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McCool, Thomas J.

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Thomas Lee Hazen



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Securities Arbitration, 2010 **The Award in International Investment Arbitration** Katia Fach Gómez, Catharine Titi, 2024-08-28 The Award in International Investment Arbitration is a comprehensive study of the international investment award which serves as a unique reference work and an authoritative one stop resource on the topic for both practitioners and academics The book reviews the award in a holistic manner from award drafting to the procedural principles that govern it from arbitral deliberations and tribunal dynamics to post award challenges from the role of gender in decision making to the impact of tribunal secretaries It puts emphasis on the practitioners needs with a careful selection of hands on topics such as fact finding in complex disputes the role of experts and legal reasoning and persuasion Sensitive to contemporary challenges the book addresses both existing questions that have evolved over time and novel topics that have not yet received sufficient attention such as the impact of technology on award drafting By bringing together the biggest names in the contemporary investment arbitration scene a unique line up of highly qualified arbitrators and experts from academia and international legal practice The Award in International Investment Arbitration offers a singular reservoir of knowledge and experience on the topic drawn from a diverse set of angles and perspectives **The Backlash Against Investment Arbitration** Michael Waibel, 2010-01-01 This book the outgrowth of a conference organized by the editors at Harvard Law School on April 19 2008 aims to uncover the drivers behind the backlash against the current international investment regime Library of Congress Online Catalog , *Securities Arbitration in the Market Meltdown Era* David E. Robbins, 2009 **Law and Practice of Investment Treaties** Andrew Paul Newcombe, Lluís Paradell, 2009-01-01 The book focuses on the substantive protections accorded to investors and investments and on the variations among jurisdictions Among the many specific issues and topics that arise in the course of the discussion are the following problems of transparency and conflict of interest the recent growth in IIAs between and among developing nations the effect of new model bilateral investment treaties BITs the ability of non disputing parties to participate in investor state arbitration theories of the interaction of foreign direct investment FDI and BITs investor state arbitration as an evasion of public regulatory authority the role of investment funds in international investment fork in the road provisions and institutional versus ad hoc arbitration International business and other investors will greatly appreciate the in depth information and insightful guidance in this solidly useful book It will also be welcomed by jurists and students as a significant milestone in the development of principles in a quickly growing field of practice that is still plagued with inconsistencies *Yale Law Journal: Volume 124, Number 8 - June 2015* Yale Law Journal, 2015-06-26 The contents of the June 2015 issue Volume 124 Number 8 of the Yale Law Journal are Article The New Corporate Web Tailored Entity Partitions and Creditors Selective Enforcement Anthony J Casey Note A Reassessment of Common Law Protections for Idiots Michael Clemente Feature Arbitration Transparency and Privatization Diffusing Disputes The Public in the Private of Arbitration the Private in Courts and the Erasure of Rights Judith Resnik Arbitration and Americanization The Paternalism of

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Arbitral Awards as Investments Maximilian Clasmeyer, 2017-01-01 The rise of international investment arbitration has resulted in the emergence of a number of intriguing legal and political challenges One of those is the question of whether or not arbitral awards may constitute investments pursuant to existing investment treaties In approaching the problem it is the interconnection between theory and practice that delivers solutions This book presents the first detailed analysis of the existing tribunals approaches to date In examining the principles of treaty interpretation their application in arbitral practice shortcomings and their ramifications and possible routes to improvement the book addresses the following questions What is the foundation of interpretation in public international law and when is it adequately carried out Can arbitral awards constitute investments offering relief from frustrated enforcement attempts Is there a trend of convergence of commercial and investment arbitration Do respective interpretative outcomes stem from adequate interpretation What are the ramifications if interpretation is not fully adequate What are the feasible routes to greater interpretive discipline The book is mindful of the underlying public international law principles such as state sovereignty and the increasing legal and political dynamics of international investment law This is the first in depth treatise on arbitral awards qualification as investments within international investment law Its detailed analysis of the interpretive approaches their foundation and consequences will from a theoretical and practical point of view prove of great value to international tribunals counsel and sovereign entities Maximilian Clasmeyer has gained international arbitration experience in the dispute resolution practices of international law firms in Frankfurt D sseldorf and Singapore and worked for the World Bank Group in Washington D C

Public Participation and Foreign Investment Law Eric De Brabandere, Tarcisio Gazzini, Avidan Kent, 2021-02-01 Public Participation and Foreign Investment Law offers a systematic treatment of public participation from the standpoint of the three main sources of foreign investment law namely treaties legislation and contracts It identifies and critically discusses the different forms of public participation that can be found or envisaged in foreign investment law From this perspective the book looks at public participation as vehicle to strike a balance between private and public rights and interests This book contributes to the understanding of the current forms level and impact of public participation It provides indications on how such participation could be enhanced with a view of improving the balance and legitimacy of the legal instrument related to the promotion and protection of foreign investments

Consent in International Arbitration Andrea M. Steingruber, 2012-03-15 Examining the notion nature and extent of consent in both commercial arbitration and investment

arbitration this book provides practitioners and academics with a thorough case related analysis of an issue which raises many questions Whilst considering the evolution of arbitration and its consensual nature enlargement of the parties freedom to consent to arbitration and development from commercial arbitration to investment arbitration it addresses important theoretical questions to offer practical solutions These include how consent to arbitrate is expressed and when mutual consent to arbitration is reached which law shall govern the arbitration agreement or more particularly consent as an element of the substantive validity of it and conversely according to which law will a possible lack of consent be judged how consent should be interpreted which relationship exists between consent as part of the substantive validity of an arbitration agreement and its formal validity which if any are the implied terms when consenting to arbitration how consent to arbitrate influences procedural aspects counterclaims joinder consolidation and which solutions adopted by treaties national laws or arbitration rules are or would be the most respectful of parties consent in this respect what in investment arbitration is the relationship between consent and most favoured nation clauses or the influence of umbrella clauses The book includes original arguments and puts forward new suggestions with regard to the changeable consensual character of arbitration It also provides a particular focus on problems that frequently arise in practice of international arbitration for example issues related to complex multiparty arbitration and to jurisdictional questions in investment arbitration

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