

BOOK ENTRIES ALPHABETIZED BY AUTHOR LAST NAME

MICHAL ALBERSTEIN, PRAGMATISM AND LAW: FROM PHILOSOPHY TO DISPUTE RESOLUTION (2002).

Discussing the intellectual evolution of pragmatism in legal philosophy, Alberstein analyzes different schools of legal thought from the origins of pragmatism to recent developments in alternative dispute resolution (ADR). Noticing the discord with regard to legal theory and reality, Alberstein evaluates the development of ADR in context with the legal theories of the day and proposes that the ADR field provides an area for collaborative discussion.

{73} SUBJ MATTER: GENERAL

{125} COMPARISONS: HISTORICAL

CRAIG ANTHONY ARNOLD & LEIGH A. JEWELL, BEYOND LITIGATION: CASE STUDIES IN WATER RIGHTS DISPUTES (2002).

This book uses five case studies to demonstrate the problems with relying on litigation to resolve water rights disputes. The issues examined in each of the case studies provide insight to legal professionals as they encounter complex water law disputes. The book suggests that lawyers should not only consider litigation, but also alternative dispute resolution processes as they attempt to design creative solutions to natural resources disputes.

{73} SUBJ MATTER: GENERAL

{38} NON-BINDING RECOMMENDATION PROC—GENERAL

{84} SUBJ MATTER: ENVIRONMENT

F. PAUL BLAND ET AL., CONSUMER ARBITRATION AGREEMENTS: ENFORCEABILITY AND OTHER TOPICS (2002).

Directed at consumers, the authors focus on methods of arbitration. The book addresses the limitations on the applicability of the Federal Arbitration Act, contract defenses to pre-dispute arbitration clauses, limitations imposed upon arbitration clauses by federal statutes, constitutional challenges to such clauses, and procedural issues that arise over the enforcement of arbitration clauses.

{44} ARBITRATION—GENERAL

{79} SUBJ MATTER: CONSUMER

{127} REQUIREMENTS: MANDATE TO USE

ROBERT A. BURTON ET AL., BEST PRACTICES IN DISPUTE AVOIDANCE FOR GOVERNMENT CONTRACTING (2002).

The authors explain the implementation of dispute resolution techniques in government contracting. First, they examine escalation clauses and their attributes. Next, they explain partnering. Then, the authors discuss the Dispute Review Board and its role in resolving contract disputes. Finally, the authors discuss the role of dispute resolution prior to and after the creation of a contract and the use of third party neutrals for resolving problems.

{21} MEDIATION—GENERAL

{88} SUBJ MATTER: GOV'T CONTRACTS

RUSSELL CALLER ED., ADR AND COMMERCIAL DISPUTES (2002).

This book provides a concise overview of alternative dispute resolution (ADR) methods, focusing on the use of mediation in commercial disputes. It serves to educate practitioners on the value of ADR while providing the reader with practical information necessary to advise clients in choosing an appropriate ADR process to resolve a particular dispute.

{44} ARBITRATION—GENERAL

{75} SUBJ MATTER: COMMERCIAL

MARK T. CARROLL ET AL. EDS., ALI-ABA'S PRACTICE CHECKLIST MANUAL ON ALTERNATIVE DISPUTE RESOLUTION: CHECKLISTS, FORMS, AND ADVICE FROM THE PRACTICAL LAWYER, THE PRACTICAL LITIGATOR, AND THE PRACTICAL REAL ESTATE LAWYER (2002).

Written by and for litigators, this manual contains articles and related materials that form a current, practical guide to all aspects of alternative dispute resolution (ADR). The manual includes: pointers on drafting arbitration agreements, an article on the contrast between arbitration and mediation, information on practicing arbitration and mediation, and discussions on the use of ADR in the areas of business, family, personal injury, employment and technology law.

{73} SUBJ MATTER: GENERAL

DAVID N. GOLDSWEIG & MARK R. SANDSTROM EDS., NEGOTIATING AND STRUCTURING INTERNATIONAL COMMERCIAL TRANSACTIONS (2002).

Commencing with a chapter detailing commercial transactions generally, this book elaborates on the formation of international commercial transactions. In particular, specific chapters focus on the impact of various organizations on commercial transactions as well as analyze transactions within various

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dispute resolution processes. Especially interesting to practitioners in the alternative dispute resolution ADR field are the chapters on “Dispute Resolution in Transnational Business” and “Negotiating and Drafting International Joint Ventures.”

- {1} NEGOTIATION—GENERAL
- {73} SUBJ MATTER: GENERAL
- {75} SUBJ MATTER: COMMERCIAL

PHYLLIS BECK KRITEK, *NEGOTIATING AT AN UNEVEN TABLE: DEVELOPING MORAL COURAGE IN RESOLVING OUR CONFLICTS* (2d ed. 2002).

Negotiation takes place under a variety of circumstances that at times create advantages for some participants. Kritek evaluates inequities in the negotiation process and sets forth a framework for spotting potential problems. Kritek analyzes traditional techniques for addressing the uneven negotiating table and proposes several different approaches for leveling the table.

- {1} NEGOTIATION—GENERAL

MICHELLE LEBARON, *BRIDGING TROUBLED WATERS* (2002).

Drawing on practical experience, LeBaron discusses conflict and gives insights into creative solutions. Directed towards third party dispute resolution providers, this book offers the reader diverse methods for thinking about conflict and imparts tools for resolving disputes in mediation.

- {21} MEDIATION—GENERAL

JOHN PAUL LEDERACH & JANICE MOOMAW JENNER EDS., *A HANDBOOK OF INTERNATIONAL PEACEBUILDING* (2002).

Written by experienced peace-builders, this guidebook provides insight for practitioners facilitating potentially or already violent international conflicts. Starting with the moment a party calls asking for assistance, a detailed checklist establishes a method for approaching the conflict, determining what information is needed, and locating the necessary resources.

- {21} MEDIATION—GENERAL
- {38} NON-BINDING RECOMMENDATION PROC—GENERAL
- {92} SUBJ MATTER: INT’L

PETER LOVENHEIM, BECOMING A MEDIATOR: AN INSIDER'S GUIDE TO EXPLORING CAREERS IN MEDIATION (2002).

What is mediation? For those interested in the mediation field, Lovenheim provides a detailed overview of mediation processes along with helpful resources on mediation providers. The sections include descriptions of mediator training, job opportunities, and sample mediation rules.

{21} MEDIATION—GENERAL

ANN MACNAUGHTON & JAY G. MARTIN EDS., ENVIRONMENTAL DISPUTE RESOLUTION: AN ANTHOLOGY OF PRACTICAL SOLUTIONS (2002).

This anthology of practical solutions (strategies, methodologies, and tips) collectively provides an analytical framework for successful resolution of conflicts that can arise from the tension between economic development and environmental protection objectives. It also describes the potential for improving environmental dispute resolution results through effective conflict management strategies.

{73} SUBJ MATTER: GENERAL

{84} SUBJ MATTER: ENVIRONMENT

MARICK MASTERS & ROBERT ALBRIGHT, THE COMPLETE GUIDE TO CONFLICT RESOLUTION IN THE WORKPLACE (2002).

A practical guide for resolving disputes in the workplace, this book explains how to understand, diagnose, and deal with workplace conflict. It then goes on to apply negotiation, facilitation, mediation, and arbitration processes to workplace disputes. Furthermore, the authors provide guidance in the implementation of a conflict resolution system. The book also contains helpful exercises with solutions and a simulation of an EEO mediation.

{73} SUBJ MATTER: GENERAL

{83} SUBJ MATTER: EDUCATION

{93} SUBJ MATTER: LABOR—GENERAL

ROGER LEROY MILLER & FRANK B. CROSS, THE LEGAL AND E-COMMERCE ENVIRONMENT TODAY: BUSINESS IN ITS ETHICAL, REGULATORY, AND INTERNATIONAL SETTING (2002).

Designed for use by law students, this book discusses the impact of technology on the legal and regulatory environment of business. Chapter Four discusses the move, in the business community, away from litigation and toward alternative dispute resolution (ADR). Chapter Five discusses the ability of ADR processes to resolve electronic-commerce (e-commerce)

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disputes. This book provides cases, statutes, and international laws showing how law and technology influence each other.

- {75} SUBJ MATTER: COMMERCIAL
- {78} SUBJ MATTER: COMPUTER—INTERNET
- {104} SUBJ MATTER: REGULATORY
- {155} TEACHING

ABRAHAM P. ORDOVER & ANDREA DONEFF, ALTERNATIVES TO LITIGATION: MEDIATION, ARBITRATION AND THE ART OF DISPUTE RESOLUTION (2002).

This book provides a comprehensive overview of the most commonly thought of forms of alternative dispute resolution (negotiation, mediation, and arbitration), but also includes a brief overview of less commonly known alternatives, including neutral evaluation and expert fact finding. Ethical issues, special considerations, and specific types of mediation (divorce, employment, personal injury, etc.) are also discussed. Finally, the book includes an in depth look at mandatory mediation clauses in contracts.

- {73} SUBJ MATTER: GENERAL
- {126} REQUIREMEN: CONTRACTUAL CLAUSES
- {127} REQUIREMENTS: MANDATE TO USE
- {138} ETHICS: GENERAL

ALAN SCOTT RAU ET AL., MEDIATION AND OTHER NON-BINDING ADR PROCESSES (2002).

Designed for use by instructors of alternative dispute resolution (ADR) courses, this book focuses on the processes and practical applications of mediation. Emphasizing that litigation is not inevitable, the authors discuss the importance of a lawyer's ability to effectively use all forms of dispute resolution. The authors examine the basic characteristics of the mediation process, court-annexed ADR processes, and issues in the resolution of international business disputes.

- {21} MEDIATION—GENERAL
- {73} SUBJ MATTER: GENERAL
- {92} SUBJ MATTER: INT'L
- {124} COMPARISONS: CROSS-CULTURAL

RUFUS V. RHOADES ET AL. EDS., PRACTITIONER'S HANDBOOK ON INTERNATIONAL ARBITRATION AND MEDIATION (2002).

Designed for use by practitioners, this compilation provides the ins-and-outs of international arbitration and mediation. The structure and layout of each section offers efficient access to information addressing various situations that may arise in practice. In addition, Chapter Three gives a detailed individualized account of mediation and arbitration processes in Canada, China, Hong Kong, England, Japan, Sweden, and Switzerland.

- {21} MEDIATION—GENERAL
- {44} ARBITRATION—GENERAL
- {92} SUBJ MATTER: INT'L
- {124} COMPARISONS: CROSS-CULTURAL

DAVID E. ROBBINS ET AL., SECURITIES ARBITRATION, 2002: TAKING CONTROL OF THE PROCESS (2002).

This book corresponds with the Sixteenth Annual Practicing Law Institute's Securities Arbitration Program held on August 14, 2002. The course-book contains chapter contributions from faculty and other colleagues in the field of securities arbitration, and aims at helping practitioners improve the process and representation of clients. Topics include: the role of arbitration in correcting securities industry wrongdoing, drafting pleadings, civility and due process in arbitration, arbitration selection and recusal, and waiver of arbitration, among others.

- {44} ARBITRATION—GENERAL
- {106} SUBJ MATTER: SECURITIES

HARLEY ROGER, ALTERNATIVE DISPUTE RESOLUTION IN CIVIL JUSTICE SYSTEMS (2002).

This book studies the effect of alternative dispute resolution (ADR) on participants, processes, and outcomes within an existing civil justice system in Georgia. The study utilizes direct observation and interviews as well as civil case records. Following a general background of the civil justice system, the book provides a framework for detailing the mediation process and assesses the impact of mediation on court efficiency and behaviors of the actors involved.

- {21} MEDIATION—GENERAL
- {73} SUBJ MATTER: GENERAL
- {133} COURT REFORMS

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COLIN RULE, *ONLINE DISPUTE RESOLUTION FOR BUSINESS: B2B, E-COMMERCE, CONSUMER, EMPLOYMENT, INSURANCE, AND OTHER COMMERCIAL CONFLICTS* (2002).

As a fast growing area of alternative dispute resolution (ADR), Online Dispute Resolution (ODR) creates an interesting area of study and practice. Colin Rule tracks ODR from its beginnings and evaluates its potentials in a wide array of disciplines including workplace, insurance, government, and international disputes.

{73} SUBJ MATTER: GENERAL

{78} SUBJ MATTER: COMPUTER—INTERNET

DAVID SPENCER, *ESSENTIAL DISPUTE RESOLUTION* (2002).

As part of the Australian-published Cavendish Essential Series, this book gives students and lawyers a general introductory overview of alternative dispute resolution (ADR). *Essential Dispute Resolution* describes the three main forms of ADR practiced by lawyers in Australia: negotiation, mediation, and arbitration. It also discusses the current statutory dispute resolution schemes and the enforceability of dispute resolution contract clauses. The book also includes five appendices covering mediation guidelines and agreements.

{1} NEGOTIATION—GENERAL

{21} MEDIATION—GENERAL

{44} ARBITRATION—GENERAL

{92} SUBJ MATTER: INT'L

LAWRENCE SUSSKIND ET AL. EDS., *TRANSBOUNDARY ENVIRONMENTAL NEGOTIATION: NEW APPROACHES TO GLOBAL COOPERATION* (2002).

After evaluating the status of international environmental treaty negotiations, the editors and contributors propose methods for increasing the effectiveness and suitability of environmental treaties. The chapters include discussions about the introduction of new parties to the negotiation table, new processes for conducting negotiations, and the sharing of environmental information.

{1} NEGOTIATION—GENERAL

{92} SUBJ MATTER: INT'L

{124} COMPARISONS: CROSS-CULTURAL

ALISON TAYLOR, THE HANDBOOK OF FAMILY DISPUTE RESOLUTION: MEDIATION THEORY AND PRACTICE (2002).

This book summarizes the current climate of theory and practice in family mediation, and analyzes specific applications including: marital, divorce, parent-teen, adoption, and elder care mediation. Part One discusses basic theoretical issues that mediators need to know about families, conflict, and the mediation process for family problems. Part Two examines more complex issues that mediators must recognize, such as cultural dimensions and abusive families. Part Three looks at specific instances of common family disputes and the application of the mediation process to those disputes.

{21} MEDIATION—GENERAL

{85} SUBJ MATTER: FAMILY (DOMESTIC REL.)

GAËTAN VERHOOSSEL, NATIONAL TREATMENT AND WTO DISPUTE SETTLEMENT (2002).

The national treatment obligations of the World Trade Organization (WTO) encompass the constitutional boundaries between the WTO's regulatory authority and each nations' rights to control their own domestic economic affairs. The author argues that the WTO's dispute resolution system is encroaching on that sovereignty, and proposes that the WTO restrict its adjudication process by resolving only complaints that demonstrate discrimination against foreign products or services, and a legitimate public policy goal.

{73} SUBJ MATTER: GENERAL

{75} SUBJ MATTER: COMMERCIAL