## TABLE OF CONTENTS

### FOREWORD

*Christine Newhall*  
iii

### ARTICLES

- **Arbitration in M&A Transactions:** Laws of New York and Delaware, Part III  
  *Frederick R. Fucci*  
  1

- **Advanced Evidentiary Concepts in Employment Arbitration**  
  *Richard D. Fincher and Alexander J. Gancayco*  
  47

- **The Job of the Labor Arbitrator: To Do Justice?… Or…?**  
  *Richard M. Humphreys*  
  65

- **Is My Arbitration Final or Is it Groundhog Day?**  
  *Robert Lewin and Michele Jacobson*  
  81

- **Budgetary Restraints and Compulsory Arbitration in Ontario**  
  *Joseph B. Rose*  
  91

- **5 Mediation Myths, Debunked**  
  *Giulio Zanolla*  
  111

### GRENIG & SCANZA ON ARBITRATION

- **Preparing for Arbitration: The Background Investigation, Part II**  
  *Jay E. Grenig and Rocco M. Scanza*  
  117
SCHEINMAN SCHOLARS
Mediation Section

Introduction to Scheinman Scholars
Rocco M. Scanza

The World Is Ready for Arbitration: Was Rio?
Jacey Bell

International Commercial Mediation Involving Parties from Different Cultures — The Different “Languages” of Negotiation
So Eun (Grace) Park

THE VIEW FROM EUROPE

What’s New in European Arbitration?
Stephan Wilske, Todd J. Fox and Anna Grishchenkova

Correction Notice: Katherine Benesch’s article, “Arbitration Developments of Note: Healthcare and Beyond Who Decides — The Arbitrator or the Court?”, that appeared in the last issue of Dispute Resolution Journal (Volume 71, #3) should have contained the following citation: “This article was adapted from BNA’s Health Law Reporter, 25 HLR 463 (April 7, 2016). Copyright 2016 by The Bureau of National Affairs, Inc. (800-372-1033) http://www.bna.com.” We regret the omission.
# TABLE OF CONTENTS

## FOREWORD

*Michelle Skipper*  iii

## ARTICLES

Arbitration in M&A Transactions: Laws of New York and Delaware, Part II  1  
*Frederick R. Fucci*

Tearing Down the Wall Protecting Mandatory Arbitration: A Critical Evaluation of Mandatory Arbitration Clauses in Consumer Contracts  55  
*Noah Aschen*

Insight Policing: A Creative Approach to Building Bridges Between Police and the Communities They Serve  77  
*Megan Price and Bruce A. Blitman*

Supporting the Profession: The Case for State Licensure of Arbitrators  85  
*Edward Davidson*

Arbitrating Bank Guarantees and Letters of Credit  91  
*Deyan Draguev*

Arbitration in Post-Rapprochement Cuba  107  
*Hazel M. Willacy and Aubrey B. Willacy*

Arbitration Developments of Note: Healthcare and Beyond Who Decides — The Arbitrator or the Court?  117  
*Katherine Benesch, Esq.*
Why Arbitration Is the Preferred Dispute Resolution Vehicle for Most Integrated Delivery System Disputes 127
Paul E. Knag and Daniel J. Kagan

GRENIG & SCANZA ON ARBITRATION
Preparing for Arbitration: The Background Investigation, Part I 139
Jay E. Grenig and Rocco M. Scanza

SCHEINMAN SCHOLARS
Mediation Section
INTRODUCTION 145
Rocco M. Scanza

The “Industrial Law of the (NFL) Shop”: How Arbitration Advantages Played Out in the “Deflategate” Controversy 147
Steve Ahn

Divorce Mediation for Women: An Examination of Feminist Critiques 161
Rose Mirzaie

Mediation: A New Dispute Resolution in Nursing Home Conflicts 171
Kripa L. Sreepada

THE VIEW FROM EUROPE
What’s New in European Arbitration? 185
Stephan Wilske, Todd J. Fox and Alfred Siwy

Correction Notice: The title of the Matt Caminiti article in the last issue of Dispute Resolution Journal (Volume 71, #2) contained a misprint that should have read “…Magnuson-Moss Warranty Act…” We regret the error.
ARTICLES

Arbitration in M&A Transactions: Laws of New York and Delaware, Part I
  Frederick R. Fucci

Defending the Non-Enforcement of Pre-Dispute Mandatory Arbitration Clauses in Claims under the Magnuson-Moss Warranty Act
  Matt Caminiti

Consumer Arbitration: Pre-Dispute Resolution Clauses and Class Action Waivers
  Lisa Renee Pomerantz

The Taking of Evidence in International Commercial Arbitration: A Compromise Between Common Law and Civil Law
  Clémence Prevot

Ethics Safe Harbor: Lawyer Neutrals Exempt From Safekeeping Property Obligation
  Stuart Widman

Evolution of the Role of Alternative Dispute Resolution in Resolving Employment Disputes
  Jay E. Grenig

SCHEINMAN SCHOLARS

Internal Mediation in Non-Union Settings: Issues and Paths Forward
  Sam Kasserman

Adding Creative and Behavioral Insight to Improve Mediation
  Joshua H. Katz

Comparative Analysis of Court-Led Mediation in the People’s Republic of China (PRC): King’s Tribunal Model
  Jay Lee (Junyong Lee)

A Family Affair: Acknowledging Children’s Voices in Custody Mediation
  Pauline Muto

THE VIEW FROM EUROPE

What’s New in European Arbitration?
  Stephan Wilske, Todd J. Fox and Peter Archer
ARTICLES

The Revised Uniform Arbitration Act: 15 Years Later
Bruce E. Meyerson

When States Prohibit Dispute Resolution: The Use of Mandatory Arbitration Clauses in Insurance Policies
Mark J. Bunim, Esq.

Death by Discovery, Delay, and Disempowerment: Legal Authority for Arbitrators to Provide a Cost-Effective and Expeditious Process
Tracey B. Frisch

Teacher-School Board Grievance Arbitration Awards in the Courts: Facts and Figures
Perry A. Zirkel

GRENIG & SCANZA ON ARBITRATION

Understanding Evidence (Part III)
Jay E. Grenig and Rocco M. Scanza

SCHEINMAN SCHOLARS

Adopting Med-Arb to FINRA: The New Avenue for Securities Disputes
Hyung Kyun Kwon

Is Mediation an Effective Medium to Resolve Contributory Trademark Liability Disputes in Counterfeit Luxury Goods?
Karolina Ebel

Encouraging Parties to Mediate: California’s Confidentiality Rule and Its Current Challenges
Dasha Gorlov

Why Should Clients Stay Silent in Attorney Disciplinary Cases? Attorney Disciplinary Cases as a Great Candidate for Mediation
Angela Kim

Moral Dialogues in Mediation
Tony Zhao

THE VIEW FROM EUROPE

What's New in European Arbitration?
Stephan Wilske, Todd J. Fox, and Alberto Fortún
TABLE OF CONTENTS

ARTICLES

Non-Attorney Representatives in Labor Arbitration: Unauthorized Practice of Law?
Perry A. Zirkel

Brazil's New Mediation Law and the Impact on International Business Disputes
Paul E. Mason and Alexandre P. Simões

Sovereign Debt Restructuring and Collective Claims in Investment Arbitration: Lessons from the Argentinean Cases
Rafael Carlos del Rosal Carmona

Arbitrability and Regulation (EU) No. 1215/2012
Georgios I. Zekos

Adopting an Employment Arbitration Process
Honore Johnson

GRENIG & SCANZA ON ARBITRATION

Understanding Evidence (Part II)
Jay E. Grenig and Rocco M. Scanza

SCHEINMAN SCHOLARS

Behind Closed Doors: The Advantages and Disadvantages of Mediating Sexual Harassment Complaints
Juliana Batista

Selecting the Expert Witness as an Arbitrator in Patent Arbitrations
Na Kyung Lee

THE VIEW FROM EUROPE

What's New in European Arbitration?
Stephan Wilske, Todd J. Fox and Geoff Steward
TABLE OF CONTENTS

ARTICLES

Unrepresented Party (Pro Se) Arbitrations Part 2: Managing the Process, the Hearing and Party Expectations
Reginald A. Holmes

Mediating with Emotional Intelligence: When “IQ” Just Isn't Enough
Harold Coleman, Jr., and Matthew W. Argue

A Pathway to Enforcement Mechanisms of International Settlement Agreements
David Weiss

Can Mandatory Arbitration of Medical Malpractice Claims Be Fair? The Kaiser Permanente System
Alan B. Morrison

Recognition and Enforcement of Foreign Arbitral Awards: Case Study on the State of Qatar
Khadeja Al-zarraa

GRENIG & SCANZA ON ARBITRATION

Understanding Evidence (Part I)
Jay E. Grenig and Rocco M. Scanza

SCHEINMAN SCHOLARS

Strategies and Techniques of Shakespeare’s Creative Mediators
Shira Goldman Moyal

Mediation in the Media: How Local and National News Sources Portray Mediation’s Challenges and Opportunities
Olivia Blanchard

Prospects for the Development of the Mediation Institute in the Russian Federation
Anastasia Belyaeva

Mediation in Special Education Law: The Necessity for Attorney Representation
Morgan N. Zankich

You Can Take That to the Bank: The Benefit of Cataloguing Mediation Agreements into a Settlement Bank
Russell Kostelak

Court-supervised Mediation in Korea: Development and Prospects
Geary Choe

THE VIEW FROM EUROPE

What's New in European Arbitration?
Stephan Wilske, Todd J. Fox, and Geoff Steward
TABLE OF CONTENTS

ARTICLES

Ascertaining the Content of the Applicable Law and *Iura Novit Tribunus*: Approaches in Commercial and Investment Arbitration
*Christian P. Alberti and David M. Bigge*

“It’s Not Over ‘Til It’s Over”: After the Arbitration Award in Sports Arbitration
*Jay E. Grenig and Rocco M. Scanza*

A Comparative Review on Substantive Public Policy in International Commercial Arbitration
*Inae Yang*

Culture as a Success Factor in International M&A Dispute Processes
*Arthur J. Gemmell*

*Reginald A. Holmes*

Third Party Funding in Domestic Arbitration: Champerty or Social Utility?
*Collin R. Flake*

GRENIG & SCANZA ON ARBITRATION

Decision Making, Critical Thinking and Successful Arbitration
*Jay E. Grenig and Rocco M. Scanza*

SCHEINMAN SCHOLARS

Preventing Inadvertent Misbehavior in Mediation: A Guide to Common Ethics and Professionalism Issues
*Margaret M. Toohey*

THE VIEW FROM EUROPE

What’s New in European Arbitration?
*Stephan Wilske, Isabelle Michou, Todd J. Fox and Andy Mather*
# TABLE OF CONTENTS

## ARTICLES

- **New Disclosure Rules for Accounting and Related Services Arbitrations**
  *Barbara Mentz and Dan Kolb*

- **I Am Your Arbitrator: Here Is What to Expect from Me... and What I Expect from You**
  *Philip E. Cutler*

- **The Russian Spin on the Yukos Decision**
  *Sheila A. S. Gunther and Samuel P. Gunther*

- **Birbrower Was Right: Foreign Attorneys Are Entitled to Appear in International Commercial Arbitrations Held in California**
  *Matthew P. Vafidis, Peter R. Jarvis, Allison Martin Rhodes and Nellie Q. Barnard*

- **Before All Else Fails, Press “Reset”**
  *Jeanne D. Maes, Allen Stansbury and Ross Schifo*

- **Surviving Your First Labor Arbitration: Tips for the New Advocate**
  *Catherine Harris and Paul Roose*

- **ADR in Technology and Applied Science Cases: A Better Way**
  *Michael H. Diamant*

## GRENIG & SCANZA ON ARBITRATION

- **Terminology in Labor Arbitration: What Every New Advocate Needs to Learn**
  *Jay E. Grenig and Rocco M. Scanza*

## SCHEINMAN SCHOLARS

- **Mediation: The Final Frontier**
  *Abigail Cessna*

## THE VIEW FROM EUROPE

- **What’s New in European Arbitration?**
  *Stephan Wilske, Isabelle Michou, Todd J. Fox and Alfred Siwy*
TABLE OF CONTENTS

ARTICLES

Identifying and Resolving Disputes in New Accountable Care Settings
Michael D. Roth and Leonard M. Fromer

Dispute Resolution Considerations for Healthcare Companies with Overseas Suppliers
Christopher M. Mason, Michele A. Masucci, Kate A.F. Martinez, and Craig Tractenberg

Presenting Witness Testimony in U.S. Domestic Arbitration: Should Written Witness Statements Become the Norm?
Raymond G. Bender

Procedural Public Policy Cases in International Commercial Arbitration
Inae Yang

Telling the Story: Integrating Witnesses, Experts and Documents into a Cohesive Narrative in Arbitration
Evan Slavitt

Appealability of an Order to Stay or Compel Arbitration
Ira C. Wolpert

GRENIG & SCANZA ON ARBITRATION

Preparing for the Arbitration Hearing
Jay E. Grenig and Rocco M. Scanza

THE VIEW FROM EUROPE

What's New in European Arbitration?
Stephan Wilske, Isabelle Michou, and Todd J. Fox
ARTICLES
How to Save Time and Cost in Healthcare Arbitration: Can It Really Be Less Expensive Than Litigation?
Katherine Benesch

Arbitration’s Key Role in Resolving Employment-Related Health Care Disputes
Alan D. Lash

Accountable Care Organization Disputes: Why Will They Happen and How Should We Solve Them?
Stephanie Sprague Sobkowiak and Paul E. Knag

Don’t Fear the Reaper: Class Arbitration after Sutter and Italian Colors
Robert B. Hillenbrand

Tools for the Clinical Professor: Applying Group Development Theory to Collaborative Learning in Law School Mediation Clinics
Donna Erez Navot

ADR Clauses in Accounting Engagement Letters
Samuel P. Gunther and Arthur D. Felsenfeld

The Problem with Postponements
Jay E. Grenig and Rocco M. Scanza

Med-Arb: A Choice between Scylla and Charybdis
Daniela Antona

THE VIEW FROM EUROPE
What’s New in European Arbitration?
Stephan Wilske, Isabelle Michou and Todd J. Fox
TABLE OF CONTENTS

ARTICLES
Enforceability of Foreign Arbitration Awards in the U.S.
Huma Ali

Breaking Bread Together: The Role of Food in Mediation
Colleen Maher Ernst

Mediators and Metaphors: An Analysis of Conflict Resolution Metaphors
Rebecca Storrow and Alexia Georgakopoulos

"What I Perceive to Be True I Believe to Be True": Retail Investors Perceptions Concerning Securities Arbitration and How to Correct Them
David F. Ahluwalia

SCHEINMAN SCHOLARS
Land Grabbing in Uganda: Using Mediation to Address the New Forsts Company and Kiboga Conflict
Sasha Belinkie

THE VIEW FROM EUROPE
What's New in European Arbitration?
Stephan Wilske, Isabelle Michou, Todd J. Fox and Gerold Zeiler
TABLE OF CONTENTS

Foreword
Robert Maitlin

ARTICLES
The U.S. Judicial Assistance Statute: A Powerful Tool in International Arbitration?
Theodore J. Folkman and David L. Evans

Managing Depositions in Arbitration to Minimize Cost and Maximize Value
Stephen J. O’Neil

Neutral Selection: Some Guidance from a Neutral
Peter J. Michaelson

Arbitrator Manifestly Disregards the Law Fourth Circuit Vacates Arbitration Award
Ira Wolpert

Why Arbitrate High-Tech Cases? An ADR Primer for High-Tech Execs
Raoul Drapeau

ICDR DEVELOPMENTS
ICDR Tertulia Sessions Gaining Popularity
Steven K. Andersen, Stephen P. Anway and Jennifer Gorskie

SCHEINMAN SCHOLARS
Mediation of Corporate Governance Disputes
Angela Lu

CORNELL CORNER
Are All Title VII Consent Decrees Created Equal? A Study of the Effects of Protected Class and
Type of Plaintiff Representation on Consent Decree Outcomes
LeighAnn George

THE VIEW FROM EUROPE
What’s New in European Arbitration?
Stephan Wilske, Isabelle Michou, Todd J. Fox and Gerold Zeiler

BOOK REVIEW
Imre Szalai (Carolina Academic Press 2013)
FOREWORD
AAA Launches Mediation.Org

ARTICLES
Use Of Collective Bargaining History in Arbitration
Tom Barnes

Alternative Dispute Resolution in The MBA Curriculum
Robert D. Stephens, David B. Stephens, John P. Kohl

SCHEINMAN SCHOLARS
Scheinman Scholars: Disaster Mediation: A Distaster In Itself?
Chloe Lichtenstein

The Power of An Impartial Mediator
Mary-Ann Awada

Economic Pressure On Mortgage Servicers In Mandatory Foreclosure Mediation
Adam Sleeper

Wonder Woman Vs. Superman: Who Would Make A Better Mediator?
Maxine Adams

Mediation in The Oil and Gas Industry: Taking The Best For The Future
Claudia Duncan

Patent Mediation: A Robust Choice For Resolving Patent Disputes
Yongo Ding

THE VIEW FROM EUROPE
What’s New In European Arbitration?
Stephan Wilske, Isabelle Michou, Todd J. Fox and Gerold Zeiler
FOREWORD
In Memoriam: Howard M. Holtzmann

ARTICLES
The "Circle of Assent" Doctrine and the Mandatory Pre-Dispute Arbitration Clause: When the Unconscionable Contract Analysis Just Won't Do
Paul Bennett Marrow and Craig E. Penn

Attorney Arbitrators Should Research Law: Permission Of The Parties To Do So Is Not Required
M. Ross Shulmister

Vacating An Arbitration Award: A Heavy Burden
Ira C. Wolpert

Developing A Case Theory And A Case Theme
Jay E. Grenig and Rocco M. Scanza

Streamlining The Employment Arbitration Process: How To Save Time And Money
Claudia Orr

CORNELL CORNER
A Creative Industry Needs A Creative Solution: Why The Entertainment Industry Should Adopt Mediation As Its Primary Form Of Dispute Resolution
Danielle Cara Newman

SCHEINMAN SCHOLARS
What Is The Best Model For Campus Mediation?
Laurel Kiorpes Parker

THE VIEW FROM EUROPE
What's New In European Arbitration?
Stephan Wilske, Isabelle Michou and Gerold Zeiler
FOREWORD
Christine L. Newhall, Employment Arbitration Pilot Program

ARTICLES
Confidentiality Issues in Arbitration
Steven C. Bennett

The Supreme Court Upholds an Arbitrator's Authority: Oxford Health Plans v. Suter
Brian Farkas

Mutuality of Consideration in Arbitration Agreements: A Case Study
Ira C. Wolpert

Prevailing Parties and Attorneys' Fees
Stephen P. Gilbert

Has Positive Software been Positive for Disclosure?
John K. Boyce

CORNELL CORNER
Beyond Baby-Splitting: Arbitrator Decision-Making Patterns in Employment Cases
Alexander Colvin and Kelly Pike

SCHEINMAN SCHOLARS
Modern Mediation in My Bharat
Puja Parikh

THE VIEW FROM EUROPE
What's New in European Arbitration?
Stephan Wilske, Isabelle Michou and Gerold Zeller
FOREWORD
Richard W. Naimark, ICDR Rules Changes on the Horizon

ARTICLES

The Stoic Arbitrator vs. the Activist Arbitrator--A Solution
Jeffrey Aiken

Timing is Everything: When is the Best Time to Resolve a Construction Defect Case?
Matthew W. Argue

The Extent (or Limit) of Mediator Influence to Effect Settlement
Neil G. Carmichael

Enforceability of Foreign Arbitration Awards in the U.S.
Vince Ferrito

Integral Mediation: A Proposal for a Pragmatic, Adaptable, Open-Source Approach to Mediation
Brian Jarrett

CORNELL CORNER

The Arbitration of Employment Discrimination Cases in the Securities Industry
J. Ryan Lamare

SCHEINMAN SCHOLARS

Exploring the Contradictions Inherent in Court-Ordered "Voluntary" Mediation
Margaret Schmidt

THE VIEW FROM EUROPE

What's New in European Arbitration?
Vera van Houtte, Stephan Wilske and Isabelle Michou

BOOK REVIEW
"Have a Nice Conflict"
## TABLE OF CONTENTS

### FOREWORD
*India Johnson, President, American Arbitration Association*

### ARTICLES

- **Tips for Managing the "Mega-Mediation"**
  *David R. Carlisle and Bruce A. Blitman*

- **Mediating Class Action Litigation Involving the EEOC: Insights for Employment Mediators and Counsel**
  *Richard D. Fincher*

- **Fits and Starts for Mandatory Arbitration**
  *Roger B. Jacobs*

- **Muscular Arbitration and Arbitrators Self-Management Can Make Arbitration Faster and More Economical**
  *Mitchell Marinello and Robert Matlin*

- **Arbitrating Real Estate Agency Disputes: The Complex Landscape of Real Estate Agency Relationships and Duties**
  *Thomas A. Musil and John I. Halloran*

- **The Forum-Selection Clause and Its Enforcement in Arbitration**
  *Ira C. Wolpert*

### CORNELL CORNER

- **Remembering Margery Gootnick and Her Contribution to Workplace Arbitration**
  *Martin F. Scheinman*
The AAA's War on Time and Cost- The Campaign to Restore Arbitration's Benefits
Christine L. Newhall

Using Experts Effectively & Efficiently in Arbitration
Patricia D. Galloway

Creating An Economical and Efficient Arbitration Process is Everyone's Business
Kent B. Scott, Adam T. Mow

A Fast Online Dispute Resolution Program to Resolve Small Manufacturer-Supplier Disputes
Markus Altenkirch

Controlling Time and Cost in Arbitration
Albert Bates Jr.

Arbitration Design and Arbitrator Selection to Manage Risk
Stephen G. Walker

Managing Exchanges of Electronically Stored Information (ESI) in Construction Arbitration
John E. Bulman, R. Thomas Dunn

Teaching ADR to Undergraduate Business Students
Peter Geoffrey Bowen

Arbitration & Mediation in Cyprus
Costas Tsirides, Emily Georgiades

Review of Court Decisions
U.S. Business Colleges Still Lag in Teaching ADR
David B. Stephens, Robert D. Stephens and John P. Kohl

An Essay on the Role of Courage in Being an Arbitrator
Stuart M. Widman

The Proposed Arbitration Fairness Act
Steven C. Bennett

Issues In Drafting Arbitration Clauses For Healthcare Contracts
Michael Kosnitzky

A Look At Some Recurring Issues In Investment Arbitration
Carlos J. Bianchi

The 2012 Revision of the CIETAC Arbitration Rules
Anthony Connerty

Recent Developments In Arbitration And EU Law
George I. Zekos

Review Of Court Decisions
Frances Kellor And The American Arbitration Association  
*Sandra K. Partridge*

Arbitrator Disclosure In The Internet Age  
*Ruth V. Glick And Laura J. Stipanowich*

Drafting the Arbitration Clause: A Primer on the Opportunities and the Pitfalls  
*Edna Sussman and Victoria A. Kummer*

How Value-Added Corporate Strategies Secure Efficiency And Savings  
*Deborah Masucci, B. Rose Miller and Erin Gleason Alvarez*

Judicial Review of Arbitration Awards and Mediation Agreements: Tips for Sustaining Deference  
*Julia Rabich, Sarah Stoner and Nancy A. Welsh*

Improving Lawyer Judgment  
*Laura A. Kaster*

Foreclosure Laws Continue to Complicate Mortgage Loan Servicing and Lengthen the Foreclosure Process  
*Nanci L. Weissgold and Morey Barnes Yost*

Using DRBs to Maintain Control of Large, Complex Construction Projects  
*Kathleen M. J. Harmon*

Six Degrees Of Disputation  
*Neil A. Brown*

Review Of Court Decisions
When Worlds Collide An Arbitrator’s Guide To Social Networking
Robert L. Arrington, Aaron Duffy and Elizabeth Rita

Drafting Class Arbitration Waivers After AT&T Mobility v. Concepcion
Ronald W. Novotny

Disputation Of Six Degrees- New DRPs for new gTLDs on the Internet
Neil A. Brown

Temperament And Personality Assessments: Tools For Mediators?
Nina Dodge Abrams

Addressing the Real Barriers to Settlement
Laurence M. Johnson

International Commercial Arbitration From A User’s Perspective
Wolf Von Kumberg

Review Of Court Decisions
Conflict Management Systems in Higher Education  
*Sally Klingel and Michael Maffie*

Ten Ways to Use Mediation to Assess Risk More Effectively  
*Nancy F. Lesser*

Enforcing Arbitral Subpoenas  
*Charles E. Harris II*

Previewing the American Arbitration Association's New Healthcare Payor Provider Arbitration Rules  
*Alan D. Lash*

As Electronic Health Record Implementations Rise … So Will Disputes  
*H. Stephen Lieber*

Why ADR and Not Litigation for Healthcare Disputes?  
*Katherine Benesch*

The Patient Protection and Affordable Care Act’s Accountable Care Organization Program  
*Stephen E. Ronai*

The Future of Arbitration and Dispute Resolution in the Current Middle Eastern Crisis  
*Essam Al Tamimi*

Mediation in Italy  
*Tomaso Galletto and Richard L. Mattiaccio*

Mediation and Medical Malpractice: Why Plaintiffs, Hospitals and Physicians Should Be at the Table  
*Chris Stern Hyman*

Review Of Court Decisions
Past, Present and Future: 10 Important Questions for AAA President Bill Slate
Edited by Cindy Fazzi

The Interaction Between Arbitration, Construction, and Lien Enforcement
Larry R. Leiby

Construction Trend Becomes Mainstream
Rodney M. Toben

Using an Independent Monitor to Resolve Union-Organizing Disputes Outside the NLRB
William B. Gould IV

Reasons to Arbitrate Disputes Between Multinational Companies and Third-Country National Employees
Obiajulu "Obie" Charles Okuh

Philosophy Can Help Tribunals Draft Awards that Parties Will Accept as Legitimate
Teresa Giovaninni

The New French Arbitration Law: Innovation & Consolidation
Alexis Mourre and Valentine Chessa

Spain’s New Arbitration Law: A Model of Clarity
Bernardo M. Cremades

Review of Court Decisions
TABLE OF CONTENTS

Time and Cost Solutions for Commercial Arbitration
   Edna Sussman and Christi Underwood

What Attorneys and Their Clients Want Most from Mediators
   Samantha Boge and Cary Singletary

An Experiment in Legal Education
   Laura J. Cooper

The Availability of Damages in the EUROPEAN UNION for Breach of the Arbitration Agreement
   Nino Sievi

What's Brewing in the International Commercial Mediation Process
   Paul E. Mason

Section 1782 Discovery in International Arbitration
   Maurice M. Suh and Diana L. Trembly

Review of Court Decisions
<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Case for User Feedback in Arbitrator Selection</td>
<td>Lisa Davis George</td>
</tr>
<tr>
<td>Challenging Arbitration Agreements for Unconscionability</td>
<td>Gerald M. Levine</td>
</tr>
<tr>
<td>Arbitration In Indian Country</td>
<td>Gabriel S. Galanda</td>
</tr>
<tr>
<td>The Automobile Industry Special Binding Arbitration Program</td>
<td>Peter Silverman</td>
</tr>
<tr>
<td>Arbitration— An Ideal Way to Resolve High-Tech Industry Disputes</td>
<td>Raymond G. Bender, Jr.</td>
</tr>
<tr>
<td>Dispute Review Boards</td>
<td>Daniel D. McMillan</td>
</tr>
<tr>
<td>Mandatory Arbitration in Nevada Public Works Disputes</td>
<td>Phil Dabney and M. Magali Wysong</td>
</tr>
<tr>
<td>When Can Attorneys’ Fees Be Recovered</td>
<td>Katherine Ritchey, M. Anderson Berry and Nandini Iyer</td>
</tr>
<tr>
<td>Conflicting ARBITRATION CLAUSES</td>
<td>Lisa B. Möll</td>
</tr>
<tr>
<td>Review of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

Drafting Class Arbitration CLAUSES after Stolt-Nielsen
Paul Friedland and Michael Ottolenghi

A Closer Look at the RAGING Consumer Arbitration Debate
Steven C. Bennett and Dean A. Calloway

Mediating by the Book
Ona Russell

Med-Arb And Its Variants
Richard Fullerton

Challenging the Selection of an Arbitrator
Desmond Cullimore

Colorado & Beyond- Why Public Owners Need ADR
Skippere Spear and Dennis Largent

Green Building: Trend or Megatrend?
Jerome F. Rock

The Top 20 Mistakes Attorneys Make in Arbitration
Judith B. Ittig and Harold Coleman, Jr.

Arbitrating Commercial Real Estate Lease Disputes
Susanna S. Fodor and Steven C. Bennett

The Supreme Court Decision in Stolt-Nielsen
James F. Butler III

Making The Construction Arbitration Hearing More Efficient
Wendy Kennedy Venoit

10 Fundamentals For Mediating The Large, Complex Multi-Party
Michael J. Bayard

Isomorphism of Construction Arbitration
John T. Blankenship

Resolving Design Disputes with Mediation
R. Craig Williams

“Real Time” Prevention and Resolution of Construction Disputes
James P. Groton and Kerry C. Lawrence

The Transient and Permanent in Good Arbitrator Behavior
William W. Park
TABLE OF CONTENTS

Waiver of Privilege under Federal Evidence
Angela Foster

Arbitrating Disputes Between Companies and Individuals
Peter B. Rutledge and Anna W. Howard

Unique Considerations For The International Arbitration Of Intellectual Property Disputes
M. Scott Donahey

Why These Economic Times Call for Outsourcing the Administration of Labor Arbitration Cases
Linda Beyea and Jeffrey Zaino

What Would You Change About Mediation?
Sarah J. Read

The “Rotterdam Rules” and Arbitration: Questions and Warning Signs
Pieter H. F. Bekker and Daniel Ginzberg

The New Bahrain Arbitration Law and the Bahrain “Free Arbitration Zone”
John M. Townsend

The Impact of the Financial Crisis on International Arbitration
Stephan Wilske

Review of Court Decisions
TABLE OF CONTENTS

Judicial Approaches To The Amount- In-Controversy Requirement
Tracey B. Frisch

Enforceability Of Religious Arbitration Agreements And Awards
Steven C. Bennett

You Control The Process V. The Process Controls You
John Arrastia Jr. and Christi L. Underwood

Should Commercial Mediators Resolve Business Disputes
Neil Carmichael

AAA Construction Rules Updated
An Interview with Catherine E. Shanks, Vice President, Construction Division, American Arbitration Association

Errors - Why We Make Them And How To Address Them
Donald R. Philbin Jr.

Using Mediation In Poland To Resolve Civil Disputes
Sylwester Pieckowski

Review Of Court Decisions
Dos And Don'ts For Attorneys Representing Clients In Mediation
Matthew W. Argue

Applying Principles Of Leadership Communication To Improve Mediation Outcomes
Gregory D. Hoffmann

The Enforceability Of Class Action Waivers In Arbitration Clauses
Thomas W.H. Barlow

Major Arbitration Issues Recently Addressed By Courts
Scott D. Marrs and Sean P. Milligan

How Recent Court Developments Could Affect Arbitration’s Future
Joshua Horn and Amit Shah

A Preliminary Hearing Is Not Enough: Tips For A Well-Managed Arbitration
Michael Chambers

What The 2nd Circuit Giveth Arbitrators In “Comprehensive Authority,” It Taketh Away In Standard Of Review
John M. O’Bryan

Constructing The Construction Case: Tips, Traps, And Tricks
Joel Levine

Recession-Proof Arbitration Of The Power Of Constraint To Control Time And Costs
Julie Bédard

Review Of Court Decisions
Supreme Court Addresses Volt's Choice-of-Law Trap- Is the End of the Problem in Sight?  
Archis A. Parasharami and Kevin Ranlett

Due Diligence in Arbitrator Selection: Using interviews and Written "Voir Dire"  
Jeffrey P. Aiken

Five Steps To Fast-Track The Large, Complex Construction Case  
Allen L. Overcash and Erin L. Gerdes

The Myth of the Mediator As Settlement Broker  
Douglas E. Noll

Untapped Potential: Creating a Systematic Model for Mediation Preparation  
Betsey A. Miller and David G. Seibel

Does the Supreme Court Decision in 14 Penn Plaza Augur the Unification of the FAA and Labor Arbitration Law?  
Seth Galanter and Jeremy M. McLaughlin

Designing an Internal Organizational System for Conflict Management  
Etty Liberman, Yael Foux Levy and Peretz Segal

How Labor Arbitration Has Changed the Workplace Landscape in Cambodia  
Arnold M. Zack

Brazil's Conflicting International Arbitration Case Law  
Mauricio Gomm-Santos

Review of Court Decision
E-Discovery Issues: What Parties and Their Counsel Need to Know
Steven C. Bennett

Critical First Steps In Complex Commercial Arbitration
Raymond G. Bender Jr.

Arbitrating Multi-Peril Crop Insurance Disputes
John I. Halloran, Thomas A. Musil and Brian J. Ellsworth

When Arbitrators "Exceed Their Powers"
Thomas J. Brewer and Lawrence R. Mills

Fairness Norms in Negotiation: A Study of American and European Perspectives
Michael R. Carrell, Matthew Shank, and Jose Luis Barbero

Mediating Whistleblower: Integrating the Emotional and Legal Challenges
Richard D. Fincher

Comparing Labor Awards In Drug-Testing Cases Involving Public and Private Sector Employers
Carrie G. Donald and John D. Ralston

India’s Supreme Court Places New Hurdles On Enforcement Of Foreign Awards: Venture Global And The Cases Leading Up To It
Dharmendra Rautray

Review of Court Decisions
Respect In Mediation: A Counter To Disrespect In The Workplace  
*Vivian Berger*

What Labor Arbitrators Should Know About Arbitral Immunity  
*Matthew M. Bodah*

An Analysis Of Factors Present In Challenged And Vacated Labor And Employment Arbitration Awards  
*Military Jedel, Helen LaVan, and Robert Perkovich*

Expanding Judicial Review of Arbitration Awards: The Uncertainty Continues for Drafters of Arbitration Agreements  
*Cedric C. Chao and James M. Schurz*

Judicial Remands Of Challenged Awards: Legal And Procedural Issues After Hall Street  
*Stuart M. Widman and Donald Lee Rome*

Arbitrating Before A Non-Attorney Construction Industry Neutral  
*Michael J. Altschuler*

The ICDR's Emergency Arbitrator Procedure In Action  
*Guillaume Lemenez and Paul Quigley*

Mediating International Environmental Tort Claims In The Shadow Of The Alien Tort Claims Act  
*William G. Bassler and Yitzchok Segal*

Review Of Court Decisions
CONTROLLING YOUR OWN DESTINY YOU CAN WITH MEDIATION
By William A. Blancato and C. Allen Gibson, Jr.

HOW MEDIATORS CAN OBTAIN PROFESSIONAL CERTIFICATION AND THEREBY ELEVATE THEIR PROFESSION: A LOOK AT IMI’S VOLUNTARY CREDENTIALING PROGRAM
By Judith P. Meyer and Michael Leathes

COMPELLING MEDIATION IN THE CONTEXT OF MED-ARB AGREEMENTS
By David J. McLean and Sean-Patrick Wilson

DISCOVERY INCOMMERCIAL ARBITRATION: HOW ARBITRATORS THINK
By Charles J. Moxley Jr

AAA ARBITRATION & OLYMPIC SPORTS
By Susan Zuckerman

THE FEDERAL ARBITRATION ACT AND CLASS ACTION WAIVERS IN CONSUMER CONTRACTS: ARE THESE WAIVERS UNENFORCEABLE?
By Marc J. Goldstein

THE ICDR’S EMERGENCY ARBITRATOR PROCEDURE IN ACTION PART I: A LOOK AT THE EMPIRICAL DATA
By Guillaume Lemenez and Paul Quigley

RESPECTING AWARDS ANNULLED AT THE SEAT OF ARBITRATION: THE ROAD FROM CHROMALLOY TO TERMORIO
By Jonathan I. Blackman and Ellen London

ARBITRATOR’S DISCLOSURE STANDARDS: THE UNCERTAINTY CONTINUES
By Claudia T. Salomon, Juan M. Alcalá and Camilo Cardozo

THE ICDR GUIDELINES FOR INFORMATION EXCHANGES IN INTERNATIONAL ARBITRATION: AN IMPORTANT ADDITION TO THE ARBITRAL TOOLKIT
By John Beechey

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

COMPPELLING MEDIATION IN THE CONTEXT OF MED-ARB AGREEMENTS
By David J. McLean and Sean-Patrick Wilson

WHAT PARTIES MIGHT BE GIVING UP AND GAINING WHEN DECIDING NOT TO LITIGATE: A COMPARISON OF LITIGATION, ARBITRATION AND MEDIATION
By Donald L. Carper and John B. LaRocco

NAVIGATING MUDDY WATERS
By Chris Karagheuzoff and Eric Epstein

GOLDEN RULES FOR U.S. INVESTORS TO FOLLOW IN DISPUTE RESOLUTION NEGOTIATIONS WITH A FOREIGN STATE OR STATE ENTITY
By Arif H. Ali and Baiju S. Vasani

LOOKING BACK AT 2007: Another Good Year For the Enforcement of International Arbitral Awards in the U.S.
By Lawrence S. Schaner and John R. Schleppenbach

REVIEW OF COURT DECISIONS
For Better Or Worse: The AIA Introduces the Initial Decision Maker in its Dispute Resolution Provisions
STEVEN B. LESSER AND BELINDA A. BACON

Striving for DIVERSITY in ADR
An Interview with the Hon. Timothy K. Lewis

The American Arbitration Association’s Commitment to Diversity
JENNIFER COFFMAN

Leveling The Playing Field for Workplace Neutrals: A Proposal for Achieving Racial and Ethnic Diversity
DAVID A. HOFFMAN AND LAMONT E. STALLWORTH

The Value of Economic Analysis in Preparing for Mediation
DONALD R. PHILBIN, JR.

Interim and Emergency Relief in Arbitration Proceedings
Ira M. Schwartz

Do Mediators Walk the Talk?
HELENA SYNA DESIVILYA AND MICHAL ROTEM ELBAZ

The Civil Law and Common Law Divide - International Arbitrator Tells It Like He Sees It
Pierre A. Karrer

REVIEW OF COURT DECISIONS
THE USE OF SUBPOENAS IN ARBITRATION
By Leslie Trager

MARRYING POSITIVE PSYCHOLOGY TO MEDIATION: USING APPRECIATIVE INQUIRY AND SOLUTION-FOCUSED COUNSELING TO IMPROVE THE PROCESS
By Jeffrey L. Mcclellan

THE ARBITRATION OF WEIGHT DISCRIMINATION GRIEVANCES
By Benjamin Wolkinson and Mark Roehling

A PROPOSAL FOR LABOR LAW REFORM
By Walter J. Gershenfeld

ADDRESSING BIAS IN CONFLICT AND DISPUTE RESOLUTION SETTINGS
By John Livingood

ELECTRONIC DISCOVERY IN INTERNATIONAL ARBITRATION: WHERE NEITHER THE IBA RULES NOR U.S. LITIGATION PRINCIPLES ARE ENOUGH
By Jonathan L. Frank and Julie Bédard

ARBITRATING COMMERCIAL HEALTHCARE DISPUTES: THE GOOD, THE BAD AND THE UNKNOWN
By Alan D. Lash
TABLE OF CONTENTS

APPRAISING THE 9/11 DAMAGES TO THE WORLD TRADE CENTER
By Randall W. Wulff

THE USE OF DISPOSITIVE MOTIONS IN ARBITRATION
By Alfred G. Ferris and W. Lee Biddle

ARBITRATOR, I WANT MY MONEY BACK!
Archis Parasharami and Krista Lindhard

ESTABLISHING A MEDIATION PRACTICE: ADVICE FOR LAWYERS
By Robert W. Hassold, Jr.

EVALUATING THE LOUISIANA DEPARTMENT OF INSURANCE’S HURRICANE KATRINA HOMEOWNERS MEDIATION PROGRAM
By Michael A. Patterson

EFFICIENT AND SUCCESSFUL ADR IN APPELLATE COURTS: WHAT MATTERS MOST?
By Nicole L. Waters and Michael Sweikar

IMPROVING ARBITRATION THROUGH TECHNOLOGY: A QUEST FOR BASIC PRINCIPLES
By Thomas D. Halket

SALARY ARBITRATION IN THE NATIONAL HOCKEY LEAGUE: TAKING THE NEXT STEP WITH ONLINE DISPUTE RESOLUTION
By John B. Sprenzel

ELECTION BY LITIGATION: THE ELECTORAL PROCESS POST- BUSH V. GORE
By Jeffrey Zaino and Jeanne Zaino

CIVIL AND COMMON LAW: CONTRAST AND SYNTHESIS IN INTERNATIONAL ARBITRATION
By Urs Martin Laeuchli

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

TO MEDIATE OR NOT TO MEDIATE: THAT IS THE QUESTION
By Roger J. Peters and Deborah Bovarnick Mastin

LARGE, COMPLEX CONSTRUCTION DISPUTES: THE DYNAMICS OF MULTI-PARTY MEDIATION
By Albert Bates, Jr., and L. Tyrone Holt

COMPARING COST IN ARBITRATION & LITIGATION
By Susan Zuckerman

U.S. PROJECT DISPUTES: HAS THE TIME TO CONSIDER ADJUDICATION FINALLY ARRIVED?
By Michael Evan Jaffe and Ronan J. McHugh

ENTRANCES AND EXITS: STRATEGIES TO PURSUE OUTSIDE THE MEDIATION
By Judith B. Ittig, Esq.

EASING THE BURDEN: MEDIATING MISDEMEANOR CRIMINAL MATTERS
By Gabriel H. Teninbaum

USING ARTICLE 37 OF THE ICDR INTERNATIONAL ARBITRATION RULES: OBTAINING EMERGENCY RELIEF
By Graham Dunning, Iain Quirk, Shane Gleghorn, Damian Simpson and Timothy Pinto.

CONFIDENTIALITY IN ARBITRATION: A VALID ASSUMPTION? A PROPOSED SOLUTION!
By Claude R. Thomson and Annie M. K. Finn

WRITTEN WITNESS STATEMENTS—A PRACTICAL BRIDGE OF THE CULTURAL DIVIDE
By John A. Wolf and Kelly M. Preteroti

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

MEDIATING REGULATORY DISPUTES INVOLVING LICENSED PROFESSIONALS: THE CONNECTICUT DEPARTMENT OF PUBLIC HEALTH’S EXPERIMENT
By Susan C. Zuckerman

THE ART OF ATTORNEY MEDIATION: 10 WAYS TO IMPROVE YOUR LAW PRACTICE USING NEGOTIATION SKILLS
By Jeffrey Krivis

IMPARTIALITY V. SUBSTANTIVE NEUTRALITY: IS THE MEDIATOR AUTHORIZED TO PROVIDE LEGAL ADVICE?
By Mercédeh Azeredo da Silveira

AT THE FOREFRONT OF ODR: RECENT DEVELOPMENTS AT THE AAA
By Debi Miller-Moore and Maryann Jennings

CLASS ARBITRATION WAIVERS: THE “SEVERABILITY” DOCTRINE AND ITS CONSEQUENCES
By Kathleen M. Scanlon

USING EXPERTS IN ARBITRATION
By George Ruttinger and Joe Meadows

CROSS-EXAMINATION IN INTERNATIONAL ARBITRATION
By Mark A. Cymrot

10 TIPS FOR BEGINNING PRACTITIONERS FROM AN ICDR CASE MANAGER
By Carmen Casado

FORUM SELECTION FOR RESOLUTION OF FOREIGN INVESTMENT DISPUTES IN CHINA
By Rebecca Fett

REVIEW OF COURT DECISIONS
ELECTRONIC DISCOVERY IN ARBITRATION: PRIVILEGE ISSUES AND SPOLIATION OF EVIDENCE
By Irene C. Warshauer

THE EXPANDING SCOPE OF JUDICIAL REVIEW OF ARBITRATION AWARDS: WHERE DOES THE BUCK STOP?
By Katherine A. Helm

MAY ARBITRATORS SUGGEST MEDIATION? AN INFORMAL SURVEY
By Gerald F. Phillips

THE AVAILABILITY OF PRELIMINARY REMEDIES AS A REASON TO ARBITRATE IP DISPUTES
By James E. Daniels

LIGHTS, CAMERA, ACTION! ARBITRATION IN THE ENTERTAINMENT INDUSTRY
By Linda Bartlett

ADVOCACY MEDIATION WITH THE GOVERNMENT
By Jeffrey M. Senger

INTERNATIONAL ARBITRATION IN JAPAN & CHINA
By Melanie Ries and Bryant Woo

AMICUS INTERVENTION IN INVESTOR-STATE ARBITRATION
By Jorge E. Vinuales

CONDUCTING SATELLITE INDUSTRY ARBITRATIONS UNDER THE WATCHFUL EYE OF THE INTERNATIONAL TRAFFIC IN ARMS REGULATIONS
By Raymond G. Bender, Jr.

THE BELGIAN LAW ON MEDIATION: AN EARLY OVERVIEW
By Luc Demeyere

REVIEW OF COURT DECISIONS
MEDIATION PROGRAM HELPS MISS. AND LA. REBUILD AFTER KATRINA AND RITA
By Susan Zuckerman

NAVIGATING THE MEDIATION PROCESS: OVERCOMING INVISIBLE BARRIERS TO
RESOLUTION
By Bennett G. Picker

MED-MAL MEDIATION OFFERS PROMISE, BUT SYSTEMIC OBSTACLES REMAIN
By Amy G. London

THE IMPACT OF HUMOR ON MEDIATION
By Kevin W. Cruthirds

ARBITRATION CARVE-OUT CLAUSES IN COMMERCIAL AND CONSUMER SECURED LOAN
TRANSACTIONS
By Donald Lee Rome and David M. S. Shaiken

IMPLEMENTING INTEREST-BASED NEGOTIATION: CONDITIONS FOR SUCCESS WITH
EVIDENCE FROM KAISER PERMANENTE
By Leib Leventhal

ARBITRATING TO AVOID THE MARKMAN DO-OVER
By Steve Gilbert

HOW THE NEW POLISH CIVIL MEDIATION LAW COMPARES WITH THE PROPOSED EU
DIRECTIVE ON MEDIATION
By Sylwester Pieckowski

ARBITRATION IN BRAZIL: NEW PERSPECTIVES FOR PROCEEDINGS INVOLVING
GOVERNMENT ENTITIES
By Luiz Gustavo Escorcio Bezerra

INVESTMENT DISPUTES WITH CHINA
By Mark A. Cymrot

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

KEEPING ARBITRATION EASY, EFFICIENT, ECONOMICAL AND USER FRIENDLY
By Louis L. C. Chang

NON-BINDING ARBITRATION: AN INTRODUCTION
By Steven C. Bennett

RESOLVING INTELLECTUAL PROPERTY DISPUTES OUTSIDE OF COURT: USING ADR TO TAKE CONTROL OF YOUR CASE
By Alan W. Kowalchyk

CONDITIONAL ARBITRATION: A NEW APPROACH TO CONSTRUCTION ARBITRATION
By Steven A. Arbittier

WEINGARTEN RIGHTS IN THE NON-UNION WORKPLACE A MERRY-GO-ROUND OF NLRB DECISIONS
By Clarence R. Deitsch, David A. Dilts and Francine Guice

HOW EFFECTIVE IS AN APOLOGY IN RESOLVING WORKPLACE BULLYING DISPUTES? AN EMPIRICAL RESEARCH NOTE
By Suzy Fox and Lamont E. Stallworth

HOW TO PREPARE FOR ANY NEGOTIATION SESSION
By John Patrick Dolan

SELECTING A MEDIATOR IN INTERNATIONAL DISPUTES: DARE WE SPEAK OF MEDIATION AS “WINNABLE?”
By Claudia T. Salomon and Peter D. Sharp

HOLDING THE FORT UNTIL THE ARBITRATORS ARE APPOINTED: THE NEW ICDR INTERNATIONAL EMERGENCY RULE
By Ben H. Sheppard Jr. and John M. Townsend

THE CHESS CLOCK: A TIME-MANAGEMENT TECHNIQUE FOR COMPLEX CASES
By Mark E. Appel

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

EXPLAINED AWARDS IN ARBITRATION: THE NASD’S PROPOSED EXPERIMENT
By Steven C. Bennett

ORGANIZING DOCUMENTS FOR ARBITRATION
By Leslie Trager

A PROACTIVE APPROACH TO AVOIDING DISPUTES
By Thomas Gibbs and Timothy Hoban

UNDERSTAND ADR PROCEDURES BEFORE AGREEING TO THEM
By the American Subcontractors Association

HOW UNIONS CAN IMPROVE THEIR SUCCESS RATE IN LABOR ARBITRATION
By Charles A. Borell

GETTING BEYOND “YES”: AN INTERVIEW WITH ROGER FISHER AND DANIEL SHAPIRO

THE LIST OF EMOTIONS IN MEDIATION FROM ANXIETY TO AGREEMENT
By Amy L. Lieberman

JAPAN BECOMES A FRIENDLY PLACE FOR INTERNATIONAL ARBITRATION
By David E. Wagoner

DEALING WITH ARBITRATOR “ISSUE CONFLICTS” IN INTERNATIONAL ARBITRATION
By Judith Levine

SPECIAL CONSIDERATIONS WHEN A STATE IS A PARTY TO INTERNATIONAL ARBITRATION
By Barry Leon and John Terry

INTERPRETING THE NEW YORK CONVENTION – A U.S. PERSPECTIVE
By Tong Wang

ADDRESS THE CONCERN, NOT THE EMOTION AN EXCERPT FROM “BEYOND REASON: USING EMOTIONS AS YOU NEGOTIATE”
By Roger Fisher and Daniel Shapiro

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Article</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESOLVING BUSINESS DISPUTES FACT-FINDING AND IMPASSE</td>
<td>Donald Lee Rome</td>
</tr>
<tr>
<td>GOOD FAITH IN NEGOTIATIONS</td>
<td>David I. Bristow, Q.C. &amp; Reva Seth</td>
</tr>
<tr>
<td>TOP TEN DEVELOPMENTS IN ARBITRATION IN THE 1990S</td>
<td>Stephen K. Huber &amp; E. Wendy Trachte-Huber</td>
</tr>
<tr>
<td>THE QUESTION OF RACE, GENDER &amp; CULTURE IN MEDIATOR SELECTION</td>
<td>Fred D. Butler</td>
</tr>
<tr>
<td>JUST CAUSE IN THE ARBITRATION OF SEXUAL HARASSMENT CASES: An exploration of the ways in which arbitrators have reached decisions in sexual harassment cases.</td>
<td>Mollie H. Bowers, W. Sue Reddick &amp; E. Patrick McDermott</td>
</tr>
<tr>
<td>CONTRACTUAL EXPANSION &amp; LIMITATION OF JUDICIAL REVIEW OF ARBITRAL AWARDS</td>
<td>Kenneth M. Curtin</td>
</tr>
<tr>
<td>ARBITRAL PERSPECTIVES IN SUPERVISOR WORK RESTRICTION CASES</td>
<td>Donald J. Petersen</td>
</tr>
<tr>
<td>MEDIATION IN FRANCE</td>
<td>Emmanuel Gaillard and Jenny Edelstein</td>
</tr>
<tr>
<td>ARBITRATION IN SPAIN</td>
<td>Ramón Mullerat</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
A PRACTICAL APPROACH TO AFFORDING REVIEW OF COMMERCIAL ARBITRATION AWARDS: USING AN APPELLATE ARBITRATOR
By Paul Bennett Marrow

FRONT & CENTER: CHAIRING AN ARBITRATION
By: Judith B. Ittig and Michael J. Bayard

SELECTING THE IDEAL ARBITRATOR
By Charles J. Moxley, Jr.

WHEN IS AN “ARBITRATION” NOT AN ARBITRATION? WHEN A SITTING JUDGE SERVES AS A PRIVATE ARBITRATOR
By Charles H. Smith

FLORIDA’S NEW RULES ON MULTIJURISDICTIONAL PRACTICE: A MIXED BAG FOR ARBITRATION ATTORNEYS
By Christopher Bopst and Stanley A. Beiley

MEDIATING IN FLORIDA: NEW RULES FOR OUT-OF-STATE ATTORNEYS
By Christi L. Underwood

THE IMPACT OF LAWYERS ON LABOR-MANAGEMENT ARBITRATION
By Richard Mittenthal

MOTHERHOOD: ARBITRAL THOUGHT ON EMPLOYMENT DISCRIMINATION BASED ON MARRIAGE AND PREGNANCY
By David A. Dilts and Hedayeh Samavati

THE OMBUD’S PERSPECTIVE: A CRITICAL ANALYSIS OF THE ABA 2004 OMBUDS STANDARDS
By Kevin Jessar

MEDIATING INTERNATIONAL COMMERCIAL DISPUTES: DIFFERENCES IN U.S. AND EUROPEAN APPROACHES
By David J.A. Cairns

INVESTMENT TREATY ARBITRATION’S CONTRIBUTION TO INTERNATIONAL COMMERCIAL ARBITRATION
By Barton Legum

STATE ENTERPRISE ARBITRATION AND SOVEREIGN IMMUNITY ISSUES: A LOOK AT RECENT TRENDS
By A.F.M. Maniruzzaman

REVIEW OF COURT DECISIONS
AN ARBITRATOR’S AUTHORITY TO AWARD: ATTORNEY FEES FOR BAD-FAITH ARBITRATION  
By John W. Hincheys & Thomas V. Burch

GEORGIA-PACIFIC’S ADR PROGRAM: A CRITICAL REVIEW AFTER 10 YEARS  
By Phillip M. Armstrong

SAME-NEUTRAL MED-ARB: WHAT DOES THE FUTURE HOLD?  
By Gerald F. Phillips

INNOVATIONS IN MEDIATION, TECHNICAL MEDIATION: A NEW TOOL FOR RESOLVING COMPLEX CONSTRUCTION DISPUTES  
By Robert S. Peckar

OF WORDS AND CONTRACTS: ARBITRATION AND LEXICOLOGY  
By David A. Dilts

LETTERS FROM CYPRUS: NOTES FROM A DEEPLY DIVIDED ISLAND  
By Edward J. Costello

THE POWER OF MEDIATION TO RESOLVE INTERNATIONAL COMMERCIAL DISPUTES AND REPAIR BUSINESS RELATIONSHIPS  
By Alexandra Alvarado Bowen

CREATING A COMMERCIAL DISPUTE RESOLUTION CENTER IN THE PALESTINIAN TERRITORIES  
By William E. Davis, Lubna Katbeh and Shahla Maghzi-Ali

MANAGING AN INTERNATIONAL ARBITRATION: A PRACTICAL PERSPECTIVE  
By Claude R. Thomson

INVESTOR PROTECTION AND LEGAL SECURITY IN INTERNATIONAL ARBITRATION  
By Bernardo M. Cremades

REVIEW OF COURT DECISIONS
### CALLING ALL ARBITRATORS: RECLAIM CONTROL OF THE ARBITRATION PROCESS—THE COURTS LET YOU
By David E. Robbins

### NO PAY NO PLAY: HOW TO SOLVE THE NONPAYING PARTY PROBLEM IN ARBITRATION
By Richard DeWitt and Rick DeWitt

### THE ARBITRATION BLAME GAME: NOTES ON DEVELOPING AN EFFECTIVE CORPORATE ARBITRATION PROGRAM
By Steven C. Bennett

### SCHOOLS LAG IN TEACHING ADR: A CALL FOR REFORM
By David B. Stephens, Robert D. Stephens and John P. Kohl

### FLORIDA CONSTRUCTION DEFECT STATUTE ALLOWS PRE-ARBITRATION DISCOVERY
By Steven B. Lesser

### SEARCHING FOR BALANCE IN CONFLICT MANAGEMENT: THE CONTRACTOR’S PERSPECTIVE
By Richard Fullerton

### IN MY OPINION… FEDERAL PREEMPTION LIMITS ARIZONA RULING ON STATE ARBITRATION LAW
By Bruce Meyerson

### THE CASE FOR ARBITRATING INTELLECTUAL PROPERTY LICENSING DISPUTES
By Richard H. Sayler

### INTELLECTUAL PROPERTY ROUNDTABLE: A DISCUSSION OF IP AND ADR

Arbitration in Foreign Investment and the New Brazilian Approach to Arbitration
By Adriana Noemi Pucci

### STARTING AN INTERNATIONAL COMMERCIAL ARBITRATION: USING A PRELIMINARY HEARING LETTER
By Carol Chave

### POST-AWARD EXPERIENCE IN INTERNATIONAL COMMERCIAL ARBITRATION
By Richard W. Naimark & Stephanie E. Keer

### REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Conducting a Fair Investigation
Antone Aboud

Seniority Clauses- An End Run Around Just Cause
Clarence R. Deitsch

The Importance of SUBJECT-MATTER EXPERTISE in ANTITRUST ARBITRATION
Eliot G. Disner

DELAYING TACTICS IN ARBITRATION
Alain Frécon

Using Mediation to Stem the Tide of Litigation in the Ocean of Family Wealth Transfers
Roselyn L. Friedman and Erica E. Lord

HOW INTEREST-BASED, GRIEVANCE MEDIATION PERFORMS OVER THE LONG TERM
Stephen B. Goldberg

EXPANDING PARTNERING’S HORIZONS- THE CHALLENGE OF PARTNERING IN THE MIDDLE EAST
James P. Moore, P. E. and Robert A. Shearer

HOW EU LAW AFFECTS ARBITRATION AND THE TREATMENT OF CONSUMER DISPUTES:
THE BELGIAN EXAMPLE
Maud Piers

Confidentiality in Mediation International
Klaus Reichert

The NLRB’s Unfair Labor Practice Settlement Program
Lamont Stallworth, Arup Varma, John T. Delaney

Enforcing Arbitration Awards in China
Dennis Unkovic
<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Problem-Solving Advocacy in MEDIATIONS</td>
<td>Harold I. Abramson</td>
</tr>
<tr>
<td>How to Sell ADR to the U.S. Government</td>
<td>Dave Alexander</td>
</tr>
<tr>
<td>ADR – A Competitive Imperative for Business</td>
<td>Todd B. Carver</td>
</tr>
<tr>
<td>WHEN WORLDS COLLIDE: Intellectual Property and Arbitration Rights in Bankruptcy Cases</td>
<td>Grant Hanessian, Michael A. Stoker, Joseph Samet</td>
</tr>
<tr>
<td>WHERE SHOULD YOU LITIGATE YOUR BUSINESS DISPUTE?</td>
<td>John H. Henn</td>
</tr>
<tr>
<td>Thirty Steps To a Better Arbitration</td>
<td>Judith B. Ittig, Michael J. Bayard</td>
</tr>
<tr>
<td>The Case For Non-Party Discovery Under The Federal Arbitration Act</td>
<td>Lowell Pearson</td>
</tr>
<tr>
<td>Paying Attention to &quot;Culture&quot; in International Commercial Arbitration</td>
<td>William K. Slate II</td>
</tr>
<tr>
<td>Arbitration of Reinsurance Disputes: Is There a Better Way?</td>
<td>Brian Winn and Earl Davis</td>
</tr>
<tr>
<td>The Reconciliation of Work-Family Conflicts in Arbitration</td>
<td>Benjamin Wolkinson and Russell Ormiston</td>
</tr>
<tr>
<td>A New Era in Voting Technology: The Changing Landscape of Election Disputes</td>
<td>Jeanne S. Zaino and Jeffrey T. Zaino</td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>MEDIATING THE GRID</td>
<td>Cris M. Currie</td>
</tr>
<tr>
<td>LEARNING FROM LAW FIRMS: USING CO-MEDIATION TO TRAIN NEW MEDIATORS</td>
<td>Lee A. Rosengard</td>
</tr>
<tr>
<td>VISIONING &amp; COACHING TECHNIQUES IN MEDIATION</td>
<td>Bruce Blitman and Jeanne Maes</td>
</tr>
<tr>
<td>POWER IMBALANCES IN MEDIATION: QUESTIONING SOME COMMON ASSUMPTIONS</td>
<td>Jordi Agusti-Panareda</td>
</tr>
<tr>
<td>BIOETHICS: MEDIATING CONFLICT IN THE HOSPITAL ENVIRONMENT</td>
<td>Nancy Neveloff Dubler and Carol B. Liebman</td>
</tr>
<tr>
<td>THE PASSIONATE WORLD OF BUSINESS DIVORCE: SOME TIPS FOR COUNSEL</td>
<td>Robert A. Harris</td>
</tr>
<tr>
<td>THE PERFECT STORM: ANATOMY OF A FAILED REGULATORY NEGOTIATION</td>
<td>Lynn Sylvester and Ira B. Lobel</td>
</tr>
<tr>
<td>WHAT’S CERTAIN IS THE LACK OF CERTAINTY ABOUT WHO DECIDES THEEXISTENCE OF THE ARBITRATION AGREEMENT</td>
<td>Stuart M. Widman</td>
</tr>
</tbody>
</table>

Best Practices in Large, Complex Cases: A Practitioner’s Roundtable Providence, R.I., August 22, 2003
PARTICIPANTS
John Bulman
Judith Ittig
Christine Newhall
Richard Silberberg
Stanley Sklar
John Wilkinson
Carol Young

DISPUTES ARISING OUT OF FOREIGN DIRECT INVESTMENT IN LATIN AMERICA: A NEW LOOK AT THE CALVO DOCTRINE AND OTHER JURISDICTIONAL ISSUES
By Bernardo M. Cremades

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>REVISED CODE OF ETHICS FOR COMMERCIAL ARBITRATORS EXPLAINED</td>
<td>By Bruce Meyerson and John M. Townsend</td>
</tr>
<tr>
<td>FATAL ERROR &amp; SPARKS OF GENIUS IN LABOR ARBITRATION ADVOCACY</td>
<td>By Douglas E. Ray and Patricia Thomas Bittel</td>
</tr>
<tr>
<td>INAPPROPRIATE USE OF E-MAIL AND THE INTERNET IN THE WORKPLACE: THE</td>
<td>By Ayelet “Ellie” Lichtash</td>
</tr>
<tr>
<td>ARBITRATION PICTURE</td>
<td></td>
</tr>
<tr>
<td>AMBIGUITIES IN LABOR CONTRACTS WHERE DO THEY COME FROM?</td>
<td>By John B. LaRocco</td>
</tr>
<tr>
<td>CREATING LONG-TERM SUCCESS THROUGH EXPANDED “PARTNERING”</td>
<td>By Gerald S. Clay, Ann L. MacNaughton, and John F. Farnan Jr.</td>
</tr>
<tr>
<td>SMALL CLAIMS MANAGEMENT: THE TERMINATION CASE</td>
<td>By Anthony E. Battelle</td>
</tr>
<tr>
<td>GETTING DISPUTE-WISE</td>
<td>By Richard Naimark</td>
</tr>
<tr>
<td>LINKING INFORMATION TECHNOLOGY AND DISPUTE RESOLUTION</td>
<td>By Jim Keane and Debi Miller-Moore</td>
</tr>
<tr>
<td>NEW TRENDS IN SPANISH ARBITRATION</td>
<td>By Gonzalo Stampa and David J.A. Cairns</td>
</tr>
<tr>
<td>BREAKTHROUGH FOR INTERNATIONAL COMMERCIAL ARBITRATION IN CHILE</td>
<td>By Gonzalo Biggs</td>
</tr>
<tr>
<td>NAVIGATING THROUGH INVESTOR-STATE ARBITRATIONS—AN OVERVIEW OF BILATERAL INVESTMENT TREATY CLAIMS</td>
<td>By George M. von Mehren, Claudia T. Salomon and Aspasia A. Paroutsas</td>
</tr>
<tr>
<td>A FAIR AND EFFICIENT INTERNATIONAL ARBITRATION PROCESS</td>
<td>By John Fellas</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

**COMMENTARY ON THE JULY 2003 REVISIONS TO THE AAA COMMERCIAL ARBITRATION RULES**  
By Paul D. Friedland and John M. Townsend

**APPLYING THE PUBLIC POLICY-EXCEPTION TO LABOR ARBITRATION AWARDS**  
By Donald J. Petersen and Harvey R. Boller

**LABOR-MANAGEMENT MEDIATION**  
By Paul D. Roose

**THE QUEST FOR FINALITY IN AIRLINE DISPUTES: A CASE FOR ARB-MED**  
By Arnold M. Zack

**TRIALS OF A NEOPHYTE NEUTRAL: THE TRANSITION FROM FULL-TIME**  
By Henry G. Stewart

**ARBITRATION AND LITIGATION OF EMPLOYMENT CLAIMS: AN EMPIRICAL COMPARISON**  
By Theodore Eisenberg and Elizabeth Hill

**AN EMPIRICAL STUDY OF DISPUTE RESOLUTION MECHANISMS: WHERE DO PLAINTIFFS BETTER VINDICATE THEIR RIGHTS?**  
By Michael Delikat and Morris M. Kleiner

**ARBITRATION IN THE SHADOW OF A JURY TRIAL COMPARING ARBITRATOR AND JURY VERDICTS**  
By Donald Wittman

**CONSTRUCTION CONFLICTS AND DISPUTE REVIEW BOARDS: ATTITUDES AND OPINIONS OF CONSTRUCTION INDUSTRY MEMBERS**  
By Kathleen M. J. Harmon

**CORRUPTION, INTERNATIONAL PUBLIC POLICY AND THE DUTIES OF ARBITRATORS**  
By Bernardo M. Cremades and David J. A. Cairns

**REVIEW OF COURT DECISIONS**
TABLE OF CONTENTS

ARBITRATION AND CLASS ACTIONS AFTER BAZZLE
By Samuel Estreicher and Michael J. Puma

AN UPDATE ON MULTIJURISDICTIONAL PRACTICE AND ADR
By Bruce Meyerson

EARLY DISCUSSION OF THE EVIDENCE: WHY THE ARBITRATION PANEL SHOULD NOT WAIT UNTIL ALL THE EVIDENCE IS IN
By Terrill D. Albright

INNOVATIONS IN ARBITRATION: IMPROVING THE PRESENTATION OF EVIDENCE IN CONSTRUCTION ARBITRATION
By Robert J. Macpherson, Richard F. Smith and Roy S. Mitchell

SEEING IS BELIEVING: THE IMPORTANCE OF SITE VISITS IN ARBITRATING CONSTRUCTION DISPUTES
By Michael J. Altschuler

MEDIATION HYPE & HYPERBOLE: HOW MUCH SHOULD WE BELIEVE
By Mark R. Sherman

MEDIATION A MAGNET FOR POSITIVE CHANGE
By Steven L. Schwartz

SHUTTING THE U.S. COURTHOUSE DOOR? FORUM NON CONVENIENS IN INTERNATIONAL ARBITRATION
By John S. Willems

ARBITRAL EX PARTE INTERIM RELIEF: THE VIEW IN FAVOR
By James E. Castello

THE VIEW AGAINST ARBITRAL EX PARTE INTERIM RELIEF: A CONFIRMATION THAT THE BEST MAY BE THE ENEMY OF THE GOOD
By Yves Derains

INNOVATIONS IN MASS CLAIMS DISPUTE RESOLUTION: USING NEW STANDARDS OF PROOF
By Jacomijn J. van Haersolte-van Hof

INNOVATIONS IN MASS CLAIMS DISPUTE RESOLUTION: SPEEDING THE RESOLUTION OF MASS CLAIMS USING INFORMATION TECHNOLOGY
By Veijo Heiskanen

REVIEW OF COURT DECISIONS
AAA EMPLOYMENT ARBITRATION: A FAIR FORUM AT LOW COST
By Elizabeth Hill

AVOIDING POTHOLES IN MANDATORY EMPLOYMENT ARBITRATION: A LOOK AT RECENT CALIFORNIA DECISIONS
By Louise LaMothe

MEDIATING CONSTRUCTION DISPUTES: What Works and What Doesn’t
By Richard P. Flake and Susan G. Perin

AN AGENDA FOR COLLABORATIVE WORKING ARRANGEMENTS: THE ROLE OF PARTNERING AND ALLIANCING IN THE U.K.
By Alan Ledger

STICK WITH THE AAA ARBITRATION CLAUSE: THE BEST CHANCE FOR A FAIR RESOLUTION THAT SAVES TIME AND MONEY
By Ed Gluklick

IMPROVING SMALL CLAIMS MANAGEMENT USING A CLAIMS MANAGEMENT DAMAGES ACCOUNTING FORM
By Anthony E. Battelle

AN ARBITRATOR’S WISH
By Stanley Weinstein

APPEALS OF ARBITRATION AWARDS BY AGREEMENT: WHY THEY SHOULD BE ALLOWED
By Richard C. Solomon

INTERNATIONAL ARBITRAL JURISDICTION: WHEN TAKING CONTROL GOES OUT OF CONTROL
By Philip D. O’Neill Jr.

AN INTRODUCTION TO COMMERCIAL ARBITRATION IN CHINA
By Li Hu

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Article Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE DEVELOPING AMERICAN APPROACH TO ARBITRABILITY</td>
<td>By Steven C. Bennett</td>
</tr>
<tr>
<td>ARBITRABILITY UNDER U.S. LAW: AN “ESCAPE ROUTE” NARROWS</td>
<td>By Marc J. Goldstein</td>
</tr>
<tr>
<td>WHO ARE LABOR ARBITRATION OPINIONS WRITTEN FOR? AND OTHER MUSINGS ABOUT AWARD WRITING</td>
<td>By Herbert L. Marx Jr.</td>
</tr>
<tr>
<td>MONTANA COURT CONTINUES ITS HOSTILITY TO MANDATORY ARBITRATION</td>
<td>By Carroll E. Neesemann</td>
</tr>
<tr>
<td>DRAFTING ARBITRATION CLAUSES AVOIDING THE DEADLY SINS</td>
<td>By John M. Townsend</td>
</tr>
<tr>
<td>IS CREEPING LEGALISM INFECTING ARBITRATION?</td>
<td>By Gerald F. Phillips</td>
</tr>
<tr>
<td>WHY ARBITRATION IS TAILOR MADE FOR PROFESSIONAL FIRMS</td>
<td>Terry Shumaker</td>
</tr>
<tr>
<td>SOME “DO’S” AND “DON’TS” OF MEDIATION ADVOCACY</td>
<td>By Mori Irvine</td>
</tr>
<tr>
<td>THE IMPACT ON BARGAINING TRANSACTIONS</td>
<td>By Charles B. Craver</td>
</tr>
<tr>
<td>RESOLVING PUBLIC SECTOR DISPUTES</td>
<td>By Richard D. Rhyne and Amy E. Trainer</td>
</tr>
<tr>
<td>HOW IMPORTANT IS ADR TO LATIN AMERICA?</td>
<td>By Alejandro Ponieman</td>
</tr>
<tr>
<td>A LOOK AT RECENT DEVELOPMENTS IN BRAZIL</td>
<td>By Pedro A. Batista Martins</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

A CRITIQUE OF PUBLIC CITIZEN'S JEREMAIAD ON THE “COSTS OF ARBITRATION”
By Samuel Estreicher and Matt Ballard

SO YOUR COMPANY WANTS TO IMPLEMENT AN EMPLOYMENT ARBITRATION PROGRAM: A STEP-BY-STEP GUIDE
By David M. Benck

WHY NOT PROVIDE FOR NEUTRAL PARTY-APPOINTED ARBITRATORS?
By Robert D. Taichert

CONSOLIDATION, JOINDER AND CLASS ACTIONS: WHAT ARBITRATORS AND COURTS MAY AND MAY NOT DO
By Richard Jeydel

THE LIMITS ON ENFORCEMENT OF ARBITRAL THIRD-PARTY SUBPOENAS SHOULD THEY BE LOOSENED?
By Timothy C. Krsul

RELATIVE SATISFACTION WITH ADR: SOME EMPIRICAL EVIDENCE
By Cynthia F. Cohen and Murray E. Cohen

REFRAMING AND ITS USES
By John M. Livingood

A GUIDE TO BUSINESS TO BUSINESS MEDIATION
By Donald Lee Rome

HAVING CONFIDENCE IN INTERNATIONAL ARBITRATION
By Alan Redfern

ARBITRAL INTERIM MEASURES: FACT OR FICTION?
By Raymond J. Werbicki

MANAGING DISCOVERY IN INTERNATIONAL ARBITRATION
By Bernardo M. Cremades

WHAT DO PARTIES REALLY WANT FROM INTERNATIONAL COMMERCIAL ARBITRATION?
By Richard W. Naimark and Stephanie E. Keer

REVIEW OF COURT DECISIONS
THE QUEST FOR THE RIGHT QUESTIONS IN THE CONSTRUCTION INDUSTRY
By John Hinchey and Larry Schor

WHY EVERY CONSTRUCTION PROJECT NEEDS A DRB
By Edward Gluklick

THE AAA AND THE CONSTRUCTION INDUSTRY
By William K. Slate II, AAA President and CEO

HOW TO SAVE TIME & MONEY IN ARBITRATION – USERS SPEAK UP PARTICIPANTS

INTERNATIONAL ARBITRATOR APPOINTMENT: ONE VS. THREE, LAWYER VS. NONLAWYER
By Wendy Miles

THE RULES OF EVIDENCE AND LABOR ARBITRATION
By Matthew M. Franckiewicz

TRAINING DAY: MEDIATION OF ADA DISPUTES
By Carrie G. Donald & John D. Ralston

THE ADVANTAGES OF ADMINISTERED ARBITRATION WHEN GOING IT ALONE JUST WON’T DO
By Joyce J. George

SETTLING DISPUTES THE NPB WAY
By M. Scott Donahey

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ADR: BUILDING BRIDGES IN MASS TORT CLAIMS
By Corby Pelto

CONFLICTS IN MASSIVE PROPORTION
By Maureen Grady

WHAT “ERIN BROCKOVICH” FAILED TO TELL YOU ABOUT THE REALITIES OF CLASS ACTION LITIGATION
By Geoffrey E. Parmer

MASS PUBLIC CORPORATE APOLOGY
By Taryn Fuchs-Burnetta

NAMING THE GAME: SHOULD MEDIATION WEAR THE ADR LABEL?
By Carol J. Marshall

WHEN ONE COURT INFRINGES ON ANOTHER
By David I. Bristow, Q.C. & Reva Seth

THE NAVAJO NATION’S PEACEMAKER DIVISION: AN INTEGRATED, COMMUNITY-BASED DISPUTE RESOLUTION FORUM
By Howard L. Brown, Esq.

THE EMPLOYMENT ARBITRATOR AND THE PRO SE PARTY
By Jonathan D. Canter

ADR SOLUTIONS FOR ACADEMIC WORKPLACE CONFLICTS
By Suzanne Byron, Monica C. Holmes, Karen F. Steckol, and Susan E. Yager

ARBITRATION IN A NEW INTERNATIONAL ALTERNATIVE DISPUTE RESOLUTION SYSTEM
By Francisco Orrego Vicuña

A CROSS-COMPARISON OF INSTITUTIONAL MEDIATION RULES
By C. Mark Baker & Arif Hyder Ali

REVIEW OF COURT DECISIONS
“SHOW ME THE MONEY”- In Lucrative Sports Contracts, an ADR Clause Makes All the Difference
By Peter A. Carfagna

A DOSE OF ADR FOR THE HEALTH CARE INDUSTRY
By John W. Cooley

KEEPING THE PEACE: AFL-CIO’S INTERNAL DISPUTE PLAN
By George W. Bohlander

THE PRINCIPLES OF NEGOTIATION
By Thomas R. Colosi

DISCLOSURE AND IMPARTIALITY: AN ARBITRATOR’S RESPONSIBILITY VIS-A-VIS LEGAL STANDARDS
By Laurence Shore

WHEN FOREIGN ARBITRAL AWARDS ARE LATE . . . SHOULD U.S. COURTS ENFORCE THEM?
By Markus R. Frick

TEN PRINCIPLES TO AID THE QUEST FOR PEACE IN THE MIDDLE EAST
By Jonathan W. Reitman

LABOR NEGOTIATIONS AND THE INTERNATIONAL ARENA
By Ira B. Lobel and Brian L. Lobel

CONFIDENTIALITY IN MEDIATION COMMUNICATIONS: A PRIVILEGE WORTH PROTECTING
By Anne M. Burr

MEDIATION PRINCIPLES: AN ENVIRONMENTAL CASE HISTORY
By Edward I. Selig

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ONLINE DISPUTE RESOLUTION: CLICK HERE TO SETTLE YOUR DISPUTE
By William K. Slate II

MANAGING CLIENT EMOTIONS HOW A MEDIATOR CAN HELP
By L. Therese White & Bill White

THE PERILS OF PARALLEL PROCEEDINGS IS AN ARBITRATION AWARD ENFORCEABLE IF
THE SAME CASE IS PENDING ELSEWHERE?
By Nadine Balkanyi-Nordmann, LLM

ARBITRATION MAKES SENSE IN INTERNATIONAL INTELLECTUAL PROPERTY DISPUTES
By Rodney C. Kyle

READY...SET...MEDIATE
By Peter J. Comodeca

CERTIFIED PUBLIC ACCOUNTANTS... CAN BE ARBITRATORS TOO
By Les Livingstone

ARBITRATION IN THE ENERGY/MINERALS FIELD: CUSTOMIZING THE CLAUSE
By Eileen B. Vernon

RETHINKING EMPLOYMENT LAW STRATEGIES
By Paul Peter Nicolai

FROM GARDNER TO CIRCUIT CITY: MANDATORY ARBITRATION OF STATUTORY
EMPLOYMENT DISPUTES CONTINUES
By Cristina Fahrbach

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ADR VISION ROUNDTABLE: CHALLENGES FOR THE 21ST CENTURY

ADR ROUNDTABLE

ELECTRIC POWER SUPPLY INDUSTRY
By Gregory S. Vassell

BRIDGING CULTURAL GAPS IN MEDIATION
By Donna M. Stringer and Lonnie Lusardo

LABOR-MANAGEMENT DISPUTE RESOLUTION & THE MEDIA
By Jim McCafferty

APPRECIATING CLIENT CONSTITUENCIES IN FASHIONING AN ADR SOLUTION
By Lee A. Rosengard

EMPLOYEE RESIDENCY REQUIREMENTS IN ARBITRATION
By Donald J. Petersen

RETHINKING EMPLOYMENT LAW STRATEGIES
By Paul Peter Nicolai

ADR ROUNDTABLE 2

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ETHICS IN NEGOTIATION: DOES GETTING TO YES REQUIRE CANDOR?
By Anne M. Burr

RECIPE FOR SUCCESS IN CONSTRUCTION MEDIATION
By John P. Madden

THE REVISED UNIFORM ARBITRATION ACT: AN OVERVIEW
By Timothy J. Heinsz

COMPELLING NON-SIGNATORIES TO ARBITRATE WHAT ARBITRATION AGREEMENT?
By Charles Lee Eisen

RESOLVING DISPUTES BETWEEN PHYSICIANS & NURSES HOW TO GET THE MOST FROM
ADR IN THE HEALTH CARE INDUSTRY
By Lisa Brannack

SPECS & THE SINGLE ARBITRATION CLAUSE
By Thomas W. Lyons

ADJUDICATION IN BRITISH COURTS
By Humphrey Lloyd

A THEORY OF MEDIATION
By Douglas E. Noll

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Article Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE ELECTRONIC PERSONALITY AND DIGITAL SELF</td>
<td>Robert Gordon</td>
</tr>
<tr>
<td>ADR NEW CHALLENGES NEW ROLES AND NEW OPPORTUNITIES</td>
<td>Bennett G. Picker</td>
</tr>
<tr>
<td>MEDIATION</td>
<td>Dr. Luis Miguel Diaz</td>
</tr>
<tr>
<td>COSTS IN INTERNATIONAL COMMERCIAL ARBITRATION</td>
<td>Murray L. Smith</td>
</tr>
<tr>
<td>DISCRIMINATION IN THE WORKPLACE: HOW MEDIATION CAN HELP...</td>
<td>Lamont E. Stallworth, Thomas McPherson &amp; Larry Rute</td>
</tr>
<tr>
<td>ASSESSING WORKPLACE CONFLICT RESOLUTION OPTIONS</td>
<td>Kirk Blackard</td>
</tr>
<tr>
<td>ARBITRATION IN PUBLIC SECTOR LABOR DISPUTES</td>
<td>Richard M. Gaba</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
RESOLVING BUSINESS DISPUTES FACT-FINDING AND IMPASSE
Donald Lee Rome

GOOD FAITH IN NEGOTIATIONS
David I. Bristow, Q.C. & Reva Seth

TOP TEN DEVELOPMENTS IN ARBITRATION IN THE 1990S
Stephen K. Huber & E. Wendy Trachte-Huber

THE QUESTION OF RACE, GENDER & CULTURE IN MEDIATOR SELECTION
Fred D. Butler

JUST CASE IN THE ARBITRATION OF SEXUAL HARASSMENT CASES
By Mollie H. Bowers, W. Sue Reddick, & E. Patrick McDermott

ARBITRAL PERSPECTIVES IN SUPERVISOR WORK RESTRICTION CASES
Donald J. Petersen

MEDIATION IN FRANCE
By Emmanuel Gaillard & Jenny Edelstein

ARBITRATION IN SPAIN
By Ramon Mullerat

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>STREAMLINING ARBITRATION OF THE COMPLEX CASE</td>
<td>John Wilkinson</td>
</tr>
<tr>
<td>THE GATHERING STORM OF MEDIATOR &amp; ARBITRATOR LIABILITY</td>
<td>David Bristow and Jesmond Parke</td>
</tr>
<tr>
<td>SOME ANALYTICAL JURISPRUDENCE ON CANADIAN ARBITRATION LAW</td>
<td>Rodney C. Kyle</td>
</tr>
<tr>
<td>INTERNATIONAL COMMERCIAL ARBITRATION: A PROCESS UNDER REVIEW AND CHANGE</td>
<td>John Beechey</td>
</tr>
<tr>
<td>WTO ADR</td>
<td>Frank W. Swacker, Kenneth R. Redden and Larry B. Wenger</td>
</tr>
<tr>
<td>TIME LIMITS FOR CONFIRMATION OF ARBITRAL AWARDS IN UNITED STATES COURTS</td>
<td>Noah Rubins</td>
</tr>
<tr>
<td>CONTRACT DISPUTES: THE ROLE OF ADR</td>
<td>Kenneth Glasner, Q.C.</td>
</tr>
<tr>
<td>RECOGNIZING THE FRAGILITY OF TRUST AND ITS IMPORTANCE IN THE PARTNERING PROCESS</td>
<td>Jeffrey S. Busch and Nicole Hantusch</td>
</tr>
<tr>
<td>ADR PROGRAM CHECKLIST: WHAT GOVERNMENT AGENCIES NEED TO KNOW</td>
<td>Susan Summers Raines</td>
</tr>
<tr>
<td>SHIFTING PARADIGMS: THE UNAUTHORIZED PRACTICE OF LAW OR THE AUTHORIZED PRACTICE OF ADR</td>
<td>John W. Cooley</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>THE TREATMENT OF ARBITRATION WAIVERS UNDER FEDERAL LAW</td>
<td>Matthew Forsythe</td>
</tr>
<tr>
<td>BINDING ARBITRATION: FEDERAL V. PRIVATE</td>
<td>P. Jean Baker</td>
</tr>
<tr>
<td>UNDERSTANDING MASS CLAIMS PANELS</td>
<td>Paul Nicolai</td>
</tr>
<tr>
<td>QUESTIONS LITIGATORS ASK ABOUT MEDIATION</td>
<td>David Grappo</td>
</tr>
<tr>
<td>DISPUTE RESOLUTION AND COUNSEL CHANGING PERCEPTIONS, CHANGING</td>
<td>Robert S. Greenbaum</td>
</tr>
<tr>
<td>RESPONSIBILITIES</td>
<td></td>
</tr>
<tr>
<td>RULES OF EVIDENCE IN LABOR ARBITRATION</td>
<td>Michael S. Winograd</td>
</tr>
<tr>
<td>MEDIATION AND THE NORTH AMERICAN FREE TRADE AGREEMENT</td>
<td>Steven K. Andersen</td>
</tr>
<tr>
<td>COACHING THROUGH CONFLICT</td>
<td>James H. Keil</td>
</tr>
<tr>
<td>THE ROLE OF THE UNION IN THE ARBITRATION OF STATUTORY EMPLOYMENT</td>
<td>Martin J. Oppenheimer and John F. Fullerton III</td>
</tr>
<tr>
<td>CLAIMS</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>IS INTEREST-BASED BARGAINING REALLY NEW?</td>
<td>Ira B. Lobel</td>
</tr>
<tr>
<td>TRAINING LABOR ARBITRATORS IN SOUTH AFRICA</td>
<td>Arnold M. Zack</td>
</tr>
<tr>
<td>DISPUTE RESOLUTION AND THE GLASS CEILING: ENDING SEXUAL DISCRIMINATION AT THE TOP</td>
<td>Linda Stamato</td>
</tr>
<tr>
<td>BARRIERS TO MEDIATION</td>
<td>Arup Varma and Lamont E. Stallworth</td>
</tr>
<tr>
<td>INTERNATIONAL ARBITRATION AGREEMENTS IN UNITED STATES COURTS</td>
<td>Ronald C. Peterson</td>
</tr>
<tr>
<td>HOW TO DETERMINE WHO OWES WHAT AND TO WHOM</td>
<td>Frank Nussbaum &amp; Meah Rothman Tell</td>
</tr>
<tr>
<td>WHAT YOUR CLIENT NEEDS TO KNOW ABOUT ADR</td>
<td>Gerald F. Phillips</td>
</tr>
<tr>
<td>ADR VERSUS LITIGATION</td>
<td>Marjorie O. Rendell</td>
</tr>
<tr>
<td>MEDIATOR ADVOCATE ETHICS</td>
<td>John W. Cooley</td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
Innovative Solutions for Computer Technology Disputes  
Edward B. Praytor

Choice of Law and the International Arbitration Agreement  
Jessica Thrope

What The Courts Say About Mandatory Arbitration Under Title VII Claims  
Stuart L. Bass

Combining Mediation and Arbitration  
Thomas J. Brewer and Lawrence R. Mills

Striving For Excellence  
Richard Mittenthal

Attention Attorneys! How to Achieve The Best Results in Mediation  
Karin S. Hobbs

What's Left After Wright?  
Leonard D. Polletta

The 8 Essential Steps In Grievance Processing  
Mark L. Lurie

ADR in a Multicultural Political Setting  
C. Stephen Baldwin

AN EXAMINATION OF GATT/WTO ARBITRATION PROCEDURES  
Georgios I. Zekos
<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Role of ADR in Managed Health Care Disputes</td>
<td>Roderick B. Mathews</td>
</tr>
<tr>
<td>&quot;Hybrid ADR&quot; in the Construction Industry</td>
<td>James H. Keil</td>
</tr>
<tr>
<td>Judicial Review of Arbitral Awards</td>
<td>Olivier Antoine</td>
</tr>
<tr>
<td>International Commercial Arbitration: Harmonizing Cultural Differences</td>
<td>Dr. Julian D.M. Lew and Laurence Shore</td>
</tr>
<tr>
<td>Rethinking Neutrality: Race and ADR</td>
<td>Sara Kristine Trenary</td>
</tr>
<tr>
<td>Mandatory Arbitration: Alive and Well or Withering on the Vine?</td>
<td>Morton H. Orenstein</td>
</tr>
<tr>
<td>ADR in Colorado</td>
<td>William H. Erickson and Cynthia A. Savage</td>
</tr>
<tr>
<td>When Managers Mediate...</td>
<td>Cynthia F. Cohen</td>
</tr>
<tr>
<td>Mediating Family Property Disputes in New Zealand</td>
<td>Philip F. Wan</td>
</tr>
<tr>
<td>Review Of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

Treatment Arbitration EU Law
Georgios I. Zekos

MANAGING INTERNATIONAL ARBITRATION: A Shared Responsibility of the Parties, the Tribunal, and the Arbitral Institution
David E. Wagoner

The Iraq Claims Tribunal: An Overview of the U.N. Compensation Commission
William E. Huth

The Origins Of Mediation: China
Cao Pei

Court-Connected Mediation in Korea
Kwang-Taeck Woo

Arbitration in the Building Industry In the Netherlands
Etienne van Bladel

Curing Conflict in the Health Care Industry
Tia Schneider Denenberg and Richard V. Denenberg

Survey: A Look at ADR in the Entertainment Industry
Gerald F. Phillips & Arianna Tatum

ADR: VIRTUE OR VICE?
Edward J. Costello Jr.

How to Make the Most of THE EMPLOYMENT ADR PROCESS
Kirk Blackard

MANDATORY ARBITRATION vs. EMPLOYMENT LITIGATION
Evan J. Spelfogel
TABLE OF CONTENTS

ADR Assists ENERGY INDUSTRY RESTRUCTURING
P. Jean Baker

Partnering and the Management of Construction Disputes
Steve Pinnell

Management of the Preliminary Hearing
Anthony E. Battelle

The Benefits of Partnering
James H. Keil

The Debate Over Mandatory Arbitration in Employment Disputes
Andrea Fitz

ADMINISTERED VS. NON-ADMINISTERED ARBITRATION
Glen H. Spencer

International Arbitration: The Next GROWTH INDUSTRY
Delissa A. Ridgway

What Kind Of Questions Should Arbitrators Ask?
Sharon T. Nelson

MANDATORY ARBITRATION CLAUSES
Harvey R. Boller & Donald J. Petersen

An Arbitrator's View of WRITING BRIEFS
Matthew M. Franckiewicz

DUE PROCESS in the DISCIPLINE PROCESS
Peter Florey

Patterns of ADR Use in CORPORATE DISPUTES
David B. Lipsky and Ronald L. Seeber
TABLE OF CONTENTS

Y2K & ADR: Get Ready for Midnight
Richard L. Ravin

An Alternative To the not-ready-for-the-Year-2000 Court System
John L. Reed and Richard K. Herrmann

ADD: Attention Deficit Disorder or an Arbitrator's Disciplinary Dilemma
Robert Herzog

Restructuring The Electrical Utility Industry
Stanley W. Hulett

Reducing Violence In U.S. Schools
Tia Schneider Denenberg, Richard V. Denenberg, and Mark Braverman

Mediation Programs for Collegiate Sports Teams
Eric Galton

LABOR AND EMPLOYMENT ARBITRATION: What's Justice Got to Do With It?
Dennis Nolan

Practical Concerns Affecting the Arbitration of Statutory Claims
H. David Kelly, Jr.

The Many Faces of Mediation Confidentiality
Dennis Sharp

International Arbitration Agreements: A Look Behind The Scenes
Michael F. Hoellering

International Dispute Resolution in Financial Markets- The Clubs of London & Paris
Mashaalah Rahnama-Moghadam, David A. Dilts, and Hedayeh Samavati

Resolving International Contract Disputes
Larry A. DiMatteo
<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resolving Consumer Disputes- DUE PROCESS PROTOCOL PROTECTS CONSUMER</td>
<td>Thomas J. Stipanowich</td>
</tr>
<tr>
<td>RIGHTS</td>
<td></td>
</tr>
<tr>
<td>ADR and Suspected Fraudulent Claims</td>
<td>Jeffrey Krivis</td>
</tr>
<tr>
<td>Successful Mediation: The DO's and DON'Ts</td>
<td>Joel E. Davidson</td>
</tr>
<tr>
<td>Preparing Your Client... For Mediation</td>
<td>L. Randolph Lowry</td>
</tr>
<tr>
<td>Job Discrimination Claims Under Collective Bargaining</td>
<td>Harvey R. Boller and Donald J. Petersen</td>
</tr>
<tr>
<td>FIGHTING ON THE JOB</td>
<td>Margaret A. Lucero and Robert E. Allen</td>
</tr>
<tr>
<td>Ensuring that the program succeeds- Employment ADR How To's</td>
<td>Bill Minick</td>
</tr>
<tr>
<td>International Intellectual Property Dispute Resolution: Is Mediation</td>
<td>Carmen Collar Fernandez and Jerry Spolter</td>
</tr>
<tr>
<td>a SLEEPING GIANT?</td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td>Author(s)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>What Type of Mediation Do You Need?</td>
<td>Nancy Kauffman and Barbara Davis</td>
</tr>
<tr>
<td>Practical Tips for Using RISK ANALYSIS IN MEDIATION</td>
<td>James E. McGuire</td>
</tr>
<tr>
<td>Mediation and the Constitution</td>
<td>Jay W. Stein</td>
</tr>
<tr>
<td>Mediating Disputes Between Banks and Small Businesses</td>
<td>Brian Osler</td>
</tr>
<tr>
<td>Family Law Disputes Cry Out for Mediated Settlements</td>
<td>Roger C. Clapp</td>
</tr>
<tr>
<td>The Feminization of Family Mediation</td>
<td>Sandra Zaher</td>
</tr>
<tr>
<td>WHAT MEDIATION CAN &amp; CANNOT DO</td>
<td>Ira B. Lobel</td>
</tr>
<tr>
<td>BEYOND DISPUTE: A Comment on ADR and Human-Rights Adjudication</td>
<td>Mike Perry</td>
</tr>
<tr>
<td>THE ARBITRATOR'S DILEMMA: External vs. Internal Law? Narrowing the Debate</td>
<td>Steven K. Birch</td>
</tr>
<tr>
<td>Must they be required to testify? Arbitrators in Court</td>
<td>Norman M. Fera</td>
</tr>
<tr>
<td>Bilateral Investment Treaties and Arbitration</td>
<td>Dana H. Freyer, Barry H. Garfinkel and Hamid G. Gharavi</td>
</tr>
<tr>
<td>STEP BY STEP- How the U.S. Government Adopted the ADR Idea</td>
<td>Robert G. Fryling and Edward J. Hoffman</td>
</tr>
<tr>
<td>Title</td>
<td>Author</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Resolving MASS Tort Claims: The Perspective of A Special Master</td>
<td>Kenneth R. Feinberg</td>
</tr>
<tr>
<td>Reflections of a Dalkon Shield Arbitrator</td>
<td>William T. D’Zurilla</td>
</tr>
<tr>
<td>DISASTER- When it strikes, ADR can come to the rescue in resolving</td>
<td>Cindy Fazzi</td>
</tr>
<tr>
<td>mass-tort claims</td>
<td></td>
</tr>
<tr>
<td>Using the ADR Toolbox to Repair MASS TORTS</td>
<td>Howell Heflin</td>
</tr>
<tr>
<td>Mediating Employment Disputes Under the Disabilities Act</td>
<td>Samuel H. DeShazer and Judy Cohen</td>
</tr>
<tr>
<td>Resolving Cases of Patient Abuse in Health-Care Facilities</td>
<td>Deborah J. Crumb and Kenneth Jennings</td>
</tr>
<tr>
<td>Arbitrating Cases of Employee</td>
<td>Donald J. Petersen</td>
</tr>
<tr>
<td>Alternatives for Labor Arbitrators</td>
<td>Walter J. Gershenfeld</td>
</tr>
<tr>
<td>The Arbitration of Cases Involving AGGRESSION AGAINST SUPERVISORS</td>
<td>Margaret A. Lucero and Robert E. Allen</td>
</tr>
<tr>
<td>ADMINISTERING INTERNATIONAL ARBITRATION PROCEEDINGS</td>
<td>Michael F. Hoellering</td>
</tr>
<tr>
<td>Enforcing Foreign Arbitration Awards</td>
<td>Elisabeth M. Senger-Weiss</td>
</tr>
<tr>
<td>What Every Arbitrator Should Know About... Issuing A Subpoena</td>
<td>Rankin M. Gibson</td>
</tr>
</tbody>
</table>
EEOC REJECTS MANDATORY BINDING EMPLOYMENT ARBITRATION
Ellen J. Vargyas

The Employee’s Perspective: Mandatory Binding Arbitration Constitutes Little More Than a Waiver of a Worker’s Rights
Joseph D. Garrison

A Management Perspective: Mandatory Arbitration Agreements Are an Effective Alternative to Employment Litigation
Martin J. Oppenheimer and Cameron Johnstone

The Role of Arbitration in the Field of Patent Law
Konstantinos Petrakis

Commercial Arbitration- Winning Over The Skeptics
Larry Engel

Electronic Monitoring in the Workplace: How Arbitrators Have Ruled
Edward Hertenstein

The Art of Communicating Arbitral Judgments: Write Ya’ Heart Out!
Charles J. Coleman and Gladys Gershenfeld

PROBLEMS AND SOLUTIONS- The Attorney and The Non-Attorney Arbitrator
Raoul Drapeau

RITUAL AND RESOLUTION: The Role of Reconciliation in the Mediation Process
Von J. Christiansen

Arbitration or Litigation? ADR Issues in TRANSNATIONAL DISPUTES
Richard H. Kreindler
The Pros and Cons of Mediation
Judith P. Meyer

Recent Legal Developments in the Arbitration of Employment Claims
Andrew W. Volin

The Role of Party Autonomy in International Arbitration
Karl-Heinz Bockstiegel

National Labor Relations Board Deferral to Arbitration
James L. Ferree

Last Chance Agreement
Donald J. Petersen

Medical Malpractice- Can ‘Hybrid ADR’ be of Use?
Armand Leone Jr.

Alternative Dispute Resolution in the Construction Industry
James P. Groton

Voluntary Mediation in New York State
Zev J. Eigen

PUNITIVE DAMAGES IN ARBITRATION- The Debate Continues
Lorenzo Marinuzzi

Papal Arbitration- How the Early Roman Catholic Church Influenced Modern Dispute Resolution
Henry T. King Jr. and Marc A. Le Forestier

VOCABULARY of ADR Procedures
Tom Arnold

GETTING STARTED HASN’T BEEN EASY- SCOTLAND TRIES ADR
Bryan Clark
The Complete Guide to Creative Mediation
Gerald S. Clay and James K. Hoenig

Resolving Sexual Harassment Disputes in the Workplace
Carrie Bond

Mediation & Arbitration- A GROWING INTERACTION
Michael F. Hoellering

Using Evaluations in Mediation
Dwight Golann and Marjorie Corman Aaron

MEDIATING COMMUNICATIONS AND HIGH-TECH DISPUTES
Todd B. Carver

A Medical Malpractice Litigator Proposes Mediation
Sheila M. Johnson

California Lawmakers Turn Focus Toward ADR
Kenneth C. Bryant

Labor & Employment Arbitration
Peter Florey
DEVELOPMENTS IN EMPLOYMENT ARBITRATION
Mei L. Bickner, Christine Ver Ploeg and Charles Feigenbaum

MEDIATING DISABILITY EMPLOYMENT DISCRIMINATION CLAIMS
Matthew W. Daus

Arbitration of Employee Refusal to Work Overtime
Donald J. Peterson

Back Pay Awards- Current Arbitral Patterns
Matthew M. Franckiewicz

An Introductory Primer on Pre-Litigation ADR Counseling For the Outside Lawyer
Mark A. Buckstein

Consolidated Arbitration
Michael F. Hoellering

Saving Time and Money in Cross-Border Commercial Disputes
Walter G. Gans

RIGHTS & OBLIGATIONS OF THE ARBITRATOR
James H. Carter

Conflict Resolution in America’s Schools
Kay O. Wilburn and May Lynn Bates

ARBITRATION in CHINA
Sally A. Harpole
TABLE OF CONTENTS

Copyright Disputes- The Case for Writing Voluntary Arbitration into the Copyright Act
Rupak Nag

FREE SPEECH OR PUBLIC AGENCY EFFICIENCY? Waters v. Churchill Recasts the Arbitrable Issue
Bernadette Marczely

VACATUR- The Non-Statutory Grounds for Judicial Review of Commercial Arbitration Awards
Stephen L. Hayford and Scott B. Kerrigan

ADR and Employment Discrimination- A Massachusetts Agency Leads the Way
Arnold M. Zack and Michael T. Duffy

Constructing a New Paradigm of Labor Arbitration
Charles J. Coleman and Gerald C. Coleman

The Role of the OMBUDSMAN In Higher Education
Lawrence D. Mankin

Business Mediation- All in the Family
Lawrence I. Drath

LOW PROFILE/HIGH POTENTIAL- A Look at Grievance Mediation
Richard N. Block, John Beck & A. Robin Olson

The World of Mediation- A Spectrum of Styles
Robin N. Amadei and Lillian S. Lehrburger

INTERIM RELIEF in International Arbitration- Enforcement is a substantial problem
David E. Wagoner

VOCABULARY of ADR Procedures - Pt 3
Tom Arnold
Volume 51, No. 3
1996

TABLE OF CONTENTS

not currently available.
TABLE OF CONTENTS

AAA Sets the Standard For Neutrals- Measures Of Quality
William L. D. Barrett

Mediation- Option for Interest-Based Solutions to a Range of Business Needs
HOWARD J. AIBEL

A Cultural Change- The Business and Legal Communities Look to ADR
Steven L. Schwartz

ADR- The Siemens' EXPERIENCE
Walter G. Gans and David Stryker

Integrating ADR- A Matter of Legal Practice
Dana H. Freyer

The Courts and Private ADR- Partners in Serving Justice
Kathryn M. Werdegar

ADR Education- The Promise Of Our Future
Kimberlee K. Kovach

ADR in Law Schools- The New Curricula
John D. Feerick

The Future of Labor Arbitration
George Nicolau

Managing The Large Complex Case
John Wilkinson

High-Tech/High Resolution- ADR IN TECHNO
William F. Baron

International Commercial Dispute Resolution
James H. Carter

The Role of the International Arbitrator
Michael F. Hoellering

Screening the Future For Virtual ADR
David R. Johnson
TABLE OF CONTENTS

Dispute Resolution & Workplace Violence
Tia Schneider Denenberg, Richard V. Denenberg, Mark Braverman and Susan Braverman

Drafting Dispute Resolution CLAUSES In Complex Business Transactions
Howard J. Aibel & George H. Friedman

ADVERSARIAL or CONCILIATORY? What Litigators Should Know About Mediation
David Nuffer

10 TECHNIQUES For Managing Arbitration Hearings
James J. Myers

Who is Seeking to Use ADR? Why Do They Choose to do So?
Lamont E. Stallworth and Linda K. Stroh

Divorce Mediation - Today’s Rational Alternative to Litigation
Allan Wolk

ORIGINS Of Modern International Arbitration
Henry T. King Jr. and James D. Graham

Contaminated Sites- Connecticut Moves Toward Private ADR
Martha A. Dean

VOCABULARY Of ADR Procedures Pt 2
Tom Arnold
TABLE OF CONTENTS

From Litigation to ADR- Brown & Root's Experience
William L. Bedman

Discovery in Employment Arbitration
Joseph D. Garrison

ADR, the NLRB and Non-Union Workers
Jerry M. Hunter

The Issues Concerning Mandatory Arbitration
Catherine B. Hagen & Katherine B. Hayward

New Rules for New Challenges
John True

Document- A Due Process Protocol for Resolving Employment Disputes

Arbitrating Claims of Employment Discrimination
William M. Howard

Mediating Claims of Employment Discrimination
Matthew W. Daus

Measuring the Damages- ADR and Intellectual Property Disputes
Robert Goldscheider

Experts Can Facilitate a Mediation
Eric R. Galton

Vocabulary of ADR Procedure - Part 1
Tom Arnold

Successful Regulatory Negotiations
Ira B. Lobel

Mediating Commercial Disputes
Morton Denlow

Review of Court Decisions
### TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbitrating Intellectual Property Disputes</td>
<td>David Plant</td>
</tr>
<tr>
<td>After-Acquired Evidence- Will the McKennon Decision Make a Difference?</td>
<td>George Nicolau</td>
</tr>
<tr>
<td>ADR &amp; CPAs; The Role of Certified Public Accountants</td>
<td>Charles L. Maimbourg</td>
</tr>
<tr>
<td>Construction ADR: You Get Out What You Put In</td>
<td>John A. Smith</td>
</tr>
<tr>
<td>Differences Between Mediation &amp; Conciliation</td>
<td>Michael B. Shane</td>
</tr>
<tr>
<td>The Viability of Conciliation</td>
<td>Erik Langeland</td>
</tr>
<tr>
<td>Non-Adversarial Mediation</td>
<td>Richard Hill</td>
</tr>
<tr>
<td>Postponing Arbitration- Are Parallel Criminal Proceedings A Just Cause?</td>
<td>Robert M. Jarvis</td>
</tr>
<tr>
<td>Real Estate Tax Disputes</td>
<td>Stephen C. Miller</td>
</tr>
<tr>
<td>The Dilemma of Witness Sequestration- Limited Enforcement Ability</td>
<td>Richard W. Dissen</td>
</tr>
<tr>
<td>Abuse by Caretakers- Arbitral Views</td>
<td>Patricia Thomas Bittel</td>
</tr>
<tr>
<td>Revolution in International Trade Dispute Settlements</td>
<td>Grant D. Aldonas</td>
</tr>
<tr>
<td>Settlements in International Construction</td>
<td>Charles B. Molineaux</td>
</tr>
<tr>
<td>Review of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
Terminix- The Supreme Court Decision Reaffirms The Scope of the FAA  
S. D. Bynum, W. J. Sears III, J. F. Archibald III

Facilitated Negotiation- An Effective ADR Technique  
Gary S. Berman

Partnering- A Commitment to Common Goals  
R. A. Shearer, Jeanne D. Maes, Carl C. Moore

Ethical Issues Confronting Labor Arbitrations  
John B. LaRocca

Men As Mediators in Cases of Sexual Harrassment  
Barry Winograd

Mediation Works  
Judith Meyer

Is There A Mediator in the House? Using In-House Neutrals  
Mark R. Sherman

The Americans With Disabilities Act- ADR As A Problem-Solver for Business  
Linda S. Crawford

Using ADR For ADA Compliance Issues  
James H. Keil

Rights & Relief Under Disabilities Act  
Ronald F. Hanson

The Benefits of ADR For Medical Malpractice  
Carl M. Stevens

Commercial Arbitration In Mexico  
Eric Coufal

Seeking Harmony - The Asian Concept Of The Conciliator/Arbitrator  
M. Scott Donahey

Review Of Court Decisions
TABLE OF CONTENTS

Survey- Using ADR To Settle Employment Disputes
E. Patrick McDermott

Enforcing Arbitration Awards
Joseph Colagiovanni, Thomas W. Hartmann

Obtaining Arbitration Awards Under the Inter-American Convention
Neil E. McDOnell

International Arbitration Under US Law and AAA Rules
Michael F. Hoellering

Drug Testing At a Labor Arbitration-- Friend or Foe?
Stephen M. Crow, Lillian Y. Fok

No Smoking! The Arbitration of Smoking Restriction Policies
Donald J. Petersen

Dart Is Aimed At Construction Bullseye
Ted E. Pons

Construction Dispute Prevention Comes To Age
Keith W. Hunter, James K. Hoenig

Using Non-Binding Mediation To Strengthen The Justice System
William J. Cousins

Arbitration Improves the Justice System
Braswell D. Deen Jr.

The Art of Being a Good Advocate
Calvin William

Arbitrating Intellectual Property Disputes
Brian Niblett

Commercial Arbitration in Olde English
Douglas Hurt Yam

Using ADR To Resolve Labor Conflicts in Hungary
Cory R. Fine

Standards of Conduct for Mediators

Review of Court Decisions
Volume 49, No. 4 (1994) of the Dispute Resolution Journal was not published.
## TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Authors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is ADR The Rx For Malpractice?</td>
<td>Armand Leone Jr.</td>
</tr>
<tr>
<td>ADR Relieves The Pain of Healthcare Disputes</td>
<td>James W. Reeves</td>
</tr>
<tr>
<td>Arbitration Finality and the Public Policy Exception</td>
<td>Bernard F. Ashe</td>
</tr>
<tr>
<td>Bringing the Parties Apart-- Divorce Mediation's Debt to Labor Mediation</td>
<td>Joel M. Douglas and Lynn J. Maier</td>
</tr>
<tr>
<td>Arbitration in Ancient Greece</td>
<td>Henry T. King Jr. and Marc A. LeForestier</td>
</tr>
<tr>
<td>Survival Kit for Complex Construction Arbitration</td>
<td>James J. Myers</td>
</tr>
<tr>
<td>Selecting the Right Mediator</td>
<td>Arthur A. Chaykin</td>
</tr>
<tr>
<td>The Role of Party-Appointed Arbitrators</td>
<td>John P. McMahon</td>
</tr>
<tr>
<td>Pssst, Please Keep It Confidential-- Arbitration Makes it Possible</td>
<td>Philip Rothman</td>
</tr>
<tr>
<td>Readin', Writin', and ADR</td>
<td>Cindy Fazzi</td>
</tr>
<tr>
<td>NAFTA-- Resolving Int'l Payments Conflicts</td>
<td>Robert H. Davis</td>
</tr>
<tr>
<td>Review of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
TABLE OF CONTENTS

Arbitration and U.S. Foreign Relations
Conrad K. Harper

The Role of Arbitration Institutions in Managing International Commercial Arbitration
Micheal F. Hoellering

Mediation Prospers in China
Lemoine D. Pierce

The Corporate Counsel's View of International Commercial Arbitration
Paul E. Mason

Workforce Diversity
Lamont E. Stallworth & Martin H. Malin

Play Ball! Baseball Arbitration At 20
John L. Fizel

The Future of the Workplace Dispute Resolver
Tia Schneider Denenberg and R. V. Denenberg

Administered Arbitration- Pros and Cons
James K. Hoenig

"Manifest Disregard" and Arbitration
Marta B. Varela

Libel Law and ADR in Minnesota
Dennis Hale

Review of Court Decisions
TABLE OF CONTENTS

Construction Mediation
Timothy S. Fischer

Court Ordered Mediation
Robert G. Boomer

Settling the Entrenched Case
James D. Knotter

Checklist for Successful Mediation
Jerry Spolter

Dial 'M' for Mediation
Daniel Yamshon

Managing Mediation
Neil Carmichael

Mediation in Native America
Robert D. Garrett

ADR at the Crossroads
S. Gale Dick

Higher Education- Fertile Ground for ADR
Donna Bialik, David A. Dilts, Hedayeh Samavati

World Trade- To Arbitrate or Mediate?
Michael F. Hoellering

Self-Interest- Arbitration's 'Unmentionable' Consideration
Richard Mittenthal

Writing Agreements in Plain Language
David C. Elliott

Substance Abuse Off-Duty
Helen Elkiss

Review of Court Decisions
TABLE OF CONTENTS

ADR: A Giant Step Toward the Future
R. William Ide III

Using ADR to Resolve Bankruptcy Claims
Mary A. Bedikian

Bankruptcy Arbitration and the Unwilling Debtor
Jeremy J. O. Harwood

Arbitrating A Smoking Ban: A Management Perspective
Frederick L. Douglas

The Fear of AIDS: A Just Cause Dilemma?
Madelyn C. Squire

Mediation In Sexual Harassment: Balancing the Sensitivities
Dr. James K. Hoenig

Religious Discrimination- Arbitrating the Grievances
Benjamin Wilkinson, Victor Nichol

Special Masters- An Alternative Within the Court System
Jonathan S. Liebowitz

ADR’s Impact On International Commerce
Betty Southard Murphy

Review Of Court Decisions
### TABLE OF CONTENTS

- The Coming Third Era of Labor Arbitration  
  Stephen L. Hayford

- End of the Trilogy: The Declining State of Labor Arbitration  
  David E. Feller

- The Evolution of Contractually Mandated Arbitration  
  William M. Howard

- Predispute Planning for Business  
  Richard E. Keefe and Warren J. Rheaume

- Selecting a Neutral  
  Edward J. Costello Jr.

- Arbitration Provisions for Business Contracts  
  Jason C. Blackford

- Arbitration and the ADA: A Budding Partnership  
  Loren K. Allison and Eric H. J. Stahlhut

- Why Are So Few Women in the ADR Field?  
  Dorissa Bolinski and David Singer

- Model Procedures for Sexual Harassment Claims  
  Andrea Williams

- Review of Court Decisions
TABLE OF CONTENTS

Must Lawyers Tell Clients About Alternative Dispute Resolution?

ADR in Colonial America- A Covenant for Survival
Susan L. Donegan

The Future for Labor Arbitrators- What are the Options?
David A. Dilts

All-in-One Dispute Resolution- One Case, Four Procedures
Jonathan S. Liebowitz

Resolving Federal Tax Disputes Through ADR
Kirsten J. McDonough

Partnering- New Dimensions in Dispute Resolution and Resolution
Mark E. Appel

Dispute Review Boards- Rising Star of Construction ADR
John R. Kohnke

Wrongful Dismissal- Arbitration and the Law
Paul F. Gerhart and Donald P. Crane

Rate Regulation- Cable TV is Ready for ADR
Richard M. Berman

Global Federation Serves Growing Arbitration Need
Michael F. Hoellering

Tailoring the ADR Clause in International Contracts
David E. Wagoner

Review of Court Decisions
<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Trends in the Arbitration of Employment Disputes</td>
<td>Evan J. Spelfogel</td>
</tr>
<tr>
<td>The AAA's Large, Complex Case Dispute Resolution Program</td>
<td>Mark A. Buckstein</td>
</tr>
<tr>
<td>AIDs in the Workplace- Judicial and Arbitral Reponses</td>
<td>Ralph S. Berger</td>
</tr>
<tr>
<td>ADR- A Solution For Environmental Disputes</td>
<td>Stephen Crable</td>
</tr>
<tr>
<td>Businesses and Law Firms Pledge to Reduce Litigation</td>
<td>Earle H. Harbison Jr.</td>
</tr>
<tr>
<td>Coping With Arbitrability- Private Industry V. Academia</td>
<td>Sid Braufman</td>
</tr>
<tr>
<td>Federal Securities Arbitration- Does It Provide Adequate Relief?</td>
<td>Mark Weibel</td>
</tr>
<tr>
<td>Excessive Absenteeism and the Americans With Disabilities Act</td>
<td>Stephen M. Crow</td>
</tr>
<tr>
<td>The Arbitration of Last Chance Agreements</td>
<td>Kenneth Grinstead</td>
</tr>
<tr>
<td>The Arbitration of Drug Use and Testing in the Workplace</td>
<td>Charles L. Redel and Augustus Abbey</td>
</tr>
<tr>
<td>Review of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
# TABLE OF CONTENTS

Learning to Use the Mediation Process: A Guide For Lawyers  
Norman Brand

Improving Your Chance of Success During Construction Mediation  
Ross R. Hart

Mediation— A Growing Means for Settling Divorce Conflicts  
David Singer

The Arbitration of Human Rights Complaints: New York’s Experience  
Peter A. Prosper and Joel M. Douglas

Arbitration of Disputes for the Olympic Games: A Procedure That Works  
Lisa B. Bingham

Conservatory and Provisional Measures in International Arbitration: The AAA's Experience  
Michael F. Hoellering

The Complex Art of Negotiation Between Different Cultures  
Peter H. Corne

Common Law or Common Sense: Arbitral Contract Construction  
David A. Diltz and Mitchell A. Sherr

Using ADR Methods for Solutions When Experts Collide  
James P. Groton

Writing the Post-Hearing Arbitration Brief  
Douglas E. Ray

Using Fact Finders to Probe Workplace Claims of Sexual Harassment  
Susan R. Meredith

Review of Court Decisions
TABLE OF CONTENTS

Creating Value Through Process Design: The IBM-Fujitsu Arbitration
Robert H. Mnookin

Teaching Mediation: The Need to Overhaul Legal Education
Karen D. Kraemer

Dispute Resolution and Avoidance Techniques in the Construction Industry
Keith W. Hunter and Jim Hoenig

The Arbitration of Discrimination Claims in Employment Cases
Benjamin W. Wolkinson and Victor Nichol

Trends in Arbitrating Falsification of Employment Application Forms
Donald J. Petersen

Arbitration in Central and Eastern Europe: A Practitioner’s View
Robert B. von Mehren

Vienna Arbitration Rules Help to Resolve U.S.-European Disputes
Werner Melis

Training East Europeans to Develop ADR and Negotiating Techniques
Thomas R. Colosi

Addressing Environmental Disputes with Labor Mediation Skills
Ira B. Lobel

Piercing the Veil: Document Discovery in Arbitration Hearings
Michael F. Hoellering and Peter Goetz

Review of Court Decisions
TABLE OF CONTENTS

not yet available.
**TABLE OF CONTENTS**

New Diversity in the American Workplace- A Challenge to Arbitration  
Bruce Fraser

The Mediation Alternative in Sex Harassment Cases  
Edward J. Costello Jr.

Immunity vs. Liability in Arbitral Adjudication  
Andrea Mettler

Florida’s Motor Vehicle Arbitration Board—A Two-Year Review  
Ronald J. Adams

How to Draft an AAA Arbitration Clause for International Business  
Michael F. Hoellering

Dispositive Motions in Arbitration Proceedings  
Carl M. Sapers and David A. Hoffman

Arbitration Journal Report: The Use of ADR Methods in Environmental Disputes  
David Singer

Review of Court Decisions
Making Commercial Arbitration Faster and More Efficient
Robert S. Peckar

Arbitrators' Views on Handling Construction Cases
India Johnson

Survey- The Speed and Cost of Complex Commercial Arbitrations
Michael Segalla

Whither Arbitration? Major Changes in the Last Half Century
Richard Mittenthal

Teaching Alternative Dispute Resolution to America's School Children
David Singer

Assessing Fairness in Security Industry Arbitration
Keith A. Styrcula

Burden of Proof in Criminal or 'Moral Turpitude' Offenses
Randall M. Kelly

Mandatory Arbitration for Financial Institutions
Lloyd N. Shields

Writing Arbitral Awards in Plain Language
David Elliott

Review of Court Decisions
TABLE OF CONTENTS

Managing Patent Disputes Through Arbitration
Tom Arnold, Mike Fletcher and Robert J. McAughan Jr.

Work Versus Family Obligations: An Arbitral Perspective
Michael Marmo

Bringing Mediation to Education Disputes
Lola Nouryan and Martha S. Weisel

Expedited Arbitration Revisited
Nancy Kauffman

Reinsurance Arbitration: It’s Time for a Tune-Up
Robert Coulson

Remedies in Business Arbitration
Donald L. Carper

Tips to Attorneys and Mediators: How to Successfully Mediate a Case
Paul Fisher

The Policy Implications of Arbitrating Age Discrimination Claims
Harvard Law Review

Review of Court Decisions
Volume 46, No. 2

1991

TABLE OF CONTENTS

not yet available.
<table>
<thead>
<tr>
<th>Title</th>
<th>Author(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbitral Review of Sexual Harassment in the Canadian Workplace</td>
<td>Arjun P. Aggarwal</td>
</tr>
<tr>
<td>Arbitration of Employee Substance Abuse Rehabilitation Issues</td>
<td>Tia Schneider Denenberg and R.V. Denenberg</td>
</tr>
<tr>
<td>Streamlined Mediation: Alternative to Litigating Discharge Disputes</td>
<td>Mark R. Sherman</td>
</tr>
<tr>
<td>Mandated Participation and Settlement Coercion</td>
<td>The Society of Professionals in Dispute Resolution</td>
</tr>
<tr>
<td>Employing ADR to Resolve Complex Environmental Disputes</td>
<td>Stephen Crable</td>
</tr>
<tr>
<td>Review of Court Decisions</td>
<td></td>
</tr>
</tbody>
</table>
The Integration of ADR Into Corporate Law Firm Practice
Dana H. Freyer

Binding Arbitration and Peer Review in Higher Education
Edward R. Purcell

Has Switzerland Solved Its Problems as a Site for Arbitration?
Philip D. O’Neill Jr.

United States Implements Inter-American Convention on Commercial Arbitration
Charles B. Norberg

People’s China: No Stranger to International Arbitration
Tang Houzhi

The Qualification of Arbitrators for Construction Disputes
Michael F. Hoellering

The Effectiveness and Constitutionality of Michigan’s Mediation Appeal Penalties
Kristen Brink Rosati

The Concept of ‘Null and Void’ in International Commercial Arbitration
Derril T. Warren

Review of Court Decisions
TABLE OF CONTENTS

Anatomy of a Business Dispute: Successful ADR Analysis by the Office of General Counsel
George W. Coombe Jr.

Grievance Mediation- A Management Perspective
Matthew T. Roberts, Roger S. Wolters, William H. Holley Jr. and Hubert S. Field

ADR in the Insurance Industry: One Company's Perspective
Robert L. Robinson

How to Manage Complex International Arbitrations
Humphrey Lloyd

Review of Court Decisions
An Ambassador’s View of Track Two Diplomacy
John W. McDonald

Mediating Affordable Housing Disputes in Massachusetts: Optimal Intervention Points
Lauren J. Resnick

Choice of Law and the Federal Arbitration Act: The Shock of Volt
Joseph D. Becker

The Arbitration Clause, the Preliminary Conference, and the Big Case
David M. Heilbron

Arbitrability in a Post-Bowen World: A Minefield for All Parties
Clarence R. Deitsch and David A. Dilts

The Mendicant Neutral: Getting Paid After the Award
Arthur Eliot Berkeley

Leading the Way in Dispute Resolution
Lynne Harbert, Daniel Pollack

Review of Court Decisions
TABLE OF CONTENTS

On the Road to Mediation- Resolving Public Highway Construction Disputes
William G. Salomone

Ethical Considerations in Alternative Dispute Resolution
Robert B. McKay

Dispute Resolution and the Corporate Law Firm: Toward a Full-Service Legal Practice
George W. Coombe Jr.

Grievance Arbitration Appeals in the Federal Courts: Facts and Figures
Peter Feuille and Michael LeRoy

Review of Court Decisions
# Table of Contents

- **Taking ADR to the Bank: Arbitration and Mediation in Financial Services Disputes**
  Dwight Golann

- **To Consolidate or Not to Consolidate: A Study of Federal Court Decisions**
  F. B. MacKellar

- **Austria as a Neutral Site for International Commercial Arbitration**
  Werner Melis

- **Breaking the Mold of Grievance Resolution: A Pilot Program in Mediation**
  Allan D. Silberman

- **Review of Court Decisions**
TABLE OF CONTENTS

Arbitrating International Commercial Disputes in the United Kingdom
A. L. Marriott

International Commercial Arbitration in the Common Law Provinces of Canada
Louis Kos-Rabcewicz-Zubkowski

Theft in the Workplace: An Arbitrator’s Perspective on Employee Discipline
Cynthia Horvath Garbutt and Lamont E. Stallworth

New Technology- How Does it Affect the Workplace?
Susan R. Brown

Arbitration Win-Loss Rates as a Measure of Arbitrator Neutrality
David A. Dilts and Clarence R. Deitsch

Qualifying Neutrals: The Basic Principles
Society of Professionals in Dispute Resolution Commission on Qualifications

Arbitration in Our Litigious Society
Alexander B. Trowbridge

Review of Court Decisions
Volume 44, No. 2

1989

TABLE OF CONTENTS

Wage Disputes in Interest Arbitration: Arbitrators Weigh the Criteria
Gregory G. Dell'Omo

Analysis of Experience Under New Jersey's Flexible Arbitration System
Richard A. Lester

The New Appeals Amendment: A Step Forward for Arbitration
Richard J. Medalie

At the End of a Long Trail: How the Bombay High Court Strengthened International Arbitration in India
Lawrence F. Ebb

Government Ombudsmen Share Global Complaints: Notes from Canberra
Caroyln Stieber

Review of Court Decisions
Building a Construction Contract That Works: The Owner's Role
Paula Marcus

Tools to Tailor AAA Arbitration for Large, Complex Matters
Berthold H. Hoeniger

Discovery and Evidence in U.S. Arbitration: The Prevailing Views
W. Michael Tupman

Fair Share Proceedings: A Case for Common Sense
Peter Florey

Alternative Dispute Resolution: A New York Primer
Franco Reviglio

Review of Court Decisions
TABLE OF CONTENTS

The Emergence of International Commercial Arbitration in Canada
Stephen Weinstein

The Iran—United States Claims Tribunal After Seven Years: A Retrospective View from the Inside
Charles N. Brower and Mark D. Davis

Sexual Harassment in the Workplace: How Arbitrators Rule
William A. Nowlin

Consumer Complaint Arbitration: The Corporate View
Ronald J. Adams

How to Manage Problem Employees
Jitendra Mishra and Michelle Delano

Dispute Review Boards in Washington State
John D. Coffee

Review of Court Decisions
TABLE OF CONTENTS

Complex Commercial Arbitration: Designing a Process to Suit the Case
Stephen D. Houck

Smoking in the Workplace: The Issues Heat Up
Gladys W. Gruenberg

Robert Abrams

Paula W. Gold

Review of Court Decisions
TABLE OF CONTENTS

Institutional Arbitration in Sweden
J. Gillis Wetter

Divorce Mediation: A Growing Field?
Joyce Hauser-Dann

Arbitrating Your Case Under the Securities Rules of the American Arbitration Association
George H. Friedman

Labor—Management Committees in Public Employment
Robert B. Moberly

Employee Fighting: Will it Mean Discharge?
Meryl Adams, Lisa Davis, and Ken Jennings

Review of Court Decisions
TABLE OF CONTENTS

Arbitrator Development: Career Paths, a Model Program, and Challenges  
William A. Nowlin

Implications of Cornelius v. Nutt for Federal Sector Arbitrators  
Herbert Fishgold and Mary E. Jacksteit

The Decisions of Interest Arbitrators  
Peter Feuille and Susan Schwochau

Labor Arbitration: The Participants’ Perspective  
Christine D. Ver Ploeg

Witnesses in Labor Arbitration: Spotters, Informers, and the Code of Silence  
Ann Gosline

Arbitration of Computer Disputes in the United States: A Status Report  
Robert W. Barger

Review of Court Decisions
TABLE OF CONTENTS

Arbitration of Intellectual Property Disputes Under U.S. Law
W. Michael Tupman

An Historical Overview of Interest Arbitration in the United States
Homer C. La Rue

The Truth About Arbitrators' Treatment of Polygraph Tests
Herman A. Theeke and Tina M. Theeke

A Model For Union—Management Cooperative Arrangements
Waymond Rodgers and Bobby Davis

Recent Cases Under The New York No-Fault Arbitration Law
Roger F. Mooney

Review of Court Decisions
Arbitration: A View From the Bench
Judith S. Kaye

Fact-Based Mediation for the Construction Industry
George Marcus and Paula Marcus

Arbitration of Real Estate Valuation Disputes: Strategies in Preparing and Proving the Case
Melvin D. Kraft

Strategies for Dealing with AIDS Disputes in the Workplace
Robert E. Stein

Alternatives to Litigation in Trust and Probate Proceedings
Dominic J. Campisi

Underinsured Motorist Coverage: The New York Experience
Neil A. Goldberg and Laurence D. Behr

Grievance Arbitration in Connecticut K—12 Public Education
Frank R. Annunziato

Review of Court Decisions
Securities Arbitration: Preparation and Presentation
David E. Robbins

Employee Drug Testing and the Arbitrator: What are the Issues?
Tia Schneider Denenberg and Richard V. Denenberg

Dispute Resolution in the Asia/Pacific Region: The Australian Perspective
Peter J. Perry

Discharge Arbitration and Reinstatement in the Province of Alberta
Allen Ponak

Grievance Arbitration by Arbitration Boards: A Survey of the Parties
Peter A. Veglahn

The Future of Arbitration
Malcolm M. Lucas

Res Judicata and Collateral Estoppel
Arthur D. Spatt

Review of Court Decisions
TABLE OF CONTENTS

Arbitration Has Worked at Exxon
Richard S. Lombard

The Mini-Trial: An Alternative Dispute Resolution Procedure
Lester Edelman and Frank Carr

Consumer Arbitration as a Dispute Resolution Mechanism in Customer-Seller Disputes Over Automobile Purchases
Richard Widdows

A Nonlitigational Approach to Conflict Resolution: The Medical Center as a Model
Merle Waxman

Labor Arbitrator Selection and the Theory of Demand
Nancy L. Kauffman and William L. McKee

Review of Court Decisions
Environmental Dispute Resolution: The First Ten Years
Gail Bingham and Leah V. Haygood

Arbitration of a Complex Commercial Case: Practical Guidelines for Arbitrators and Counsel
William L. D. Barrett

Sexual Harassment: The Impact of Meritor Savings Bank v. Vinson on Grievances and Arbitration Decisions
Jonathan S. Monat and Angel Gomez

Statutory Expedited Grievance Arbitration: The Case of Ontario
Joseph B. Rose

Federal Preemption of Suits for Wrongful Discharge Under Illinois State law
Sara McL. Green

Review of Court Decisions
A Case Study in Cross-Cultural Mediation: The General Motors-Toyota Joint Venture
Douglas Henne, Marvin J. Levine, W. J. Usery Jr., and Herbert Fishgold

Resolving Disputes in the Financial Community: Alternatives to Litigation
Joseph T. McLaughlin

Punitive Damages in Commercial Arbitration
Donald L. Carper

Wrongful Discharge in Britain: Lessons for the United States
Brian Heshizer and Nwabueze Okocha

Health and Job Safety: An Analysis of Arbitration Decisions
Terry L. Leap, Jozetta H. Srb, and Paul F. Petersen

Some Results of Reinstatement by Arbitration
William E. Simkin

Review of Court Decisions
The Ombudsman as a Dispute Resolver in the Newspaper Industry

A Guide to Improving Construction Contracts - Dispute Resolution Journal

Lessons from Experience with Interest Arbitration in Nine Jurisdictions

The Arbitration of Interest Disputes: A Process in Peril

The Duty of Fair Representation: Has the Arbitrator a Responsibility?

SOME THOUGHTS ON JUST CAUSE AND GROUP DISCIPLINE

REVIEW OF COURT DECISIONS
1986
TABLE OF CONTENTS

UNCITRAL Model Law on International Commercial Arbitration

Polygraph Tests: What Labor Arbitrators Need to Know

Polygraphs: The Search for Truth in Arbitration Proceedings

A Survey of Grievance Arbitration Cases in Major League Baseball

Salary Arbitration in Baseball An Impartial Assessment After Ten Years

TO ARGUE, TO BRIEF, NEITHER OR BOTH: STRATEGIC CHOICES IN ARBITRATION ADVOCACY

REVIEW OF COURT DECISIONS
Using Arbitration to Achieve Justice

The Patent Arbitration Law

International Commercial Arbitration: A Peaceful Method of Dispute Settlement

The Effect of Past Practice on the Arbitration of Labor Disputes

Arbitration Issues in the Consolidation of Police and Fire Bargaining Units

Sexual Harassment, Title VII, and Labor Arbitration

REVIEW OF COURT DECISIONS
The Many Uses of Alternative Dispute Resolution

REPORTS OF THE AAA TASK FORCE ON LAW AND BUSINESS SCHOOLS

Quebec Arbitration Law: A New Era Begins

Resolution of Industrial Disputes in Hungary

NLRB Deferral to the Arbitration Process

Discipline History, Seniority, and Reason for Discharge as Predictors

Labor Unrest in the Ivy League

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Title</th>
<th>Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discharge for Off-Duty Misconduct in the Private and Public Sectors</td>
<td>TABLE OF CONTENTS</td>
</tr>
<tr>
<td>Employer and Union Attitudes Toward the Publication of Arbitration Awards</td>
<td></td>
</tr>
<tr>
<td>The Weingarten Doctrine</td>
<td></td>
</tr>
<tr>
<td>The Arbitrator as Judge and Jury; Another Look at Statutory Law in Arbitration</td>
<td></td>
</tr>
<tr>
<td>REDUCING COSTS OF ARBITRATION THROUGH INCREASING THE PARTIES' OPTIONS</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
## TABLE OF CONTENTS

A Survey of Pacific Rim Commercial Arbitration

Singapore's Industrial Arbitration Court: Changing Roles and Current Prospects

Waiver of Foreign Sovereign Immunity by Agreement to Arbitrate

The Arbitration of Small Claims Disputes

Litigation of Catastrophic Injury Cases in the No-Fault Era

Resolving Unjust Discharge Cases

THE QUANTITATIVE MONITORING OF ABSENTEEISM

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Resolving Disputes in U.S.-Japan Trade

Using Alternative Methods to Resolve Corporate Disputes

Arbitrators' Decisions in Seniority-Discrimination Cases

An Analysis of the Arbitration Clause in Collective Bargaining Agreements in Higher Education

IMPROVING ARBITRATOR PERFORMANCE

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

THE TRUTH OF THE "MIDDLE WAY"

Arbitrators and Medical Evidence

Medical Evidence in Arbitration: Aspects and Dilemmas

Drug and Alcohol Issues in the Workplace

Members and Nonmembers of the National Academy of Arbitrators

Labor Arbitration

Arbitration of Strike Misconduct Cases Arising Out of Legal Strikes

The Arbitration of Discrimination Grievances in the Aftermath of Gardner-Denver

Report on Delocalized Arbitration

REVIEW OF COURT DECISIONS
### TABLE OF CONTENTS

- Parent-Child Mediation: An Alternative That Works
- The Effectiveness of Mediation in Public Sector Arbitration Systems
- The Mediation of Interest Disputes by Arbitrators
- AN INSURER’S USE OF ALTERNATIVE DISPUTE RESOLUTION
- THE DYNAMICS OF THE ARBITRATION PROCESS
- REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

BOWEN v. UNITED STATES POSTAL SERVICE

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Alternatives to Litigation

UNCITRAL and International Commercial Dispute Settlement

Another Look at Baseball’s Salary Arbitration

Arbitration of Baseball Salaries: Impartial Adjudication in Place of Management Fiat -

I. JUSTICE AND DIGNITY

II. ARBITRATION IN THE FEDERAL SECTOR

III. THE CITATION OF AUTHORITY AND PRECEDENT IN ARBITRATION

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Intra-insurance Industry Litigation: The Bad Faith Syndrome and Other Issues

Arbitration and OSHA

Public Funding for the Arbitration of Grievances

Response #2: Public Funding Not the Issue- Backlog Is; Cost Sharing Supported

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Containing Conflict: Teleconferencing and Labor Relations

Comment I: An Assenting View

Comment II: A Dissenting View

Comment III: The Need For Human Interaction

Author's Response

Arbitration in Puerto Rico

REVIEW OF COURT DECISIONS
The Arbitration of Patent Disputes

Awarding Attorney's Fees in Federal Sector Arbitration

A Profile of Grievance Arbitration Cases

THE OPENING STATEMENT IN ARBITRATION ADVOCACY

THE ARBITRATOR'S LOT

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Varieties of Final Offer Arbitration

Interest Arbitration: Impressions of a PERB Chairman

Interest Arbitration in New Jersey: An Advocate's Reaction

Interest Arbitration in New York City

Oklahoma's Experience with a Unique Interest Arbitration Procedure for Fire Fighters and Police

Arbitrating Federal Sector Environmental Differential Pay Disputes

Awarding Attorney's Fees in Federal Sector Arbitration

The Mini-Trial

REVIEW OF COURT DECISIONS
Peaceful Dispute Resolution through the United Nations

Checklist for Commercial Arbitration

Arbitrators, Apprentices, and Arbitration

ARBITRATION AS AN ETHICAL INSTITUTION IN OUR SOCIETY

STATEMENT of RONALD W. HAUGHTON

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Resolving Campus Disputes

Attitudes of Professionals toward Arbitration

Profile of a Labor Arbitrator

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Discovery in Construction Arbitration

Subcontracting during the Term of a Contract

AN ARBITRATION TIMEBOMB?

REVIEW OF COURT DECISIONS
The Arbitrator's Role in Expediting the Large and Complex Commercial Case

Time and Cost Savings through Expedited Arbitration Procedures

ARBITRATOR ACCEPTABILITY: FACTORS AFFECTING SELECTION

Sexual Harassment in the Workplace

THE IRAN-UNITED STATES CLAIMS TRIBUNAL

REVIEW OF COURT DECISIONS
The U.S.- Iranian Dispute Settlement Accords

Interest Arbitration in the Private Sector

A Theory for the Discharge Case

MAKING ARBITRATION WORK

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Who is Responsible for the Development of Arbitrators

Characteristics and Functions of Mediators

ARBITRATING UNION CONFLICTS

Arbitrators and National Origin Discrimination

THE SCOPE OF ARBITRATOR IMMUNITY

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ARBITRATION AND THE EMPLOYMENT RIGHTS OF THE PHYSICALLY DISADVANTAGED

An Empirical Analysis of Discharge Cases

THE NEWS MEDIA AND COLLECTIVE BARGAINING

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

The Energy Crisis and Labor Relations

The Arbitration of Alcohol and Drug Abuse Cases

Swiss Judges as Arbitrators or as Nominators for Arbitrators

Public Sector Interest Arbitration in Israel

THE ARBITRATION OF EMPLOYEE GRIEVANCES IN HEALTH CARE INSTITUTIONS

REVIEW OF COURT DECISIONS
SAMPLE CASES

Arbitration and Mental Illness

Grievance Adjudication for Public Employees

The Arbitration of Investor-Broker Disputes

INFORMAL OBSERVATIONS ON LABOR ARBITRATION TODAY

REVIEW OF COURT DECISIONS
The Influence of Labor-Management Relations

OBSCURE LINES: The New Jersey Courts' Response

Consent Order Arbitration by the AAA

Dispute Resolution Act Passed

Ninety-sixth Congress of the United States of America

I. ARBITRATOR ADVERTISING

II. SUBSTITUTION OF DISCIPLINARY SUSPENSION FOR DISCHARGE

REVIEW OF COURT DECISIONS
Volume 35, No. 1
1980

TABLE OF CONTENTS

The Resolution of Inmate Grievances as an Alternative to the Courts

The Arbitration of Small Business Dispute

Attitudes of Arbitrators toward Final-Offer Arbitration

ARBITRATING SEX HARASSMENT CASES

The Applicability of the Attorney-Witness Rule

REVIEW OF COURT DECISIONS
Volume 34, No. 4
1979

TABLE OF CONTENTS

Reasonable Accommodation and Religious Discrimination under Title VII

The Arbitration of Pension Disputes

The Individual Employee in Breach of Contract

REVIEW OF COURT DECISIONS
Views on Arbitrator Advertising

Designing an Arbitration System

THE DISCIPLINE OF PUBLIC EMPLOYEES

Equal Employment Opportunity Complaint Procedures

The Place of Arbitration and the Lex Arbitri

REVIEW OF COURT DECISIONS
A Barrier to Arbitration in the Textile Industry

Arbitration Standards in Drug Discharge Cases

The Arbitration of Patent Disputes

Arbitration & The Extension of Terms in Britain

Remedies in Federal Sector Promotion Grievances

REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>THE ENFORCEMENT OF ARBITRATION CLAUSES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arbitration Awards in Discrimination Disputes</td>
</tr>
<tr>
<td>Mediation and Arbitration Applied to Family Conflict Resolution</td>
</tr>
<tr>
<td>Tenure and the Nonrenewal of Probationary Teachers</td>
</tr>
<tr>
<td>The Evolution of French Judicial Views</td>
</tr>
<tr>
<td>Achievements of the Sixth International Congress on Arbitration</td>
</tr>
</tbody>
</table>

| REVIEW OF COURT DECISIONS |
Mediating Environmental Disputes

Correcting Arbitrator Error

Player Salary Issues in Major League Baseball

Arbitration as an Alternative in Equal Employment Disputes

Indian Conflicts & Nonjudicial Dispute Settlement

REVIEW OF COURT DECISIONS
Volume 33, No. 3
1978

TABLE OF CONTENTS

Judicial Activism in Public Sector Grievance Arbitration

Arbitration of Discipline for Abuse of Mental Patients

Fair Treatment Voluntary Arbitration of Employee Claims

Interest Arbitration under the Iowa Public Employment Relations Act

NO FAULT INSURANCE IN NEW YORK STATE

International Commercial Arbitration in Pakistan

REVIEW OF COURT DECISIONS
Volume 33, No. 2
1978

TABLE OF CONTENTS

Labor in the Public Sector

Grievance Arbitration Labor Officials' Attitudes

The Liverpool Decision and Public Sector Arbitration

The Right of Union Representation

Emerging Trends in the Settlement of Labor Disputes

Arbitration Clauses in Adhesion Contracts

REVIEW OF COURT DECISIONS
The Politics of Interest Arbitration

The Role of the REAL ESTATE APPRAISER

Excluding Discrimination Grievances

Why International Commercial Arbitration Is Lagging in Latin America

Arbitrating Title VII Disputes

The Re-Training of Arbitrators

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

Volume 32, No. 4
1977

DISCIPLINE OF UNION OFFICERS BY PUBLIC MANAGEMENT
MANAGEMENT RIGHTS AND PRODUCTIVITY
THE FIRST-LINE SUPERVISOR'S ROLE IN THE GRIEVANCE PROCEDURE
REVIEW OF COURT DECISIONS

Volume 32, No. 3
1977

THE UNION'S DUTY TO PROCESS DISCRIMINATION CLAIMS
SELECTION OF ENGINEERING EXPERTS
FINAL-OFFER ARBITRATION AND NEGOTIATING INCENTIVES
REVIEW OF COURT DECISIONS

Volume 32, No. 2
1977

THE IMPACT OF ERISA ON ARBITRATION
REVIEW OF COURT DECISIONS

Volume 32, No. 1
1977

A JURIST'S VIEW OF ARBITRATION
PERFORMANCE RATINGS IN ARBITRATION
THE USE OF PRECEDENT IN LABOR ARBITRATION
THE REVISED HAGUE RULES ON BILLS OF LADING
REVIEW OF COURT DECISIONS
<table>
<thead>
<tr>
<th>Volume 31, No. 4</th>
<th>1976</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TABLE OF CONTENTS</strong></td>
<td></td>
</tr>
<tr>
<td>EVIDENCE IN CONSTRUCTION ARBITRATION</td>
<td></td>
</tr>
<tr>
<td>EXPEDITED ARBITRATION OF DISCHARGE CASES</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volume 31, No. 3</th>
<th>1976</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TABLE OF CONTENTS</strong></td>
<td></td>
</tr>
<tr>
<td>ARBITRATION OF DISCRIMINATION GRIEVANCES</td>
<td></td>
</tr>
<tr>
<td>DISCHARGE CASES RECONSIDERED</td>
<td></td>
</tr>
<tr>
<td>UNION REPRESENTATION DURING INVESTIGATORY INTERVIEWS</td>
<td></td>
</tr>
<tr>
<td>ARBITRATION OF INSUBORDINATION DISPUTES IN THE PUBLIC SECTOR</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Volume 31, No. 2</th>
<th>1976</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TABLE OF CONTENTS</strong></td>
<td></td>
</tr>
<tr>
<td>ARBITRATION OF DISPUTES IN POLITICAL CAMPAIGNS</td>
<td></td>
</tr>
<tr>
<td>ABILITY TO PAY: The Public Employee Dilemma</td>
<td></td>
</tr>
<tr>
<td>THE NEED FOR COMMUNITY ARBITRATION</td>
<td></td>
</tr>
<tr>
<td>THE GRIEVANCE ARBITRATION AND NO-STRIKE MODEL IN PUBLIC EMPLOYMENT</td>
<td></td>
</tr>
<tr>
<td>GRIEVANCE MEDIATION ACTIVITIES BY STATE AGENCIES</td>
<td></td>
</tr>
<tr>
<td>REVIEW OF COURT DECISIONS</td>
<td></td>
</tr>
</tbody>
</table>
Volume 31, No. 1
1976
TABLE OF CONTENTS
ARBITRABILITY AND THE ILLINOIS COURTS
FINAL-OFFER ARBITRATION IN MASSACHUSETTS
INTEREST ARBITRATION IN NON-FEDERAL PUBLIC EMPLOYMENT
REVIEW OF COURT DECISIONS

Volume 30, No. 4
1975
TABLE OF CONTENTS
MEDIATION: AN INSTRUMENT OF CITIZEN INVOLVEMENT
DRAFTING PUBLIC SECTOR ARBITRATION LEGISLATION
EXPEDITED ARBITRATION ON THE LIRR
A COMMENT ON ARBITRATION IN HIGHER EDUCATION
REVIEW OF COURT DECISIONS

Volume 30, No. 3
1975
TABLE OF CONTENTS
ARBITRATION OF INMATE GRIEVANCES
GRIEVANCES OVER UNION BUSINESS ON COMPANY TIME AND PREMISES
THE IMPACT OF COLLECTIVE BARGAINING ON THE MERIT SYSTEM IN GOVERNMENT
CONTRACT AND LAW IN PUBLIC SECTOR GRIEVANCE ARBITRATION
REVIEW OF COURT DECISIONS
Volume 30, No. 2  
1975  
TABLE OF CONTENTS  
TITLE VII AND THE RELIGIOUS EMPLOYEE  
THE SEARCH FOR ARBITRABILITY FORMULAS IN CONTRACTS OF NEW YORK TEACHERS  
SYNOPSES OF SELECTED LAW REVIEW ARTICLES ON ARBITRATION  
REVIEW OF COURT DECISIONS  

Volume 30, No. 1  
1975  
TABLE OF CONTENTS  
ACHIEVEMENTS OF THE FIFTH INTERNATIONAL CONGRESS ON ARBITRATION  
RESOLUTIONS OF THE FIFTH INTERNATIONAL CONGRESS ON ARBITRATION IN NEW DELHI  
ARBITRATION AND ANTITRUST REMEDIES  
THE FIRST CASE: OR, THE ONE-EYED MAN IN THE LAND OF THE BLIND  
FINAL-OFFER ARBITRATION: SOME PROBLEMS  
REVIEW OF COURT DECISIONS  

Volume 29, No. 4  
1974  
TABLE OF CONTENTS  
ARBITRATION IN HIGHER EDUCATION  
BREAKING DOWN THE "WALLS OF SILENCE"  
INTERNATIONAL COMMERCIAL ARBITRATION IN POLAND  
VERBAL AND PHYSICAL ABUSE TOWARD SUPERVISION  
REVIEW OF COURT DECISIONS
TABLE OF CONTENTS
NEW NETHERLANDS ARBITRATION IN THE 17th CENTURY
RACIAL PROTEST AND SELF-HELP UNDER TAFT-HARTLEY
IS COMPROMISE THE RULE IN FIRE FIGHTER ARBITRATION?
RESOLVING LABOR-MANAGEMENT DISPUTES
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS
FOOTNOTES TO BASEBALL SALARY ARBITRATION
LEGISLATED CRITERIA IN ARBITRATION OF PUBLIC SAFETY CONTRACT DISPUTES
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS
GRIEVANCE ARBITRATION IN THE U.S. POSTAL SERVICE
THE LETTER-IN-THE-FILE CLAUSE: IS IT A SHIELD OR SWORD?
COMPULSORY ARBITRATION: A STRIKE ALTERNATIVE FOR POLICE?
A MODEST PROPOSAL FOR IMPROVING COLLEGE ARBITRATION
REVIEW OF COURT DECISIONS
Volume 28, No. 4
1973
TABLE OF CONTENTS
WHAT'S RIGHT AND WHAT'S WRONG WITH GRIEVANCE ARBITRATION
MODEL CLAUSES FOR SETTLEMENT OF FOREIGN INVESTMENT DISPUTES
GRIEVANCE ARBITRATION IN THE UNITED STATES POSTAL SERVICE
REVIEW OF COURT DECISIONS

Volume 28, No. 3
1973
TABLE OF CONTENTS
CRITERIA IN GRIEVANCE AND INTEREST ARBITRATION IN THE PUBLIC SECTOR
THE DILEMMA OF IMPASSE PROCEDURES IN THE PUBLIC SAFETY SERVICES
COURT-ORDERED CONSUMER ARBITRATION
THE STEEL INDUSTRY'S EXPEDITED ARBITRATION
REVIEW OF COURT DECISIONS

Volume 28, No. 2
1973
TABLE OF CONTENTS
APPLICATION OF TRUST LAW TO REPRESENTATIVES IN TAFT-HARTLEY TRUST FUNDS
INTERIM OBSERVATIONS ON ARBITRATION ARRANGEMENTS
REVIEW OF COURT DECISIONS

Volume 28, No. 1
1973
TABLE OF CONTENTS
THE LEGAL FRAMEWORK OF PUBLIC SECTOR DISPUTE RESOLUTION
ARBITRATION AND MEDICAL SERVICES: SECURING THE PROMISE TO ARBITRATE MALPRACTICE
REVIEW OF COURT DECISIONS
Volume 27, No. 4
1972

TABLE OF CONTENTS

ACHIEVEMENTS OF THE FOURTH INTERNATIONAL CONGRESS ON ARBITRATION

RESOLUTIONS OF THE FOURTH INTERNATIONAL CONGRESS ON ARBITRATION IN MOSCOW

INDIVIDUAL RIGHTS IN GRIEVANCE ARBITRATION

HOW ARBITRATORS DECIDE CASES

REVIEW OF COURT DECISIONS

Volume 27, No. 3
1972

TABLE OF CONTENTS

A CONTRACTOR LOOKS AT THE CAUSES OF CONSTRUCTION CONTRACT DISPUTES

COMPULSORY DISPUTE SETTLEMENT VIA LITIGATION

SO YOU WANT TO BE AN ARBITRATOR

WOES OF A NEWCOMER NEUTRAL

REVIEW OF COURT DECISIONS

Volume 27, No. 2
1972

TABLE OF CONTENTS

ARBITRATION OF CONSUMER DISPUTES

COMMUNITY DISPUTES AND THE RESOLUTION OF CONFLICT

RES JUDICATA: PROMISE AND LIMITATIONS IN NON-LABOR ARBITRATION

REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

IMPASSE ISSUES IN TEACHER DISPUTES SUBMITTED TO FACT FINDING IN NEW YORK ARBITRATION AND INSUBORDINATION OF UNION STEWARDS
THE PREDICTABILITY OF NON-LEGALISTIC ADJUDICATION IN THE TEXTILE INDUSTRY
CIVIL RIGHTS CONFLICTS: THE UNEASY SEARCH FOR PEACE IN OUR TIME
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS

ARBITRATION OF MEDICAL MALPRACTICE CLAIMS
COMPULSORY ARBITRATION IN THE PUBLIC SECTOR
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS

INTERNATIONAL ARBITRATION IN THE POLITICAL SPHERE
COMMERCIAL ARBITRATION: A SUBSTITUTE FOR FRANCHISE CONTRACT LITIGATION?
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS

IMPLEMENTATION OF THE UN CONVENTION ON FOREIGN ARBITRAL AWARDS IN THE U.S.
ARBITRATION OF DISPUTES OVER GRIEVANCE PROCESSING BY UNION REPRESENTATIVES
REVIEW OF COURT DECISIONS
Volume 26, No. 1
1971

TABLE OF CONTENTS

ARBITRATION AND CONCILIATION IN AMERICAN DIPLOMACY
THIRD-PARTY SETTLEMENTS IN EDUCATION
REVIEW OF COURT DECISIONS

Volume 25, No. 4
1970

TABLE OF CONTENTS

THE LABOR ARBITRATOR'S ROLE
WANTED: A NEW SYSTEM FOR SOLVING CONSUMER GRIEVANCES
COMPULSORY ARBITRATION AND THE ARBITRATOR
THE NEW ZEALAND WATERFRONT INDUSTRY TRIBUNAL
REVIEW OF COURT DECISIONS

Volume 25, No. 3
1970

TABLE OF CONTENTS

DUE PROCESS CONSIDERATIONS IN LABOR ARBITRATION
MANDATORY ARBITRATION AS A REMEDY FOR INTRA-CLOSE CORPORATE DISPUTES
GRIEVANCE ARBITRATION IN STATE AND LOCAL GOVERNMENT
REVIEW OF COURT DECISIONS

Volume 25, No. 2
1970

TABLE OF CONTENTS

ARBITRATION AND THE FEDERAL TRADE COMMISSION
THE DUTY OF DISCLOSURE IN LABOR ARBITRATION
TYPES OF SENIORITY PROVISIONS AND THE MEASUREMENT OF ABILITY
REVIEW OF COURT DECISIONS
Volume 25, No. 1  
1970  
TABLE OF CONTENTS  
THE FINALITY OF A FOREIGN ARBITRAL AWARD  
ARBITRATION ON A NEW FRONTIER: THE UAW'S PUBLIC REVIEW BOARD  
VOLUNTARY BINDING ARBITRATION IN PUBLIC EMPLOYMENT  
ARBITRATION AND ANTITRUST ENFORCEMENT  
REVIEW OF COURT DECISIONS  

Volume 24, No. 4  
1969  
TABLE OF CONTENTS  
LABOR ARBITRATION OF GRIEVANCES INVOLVING RACIAL DISCRIMINATION  
ARBITRATION OF DISPUTES BETWEEN MULTINATIONAL CORPORATIONS  
LONG TERM MULTINATIONAL DISPUTES  
CHARACTERISTICS OF PUBLIC EMPLOYMENT ARBITRATION UNDER A MASSACHUSETTS LAW  
REVIEW OF COURT DECISIONS  

Volume 24, No. 3  
1969  
TABLE OF CONTENTS  
ARBITRATION IN GOVERNMENT CONTRACTS: THE GHOST AT THE BANQUET  
EMPLOYING THE DISADVANTAGED: THREE VIEWPOINTS  
ARBITRATION OF THIRD PARTY LIABILITY CLAIMS  
PAST MISCONDUCT IN DISCHARGE CASES
THE MULTIFACETED PHENOMENON OF INTERNATIONAL ARBITRATION
LABOR ARBITRATION, EEOC CONCILIATION, AND DISCRIMINATION IN EMPLOYMENT
FACT-FINDING: IS IT ADJUDICATION OR ADJUSTMENT
REVIEW OF COURT DECISIONS

THE FOREIGN TRADE ARBITRATION COMMISSION OF THE USSR AND THE WEST
ARBITRATION, UNION STEWARDS AND WILDCAT STRIKES
REVIEW OF COURT DECISIONS

IS ARBITRATION SUITABLE FOR TRADEMARK PROBLEMS?
THE ARBITRATION OF WAGE INCENTIVE CASES
REVIEW OF COURT DECISIONS

RESOLVING CONSTRUCTION CONTRACT DISPUTES THROUGH ARBITRATION
ARBITRATION AND STATE LAW
CONFLICT OF MEDICAL EVIDENCE IN LABOR ARBITRATION
REVIEW OF COURT DECISIONS
Volume 23, No. 2
1968

TABLE OF CONTENTS

WHY PUBLIC EMPLOYEES STRIKE
DISSOLUTION OF PARTNERSHIPS AS ARBITRABLE ISSUES
ARBITRATION PROCEDURES FOR INTELSAT’S LEGAL DISPUTES
ARBITRATION: AN ALTERNATIVE TO CRISIS BARGAINING
REVIEW OF COURT DECISIONS

Volume 23, No. 1
1968

TABLE OF CONTENTS

ARBITRABILITY OF PATENT DISPUTES UNDER THE U.S. ARBITRATION ACT
ARBITRABILITY: THE COURTS VERSUS THE ARBITRATOR
REVIEW OF COURT DECISIONS

Volume 22, No. 4
1967

TABLE OF CONTENTS

A PROPOSED ARBITRATION ACT FOR KENTUCKY
ARBITRATION AND THE MILLER ACT
PRIMA PAINT: AN ARBITRATION MILESTONE
REVIEW OF COURT DECISIONS
Volume 22, No. 3
1967

TABLE OF CONTENTS
PROBLEMS OF FINALITY AND CONSISTENCY IN COMMERCIAL ARBITRATION AWARDS
ARE GOVERNMENT BODIES BOUND BY ARBITRATION AGREEMENTS
BIAS, FRAUD, MISCONDUCT AND PARTIALITY OF THE ARBITRATOR
WARRANTIES UNDER THE UNIFORM COMMERCIAL CODE
REVIEW OF COURT DECISIONS

Volume 22, No. 2
1967

TABLE OF CONTENTS
THE IMPACT OF THE UNIFORM COMMERCIAL CODE UPON ARBITRATION
LABOR ARBITRATION IN THE SAN FRANCISCO BAY AREA
REVIEW OF COURT DECISIONS

Volume 22, No. 1
1967

TABLE OF CONTENTS
HOW TO GET BETTER RESULTS FROM LABOR-MANAGEMENT ARBITRATION
THE ARBITRATION OF DISPUTES OVER REOPENED WAGES
RIGHTS AND RESPONSIBILITIES IN MUNICIPAL COLLECTIVE BARGAINING
THE PHILOSOPHY OF BARGAINING FOR MUNICIPAL EMPLOYEES
REVIEW OF COURT DECISIONS
TABLE OF CONTENTS

ARBITRATION AND THE UNIFORM COMMERCIAL CODE
ARBITRATION AND PROTECTION OF THE CHILD
UNINSURED MOTORIST ARBITRATION UNDER THE ILLINOIS STATUTE
SOME ASPECTS OF UNINSURED MOTORIST ARBITRATION IN FLORIDA
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS

ARBITRATION AGREEMENTS AND THE CONFLICT OF LAWS A PROBLEM OF ENFORCEABILITY
SECTION 8A5 PROBLEMS AND ARBITRATION
A PARADOX IN THE THEORY OF COMMERCIAL ARBITRATION
ARBITRATION AND TRADEMARK PROBLEMS NY PATENT LAW ASSOC
REVIEW OF COURT DECISIONS

TABLE OF CONTENTS

COMMERCIAL ARBITRATION AND ANTITRUST MATTERS IN THE EUROPEAN ECONOMIC
IS COLLECTIVE BARGAINING THE ANSWER? Comments on a Municipal Labor Crisis
ARBITRATION AND PATENT PROBLEMS NY PATENT LAW ASSOC
REVIEW OF COURT DECISIONS
Volume 21, No. 1
1966

TABLE OF CONTENTS

ARBITRATION OF COPYRIGHT PROBLEMS: A COLLOQUIY AMONG MEMBERS OF THE NEW YORK PATENT LAW ASSOCIATION

PUBLIC DISPUTES AND THE PUBLIC INTEREST: COMMENTS ON A PENDING STATE LAW

THE ENFORCEMENT OF FOREIGN ARBITRATION AGREEMENTS AND AWARDS IN THE PHILIPPINES

REVIEW OF COURT DECISIONS

Volume 20, No. 4
1965

TABLE OF CONTENTS

LABOR ARBITRATION AND ITS CRITICS

INTERNATIONAL ARBITRATION AS VIEWED BY A STUDENT OF LABOR ARBITRATION

MEDIATIONS AND SETTLEMENTS

INTERNATIONAL COMMERCIAL ARBITRATION IN THE INTERNATIONAL COOPERATION YEAR

REVIEW OF COURT DECISIONS

Volume 20, No. 3
1965

TABLE OF CONTENTS

SUPERVISORY PERFORMANCE OF BARGAINING UNIT WORK

ARBITRATION IN THE IRANIAN LEGAL SYSTEM

DISLOYALTY TO THE EMPLOYER A STUDY OF ARBITRATION AWARDS

THE WORLD BANK PLAN FOR INVESTMENT DISPUTE ARBITRATION

REVIEW OF COURT DECISIONS
Volume 20, No. 2
1965

TABLE OF CONTENTS

INDEPENDENCE THROUGH ARBITRATION FOR SERVICE STATION DEALERS
AN OUTLINE OF PROCEDURE UNDER THE NEW YORK ARBITRATION LAW
BATTLE REPORT THE PROBLEM OF STENOGRAPHIC RECORDS IN ARBITRATION
TESTS AND THE REQUIREMENTS OF THE JOB
REVIEW OF COURT DECISIONS

Volume 20, No. 1
1965

TABLE OF CONTENTS

A SUPREME COURT JUSTICE LOOKS AT ARBITRATION
ASSUMPTION OF UNION CONTRACTS BY SUCCESSORS Court Decisions and Arbitration
Awards
ARBITRATION OF GOVERNMENT SUBCONTRACTING DISPUTES
THE AGREED CASE A PROBLEM IN ETHICS
ARBITRATE OR LITIGATE A QUESTION FOR CREDIT EXECUTIVES
REVIEW OF COURT DECISIONS