

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

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

|                                                                                                                                                                       |                                             |   |   |        |      |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---|---|--------|------|----|
| The New York Convention at Age 50: A Primer on the International Regime for Enforcement of Foreign Arbitral Awards                                                    | Cohen, Stephanie                            | 1 | 1 | FALL   | 2008 | 47 |
| Investor-State Arbitration: An Overview on ICSID                                                                                                                      | Whittaker, Janet                            | 1 | 1 | FALL   | 2008 | 51 |
| <b>ADR Practice and Future</b>                                                                                                                                        |                                             |   |   |        |      |    |
| The Future of Arbitration                                                                                                                                             | Wilkinson, John                             | 1 | 1 | FALL   | 2008 | 54 |
| The Reasons for Mediation's Bright Future                                                                                                                             | Sussman, Edna                               | 1 | 1 | FALL   | 2008 | 57 |
| The Future of Collaborative Law                                                                                                                                       | Solovay, Norman                             | 1 | 1 | FALL   | 2008 | 61 |
| Scope of Discovery in Commercial Arbitration                                                                                                                          | Moxley, Charles J., Jr.                     | 1 | 1 | FALL   | 2008 | 65 |
| The Ethical Compass                                                                                                                                                   | Greenberg, Elayne E.                        | 2 | 1 | SPRING | 2009 | 8  |
| <b>ADR News</b>                                                                                                                                                       |                                             |   |   |        |      |    |
| The Globalization of the Arbitration Service Industry: Current Developments in the Institutional Provider World                                                       | Garfinkel, Barry H.;<br>Ravanides, Christos | 2 | 1 | SPRING | 2009 | 11 |
| Mediator Receives the Nobel Peace Prize                                                                                                                               | Warshauer, Irene C.                         | 2 | 1 | SPRING | 2009 | 18 |
| Editor's Note: President Obama's Memorandum on Collaboration                                                                                                          |                                             | 2 | 1 | SPRING | 2009 | 19 |
| <b>ADR Practice and Legislative Updates</b>                                                                                                                           |                                             |   |   |        |      |    |
| Tailoring Your Arbitration Proceeding with the New CPR Protocol                                                                                                       | Newman, Lawrence W.                         | 2 | 1 | SPRING | 2009 | 20 |
| Notes on the Final Report of the ABA Section of Dispute Resolution Task Force on Improving Mediation Quality                                                          | Thorpe, R. Wayne                            | 2 | 1 | SPRING | 2009 | 23 |
| New Rule 5.5 of the New York Rules of Professional Conduct and the Representation of Parties in New York Arbitrations by Lawyers Not Licensed to Practice in New York | Mason, Christopher M.                       | 2 | 1 | SPRING | 2009 | 25 |
| Protocol for E-Disclosure in Arbitration Issued by the Chartered Institute of Arbitrators                                                                             | Certilman, Steven A.                        | 2 | 1 | SPRING | 2009 | 31 |
| Guidelines for Interviewing Prospective Arbitrators                                                                                                                   | Dundas, Hew R.                              | 2 | 1 | SPRING | 2009 | 33 |
| Why a Uniform Collaborative Law Act?                                                                                                                                  | Solovay, Norman;                            | 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 |
| <b>Case Law Developments</b>                                                                               |                                       |   |   |        |      |    |
| Manifest Disregard of the Law After <i>Hall Street</i> : A Continued Role for an Extra-Statutory Doctrine? | Kahn, Sherman; Nodel, Jordan          | 2 | 1 | SPRING | 2009 | 45 |
| Non-Party Discovery in Arbitration: The Second Circuit Weights In                                          | Goldstein, Marc J.                    | 2 | 1 | SPRING | 2009 | 49 |
| Is It Arbitrable?: Case Developments                                                                       | Riback, Stuart M.                     | 2 | 1 | SPRING | 2009 | 52 |
| Step Clauses: Obstacles to Enforceability                                                                  | Mentz, Barbara A.                     | 2 | 1 | SPRING | 2009 | 54 |
| Class Action Waivers in Arbitration Agreements: The Second Circuit Speaks                                  | Gwynne, James Benjamin                | 2 | 1 | SPRING | 2009 | 60 |
| <b>Mediation's Benefits By Practice Areas</b>                                                              |                                       |   |   |        |      |    |
| Mediation and Estate Litigation                                                                            | Beane, Leona                          | 2 | 1 | SPRING | 2009 | 62 |
| Why Mediation Works to Resolve Workplace Disputes                                                          | Raisfeld, Ruth D.                     | 2 | 1 | SPRING | 2009 | 66 |
| Mediating IP Disputes                                                                                      | Plant, David W.                       | 2 | 1 | SPRING | 2009 | 68 |
| <b>Reflections on Med-Arb and Arb-Med: Around the World</b>                                                |                                       |   |   |        |      |    |
| Developing an Effective Med-Arb/Arb-Med Process                                                            | Sussman, Edna                         | 2 | 1 | SPRING | 2009 | 71 |
| Same-Neutral Med-Arb: What Does the Future Hold?                                                           | Phillips, Gerald F.                   | 2 | 1 | SPRING | 2009 | 75 |
| Med-Arb Should Be Dead                                                                                     | Kichaven, Jeff                        | 2 | 1 | SPRING | 2009 | 80 |
| A Case Study: Med-Arb Worked in U.S. for Real Estate Partnership Claims                                    | Cottone, Philip S.                    | 2 | 1 | SPRING | 2009 | 83 |
| Making Med-Arb Work in Australia                                                                           | Limbury, Alan L.                      | 2 | 1 | SPRING | 2009 | 84 |
| Arb-Med: A Reflection á Propos of a Bolivian Experience                                                    | Tarrazón, Mercedes                    | 2 | 1 | SPRING | 2009 | 87 |
| Designing Effective Med-Arb and Arb-Med Processes in Brazil                                                | Pedro Alberto Costa Braga de Oliveira | 2 | 1 | SPRING | 2009 | 89 |

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

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

|                                                                                                                                                        |                         |   |   |        |      |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|---|---|--------|------|----|
| International Perspectives: Arbitration Agreements and Bankruptcy                                                                                      | Sussman, Edna           | 2 | 2 | FALL   | 2009 | 58 |
| <b>Mediation Tips and Stories</b>                                                                                                                      |                         |   |   |        |      |    |
| Creative Mediated Solutions                                                                                                                            | Warshauer, Irene C.     | 2 | 2 | FALL   | 2009 | 59 |
| Insurance Company Mediations                                                                                                                           | Scarpato, Peter         | 2 | 2 | FALL   | 2009 | 61 |
| Business Divorce Mediation                                                                                                                             | Lutringer, Richard      | 2 | 2 | FALL   | 2009 | 64 |
| A Med-arb Variant: Binding Mediation—an Oxymoron? Yes but Doable                                                                                       | Ginsberg, Eugene S.     | 2 | 2 | FALL   | 2009 | 68 |
| <b>Dispute Resolution Section Reports</b>                                                                                                              |                         |   |   |        |      |    |
| Guidance for Arbitrators in Finding the Balance Between Fairness and Efficiency                                                                        |                         | 2 | 2 | FALL   | 2009 | 69 |
| Report of the Dispute Resolution Section on the Arbitration Fairness Act and Other Federal Arbitration Bills                                           |                         | 2 | 2 | FALL   | 2009 | 76 |
| DRS Committee News                                                                                                                                     |                         | 3 | 1 | SPRING | 2010 | 7  |
| <b>Ethics</b>                                                                                                                                          |                         |   |   |        |      |    |
| The Ethical Compass: Should There Be a Rule Compelling ADR? Follow the Road Where a Thousand Flowers May Grow                                          | Greenberg, Elayne E.    | 3 | 1 | SPRING | 2010 | 8  |
| <b>Arbitration</b>                                                                                                                                     |                         | 3 | 1 | SPRING | 2010 |    |
| <i>Throw Down the Muskets, Seek Out the Town Elders</i><br>This Is a Brief History of Arbitration in the United States                                 | Certilman, Steven A.    | 3 | 1 | SPRING | 2010 | 10 |
| Congressional Developments on Arbitration: Update                                                                                                      | Sussman, Edna           | 3 | 1 | SPRING | 2010 | 14 |
| Traps for the Unwary: Major Differences Between New York and Federal Arbitration Law                                                                   | Moxley, Charles J., Jr. | 3 | 1 | SPRING | 2010 | 16 |
| Arbitrator Correction of Awards: The Second Circuit Finds a Way                                                                                        | Goldstein, Marc J.      | 3 | 1 | SPRING | 2010 | 21 |
| Applicability of the Supreme Court's Decision in <i>Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers and Trainmen</i> to Step Clauses | Barbara Mentz           | 3 | 1 | SPRING | 2010 | 25 |
| The Source and Limits of Arbitral Authority to Sanction: Questions Growing                                                                             | 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                          |                                                                                     |   |   |        |      |    |
| <b>Mediation</b>                                                                                                                                 |                                                                                     |   |   |        |      |    |
| “Good Faith” Participation in Court-Annexed Mediation Defined by Southern District of New York Bankruptcy Judge in Recent Sanctioning of Lawyers | Raisfeld, Ruth D.                                                                   | 3 | 1 | SPRING | 2010 | 32 |
| Exit Strategies: Typology and Tips                                                                                                               | Jacks, Joshua;<br>Schweisberg, Matt;<br>Thompson, Douglas;<br>Tonkin, Elissa Tonkin | 3 | 1 | SPRING | 2010 | 34 |
| Environmental Disputes Mediation: Public Construction Projects                                                                                   | Rhodes, James M.                                                                    | 3 | 1 | SPRING | 2010 | 37 |
| Using Mediation to Address Co-Guardianship Disputes                                                                                              | Beane, Leona                                                                        | 3 | 1 | SPRING | 2010 | 42 |
| Employment Law for Mediators and Arbitrators                                                                                                     | Hoguet, Laura B.                                                                    | 3 | 1 | SPRING | 2010 | 44 |
| <b>International</b>                                                                                                                             |                                                                                     |   |   |        |      |    |
| Balancing Discovery with EU Data Protection in International Arbitration Proceedings                                                             | Retzer, Karin; Kahn, Sherman                                                        | 3 | 1 | SPRING | 2010 | 47 |
| The Administration Reviews the U.S. Model Bilateral Investment Treaty                                                                            | Kantor, Mark                                                                        | 3 | 1 | SPRING | 2010 | 52 |
| Use of Section 1782 in Aid of International Arbitration: The View from the Fifth Circuit                                                         | Zaslowsky, David                                                                    | 3 | 1 | SPRING | 2010 | 58 |
| <i>Saipem S.p.A. v. The People’s Republic of Bangladesh</i> : ICSID Restrains a Judiciary Run Amok                                               | Neuhaus, Joseph E.;<br>Browning, Ian E.                                             | 3 | 1 | SPRING | 2010 | 61 |
| Clash of the New York Convention with the McCarran-Ferguson Act: Can State Insurance Law Ban Arbitration of International Insurance Disputes?    | Brown, William J.T.                                                                 | 3 | 1 | SPRING | 2010 | 65 |
| Recent Developments in Commercial Mediation in China                                                                                             | Phillips, F. Peter                                                                  | 3 | 1 | SPRING | 2010 | 67 |
| Receptivity of ADR in Brazil for Commercial Disputes                                                                                             | Costa Braga de Oliveira,<br>Pedro Alberto                                           | 3 | 1 | SPRING | 2010 | 68 |

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



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

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

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

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

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

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

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

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



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

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

|                                                                                                                                                                                                                                                            |                                                   |   |   |      |      |    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|---|---|------|------|----|
| <b>Arbitrators</b>                                                                                                                                                                                                                                         |                                                   |   |   |      |      |    |
| 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;<br>Weinstein, Les J.       | 5 | 2 | FALL | 2012 | 17 |
| Mock Arbitrations: Getting the Most Value for Your Project                                                                                                                                                                                                 | Tuholski, Stephen                                 | 5 | 2 | FALL | 2012 | 20 |
| <b>Arbitration</b>                                                                                                                                                                                                                                         |                                                   | 5 | 2 | FALL | 2012 |    |
| Arbitration the Supreme Court (2011 to 2012 Term)                                                                                                                                                                                                          | Kahn, Sherman                                     | 5 | 2 | FALL | 2012 | 22 |
| The New York City Bar Association's International Commercial Disputes Committee Reports on the Manifest Disregard of Law Doctrine and International Arbitration in New York                                                                                | Shore, Laurence; Zammit,<br>Joe; Bouchenaki, Amal | 5 | 2 | FALL | 2012 | 26 |
| Tailor-Made—Unique Dispute Resolution Clauses in M&A Agreements                                                                                                                                                                                            | Hall, Richard; Pitkowitz,<br>Matthias M.          | 5 | 2 | FALL | 2012 | 29 |
| Browsewrap Arbitration? Enforcing Arbitration Provisions in Online Terms of Service                                                                                                                                                                        | Kahn, Sherman;<br>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 |
| <b>International</b>                                                                                                                                                                                                                                       |                                                   | 5 | 2 | FALL | 2012 |    |
| CIETAC Arbitration Rules 2012—Another Move Forward                                                                                                                                                                                                         | Jianlong, Yu                                      | 5 | 2 | FALL | 2012 | 39 |
| Introduction to Arbitration in the People's Republic of China                                                                                                                                                                                              | Horrigan, Brenda; Tang,<br>Helen                  | 5 | 2 | FALL | 2012 | 41 |
| Anti-Suit Injunctions and Insurance Coverage                                                                                                                                                                                                               | Halprin, Peter A.                                 | 5 | 2 | FALL | 2012 | 44 |
| The New U.S. Model BIT: "If Both Sides Are Angry With You, You Must Be Doing Something Right"                                                                                                                                                              | Kantor, Mark                                      | 5 | 2 | FALL | 2012 | 47 |
| The Revised Swiss Rules of International Arbitration                                                                                                                                                                                                       | Habegger, Philipp                                 | 5 | 2 | FALL | 2012 | 61 |

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

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

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

|                                                                                                     |                                  |   |   |      |      |    |
|-----------------------------------------------------------------------------------------------------|----------------------------------|---|---|------|------|----|
| The New AAA Commercial Arbitration Rules                                                            |                                  | 6 | 2 | FALL | 2013 | 7  |
| The Dispute Resolution Section Adopts Recommendations for Court-Annexed Mediation in New York State | Singer, David C.                 | 6 | 2 | FALL | 2013 | 7  |
| A Home for International Arbitration in New York                                                    | Dosman, Alexandra                | 6 | 2 | FALL | 2013 | 13 |
| 10 Questions: New York as a Leading Arbitration Centre (an Interview with Edna Sussman)             |                                  | 6 | 2 | FALL | 2013 | 15 |
| <b>Ethical Compass</b>                                                                              |                                  | 6 | 2 | FALL | 2013 |    |
| <b>What Sally Soprano Teaches Lawyers About Hitting the Right Ethical Note in ADR Advocacy</b>      | Greenberg, Elayne E.             | 6 | 2 | FALL | 2013 | 18 |
| <b>Ombuds</b>                                                                                       |                                  | 6 | 2 | FALL | 2013 |    |
| Organizational Ombuds—Ensuring an Effective Dispute Resolution System                               | Williams, Randy                  | 6 | 2 | FALL | 2013 | 21 |
| Organizational Ombuds: Competencies, Conversations and Case Management                              | Casino, Susan                    | 6 | 2 | FALL | 2013 | 24 |
| Profiles in ADR—Paths to the Same Amazing Job—Ombudsman                                             | Kaster, Laura A.                 | 6 | 2 | FALL | 2013 | 26 |
| <b>Arbitration</b>                                                                                  |                                  | 6 | 2 | FALL | 2013 |    |
| An Emphasis on Arbitrator Authority—Arbitration at the Supreme Court (2012 to 2013 Term)            | Kahn, Sherman                    | 6 | 2 | FALL | 2013 | 28 |
| The Bespoke Clause: Tailoring Federal Rule 68 to Arbitration for a Better Fit                       | Pessen, Abigail                  | 6 | 2 | FALL | 2013 | 32 |
| CPR Expands Arbitration Options with Newly Released Administered Arbitration Rules                  | André, Olivier P.                | 6 | 2 | FALL | 2013 | 35 |
| American Arbitration Association Launches Mediation.org                                             | Coleman, Jr., Harold             | 6 | 2 | FALL | 2013 | 39 |
| <b>Mediation</b>                                                                                    |                                  | 6 | 2 | FALL | 2013 |    |
| Neuroscience and Law: Is Neuro-Literacy Optional Anymore?                                           | Tesler, Pauline; Solovay, Norman | 6 | 2 | FALL | 2013 | 41 |
| <b>International</b>                                                                                |                                  | 6 | 2 | FALL | 2013 |    |

|                                                                                                                                                  |                               |   |   |        |      |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---|---|--------|------|----|
| Lead 5.4 Million Thirsty Horses to Water in Italy—Developments in Mandatory Mediation                                                            | De Palo, Giuseppe             | 6 | 2 | FALL   | 2013 | 45 |
| Can Counsel Ethics Beat Guerrilla Tactics?: Background and Impact of the New IBA Guidelines on Party Representation in International Arbitration | Sussman, Edna                 | 6 | 2 | FALL   | 2013 | 47 |
| <b>Book Reviews</b>                                                                                                                              |                               | 6 | 2 | FALL   | 2013 |    |
| <i>Commercial Litigation in New York State Courts (Third Edition)</i>                                                                            | Baum, Simeon (Reviewer)       | 6 | 2 | FALL   | 2013 | 51 |
| <i>Outsourcing Justice: The Rise of Modern Arbitration Laws in America</i> by Imre Szalai                                                        | Kalina, Stefan B. (Reviewer)  | 6 | 2 | FALL   | 2013 | 54 |
| <b>Case Notes</b>                                                                                                                                | Kaster, Laura A.              | 6 | 2 | FALL   | 2013 |    |
| The Power to Sanction— <i>Seagate Technology, LLC v. Western Digital Corporation</i>                                                             |                               | 6 | 2 | FALL   | 2013 | 56 |
| <i>LJL 33rd Street Assoc. v. Pitcairn Properties</i> , Nos. 11-5425, 12-1382 (2d Cir. July 31, 2013)                                             |                               | 6 | 2 | FALL   | 2013 | 57 |
| The New Jersey Supreme Court Focuses on Mediation Privilege in <i>Willingboro Mall v. Franklin Ave.</i>                                          |                               | 6 | 2 | FALL   | 2013 | 57 |
| <b>Dispute Resolution Section News</b>                                                                                                           |                               |   |   |        |      |    |
| New Subcommittee of Mediation Committee                                                                                                          |                               | 7 | 1 | SPRING | 2014 | 7  |
| Reports from the Dispute Resolution Section Annual Meeting Program                                                                               |                               | 7 | 1 | SPRING | 2014 | 7  |
| <b>Ethical Compass</b>                                                                                                                           |                               | 7 | 1 | SPRING | 2014 |    |
| The Cheater's "High"—Harmonize Ethics, Research and Negation Behavior                                                                            | Greenberg, Elayne E.          | 7 | 1 | SPRING | 2014 | 13 |
| <b>Arbitration</b>                                                                                                                               |                               | 7 | 1 | SPRING | 2014 |    |
| How Technology Assisted Review Can Decrease the Cost of E-Discovery in Arbitrations                                                              | Grande, Ignatius; Lee, Joseph | 7 | 1 | SPRING | 2014 | 16 |
| The American Arbitration Association's Amended Commercial Arbitration Rules                                                                      | Tuchmann, Eric P.             | 7 | 1 | SPRING | 2014 | 18 |



|                                                                                                                                                        |                                   |   |   |        |      |    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---|---|--------|------|----|
| The Basics of Company Valuation for Dispute Resolution Professionals                                                                                   | Hobbs, David R.; Thorpe, Chris    | 7 | 1 | SPRING | 2014 | 22 |
| The Forum of Choice for Arbitrating Cybersquatting: The Uniform Domain Name Dispute Resolution Policy                                                  | Levine, Gerald M.                 | 7 | 1 | SPRING | 2014 | 26 |
| Class Arbitration Decisions in 2013 Confirmed the Importance of Class Action Waivers                                                                   | Kuck, Lea Haber; Litt, Gregory A. | 7 | 1 | SPRING | 2014 | 29 |
| What Is Expert Determination? The Secret Alternative to Arbitration                                                                                    | Reisberg, Steven H.               | 7 | 1 | SPRING | 2014 | 32 |
| Condition Confusion: A Look at BG Group PLC v. Republic of Argentina                                                                                   | Kartez, Ross J.                   | 7 | 1 | SPRING | 2014 | 35 |
| <b>Mediation</b>                                                                                                                                       |                                   | 7 | 1 | SPRING | 2014 |    |
| Negotiation Tricks for Successful Mediators: The Framing Effect                                                                                        | Winkler, Claudia                  | 7 | 1 | SPRING | 2014 | 41 |
| Conflicts Between the Ethical Principles That Are Critical to Preserving Trust in the Mediation Process—A Need for Increased Understanding and Concern | Baum, Simeon H.; Kolb, Daniel F.  | 7 | 1 | SPRING | 2014 | 45 |
| <b>International</b>                                                                                                                                   |                                   | 7 | 1 | SPRING | 2014 |    |
| The German Mediation Act—An Overview                                                                                                                   | Niedostadek, Prof. Dr. André      | 7 | 1 | SPRING | 2014 | 48 |
| In New York, Limitations on Use of Estoppel Doctrine to Join Non-Signatories to an Arbitration Agreement                                               | Dosman, Alexandra                 | 7 | 1 | SPRING | 2014 | 51 |
| Will Patents Be the Next Wave in Investor-State Arbitration?                                                                                           | Kahn, Sherman                     | 7 | 1 | SPRING | 2014 | 53 |
| <b>Book Reviews</b>                                                                                                                                    |                                   | 7 | 1 | SPRING | 2014 |    |
| The Rise of Transparency in International Arbitration: The Case for the Anonymous Publication of Arbitral Awards                                       | Landsman, Kim J. (Reviewer)       | 7 | 1 | SPRING | 2014 | 57 |
| <i>The College of Commercial Arbitrators Guide to Best Practices in Commercial Arbitration</i> , Third Edition                                         | Kalina, Stefan B. (Reviewer)      | 7 | 1 | SPRING | 2014 | 60 |

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

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

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

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

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

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

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



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

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

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

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

|                                                                                                                                                                                        |                                                                   |    |   |        |      |    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|----|---|--------|------|----|
| Moss v. First Premier Bank—The Second Circuit Follows Its Own Precedent—Won't Compel Arbitration When the Exclusively Named Arbitral Provider Is Unavailable to Administer the Dispute | Branon, Bryan J.                                                  | 10 | 1 | SPRING | 2017 | 65 |
| Ethical Compass                                                                                                                                                                        |                                                                   |    |   |        |      |    |
| When Worldviews Collide—Strategic Advocacy v. a Mediator's Ethical Obligations                                                                                                         | Greenberg, Elayne E.                                              | 10 | 2 | FALL   | 2017 |    |
| Arbitration                                                                                                                                                                            |                                                                   |    |   |        |      |    |
| The American Arbitration Association's Administrative Review Council                                                                                                                   | Tuchmann, Eric; Carbone, Sasha; Frisch, Tracey; Kyriakides, Simon | 10 | 2 | FALL   | 2017 | 11 |
| Arbitration Predominates for Dispute Resolution Among Participants in the Health Care Industry                                                                                         | Benesch, Katherine                                                | 10 | 2 | FALL   | 2017 | 17 |
| Making Arbitration More Appealing                                                                                                                                                      | Lampert, Michael A.                                               | 10 | 2 | FALL   | 2017 | 19 |
| The Arbitrator's Proposal                                                                                                                                                              | Gilbert, Stephen P.                                               | 10 | 2 | FALL   | 2017 | 24 |
| Arbitration on Television: My Experience on The People's Court                                                                                                                         | Hoffman, David J.                                                 | 10 | 2 | FALL   | 2017 | 31 |
| Why Do Some Claimants Pursue Losing Claims in Arbitration?                                                                                                                             | James, Dwight                                                     | 10 | 2 | FALL   | 2017 | 33 |
| Arbitration Offers Efficiency and Economic Benefits Compared to Court Proceedings                                                                                                      | Weinstein, Roy                                                    | 10 | 2 | FALL   | 2017 | 36 |
| Mediation                                                                                                                                                                              |                                                                   |    |   |        |      |    |
| How Mediation Changed Me as a Lawyer                                                                                                                                                   | Halper, Adam J.; Oppenheim, Caroline P.                           | 10 | 2 | FALL   | 2017 | 41 |
| Mediating a Products Liability Case                                                                                                                                                    | Hector, Bruce J.                                                  | 10 | 2 | FALL   | 2017 | 44 |
| International                                                                                                                                                                          |                                                                   |    |   |        |      |    |
| The International Criminal Court                                                                                                                                                       | Aluoch, Joyce H.E.                                                | 10 | 2 | FALL   | 2017 | 46 |
| Building a Practice as a Neutral                                                                                                                                                       |                                                                   |    |   |        |      |    |
| Eight Common Mistakes Mediators Make When Trying to Generate                                                                                                                           | Rappaport, Anna                                                   | 10 | 2 | FALL   | 2017 | 49 |

|                                                                                                                                                     |                             |    |   |      |      |    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----|---|------|------|----|
| Business                                                                                                                                            |                             |    |   |      |      |    |
| New Rights for Freelance Workers in New York City                                                                                                   | Singer, David C.            | 10 | 2 | FALL | 2017 | 52 |
| Book Reviews                                                                                                                                        |                             |    |   |      |      |    |
| The CPR Corporate Counsel Manual for Cross-Border Dispute Resolution                                                                                | Bart Schwartz (Reviewer)    | 10 | 2 | FALL | 2017 | 55 |
| How Arbitration Made a Difference: Arbitrating for Peace                                                                                            | Sussman, Edna<br>(Reviewer) | 10 | 2 | FALL | 2017 | 57 |
| Case Notes                                                                                                                                          |                             |    |   |      |      |    |
| Altelecom Sh.A v. Unifi Communications, Inc., 2017 WL 2364365<br>(S.D.N.Y. May 30, 2017): Enforcing Consent Awards Under the New York<br>Convention | Kaster, Laura A.            | 10 | 2 | FALL | 2017 | 59 |
| Case Summaries                                                                                                                                      | Feliu, Alfred G.            | 10 | 2 | FALL | 2017 | 61 |