

2014

Table of Contents

Follow this and additional works at: <http://elibrary.law.psu.edu/arbitrationlawreview>

Recommended Citation

Table of Contents, 6 (2014).

This Front Matter is brought to you for free and open access by Penn State Law eLibrary. It has been accepted for inclusion in Arbitration Law Review by an authorized editor of Penn State Law eLibrary. For more information, please contact ram6023@psu.edu.

TABLE OF CONTENTS

FOREWORD

Drew J. Hushka

iv

SYMPOSIUM: ADR AS PUBLIC POLICY: DOMESTIC AND INTERNATIONAL PERSPECTIVES

COMMERCIAL ARBITRATION AND SETTLEMENT: EMPIRICAL INSIGHTS INTO THE ROLES ARBITRATORS PLAY

Thomas J. Stipanowich & Zachary P. Ulrich

1

COMBATING STRUCTURAL BIAS IN DISPUTE SYSTEMS DESIGNS THAT USE ARBITRATION: TRANSPARENCY, THE UNIVERSAL SANITIZER

Lisa Blomgren Amsler

32

VACATING LEGALLY ERRONEOUS ARBITRATION AWARDS

Stephen J. Ware

56

MEDIATOR ETHICAL BREACHES: IMPLICATIONS FOR PUBLIC POLICY

Sharon Press

107

AN ALTERNATIVE APPROACH TO JUSTICE: THE PAST, PRESENT, AND FUTURE OF THE MEDIATION PROGRAM AT THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Rebecca Price

170

THE ITALIAN WAY OF MEDIATION

Giuseppe Conte

180

EBAY'S DE FACTO LOW VALUE HIGH VOLUME RESOLUTION PROCESS: LESSONS AND BEST PRACTICES FOR ODR SYSTEMS DESIGNERS

Louis F. Del Duca, Colin Rule, and Kathryn Rimpfel

204

PROFESSIONAL SUBMISSIONS

TOO DARN BAD: HOW THE SUPREME COURT'S CLASS ARBITRATION JURISPRUDENCE HAS UNDERMINED ARBITRATION

Adam Raviv

220

INTERNATIONAL COMMERCIAL ARBITRATION IN CENTRAL ASIA

W. E. Butler

255

THIRD-PARTY MEDIATION OF INTERSTATE CONFLICTS: ACTORS, STRATEGIES, SELECTION, AND BIAS <i>Scott Sigmund Gartner</i>	269
---	-----

STUDENT SUBMISSIONS

Recent Developments in Arbitration and Mediation

SOUTH AFRICAN REVOLUTIONIZING FOREIGN INVESTMENT PROTECTION SYSTEM <i>Jennifer Reed</i>	295
COPPER, GOLD, CORRUPTION, AND NO ARBITRAL RELIEF: A RECENT PAKISTAN SUPREME COURT CALLS INTO QUESTION THE DOCTRINE OF SEPARABILITY <i>Sara E. Myirski</i>	305
WHEN SOVEREIGN NATIONS ARE FORCED TO ARBITRATE: SPAIN AND FRANCE AND THE PRESTIGE OIL SPILL <i>Erika Dixon</i>	316
INDIAN COURT EXPANDS ITS JURISDICTION OVER FOREIGN ARBITRAL PANELS <i>Dru Miller</i>	328

Comments

“PREPARE FOR TROUBLE, AND MAKE IT DOUBLE”: THE FOURTH CIRCUIT CONTINUES DOWNWARD ITERATION OF DUPLICITOUS TEST FOR MANIFEST DISREGARD <i>Garrett Lent</i>	337
IF THERE’S A WILL, THERE’S A WAY: THE CALIFORNIA SUPREME COURT’S SIDESTEP OF THE U.S. SUPREME COURT <i>Ryan Cummins</i>	349
BEZIO V. DRAEGER: A MISSED OPPORTUNITY FOR A DOCTRINAL SOLUTION TO THE JURISDICTIONAL SPLIT AS TO THE ARBITRABILITY OF LEGAL MALPRACTICE CLAIMS <i>Brian Cressman</i>	359

Articles

ADR AND THE EXTRACTION OF COAL BED METHANE FROM SPLIT-OWNERSHIP ESTATES <i>Alyssa Looney</i>	371
ADHESIVE ARBITRATION: THE SUSTAINING GRACE FOR THE FUTURE OF THE WORLD’S MOST PROFITABLE SPORTS LEAGUES <i>Evan Goldsmith</i>	387

COULD COMMERCIAL ARBITRATION HELP SETTLE A HISTORIC CONFLICT BETWEEN
THE ISRAELITES AND PALESTINIANS?
Evan Goldsmith 404

ARBITRATION AGREEMENTS: THE PERFECT DEFENSE FOR LAW SCHOOL DECEIT
Jeremy Alm 417

Foreign Decisional Law

TIMOR-LESTE V. AUSTRALIA: “GUERRILLA TACTICS” AND SCHOOLYARD BULLIES IN
STATE ARBITRATION
Sarah Whittington 429

THE IMPLICATIONS OF RECENT ICSID ARBITRATION DISQUALIFICATIONS FOR LATIN
AMERICA
Nora Ciancio 440

Book & Literature Review

SKILLS & VALUES ALTERNATIVE DISPUTE RESOLUTION: NEGOTIATION, MEDIATION,
COLLABORATIVE LAW AND ARBITRATION
Guy Bowe 467

ARBITRATION AND THE CONSTITUTION
Gabrielle Gilbeau 486

Senior Editor Comments

THE CONCERTED PROTECTION ACTIVITY LOOPHOLE: HOW THE NLRB IS
UNDERMINING THE FEDERAL POLICY FAVORING ARBITRATION BY INVALIDATING
CLASS ACTION WAIVERS
Thomas E. Robins 503