

Preface

The importance of international commercial arbitration has grown with the increased globalization of world economies. The number of cases submitted to international commercial arbitration has continued to rise since 1980. International commercial arbitration permits parties to fashion dispute resolution proceedings as they see fit.

This book provides a concise but comprehensive guide to international commercial arbitration. Chapter 1 introduces arbitration, including its advantages and disadvantages. It also compares arbitration to other dispute resolution methods. Chapter 2 examines the numerous arbitral institutions and organizations involved in international commercial arbitration.

International commercial arbitration is governed by a number of international conventions and treaties. Chapter 3 explores these conventions and treaties. It also explains the concept of *lex mercatoria*. The key to international commercial arbitration is the arbitration agreement. Chapter 4 discusses the requirements for an arbitration agreement and topics that may be included in an arbitration agreement.

Generally, only the parties to an arbitration agreement may invoke arbitration. Chapter 5 examines this requirement as well as its exceptions. Categories of arbitrators, procedures for selecting arbitrators, the use of single arbitrators and arbitration panels, and the duties and powers of arbitrators are discussed in Chapter 6.

International commercial arbitration can raise questions of which law is applicable. Chapter 7 explores questions concerning the law governing the arbitration agreement and arbitrators' duty to apply the law. Enforcement of arbitration agreements is the subject of Chapter 8. Chapter 9 looks at procedures for commencing arbitration proceedings, including the request for arbitrator, terms of reference, preliminary proceedings, and interim measures.

Obtaining evidence for an international commercial arbitration presents some difficult issues. Chapter 10 discusses obtaining evidence, including the role of arbitral tribunals and discovery and the courts. Chapter 10 also includes a section on electronic discovery.

Arbitral hearings are the subject of Chapter 11. Included in the chapter are a discussion of preliminary matters, the hearing, presenting evidence, and post-hearing procedures. Arbitral awards are examined in Chapter 12. The chapter looks at types of awards, form of awards, remedies, and post-award proceedings.

Chapter 13 addresses the recognition and enforcement of international commercial arbitral awards. It examines the requirements for enforcement as well as grounds for refusal to recognize or enforce. Chapter 14 examines the procedures for challenging and modifying arbitral awards. It also looks at the procedures for correcting or modifying an arbitral award.

This book also includes numerous helpful forms. The appendices also contain the text of significant arbitral rules and treaties.

The 2025 edition includes recent court decisions and rule changes. The edition also includes the following:

- Discussion of attorney authority. (§ 13:5)
- New form for arbitration for arbitration governed by American Arbitration Association rules. (Form 4.50)
- New agreement for international sale of goods (U.S. business seller). (Form 11.30)
- New agreement for international sale of goods (U.S. business buyer). (Form 11.50)
- New international distributorship agreement. (Form 11.70)

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