NEW YORK DISPUTE RESOLUTION LAWYER INDEX (2008-present)						
Title	**Author**	**Vol.**	**No.**	**Issue**	**Yr.**	**Pg.**
Case Law Comments						
Helping the Supreme Court Help Arbitration: Narrowing the Grounds for Review of Awards in *Hall Street* and Beyond	Neeseman, Carroll	1	1	FALL	2008	13
Heightened Review of Arbitration Awards Under State Law After the Supreme Court's Decision in *Hall Street Associates v. Mattel*	Brown, William J.T.	1	1	FALL	2008	18
After the New York State Court of Appeals Decision in *Hauzinger*: What Next?	Thaler, Robert S.	1	1	FALL	2008	23
What Is the Extent of Confidentiality in Mediation After *Hauzinger*?	Beane, Leona	1	1	FALL	2008	26
Rule 408 of the Federal Rules of Evidence and Confidentiality in Mediation	Richardson, John Michael	1	1	FALL	2008	28
Unconscionability—Should We Revisit This Backdoor Challenge to Arbitration?	Kaster, Laura A.	1	1	FALL	2008	31
Legislative and Other Developments						
The Status of the Revised Uniform Arbitration Act in New York	Brown, William J.T.	1	1	FALL	2008	33
The Status of the Uniform Mediation Act in New York	Moxley, Charles J., Jr.	1	1	FALL	2008	34
The UMA: A Good Fit for New York	Reuben, Richard C.	1	1	FALL	2008	35
Congress Considers Legislation That Could Significantly Alter Arbitration in the United States	Kantor, Mark	1	1	FALL	2008	38
New N.Y. Court Rules for ADR Neutral Qualification		1	1	FALL	2008	42
New Pilot Program at FINRA		1	1	FALL	2008	42
International Activity						
ICDR Issues New "Discovery" Guidelines	Carter, James H.	1	1	FALL	2008	43
The European Directive on Commercial Mediation: What It Means, What It Says, and What It Doesn't	Phillips, F. Peter	1	1	FALL	2008	45

The New York Convention at Age 50: A Primer on the International Regime for Enforcement of Foreign Arbitral Awards	Cohen, Stephanie	1	1	FALL	2008	47
Investor-State Arbitration: An Overview on ICSID	Whittaker, Janet	1	1	FALL	2008	51
ADR Practice and Future						
The Future of Arbitration	Wilkinson, John	1	1	FALL	2008	54
The Reasons for Mediation's Bright Future	Sussman, Edna	1	1	FALL	2008	57
The Future of Collaborative Law	Solovay, Norman	1	1	FALL	2008	61
Scope of Discovery in Commercial Arbitration	Moxley, Charles J., Jr.	1	1	FALL	2008	65
The Ethical Compass	Greenberg, Elayne E.	2	1	SPRING	2009	8
ADR News						
The Globalization of the Arbitration Service Industry: Current Developments in the Institutional Provider World	Garfinkel, Barry H.; Ravanides, Christos	2	1	SPRING	2009	11
Mediator Receives the Nobel Peace Prize	Warshauer, Irene C.	2	1	SPRING	2009	18
Editor's Note: President Obama's Memorandum on Collaboration		2	1	SPRING	2009	19
ADR Practice and Legislative Updates						
Tailoring Your Arbitration Proceeding with the New CPR Protocol	Newman, Lawrence W.	2	1	SPRING	2009	20
Notes on the Final Report of the ABA Section of Dispute Resolution Task Force on Improving Mediation Quality	Thorpe, R. Wayne	2	1	SPRING	2009	23
New Rule 5.5 of the New York Rules of Professional Conduct and the Representation of Parties in New York Arbitrations by Lawyers Not Licensed to Practice in New York	Mason, Christopher M.	2	1	SPRING	2009	25
Protocol for E-Disclosure in Arbitration Issued by the Chartered Institute of Arbitrators	Certilman, Steven A.	2	1	SPRING	2009	31
Guidelines for Interviewing Prospective Arbitrators	Dundas, Hew R.	2	1	SPRING	2009	33
Why a Uniform Collaborative Law Act?	Solovay, Norman;	2	1	SPRING	2009	36

	Maxwell, Jr., Lawrence					
The Dark Before the Dawn: The Revised Uniform Arbitration Act	Brown, William J.T.	2	1	SPRING	2009	41
Case Law Developments						
Manifest Disregard of the Law After *Hall Street*: A Continued Role for an Extra-Statutory Doctrine?	Kahn, Sherman; Nodel, Jordan	2	1	SPRING	2009	45
Non-Party Discovery in Arbitration: The Second Circuit Weights In	Goldstein, Marc J.	2	1	SPRING	2009	49
Is It Arbitrable?: Case Developments	Riback, Stuart M.	2	1	SPRING	2009	52
Step Clauses: Obstacles to Enforceability	Mentz, Barbara A.	2	1	SPRING	2009	54
Class Action Waivers in Arbitration Agreements: The Second Circuit Speaks	Gwynne, James Benjamin	2	1	SPRING	2009	60
Mediation's Benefits By Practice Areas						
Mediation and Estate Litigation	Beane, Leona	2	1	SPRING	2009	62
Why Mediation Works to Resolve Workplace Disputes	Raisfeld, Ruth D.	2	1	SPRING	2009	66
Mediating IP Disputes	Plant, David W.	2	1	SPRING	2009	68
Reflections on Med-Arb and Arb-Med: Around the World						
Developing an Effective Med-Arb/Arb-Med Process	Sussman, Edna	2	1	SPRING	2009	71
Same-Neutral Med-Arb: What Does the Future Hold?	Phillips, Gerald F.	2	1	SPRING	2009	75
Med-Arb Should Be Dead	Kichaven, Jeff	2	1	SPRING	2009	80
A Case Study: Med-Arb Worked in U.S. for Real Estate Partnership Claims	Cottone, Philip S.	2	1	SPRING	2009	83
Making Med-Arb Work in Australia	Limbury, Alan L.	2	1	SPRING	2009	84
Arb-Med: A Reflection á Propos of a Bolivian Experience	Tarrazón, Mercedes	2	1	SPRING	2009	87
Designing Effective Med-Arb and Arb-Med Processes in Brazil	Pedro Alberto Costa Braga de Oliveira	2	1	SPRING	2009	89

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

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

International Perspectives: Arbitration Agreements and Bankruptcy	Sussman, Edna	2	2	FALL	2009	58
Mediation Tips and Stories						
Creative Mediated Solutions	Warshauer. Irene C.	2	2	FALL	2009	59
Insurance Company Mediations	Scarpato, Peter	2	2	FALL	2009	61
Business Divorce Mediation	Lutringer, Richard	2	2	FALL	2009	64
A Med-arb Variant: Binding Mediation—an Oxymoron? Yes but Doable	Ginsberg, Eugene S.	2	2	FALL	2009	68
Dispute Resolution Section Reports						
Guidance for Arbitrators in Finding the Balance Between Fairness and Efficiency		2	2	FALL	2009	69
Report of the Dispute Resolution Section on the Arbitration Fairness Act and Other Federal Arbitration Bills		2	2	FALL	2009	76
DRS Committee News		3	1	SPRING	2010	7
Ethics						
The Ethical Compass: Should There Be a Rule Compelling ADR? Follow the Road Where a Thousand Flowers May Grow	Greenberg, Elayne E.	3	1	SPRING	2010	8
Arbitration		3	1	SPRING	2010	
Throw Down the Muskets, Seek Out the Town Elders This Is a Brief History of Arbitration in the United States	Certilman, Steven A.	3	1	SPRING	2010	10
Congressional Developments on Arbitration: Update	Sussman, Edna	3	1	SPRING	2010	14
Traps for the Unwary: Major Differences Between New York and Federal Arbitration Law	Moxley, Charles J., Jr.	3	1	SPRING	2010	16
Arbitrator Correction of Awards: The Second Circuit Finds a Way	Goldstein, Marc J.	3	1	SPRING	2010	21
Applicability of the Supreme Court's Decision in Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers and Trainmen to Step Clauses	Barbara Mentz	3	1	SPRING	2010	25
The Source and Limits of Arbitral Authority to Sanction: Questions Growing	Peterson, Jennifer	3	1	SPRING	2010	29

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

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

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

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

A Stitch in Time: Preventing the Escalation of Conflict	Patrick Green	4	1	SPRING	2011	39
Italy Responds to the EU Mediation Directive and Confronts Court Backlog: The New Civil Courts Mandatory Mediation Law	De Paolis, Francesca	4	1	SPRING	2011	41
International Arbitration		4	1	SPRING	2011	
Arbitration to Improve and Expedite Cross-Border Bankruptcies	Gropper, Allan L.	4	1	SPRING	2011	45
Transparency in Investment Arbitration: A Creeping Reality?	Matthews, Joe	4	1	SPRING	2011	49
The Arbitral Tribunal or the National Court—Who Decides Whether There Is an Agreement to Arbitrate?	Lindsay, Emma	4	1	SPRING	2011	52
Building a New Way of Researching	Maguire, Morgan D.	4	1	SPRING	2011	55
Discovery and Cross-Examination Challenges in International Arbitrations: A Singapore Perspective	Yeap SC, Andre; Wong, Adrian Wong	4	1	SPRING	2011	58
New York State Bar Association Guidelines for the Arbitrator's Conduct of the Pre-Hearing Phase of International Arbitrations		4	1	SPRING	2011	62
Mixed ADR Processes		4	1	SPRING	2011	
Practical Uses of ADR in Outsourcing Relationships	Millstein, Julian; Kahn, Sherman	4	1	SPRING	2011	68
Book Reviews		4	1	SPRING	2011	
Bargaining With The Devil: When to Negotiate, When to Fight by Robert Mnookin	Vivian Berge (Reviewer)	4	1	SPRING	2011	72
Take the Witness: Cross-Examination in International Arbitration by Lawrence W. Newman and Ben H. Sheppard, Jr., Editors	Kalina, Stefan B.	4	1	SPRING	2011	73
The Middle Voice by Joseph B. Stulberg and Lela P. Love	Kaster, Laura A.	4	1	SPRING	2011	76
Case Notes		4	1	SPRING	2011	
Pre-Hearing Deposition of Witness Allowed in Federal Compulsory Arbitration Case	Raab, Ira J.	4	1	SPRING	2011	77

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

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

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

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

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

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

Book Reviews		5	1	SPRING	2012	
Definitive Creative Impasse-Breaking Techniques in Mediation (Molly Klapper, J.D., Ph.D., Editor)	Kalina, Stefan B. (Reviewer)	5	1	SPRING	2012	77
How Leading Lawyers Think: Expert Insights Into Judgment and Advocacy by Randall Kiser	Kaster, Laura A. (Reviewer)	5	1	SPRING	2012	79
Case Notes		5	1	SPRING	2012	
Attorney Disqualification in Arbitration Proceedings Is an Issue for the Court *Northwestern National Ins. Co. v. Insco Ltd.*	Wetherell, Nicole J.	5	1	SPRING	2012	81
Piecemeal Litigation *KPMG LLP v. Cocchi*	Shenassa, Melody	5	1	SPRING	2012	83
Arbitral Right to Ensure Capability of Compliance *On Time Staffing, LLC v. National Union Fire Insurance Company of Pittsburgh, PA*	Genova, Alison L.	5	1	SPRING	2012	84
Dispute Resolution Section Fall and Annual Meetings		5	1	SPRING	2012	
Fall Meeting		5	1	SPRING	2012	85
Annual Meeting		5	1	SPRING	2012	86
Dispute Resolution Section News		5	2	FALL	2012	
Bill That Would Negatively Impact Arbitration Tabled in the New York Assembly	Wilkinson, John	5	2	FALL	2012	7
"The Basics of Mediating Trusts & Estates Disputes"	Beane, Leona; Steele, Robert	5	2	FALL	2012	7
Third Annual Commercial Mediation Training Generates a Fresh Crop of Commercial Mediators	Peterson, Jennifer	5	2	FALL	2012	8
Second Annual Commercial Arbitration Training Attracts Wide Audience	Moxley, Charles J., Jr.	5	2	FALL	2012	8
Ethics		5	2	FALL	2012	
The Ethical Compass: Show Me the Money: Part Two Monetizing the "Value Added" of Attorneys Who Serve as Mediators and	Greenberg, Elayne E.	5	2	FALL	2012	10

Arbitrators						
Calibrating Arbitration Presentations—Mock Arbitration		5	2	FALL	2012	
Improving Your Arbitration Presentation With a Mock Arbitration: Two Case Studies	Sussman, Edna	5	2	FALL	2012	15
The Social Science Edge in Arbitration and Mediation	Anthony, Dr. Philip K; Weinstein, Les J.	5	2	FALL	2012	17
Mock Arbitrations: Getting the Most Value for Your Project	Tuholski, Stephen	5	2	FALL	2012	20
Arbitration		5	2	FALL	2012	
Arbitration the Supreme Court (2011 to 2012 Term)	Kahn, Sherman	5	2	FALL	2012	22
The New York City Bar Association's International Commercial Disputes Committee Reports on the Manifest Disregard of Law Doctrine and International Arbitration in New York	Shore, Laurence; Zammit, Joe; Bouchenaki, Amal	5	2	FALL	2012	26
Tailor-Made—Unique Dispute Resolution Clauses in M&A Agreements	Hall, Richard; Pitkowitz, Matthias M.	5	2	FALL	2012	29
Browsewrap Arbitration? Enforcing Arbitration Provisions in Online Terms of Service	Kahn, Sherman; Kiferbaum, David	5	2	FALL	2012	33
How Should New York Courts Apply the Federal Arbitration Act in Commercial Arbitration Cases: Does the Federal Act Wholly Displace the State Arbitration Statute or Does It Only Preempt New York State Provisions That Limit the Power of the Arbitrator?	Brown, William J.T.	5	2	FALL	2012	37
International		5	2	FALL	2012	
CIETAC Arbitration Rules 2012—Another Move Forward	Jianlong, Yu	5	2	FALL	2012	39
Introduction to Arbitration in the People's Republic of China	Horrigan, Brenda; Tang, Helen	5	2	FALL	2012	41
Anti-Suit Injunctions and Insurance Coverage	Halprin, Peter A.	5	2	FALL	2012	44
The New U.S. Model BIT: "If Both Sides Are Angry With You, You Must Be Doing Something Right"	Kantor, Mark	5	2	FALL	2012	47
The Revised Swiss Rules of International Arbitration	Habegger, Philipp	5	2	FALL	2012	61

Where Does *Forum Non Conveniens* Fit in Enforcing Foreign Arbitral Awards?	Goldstein, Marc	5	2	FALL	2012	64
Mediation		5	2	FALL	2012	
How German Judges Will Use Mediation Under the Recent German "Mediation Law"	Flockermann, Julia	5	2	FALL	2012	68
Mediating the Multi-Cultural Fugue of Divorce Mediation	Roytberg, Alla	5	2	FALL	2012	72
A Fact-Finding Process Might Be the Solution for Resolving Your Employment Dispute	Zaino, Jeffrey T.	5	2	FALL	2012	75
From Mediation to Settlement and From Settlement to Final Offer Arbitration: A Case Study of MEDALOA in a Transnational Business Dispute Mediation	Mironi, Mordehai (Moti)	5	2	FALL	2012	77
Mediation: A Tool for European Business People	van der Vleugel, Fabienne	5	2	FALL	2012	81
Book Reviews		5	2	FALL	2012	
Stories Mediators Tell (Eric R. Galton and Lela P. Love, Editors)	Reviewed by Stefan B. Kalina	5	2	FALL	2012	83
Arbitration of International Intellectual Property Disputes (Edited by Thomas D. Halket)	Reviewed by William H. Baker	5	2	FALL	2012	84
ADR Advocacy, Strategies and Practice for Intellectual Property Cases (Harrie Samaras, Editor)	Reviewed by Laura A. Kaster	5	2	FALL	2012	86
Case Notes		5	2	FALL	2012	
Two Courts Address Sanctions for Seeking Judicial Relief from Arbitration *Enmon v. Prospect Capital Corp. and World Business Paradise, Inc. v. SunTrust Bank*	Belagorudsky, Julia	5	2	FALL	2012	88
Second Circuit Denial to Rehear Continues the Debate Over Arbitration Clauses With Class Action Waivers in Consumer Contracts	Aniagolu, Asari	5	2	FALL	2012	90
Dispute Resolution Section News		6	1	SPRING	2013	
Annual Meeting		6	1	SPRING	2013	8

October—DR Section at Fordham		6	1	SPRING	2013	8
Opening This Spring: The New York International Arbitration Center		6	1	SPRING	2013	8
Ethics		6	1	SPRING	2013	10
Confidentiality: The Illusion and the Reality—Affirmative Steps for Lawyers and Mediators to Help Safeguard Their Mediation Communications	Greenberg, Elayne E.	6	1	SPRING	2013	
Arbitration		6	1	SPRING	2013	
Fast Track Arbitration: A Proposed Solution to the "Elephantine Laboriousness" of International Commercial Arbitration	Wessel, Jane	6	1	SPRING	2013	13
Emergency Interim Relief Under the ICDR Rules: Practical and Legal Considerations	Casey, J. Brian	6	1	SPRING	2013	16
Arbitration's Enduring Value: Looking Beyond Time and Cost	Berger, James E.	6	1	SPRING	2013	20
Mandatory Trust Arbitration in the U.S. and Abroad	Strong, S.I.	6	1	SPRING	2013	23
The Firm Roots of ADR in Federal Acquisition	Dietrich, John A.	6	1	SPRING	2013	26
Benefits of Arbitration for Commercial Disputes		6	1	SPRING	2013	30
Mediation		6	1	SPRING	2013	
Is Mediation Confidential in New York?	Weil, Richard S.	6	1	SPRING	2013	33
Are You Sure You Can Still Tell Mediation and Arbitration Apart?	Solovy, Norman	6	1	SPRING	2013	36
Estimating the Financial Value of a Lawsuit With the Case Value Analyzer™	Palmer Michael	6	1	SPRING	2013	38
Barking Up the Right Tree: Animals Deserve ADR, Too	Voda-Hamilton, Debra Vey	6	1	SPRING	2013	42
International		6	1	SPRING	2013	
The 2012 International Arbitration Survey: Current and Preferred Practices in the Arbitral Process	Friedland, Paul; Templeman, John	6	1	SPRING	2013	44
Review of New York Federal Petitions for Confirmation of Arbitral Awards Shows Swift Resolutions and Certainty of Awards	McCarthy, Tim; Hoffman, David; Ragab, Ryham	6	1	SPRING	2013	47

The Italian Saga of Mandatory Mediation: The Constitutional Court Ruling	De Paolis, Francesca; Giudice, Giovanni Nicola	6	1	SPRING	2013	49
Mauritius International Arbitration Act	Soopramanien, Shalini O.	6	1	SPRING	2013	52
Book Review		6	1	SPRING	2013	
The Public Policy Exception Under the New York Convention (Author: Anton Maurer)	Reviewed by Edna Sussman	6	1	SPRING	2013	56
Case Notes		6	1	SPRING	2013	
Second Circuit Highlights the Extraordinary Difficulty in Establishing Manifest Disregard *Goldman Sachs Execution & Clearing v. The Official Unsecured Creditors' Committee of Bayout Group, LLC, et al.*	Lai, Joyce	6	1	SPRING	2013	58
Court Denies Disqualification of Attorney in Matrimonial Litigation Despite Attorney's Initial Participation in Collaborative Law Process *Mandell v. Mandell*, 36 Misc. 3d 797, 949 N.Y.S.2d 580 (Sup. Ct., Westchester Co. 2012)	Barrow, Erica	6	1	SPRING	2013	60
Arbitrating Arbitrability—The Second Circuit's Application of the "Clear and Unmistakable" Standard	Hussain, Saira	6	1	SPRING	2013	62
Mediation Privilege Under the UMA—Two Recent Cases from New Jersey	DeStefano, Katherine	6	1	SPRING	2013	64
Annual Meeting		6	1	SPRING	2013	
Program I: No Longer Business As Usual	Kremer, Michelle	6	1	SPRING	2013	66
Program II: New Tools For a New Age	Gornell, Emily	6	1	SPRING	2013	67
Program III: Hot Topics in Arbitration and Lessons for the Future	Elisha, Natalie; Kartez, Ross J.	6	1	SPRING	2013	68
Program IV: Ethically and Effectively Maximizing Mediation Outcomes for Your Client	Fagain, John James; Breaux, Adam John	6	1	SPRING	2013	69
Scenes from the Annual Meeting		6	1	SPRING	2013	72