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INNOVATIVE DISPUTE RESOLUTION: THE ALTERNATIVE

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This comprehensive work offers a thorough analysis of available alternative dispute resolution techniques, including mediation, arbitration, fact-finding, mini-trial and private court. Extensive case histories illustrate practical applications of resolution techniques in actual fact situations, and practical precedents to provide guidance on how best to structure and manage ADR agreements. Includes techniques and tips on the selection of experts, timing considerations, the role of lawyers and on the dispute resolution process itself.

What's New in this Update:

This release features a new Year in Review and valuable case and commentary updates to Chapter 5 (Mediation) and Chapter 6 (Arbitration).

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Highlights

Year in Review — 2023 Year in Review — The 2023 Year in Review examines developments, trends and some of the decisions made over the year in relation to alternative dispute resolution. This summary touches on the most pertinent recent developments: Cryptocurrency Disputes and Class Wide Arbitration.

Arbitration — The Technique — The Process — Appeals and Judicial Review — The English High Court assessed parties' propensities to exclude the right of appeal on questions of law following an arbitral award. In doing so, the English High Court referenced *Lesotho Highlands Development Authority v. Impregilo SpA* and others. In *Lesotho Highlands Development Authority v. Impregilo SpA* and others ("Impregilo") the House of Lords held that the wording of Article 28.6 of the International Commercial Court Rules was sufficient to exclude the right of appeal granted by s. 69 of the Arbitration Act 1996. The English High Court determined that the presumption in arbitral proceedings is that parties have a right to appeal. To override this presumption, contractual parties should expressly waive the s. 69 right to appeal. The English High Court elaborated that an agreement to exclude the right of appeal under s. 69 must be sufficiently clear but express reference to the section is not required.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
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- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
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