Table of Contents
# Table of Contents

**Foreword**  
*Zachary D. Morahan*  
iv

**Introduction**  
*Nancy A. Welsh*  
v

**Symposium: The Role of the Courts: Judicial Review of Arbitral Awards and Mediated Settlement Agreements**

**Asymmetric Dynamism and Acceptable Judicial Review of Arbitration Awards**  
*Jeffery W. Stempel*  
1

**The Accidental Preemption Statute: The Federal Arbitration Act and Displacement of Agency Regulation**  
*Maureen A. Weston*  
59

*Allen Blair*  
74

**Judicial Reviews: What Judges Write When They Write About Mediation**  
*Jennifer W. Reynolds*  
111

**Judicial Review of Mediated Settlement Agreements: Improving Mediation with Consent**  
*Jacqueline M. Nolan-Haley*  
152

**Creating a 21st Century Oligarchy: Judicial Abdication to Class Action Mediators**  
*James R. Coben*  
162

**Error Correction and Dispute System Design in Investor-State Arbitration**  
*Andrea Kupfer Schneider*  
194

**Combinations of Mediation and Arbitration with the Same Neutral: A Framework for Judicial Review**  
*Ellen E. Deason*  
219
CONCLUDING REMARKS
Thomas Carbonneau

PROFESSIONAL SUBMISSIONS

TOWARDS A RULES-BASED ASEAN: THE PROTOCOL TO THE ASEAN CHARTER ON DISPUTE SETTLEMENT MECHANISMS
Hao Duy Phan

STUDENT SUBMISSIONS

Recent Developments in Arbitration and Mediation

HAS LONDON OUTMANEUVERED THE ITALIAN TORPEDO?
Thomas Panighetti

1-ARBITRATION: NOT THE NEWEST APPLE® PRODUCT, BUT SHARIA LAW IN INTERNATIONAL COMMERCIAL ARBITRATION
Thomas Panighetti

Comments

RESTRICTING THE REACH OF THE FEDERAL ARBITRATION ACT: SOUTH CAROLINA SUPREME COURT APPLIES STATE LAW AND INVALIDATES AN ARBITRATION AGREEMENT IN A RESIDENTIAL REAL ESTATE TRANSACTION
Tiffany Bennett

BIFURCATED PROCEEDINGS IN ILLINOIS: SURVIVOR ACTIONS TO ARBITRATION BUT WRONGFUL DEATH CLAIMS TO LITIGATION
Joshua Bower

WEIGHING (IN)DISCRETION ON A SLIDING SCALE: CALIFORNIA APPELLATE COURT HANDS DOWN AN EXPOSE OF MODERN APPROACHES TO JURISDICTION AND UNCONSCIONABILITY
Anthony Rallo

Articles

HOW NICE TO SEE YOU AGAIN: THE REPETITIVE USE OF ARBITRATORS AND THE RISK OF EVIDENT PARTIALITY
Drew J. Hushka

EDUCATIONAL COLLECTIVE BARGAINING: THE EFFECT OF IMPASSE RESOLUTION PROCEDURES ON PUBLIC SCHOOL TEACHERS
Jessica Nixon
<table>
<thead>
<tr>
<th>Title</th>
<th>Author</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alternative Dispute Resolution and Social Media: How Mandatory</td>
<td>Kelsey L. Swaim</td>
<td>356</td>
</tr>
<tr>
<td>Arbitration Clauses Impact Social Networking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Decisional Law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Treaty Shopping and Expansive Jurisdiction: Causes and Effects of</td>
<td>Kathryn E. Rimpfel</td>
<td>371</td>
</tr>
<tr>
<td>Venezuela’s Denunciation of the ICSID Convention</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Defusing Hydroelectric Brinkmanship: The Indus Waters Treaty’s</td>
<td>Thomas E. Robins</td>
<td>389</td>
</tr>
<tr>
<td>Alternate Dispute Resolution Provisions and Their Role in the</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tenuous Peace Between India and Pakistan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Book &amp; Literature Review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lawyers and Mediation</td>
<td>Brian Rans</td>
<td>409</td>
</tr>
<tr>
<td>Getting to Yes: Remembering Roger Fisher</td>
<td>Kevin R. Schock</td>
<td>422</td>
</tr>
<tr>
<td>Senior Editor Comments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Broad Powers, Silent Intentions: Compelling Class Action Arbitration</td>
<td>Daivy P.E. Dambreville</td>
<td>439</td>
</tr>
<tr>
<td>Without Express Authorization</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Like Oil and Vinegar, Sitting Judges and Arbitrations Do Not Mix:</td>
<td>Gellaine T. Newton</td>
<td>449</td>
</tr>
<tr>
<td>Delaware’s Unique Attempt at Judicial Arbitration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>For the Good of All Not Involved: The Case for a Public Protection</td>
<td>Michelle Polato</td>
<td>459</td>
</tr>
<tr>
<td>Exception to the Enforcement of Arbitral Awards</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>