   | Van Haersolte-van Hof, Jacomijn; Stone, Mathew       | 11 | 2 | FALL   | 2018 | 82 |
| SIAC—SIMC’s Arb-Med-Arb Protocol   | Hussin, Aziah; Kuck, Claudia; Alexander, Nadja       | 11 | 2 | FALL   | 2018 | 85 |
| The 2018 Revision of the Vienna Rules  | Pitkowitz, Nikolaus                                  | 11 | 2 | FALL   | 2018 | 88 |
| Book Reviews   |  |    |   |        |      |    |
| Women in Disputes: A History of European Women in Mediation and Arbitration                                      | Reviewed by Louise Barrington                        | 11 | 2 | FALL   | 2018 | 91 |
| International Arbitration in the United States   | Reviewed by Adam J. DiClemente                       | 11 | 2 | FALL   | 2018 | 93 |
| Commercial Litigation in New York State Courts (Fourth Edition)  | Reviewed by David C. Singer                          | 11 | 2 | FALL   | 2018 | 94 |
| UNIDROIT Principles of International Commercial Contracts: An Article-by-Article Commentary                      | Reviewed by Brenda Horrigan                          | 11 | 2 | FALL   | 2018 | 95 |
| Case Summaries   | Feliu, Alfred G.                                     | 11 | 2 | FALL   | 2018 | 96 |
| Ethical Compass  |  |    |   |        |      |    |
| The Changed BATNA  | Greenberg, Elayne E.                                 | 12 | 1 | SPRING | 2019 | 7  |
| Arbitration  |  |    |   |        |      |    |
| Dealing With Experts and Expert Evidence in Commercial Arbitration   | Gilbert, Stephen P.                                  | 12 | 1 | SPRING | 2019 | 10 |

|                                 |   |    |   |        |      |    |
|---------------------------------|---|----|---|--------|------|----|
| ADR in the Age of Cybersecurity | Certilman, Steven A.;<br>Wiechmann, Eric W. | 12 | 1 | SPRING | 2019 | 14 |
|---------------------------------|---|----|---|--------|------|----|

|   |  |    |   |        |      |    |
|---|--|----|---|--------|------|----|
| The ICCA-ASIL Task Force on Damages Creates a New Interactive Web App for Damages | Amirfar, Catherine; Nater-Bass, Gabrielle; Pfisterer, Stefanie; Glover, Aasiya | 12 | 1 | SPRING | 2019 | 20 |
| California—A Rising Star Among International Arbitration Seats                    | Benton, Gary; Meier, Katalin   | 12 | 1 | SPRING | 2019 | 23 |
| Publicity for Diversity in the ADR World  | Kaster, Laura A.   | 12 | 1 | SPRING | 2019 | 27 |
| Everyone Can Be a Winner in Baseball Arbitration: History and Practical Guidance  | Sussman, Edna; Gleason, Erin   | 12 | 1 | SPRING | 2019 | 28 |
| Risky Business: The Consequences of Counting on Liability Alone                   | Taylor, Greig; Lee, Alexander  | 12 | 1 | SPRING | 2019 | 33 |
| Mediation   |  |    |   |        |      |    |
| Notes From the Field: Has #Me Too Changed ADR?                                    | Pessen, Abigail  | 12 | 1 | SPRING | 2019 | 37 |
| Moving Mediation Practice Forward—Is It Time for Certification?                   | Masucci, Deborah   | 12 | 1 | SPRING | 2019 | 40 |
| International   |  |    |   |        |      |    |
| How to Productively Conduct a Case Management Conference—Well Begun Is Half Done  | Carrara, Cecilia   | 12 | 1 | SPRING | 2019 | 43 |
| The Prague Rules and the Myth of a Civil Law Panacea                              | Emanuele, Ferdinando; Santoro, Carlo; MacKinnon, Ari D.; O'Dell, Zachary S.    | 12 | 1 | SPRING | 2019 | 46 |
| The Prague Rules: A Regression or a Step Toward More Efficiency?                  | Henriques, Duarte G.   | 12 | 1 | SPRING | 2019 | 51 |
| Updates from the Institutions   |  |    |   |        |      |    |
| A Comparative Overview of the 2018 HKIAC-Administered Arbitration Rules           | Grimmer, Sarah; Liu, Joe   | 12 | 1 | SPRING | 2019 | 55 |
| Recent Innovations from the ICC Court   | Krasula, Marek; Wagner, Mary Kate  | 12 | 1 | SPRING | 2019 | 59 |

|   |   |    |   |        |      |    |
|---|---|----|---|--------|------|----|
| Modernizing ICSID's Dispute Settlement Rules  | Kinnear, Meg  | 12 | 1 | SPRING | 2019 | 62 |
| The Future Is Now: New 2019 CPR Arbitration Rules Incorporate Best Practices for Fast and Efficient Administered Arbitrations   | Andre, Olivier P.;<br>Reisenfeld, Kenneth B.        | 12 | 1 | SPRING | 2019 | 64 |
| Message from the President  | Greenberg, Hank                                     | 12 | 2 | FALL   | 2019 | 5  |
| Message from the Chair  | Cheng, Theo   | 12 | 2 | FALL   | 2019 | 6  |
| Message from the Co-Editors in Chief  | Sussman, Edith; Kaster,<br>Laura; and Kahn, Sherman | 12 | 2 | FALL   | 2019 | 8  |
| Up Close and Personal: Whether or Not You Decide to Report a Confidentiality Exception  | Greenberg, Elayne E.                                | 12 | 2 | FALL   | 2019 | 10 |
| The Advent of No-Fault Insurance Arbitration  | Cruz, Frank   | 12 | 2 | FALL   | 2019 | 13 |
| The Second Circuit Needs to Break Precedent to Protect Reasoned Arbitration Awards  | McArthur, John Burritt;<br>Snyder, Allison          | 12 | 2 | FALL   | 2019 | 16 |
| Removing an Arbitrator for Incapacity   | Harrison, Douglas                                   | 12 | 2 | FALL   | 2019 | 21 |
| Arbitrators in 3-D: Death, Disability, and Disqualification   | Lampert, Michael                                    | 12 | 2 | FALL   | 2019 | 26 |
| A Five-Stop Roadmap for ICC Arbitrators: From Your Nomination to the Rendering of the Award                                     | Ng, Camille   | 12 | 2 | FALL   | 2019 | 28 |
| Critical Mediator Qualities Viewed from the Advocacy Trenches   | Feit, Norman  | 12 | 2 | FALL   | 2019 | 31 |
| Arb-Med: Workable or Worrisome?   | Silberberg, Richard and<br>Badaracco, Anthony       | 12 | 2 | FALL   | 2019 | 33 |
| Switching Hats or the Complex Relation Between the Roles of Arbitrator and Mediator Seen Through the Prism of a Successful Case | Marzolini, Paolo                                    | 12 | 2 | FALL   | 2019 | 37 |
| Building Sustainability for Global Mediation: Applying Process Efficiency for Economic Growth in Puerto Rico                    | Weiss, David; McDevitt,<br>Jennifer A.              | 12 | 2 | FALL   | 2019 | 41 |
| Belt and Road Initiative Disputes: How and When Will They Be Resolved?  | Thorp, Peter  | 12 | 2 | FALL   | 2019 | 48 |

|  |  |    |   |        |      |    |
|--|--|----|---|--------|------|----|
| Variables Affecting Costs in Investment Arbitration: A Look at the Data  | Franck, Susan D.   | 12 | 2 | FALL   | 2019 | 51 |
| International Arbitration Should Permit the Direct Examination of Witnesses and Experts Not Called for Cross-Examination   | Lamm, Carolyn B.; Hellbeck, Eckhard; and Velchamy, Ashwini | 12 | 2 | FALL   | 2019 | 54 |
| How to “Hot Tub”: The Chartered Institute of Arbitrators New Witness Conferencing Guidelines                               | Halket, Thomas   | 12 | 2 | FALL   | 2019 | 58 |
| Restoring Faith in the Party-Appointed Expert  | Rosen, Howard; D’Souza, Gigi                               | 12 | 2 | FALL   | 2019 | 61 |
| Expedited Procedure Provisions: A Gimmick or an Answer to International Arbitration’s Ills?                                | Kaminsky, Raphael J.; Juang, Hsiao-Jan                     | 12 | 2 | FALL   | 2019 | 65 |
| Kissing Awake a Sleeping Beauty: The UNIDROIT Principles of International Commercial Contracts                             | Barton, Roger E.; Brödermann, Eckart J.                    | 12 | 2 | FALL   | 2019 | 69 |
| A Matter of Interest: A Step-by-Step Methodology to Awarding Compensatory Interest in International Commercial Arbitration | Wachter, Robert and Laske, Time                            | 12 | 2 | FALL   | 2019 | 72 |
| Book Review: <i>Arbitration Costs: Myths and Realities in Investment Treaty Arbitration</i> , by Susan D. Franck           | Hellbeck, Eckhard  | 12 | 2 | FALL   | 2019 | 76 |
| Book Review: <i>Arbitrating Commercial Disputes in the United States</i> , edited by David Singer                          | Masucci, Deborah   | 12 | 2 | FALL   | 2019 | 78 |
| Case Summaries   | Feliu, Al  | 12 | 2 | FALL   | 2019 | 80 |
| Message from the Chair   | Cheng, Theo  | 13 | 1 | SPRING | 2020 | 5  |

|  |   |    |   |        |      |    |
|--|---|----|---|--------|------|----|
| Message from the Co-Editors-in-Chief   | Kaster, Laura; Sussman, Edna; and Kahn, Sherman | 13 | 1 | SPRING | 2020 | 7  |
| Ethical Compass: Celebration   | Greenberg, Elayne                               | 13 | 1 | SPRING | 2020 | 8  |
| Have the Courts Opened the Section 1782 Door Wider?  | Newman, Lawrence and Zaslowsky, David           | 13 | 1 | SPRING | 2020 | 11 |
| The Art of Art Authentication and a Global Alternative to Dispute Resolution   | Prowda, Judith                                  | 13 | 1 | SPRING | 2020 | 14 |
| The Mediation Window: An Arbitration Process Measure To Facilitate Settlement  | Sussman, Edna                                   | 13 | 1 | SPRING | 2020 | 20 |
| The New Hague Judgments Convention   | Stewart, David P.                               | 13 | 1 | SPRING | 2020 | 23 |
| Good Faith and Relational Contracts in the U.K.  | Green, Patrick                                  | 13 | 1 | SPRING | 2020 | 26 |
| Reflections on the Principles of Good Faith: Variants, Derivatives, and Related Issues in MENA Region Jurisdictions  | Wahab, Mohammed S. Abdel                        | 13 | 1 | SPRING | 2020 | 29 |
| Damages and Loss of a Chance or Loss of Opportunity  | Wöss, Herfried                                  | 13 | 1 | SPRING | 2020 | 33 |
| Removing an Arbitrator for Undue Delay   | Harrison, Douglas F.                            | 13 | 1 | SPRING | 2020 | 36 |
| The Inauguration of ALI's Restatement of the U.S. Law of International Commercial and Investor-State Arbitration: An Interview with George Bermann, Reporter | Kaster, Laura A.                                | 13 | 1 | SPRING | 2020 | 41 |

|  |  |    |   |        |      |    |
|--|--|----|---|--------|------|----|
| Arbitration Decision-Making—By the Numbers   | Horton, William                        | 13 | 1 | SPRING | 2020 | 44 |
| The Impact of Summary Disposition on International Arbitration: A Quantitative Analysis              | Howes, B. Ted and Stowell, Allison     | 13 | 1 | SPRING | 2020 | 52 |
| Contrasts in Preparing for Domestic v. International Arbitration                                     | O'Neill, Philip J., Jr.                | 13 | 1 | SPRING | 2020 | 55 |
| Lawyers Should Not Paint Houses: Lessons from <i>The Irishman</i>                                    | Daimsis, Anthony R.                    | 13 | 1 | SPRING | 2020 | 58 |
| Necessary Change: Planning Past Bias Through the Arbitral Women Diversity Toolkit™                   | Rangachair, Rekha                      | 13 | 1 | SPRING | 2020 | 62 |
| The AAA: A History of Working with the Federal and State Governments                                 | Paret, S. Pierre and Zaino, Jeffrey T. | 13 | 1 | SPRING | 2020 | 64 |
| Book Review: <i>Judith Kaye: In Her Own Words</i> , by Judith Kaye; edited by Henry Greenberg et al. | Smith, Robert S.                       | 13 | 1 | SPRING | 2020 | 67 |
| Book Review: <i>Rose QC: The Remarkable Story of Rose Heilbron</i>                                   | Fellas, John                           | 13 | 1 | SPRING | 2020 | 69 |
| Book Review: <i>English Arbitration and Mediation in the Long Eighteenth Century</i>                 | Nairn, Karyl                           | 13 | 1 | SPRING | 2020 | 71 |
| Book Review: <i>The International Arbitration Rulebook</i>   | Stockford, Claire                      | 13 | 1 | SPRING | 2020 | 75 |
| Message from the Chair   | Kaster, Laura A.                       | 14 | 1 |        | 2021 | 3  |

|  |  |    |   |  |      |    |
|--|--|----|---|--|------|----|
| Message from the Co-Editors in Chief   | Kaster, Laura; Kahn, Sherman; Sussman, Edna          | 14 | 1 |  | 2021 | 5  |
| Section Update   |  | 14 | 1 |  | 2021 | 6  |
| Ethical Compass: Three Different Judicial Treatments for Settlement Fever  | Greenberg, Elayne                                    | 14 | 1 |  | 2021 | 7  |
| <b>Reports of the Mixed-Mode Task Force Working Groups:</b> Introduction   | Lack, Jeremy   | 14 | 1 |  | 2021 | 11 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>Building Dispute Resolution Processes To Minimize and Manage Potential Conflict During the Commercial Relationship Lifecycle (Group 1) | Paisley, Kathleen; Player, Jane; Stipanowich, Thomas | 14 | 1 |  | 2021 | 14 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>Using a Guided Mediator To Help the Parties Design Bespoke Dispute Resolution Processes (Group 2)                                      | Kaster, Laura A. and Lack, Jeremy                    | 14 | 1 |  | 2021 | 17 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>Mediators Using Non-Binding Evaluations and Making Settlement Proposals (Group 3)  | Fraser, Véronique and Fan, Kun                       | 14 | 1 |  | 2021 | 21 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>Arbitrator Techniques and Their (Direct or Potential) Effect on Settlement (Group 4)   | Sussman, Edna and Berger, Klaus Peter                | 14 | 1 |  | 2021 | 25 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>“Switching Hats”: Developing International Practice Guidance for Single-Neutral Med-Arb, Arb-Med, and Arb-Med-Arb (Group 5)            | Stipanowich, Thomas J. and Mironi, Mordehai          | 14 | 1 |  | 2021 | 29 |
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>The Impact of Enforcement on Dispute Resolution Methodology (Group 6)  | Paisley, Kathleen and Player, Jane                   | 14 | 1 |  | 2021 | 33 |

|  |  |    |   |  |      |    |
|--|--|----|---|--|------|----|
| <b>Reports of the Mixed-Mode Task Force Working Groups</b><br>Considerations for Allowing Communications Between Arbitrators and Mediators Appointed to the Same Dispute (Group 7) | Masucci, Deborah and Nigmatullina, Dilyara | 14 | 1 |  | 2021 | 37 |
| Successes, Stresses, and Secrets: The Psychology of Remote Hearings  | Greenwood, Lucy                            | 14 | 1 |  | 2021 | 40 |
| Putting Their Money Where Their Mouth Is: Mass Employment Arbitration Filings and the Nonpaying Party Problem  | Lamdany, Dina                              | 14 | 1 |  | 2021 | 42 |
| Opening Mediation Windows: Role of Parties, Contracts and Institutions   | Faleck, Diego                              | 14 | 1 |  | 2021 | 51 |
| How Does Conflict Coaching Complement the Mediation Process?   | Chicvak, Courtney                          | 14 | 1 |  | 2021 | 55 |
| Mediating Ineffectual Parties  | Feit, Norman                               | 14 | 1 |  | 2021 | 57 |
| Trends in International Commercial Arbitration Damages Awards: Insights from the 2020 Queen Mary/PWC Study   | Bhagnani, Preet and Lee, Joy               | 14 | 1 |  | 2021 | 59 |
| ICCA Survey on a Right to a Physical Hearing in International Arbitration: Reports Are Out from the U.S., Australia, Italy and Vietnam   | Lahlou, Yasmine; Cardoso, Marcel Engholm   | 14 | 1 |  | 2021 | 63 |
| U.K. Supreme Court Delivers Landmark Judgment on Arbitrator Bias and Duty of Disclosure  | Gojkovic, Ema Vidak                        | 14 | 1 |  | 2021 | 68 |
| Being vs. Doing in the Relationships Among Arbitration Practitioners   | Carrara, Cecilia                           | 14 | 1 |  | 2021 | 72 |

|   |   |    |   |  |      |    |
|---|---|----|---|--|------|----|
| Future of Trust Arbitration and Its Impact in Russia  | Pentsov, Dmitry A.                          | 14 | 1 |  | 2021 | 75 |
| Mandatory Rules, Court Litigation and Arbitration (Domestic and International Disputes)   | Carducci, Guido                             | 14 | 1 |  | 2021 | 78 |
| Book Review:<br><i>Legal Reasoning Across Commercial Disputes</i> , by Dr. S.I. Strong  | Ramos-Klee, Camille                         | 14 | 1 |  | 2021 | 82 |
| Case Notes  | Feliu, Al                                   | 14 | 1 |  | 2021 | 86 |
| Message From the Chair  | Kartez, Ross                                | 14 | 2 |  | 2021 | 3  |
| Message From the Co-Editors-in-Chief  | Sussman, Edna; Kaster, Laura; Kahn, Sherman | 14 | 2 |  | 2021 | 5  |
| Ethical Compass: Settlement Fever: Lawyers, Have You Updated Your Philosophical Map?  | Greenberg, Elayne E.                        | 14 | 2 |  | 2021 | 6  |
| The Reach of Non-Party Arbitral Subpoenas May Not Be So Long: An Analysis of <i>Broumand v. Joseph</i>  | Bierman, Steven M.; Tribié, Gaëlle E.       | 14 | 2 |  | 2021 | 9  |
| Promoting Witness Honesty in Virtual Hearings and the Lessons To Be Learned From Social Science: A Conversation With Dr. Ula Cartwright-Finch | Hughes, Timothy; Cartwright-Finch, Ula      | 14 | 2 |  | 2021 | 12 |
| The Competence-Competence Conundrum Continues   | Winslett, Usher                             | 14 | 2 |  | 2021 | 15 |
| The Life and Death of CPLR 7515: New York's Attempt To Prohibit Mandatory Arbitration of Sexual Harassment Claims                             | Farkas, Brian                               | 14 | 2 |  | 2021 | 18 |

|   |   |    |   |  |      |    |
|---|---|----|---|--|------|----|
| Becoming a Mediator in New York: Lessons From the Field   | Brewster, Richard   | 14 | 2 |  | 2021 | 22 |
| Why Say Anything at All? Legal Advocacy in Mediation  | Starr, Michael  | 14 | 2 |  | 2021 | 25 |
| The Pilot Episode of Presumptive Mediation: Will It See Primetime?                                  | Love, Cohl  | 14 | 2 |  | 2021 | 28 |
| Presumptive ADR: Improving Options for Litigants in the New York State Unified Court System         | Courtney, Lisa M.; Parker, Glen L.  | 14 | 2 |  | 2021 | 31 |
| Becoming a Culturally Competent Neutral   | Farber, Felicia   | 14 | 2 |  | 2021 | 35 |
| IBA Rules on the Taking of Evidence in International Arbitration: Key Features of the 2020 Revision | Blackman, David S.;<br>Rodriguez Sr., Santiago;<br>Aguirre, Jesús Saracho;<br>Williams, Alice | 14 | 2 |  | 2021 | 40 |
| Actions Not Words: Make Your Arbitration Practice Green Today                                       | Greenwood, Lucy;<br>Falcicchio, Christine   | 14 | 2 |  | 2021 | 44 |
| Arbitrating Under the 2021 ICC Rules of Arbitration   | Krasula, Marek  | 14 | 2 |  | 2021 | 46 |
| The LCIA 2020 Updated Arbitration Rules   | Harrison, Jamie   | 14 | 2 |  | 2021 | 49 |
| The 2021 ICDR Rules: Integrity, Innovation, and Efficiency  | Robertson, Ann Ryan   | 14 | 2 |  | 2021 | 51 |

|   |   |    |   |  |      |    |
|---|---|----|---|--|------|----|
| CPR Publishes Employment Arbitration Rules  | Hershenberg, Anna M.;<br>Murray, Christopher C.   | 14 | 2 |  | 2021 | 55 |
| Book Review: <i>The Reasoned Arbitration Award in the United States: Its Promise, Problems, Preparation, and Preservation</i> by John Burritt MacArthur | Kaster, Laura A.                                  | 14 | 2 |  | 2021 | 59 |
| Book Review: <i>Lawyer, Scholar, Teacher and Activist: A Liber Amicorum in Honour of Derek Roebuck</i> , Edited by Neil Kaplan and Robert Morgan        | Pair, Lara M.                                     | 14 | 2 |  | 2021 | 60 |
| Case Summaries  | Feliu, Alfred                                     | 14 | 2 |  | 2021 | 62 |
| Message From the Chair  | Kartez, Ross                                      | 15 | 1 |  | 2022 | 3  |
| Message From the Co-Editors-in-Chief  | Sussman, Edna; Kaster,<br>Laura A.; Kahn, Sherman | 15 | 1 |  | 2022 | 5  |
| Ethical Compass: The Unintended Consequences of Settlement Fever and the Rule of Law  | Greenberg, Elayne E.                              | 15 | 1 |  | 2022 | 6  |
| Tips and Traps on Working With Your Damages Expert  | Howie, Rachel; Luu,<br>Joanne; Bhagrath, Richa    | 5  | 1 |  | 2022 | 9  |
| Interviews With the Experts on Damages Quantification   | Rangachair, Rekha; Skulnik,<br>Steven             | 5  | 1 |  | 2022 | 13 |
| The New Damages in International Arbitration Application: Practical Uses  | Paisley, Kathleen                                 | 5  | 1 |  | 2022 | 18 |

|   |  |   |   |  |      |    |
|---|--|---|---|--|------|----|
| The Underappreciated Importance of Interest: <i>DIA and Vale S.A. v. BSG Resources Limited</i>  | Maniatis, Alexis; Dorobantu, Florin; Nunez, Fabricio | 5 | 1 |  | 2022 | 23 |
| Affiliation and Affinity: Unconscious Drivers of Arbitrator Decision-Making   | Sussman, Edna  | 5 | 1 |  | 2022 | 27 |
| Conducting Part 137 Fee Dispute Arbitrations: A Primer  | Timken, Nelson Edward                                | 5 | 1 |  | 2022 | 31 |
| Judge Daniel Weinstein's Selective Insights on Mediation  | Feit, Norman   | 5 | 1 |  | 2022 | 34 |
| The Singapore Convention on Mediated Settlements and New York's CPLR: What Do—Or Should—They Have in Common?                              | Lampert, Michael                                     | 5 | 1 |  | 2022 | 37 |
| Behind the Scenes in Presumptive ADR  | Courtney, Lisa; Parker, Glen                         | 5 | 1 |  | 2022 | 39 |
| Reimagining Access to Justice: Should We Shift to Virtual Mediation Programs Beyond the COVID-19 Pandemic, Especially for Small Claims?   | Erez-Navot, Donna                                    | 5 | 1 |  | 2022 | 42 |
| Book Review: <i>Noise: A Flaw in Human Judgment</i>   | Kaster, Laura A.                                     | 5 | 1 |  | 2022 | 46 |
| Book Review: <i>Mediating High Conflict Disputes: A Breakthrough Approach With Tips and Tools, and the New Ways for Mediation® Method</i> | Guthrie, Susan E.                                    | 5 | 1 |  | 2022 | 47 |
| Hitting 'Send' May a Settlement Make: An Analysis of <i>Philadelphia Insurance Indem. Co. v. Kendall</i>                                  | Bierman, Steven; Tribie, Gaelle                      | 5 | 1 |  | 2022 | 50 |
| Case Summaries  | Feliu, Alfred  | 5 | 1 |  | 2022 | 53 |

|  |   |   |   |  |      |    |
|--|---|---|---|--|------|----|
| Message From the Chair   | Hanft, Noah                                 | 5 | 2 |  | 2022 | 3  |
| Message From the Co-Editors-in-Chief   | Sussman, Edna; Kaster, Laura; Kahn, Sherman | 5 | 2 |  | 2022 | 7  |
| Ethical Compass: Zooming in on Neutrals' Implicit 'isms  | Greenberg, Elayne                           | 5 | 2 |  | 2022 | 9  |
| Summoning Chuck Newman: Brilliant Mind, Great and Warm Heart, Generous Engagement with Community   | Baum, Simeon H.                             | 5 | 2 |  | 2022 | 12 |
| What's Going On? An Overview of Diversity, Equity and Inclusion Dispute Resolution Initiatives in New York                                       | Weinstein, Robyn; Lavrichenko, Michelle     | 5 | 2 |  | 2022 | 15 |
| Why First-of-a-Kind Technology Disputes in Energy and Construction Projects Are Challenging To Decide  | Galloway, Patricia                          | 5 | 2 |  | 2022 | 20 |
| Enforcement of Partial Final Arbitration Awards  | Lozowicki, Edward                           | 5 | 2 |  | 2022 | 23 |
| Lessons From the Field: Technology Solutions To Enhance Your Arbitration Advocacy Practice   | Barsukov, Artem                             | 5 | 2 |  | 2022 | 26 |
| Enforcing Mediated Settlement Agreements, or, When Is a Deal Really a Deal: An Analysis of <i>Murphy v. Institute of International Education</i> | Bierman, Steven                             | 5 | 2 |  | 2022 | 29 |
| A Beneficial Symbiotic Relationship: Rule 2.1 of the ABA Model Rules of Professional Responsibility and Appellate Mediation                      | Scanlon, Kathleen                           | 5 | 2 |  | 2022 | 33 |
| Book Review: <i>Commercial Litigation in New York State Courts</i> , 5 <sup>th</sup> ed.   | Kartez, Ross                                | 5 | 2 |  | 2022 | 36 |

|   |   |   |   |  |      |    |
|---|---|---|---|--|------|----|
| What a Development This Is: <i>Morgan v. Sundance, Inc.</i>                     | Kaster, Laura                               | 5 | 2 |  | 2022 | 38 |
| Case Summaries  | Feliu, Al                                   | 5 | 2 |  | 2022 | 40 |
| Message From the Chair  | Hanft, Noah                                 | 6 | 1 |  | 2023 | 3  |
| Message From the Co-Editors-in-Chief  | Sussman, Edna; Kaster, Laura; Kahn, Sherman | 6 | 1 |  | 2023 | 5  |
| Ethical Compass: Hats for Sale: Efficiency, Economics, and Process Integrity    | Greenberg, Elayne                           | 6 | 1 |  | 2023 | 7  |
| The Rise of Machine Learning in Dispute Resolution                              | Rule, Colin                                 | 6 | 1 |  | 2023 | 11 |
| Think DSD, Not ADR  | Lande, John                                 | 6 | 1 |  | 2023 | 14 |
| New Resources To Assist Arbitrators Navigating Information Security Obligations | Kuck, Lea Haber                             | 6 | 1 |  | 2023 | 17 |
| Arbitration Under Attack  | Warner, Timothy                             | 6 | 1 |  | 2023 | 21 |
| How Can the World Encourage the Use of Mediation?                               | De Palo, Giuseppe; Trevor, Mary             | 6 | 1 |  | 2023 | 23 |
| Icebergs, Disputants, and the Limitations of Mediators                          | Phillips, F. Peter                          | 6 | 1 |  | 2023 | 26 |

|  |  |   |   |  |      |    |
|--|--|---|---|--|------|----|
| The UNIDROIT Principles of International Commercial Contracts: When Arbitrators Can Look to UPICC as a Source of ‘Rules of Law’                                    | Mattiacco, Richard L.                          | 6 | 1 |  | 2023 | 31 |
| Advocates’ and Neutrals’ Roles in a New Type of Conflict—The Private and Public Crises of Hybrid Warfare   | Schneider, Andrea Kupfer; Honeyman, Chris      | 6 | 1 |  | 2023 | 34 |
| Book Review: <i>Disputes and Differences: Essays on the History of Arbitration and Its Continuing Relevance</i> by Dereck Roebuck, ed. Susanna Hoe                 | Pair, Lara M.                                  | 6 | 1 |  | 2023 | 38 |
| Remand to Arbitrator To Add Reasoning Does Not Violate Functus Officio Doctrine — <i>Smarter Tools Inc. v. Chongqing Senci Import &amp; Export Trade Co., Ltd.</i> | Kantor, Mark                                   | 6 | 1 |  | 2023 | 40 |
| Case Summaries   | Feliu, Alfred G.                               | 6 | 1 |  | 2023 | 43 |
| Message From the Chair   | Anderson, Jeffrey K.                           | 6 | 2 |  | 2023 | 3  |
| Special Message From the Founding Chair: The Passing of the <i>Hossu</i>   | Baum, Simeon H.                                | 6 | 2 |  | 2023 | 5  |
| Message From the Co-Editors-in-Chief   | Sussman, Edna; Kaster, Laura A.; Kahn, Sherman | 6 | 2 |  | 2023 | 9  |
| Ethical Compass: Humanizing Virtual Dispute Resolution   | Greenberg, Elayne E.                           | 6 | 2 |  | 2023 | 10 |
| Artificial Intelligence Is Here To Stay—Human Mediators Need To Learn the Lingo  | Glasberg, Hana                                 | 6 | 2 |  | 2023 | 13 |
| After All, “AI” Means Love in Chinese  | Leslie, Dean W.M.                              | 6 | 2 |  | 2023 | 17 |

|   |   |   |   |  |      |    |
|---|---|---|---|--|------|----|
| The AAA's Amended "Modification of Award" Rule  | McDonald, Chris                             | 6 | 2 |  | 2023 | 21 |
| Resolving a Circuit Split: Heavyweights Arbitration and Litigation Have Another Round on Appeal     | Joyce, Kayla                                | 6 | 2 |  | 2023 | 24 |
| Interim Awards, Interlocutory Decisions and Modification of Awards                                  | Lozowicki, Edward                           | 6 | 2 |  | 2023 | 26 |
| COVID-Related Disputes Before the Court of Arbitration for Sport: Opening Pandora's Box?            | Pentsov, Dmitry                             | 6 | 2 |  | 2023 | 30 |
| Awakening <i>La Somnambula</i> : The Matrimonial and Family Mediation Renaissance in New York State | Traum, Lara                                 | 6 | 2 |  | 2023 | 34 |
| Advancing Mediator Skills Through Self-Awareness and Creating Space for Resolution                  | DiCaprio, Anthony                           | 6 | 2 |  | 2023 | 38 |
| The Case for Mediator Immunity in New York  | Meade, Tyler                                | 6 | 2 |  | 2023 | 41 |
| Case Summaries  | Feliu, Alfred                               | 6 | 2 |  | 2023 | 44 |
| Section Committees and Chairs   |   | 6 | 2 |  | 2023 | 52 |
| Message From the Chair  | Anderson, Jeffrey K.                        | 7 | 1 |  | 2024 | 3  |
| Message From the Co-Editors-in-Chief  | Kahn, Sherman; Sussman, Edna; Kaster, Laura | 7 | 1 |  | 2024 | 5  |

|  |   |   |   |  |      |    |
|--|---|---|---|--|------|----|
| Ethical Compass: Deciding To Arbitrate <i>After</i> Consumer Disputes Arise  | Greenberg, Elayne                                   | 7 | 1 |  | 2024 | 7  |
| The Lurking Risk in Arbitration of Stipulating That Privileged Documents Produced in Discovery Can Be Deemed Inadvertent and Presumptively Clawed Back | Siffert, John S.; Zhu, Angela                       | 7 | 1 |  | 2024 | 9  |
| SVAMC Draft Guidelines on Using AI in Arbitration: A Focus on the Selection of Arbitrators and Arbitrators' Use of AI                                  | Chan, Elizabeth; Garcia Bel, Marta; Malek, Benjamin | 7 | 1 |  | 2024 | 12 |
| Resolving Disputes Online? Ensure Your Services Are Disability Accessible  | Larson, David Allen                                 | 7 | 1 |  | 2024 | 16 |
| Where Do We Go From Here? Dispute Resolution DEI Initiatives Post-SFFA   | Waldman, Ellen; Weinstein, Robyn                    | 7 | 1 |  | 2024 | 19 |
| We Believe in Supporting Diversity   | Evans, Scott L.; Lee; Jiyun Cameron; Love, Lisa D.  | 7 | 1 |  | 2024 | 24 |
| State-Sponsored Mediation Around the World: Does It Support the Parties' Interest and the Reception of Mediation?                                      | Rodrigues, Jonathan                                 | 7 | 1 |  | 2024 | 27 |
| You Must Read This—But You Won't Like Everything It Says! Book Review of <i>Professional Judgment for Lawyers</i> by Randall Kiser                     | Kaster, Laura A.                                    | 7 | 1 |  | 2024 | 30 |
| Book Review: <i>Managing Conflict Mindfully: Don't Believe Everything You Think</i> by Leonard L. Riskin   | Nolan-Haley, Jackie                                 | 7 | 1 |  | 2024 | 32 |
| Book Review: <i>The Technological Competence of Arbitrators: A Comparative and International Legal Study</i> by Katia Fach Gomez                       | Burke, R. Matthew                                   | 7 | 1 |  | 2024 | 34 |
| Case Comment: <i>Campbell v. The Bloom Group</i> , 2023 BCCA 84  | Hopkins, Julie; Hanks, Sarah                        | 7 | 1 |  | 2024 | 36 |

|   |   |   |   |  |      |    |
|---|---|---|---|--|------|----|
| Case Summaries  | Feliu, Al                                   | 7 | 1 |  | 2024 | 38 |
| Message From the Chair  | Pilgrim, Jill                               | 7 | 2 |  | 2024 | 3  |
| Message From the Co-Editors in Chief  | Kahn, Sherman; Sussman, Edna; Kaster, Laura | 7 | 2 |  | 2024 | 4  |
| Ethical Compass: ... because it's not just about money (reprint)  | Greenberg, Elayne E.                        | 7 | 2 |  | 2024 | 6  |
| Ethical Compass: The Power of Empathy   | Greenberg, Elayne E.                        | 7 | 2 |  | 2024 | 8  |
| Arbitration Award of Attorneys' Fees Upheld in the Face of the 'American Rule': An Analysis of <i>American Zurich Insurance Co. v. Sun Holdings, Inc.</i> | Bierman, Steven M.                          | 7 | 2 |  | 2024 | 11 |
| Two Cheers for Americanization: Helping International Arbitration Reach Its Full Potential  | Paisner, Michael                            | 7 | 2 |  | 2024 | 15 |
| Just Across the Border: The New Jersey Solution for International Disputes  | Kaster, Laura A.                            | 7 | 2 |  | 2024 | 19 |
| Why the New York City Bar Association Report on the State of Mediation Confidentiality in New York Is Required Reading                                    | Porsch, Cassandra; Siffert, John            | 7 | 2 |  | 2024 | 21 |
| Case Summaries  | Feliu, Alfred                               | 7 | 2 |  | 2024 | 24 |
| Message From the Chair  | Pilgrim, Jill                               | 8 | 1 |  | 2025 | 3  |

|   |  |   |   |  |      |    |
|---|--|---|---|--|------|----|
| Message From the Co-Editors in Chief  | Sussman, Edna; Kaster, Laura; Kahn, Sherman; Bierman, Steven | 8 | 1 |  | 2025 | 6  |
| What ADR Professionals Should Know About the Regulation of AI in Insurance Underwriting | Echevarria, Margarita  | 8 | 1 |  | 2025 | 7  |
| An Arbitration Award Can Be Res Judicata in Subsequent Litigation                       | Rovini, Lorenzo  | 8 | 1 |  | 2025 | 11 |
| Reasons in Arbitration Awards: Not Too Little, Nott Too Much                            | Sussman, Edna; Chojecki, Sarah                               | 8 | 1 |  | 2025 | 14 |
| Protecting the Confidentiality of an Arbitration Award in New York                      | Iverson, Matthew   | 8 | 1 |  | 2025 | 18 |
| Informal Discovery in Early Employment Law Mediation                                    | Rumack, Darren P.B.  | 8 | 1 |  | 2025 | 21 |
| How To Be a Good Mentee   | Ananda, Rajeev   | 8 | 1 |  | 2025 | 23 |
| Co-Mediation: Two Heads May Be Better Than One  | Gupta, Rachel  | 8 | 1 |  | 2025 | 26 |
| Evidentiary Traditions in Arbitration: Is Basic Fairness Always the Same? (Part 1)      | McLandress, James E.   | 8 | 1 |  | 2025 | 29 |
| The Role of Lawyers in Peacemaking  | Nolan-Haley, Jacqueline                                      | 8 | 1 |  | 2025 | 33 |
| Recent Cases Relating to the ADR Field  | Feliu, Alfred G.   | 8 | 1 |  | 2025 | 35 |

|   |                     |   |   |  |      |    |
|---|---------------------|---|---|--|------|----|
| Message From the Chair  | Crosby, Bill        | 8 | 2 |  | 2025 | 3  |
| Message From and About the Editors – From the Beginning the Future  | Kaster, Laura A.    | 8 | 2 |  | 2025 | 6  |
| A Tribute to Edna Sussman, Founder of the <i>NYSBA New York Dispute Resolution Lawyer</i>   | Rangachari, Rekha   | 8 | 2 |  | 2025 | 8  |
| A Journey to Origins Within Dispute Resolution  | Pilgrim, Jill       | 8 | 2 |  | 2025 | 10 |
| BAAYATI—Indigenous Dispute Resolution of the Dine (Navajo) People   | Begay, Rodgerick T. | 8 | 2 |  | 2025 | 14 |
| Haudenosaunee Restorative System of Care: Finding Connectedness and Resolving Conflict Through Acceptance, Compassion and Forgiveness | Powless, Neal       | 8 | 2 |  | 2025 | 17 |
| A Perspective on Traditional Dispute Resolution in East Africa  | Ang'awa, Mary       | 8 | 2 |  | 2025 | 20 |
| Historical Continuity in African Dispute Resolution: From Ancient Traditions to Modern Practice                                       | Levitt, Jeremy I.   | 8 | 2 |  | 2025 | 22 |
| Ancient Dispute Resolution Practices and Their Lessons for Today: The African Contribution  | Olagunju, Olajide   | 8 | 2 |  | 2025 | 27 |
| Resolving Close to Home: Grassroots Dispute Resolution in China's Legal Tradition   | Hao, Alex           | 8 | 2 |  | 2025 | 30 |
| Ancient and Traditional Approaches to Dispute Resolution in the Caribbean: Sport Matches as a Mechanism To Resolve Community Disputes | Thevenin, Nancy M.  | 8 | 2 |  | 2025 | 32 |

|   |  |   |   |  |      |    |
|---|--|---|---|--|------|----|
| Alternative Dispute Resolution in Islamic and Arab Culture: A Brief Summary   | Sweify, Mohamed                            | 8 | 2 |  | 2025 | 35 |
| It's the Result That Matters  | Winslett, Usher                            | 8 | 2 |  | 2025 | 38 |
| Clickwrap Contracts and Arbitration: Why What You Click Matters   | Rovini, Lorenzo                            | 8 | 2 |  | 2025 | 42 |
| Infrastructure for Resilience: Disaster Relief Mediation  | Frisch, Tracey B.                          | 8 | 2 |  | 2025 | 45 |
| The Benefits of Mediating Restrictive Covenant Disputes   | Weiss, Holly H.                            | 8 | 2 |  | 2025 | 48 |
| Collaborative Law and Collective Bargaining: Can It Work?   | Williams, Beverly, A.                      | 8 | 2 |  | 2025 | 50 |
| Negotiation Preparation: How and What To Prepare  | Reiman, James                              | 8 | 2 |  | 2025 | 53 |
| Evidentiary Traditions in Arbitration – Is Basic Fairness Always the Same? (Part 2)   | McLandress, James E.                       | 8 | 2 |  | 2025 | 56 |
| Learning From Europe's Mediation Paradox: Why U.S. Mandates Are Leading Where the EU Stumbled                                       | DePalo, Gisuseppe;<br>Tvaronaviciene, Agne | 8 | 2 |  | 2025 | 60 |
| 'Competent Representation' in Mediation: The Overlap Between Professional Responsibility and Negotiating Within a Mediation Setting | Scanlon, Kathleen M.                       | 8 | 2 |  | 2025 | 62 |
| Listening Past Labels: Addressing Stigma During Disputes  | Berstein, Dan                              | 8 | 2 |  | 2025 | 66 |

|  |   |    |   |  |      |    |
|--|---|----|---|--|------|----|
| Financing Dispute Resolution, Not Just Conflict: ADR vs. Litigation Funding                                      | Lack, Jeremy                                      | 8  | 2 |  | 2025 | 70 |
| Recent Cases Relating to the ADR Field   | Feliu, Alfred G.                                  | 8  | 2 |  | 2025 | 74 |
| Message From the Chair   | Crosby, William                                   | 19 | 1 |  | 2026 | 3  |
| Message From the Co-Editors in Chief   | Kaster, Laura;<br>Bierman, Steven                 | 19 | 1 |  | 2026 | 5  |
| From Idealism to Innovation: Designing the Future of Fairness  | McCormack, Bridget<br>Mary                        | 19 | 1 |  | 2026 | 7  |
| The Unseen Founder of Modern Arbitration: Frances Kellor and Her Century-Long Impact on Modern Arbitration       | Newhall, Christine L.                             | 19 | 1 |  | 2026 | 10 |
| The Federal Arbitration Act at 100 and the New York Connection   | Kaster, Laura A.                                  | 19 | 1 |  | 2026 | 12 |
| Special Report: Ethics in Evolution<br>Lawyer- Mediators and ABA Opinion 518                                     | Waldman, Ellen                                    | 19 | 1 |  | 2026 | 16 |
| Rethinking Arbitration in the Contemporary Commercial Landscape: Enhancing Efficiency, Adaptability, and Results | Friedman, Myrna<br>Bakarat; Tzionas,<br>Alexandra | 19 | 1 |  | 2026 | 22 |
| The Curious Status of Statutes of Limitations Defenses in Arbitrations in New York                               | Morag, Boaz;<br>dell'Isola, Paul-Angelo           | 19 | 1 |  | 2026 | 25 |
| Have You Ever Waived Your Right to Arbitrate?  | Eagle, Bart                                       | 19 | 1 |  | 2026 | 30 |

|   |                        |    |   |  |      |    |
|---|------------------------|----|---|--|------|----|
| Generative AI in Arbitration: A Comparative Analysis of U.S., Canadian, U.K. and EU Approaches  | Lupo, Jennifer         | 19 | 1 |  | 2026 | 33 |
| Early Neutral Evaluations: The Gift to Trial Courts, Providers, and Litigants That Keeps on Giving                                      | Swenson, Hon. James T. | 19 | 1 |  | 2026 | 37 |
| When Elephants Won't Mediate: Lessons From <i>Enel X. v. Google</i> for a Transatlantic Dialogue on Platform Justice                    | De Palo, Giuseppe      | 19 | 1 |  | 2026 | 40 |
| Conflict Mediation and the 'No-Gain Zone': Why It Matters   | Castelli, Matteo       | 19 | 1 |  | 2026 | 43 |
| Beyond Individual Justice: Reimagining Mediation for Civil Rights Claims  | Rivera, Naomi M.       | 19 | 1 |  | 2026 | 45 |
| Decentralized Dispute Resolution: An <i>Alternative</i> to Alternative Dispute Resolution?  | Von Rosenstiel, Anja   | 19 | 1 |  | 2026 | 49 |
| Book Review: Commercial Arbitration Training for Arbitrators and Litigators by Charles J. Moxley, Jr., Edna Sussman, and Lea Haber Kuck | Kunstler, Marilyn      | 19 | 1 |  | 2026 | 53 |
| Recent Cases Relating to the ADR Field  | Felu, Alfred G.        | 19 | 1 |  | 2026 | 56 |