

Summary of Contents

	Page
PREFACE	v
TABLE OF CASES	xxi
CHAPTER ONE. AN INTRODUCTION	1
1. What Is Arbitration?	1
2. Why Choose Arbitration?	11
3. How Does Arbitration Work?	13
4. The Impact of Arbitration	20
CHAPTER TWO. BASIC CONCEPTS	24
1. Freedom of Contract	24
2. Arbitration Agreements	26
3. Arbitrability	28
4. The Separability Doctrine and <i>Kompetenz-Kompetenz</i>	30
5. The Arbitrators' Adjudicatory Powers	32
6. Enforcement of Awards	34
7. Consolidation and Class Actions	35
8. Arbitral Institutions	38
9. A-National Arbitration	41
10. Modern Legislation on Arbitration	43
CHAPTER THREE. U.S. STATUTES ON ARBITRATION	51
1. The Period of "Hostility"	51
2. The United States Arbitration Act of 1925	52
3. The Uniform Law for States	88
CHAPTER FOUR. ARBITRATION AND FEDERALISM	121
1. Introduction: Initial Steps Toward "Federalization"	121
2. The Federalism Trilogy	145
3. A Note of Dissonance	174
4. Affirming the Federalization Policy	185
CHAPTER FIVE. FREEDOM OF CONTRACT, ARBITRATOR SOVEREIGNTY, AND STATUTORY ARBITRABILITY	200
1. The Federal Decisional Edifice on Arbitration	200
2. Contract Freedom	202
3. Arbitrator Sovereignty	231
4. Statutory Arbitrability	244

	Page
CHAPTER SIX. FORMS OF ARBITRATION	276
1. Securities Arbitration	277
2. Consumer Arbitration	310
3. Maritime Arbitration	371
CHAPTER SEVEN.: LABOR AND EMPLOYMENT ARBITRATION	385
1. Labor Arbitration	386
2. Employment Arbitration	408
CHAPTER EIGHT. THE ENFORCEMENT OF ARBITRAL AWARDS	479
1. Introduction	479
2. The General Policy	482
3. Impartiality and Disclosures	485
4. Manifest Disregard of the Law	531
5. Excess of Authority and Arbitrator Misconduct	555
6. Public Policy	574
7. Arbitrary and Capricious or Irrational Awards	594
8. Commentary: Public Policy Review and the <i>Garvey</i> Case	598
9. Venue and Statute of Limitations	603
10. Opt-in Agreements: Party-Mandated Merits Review	616
11. The Right to Seek a Clarification of an Award	642
12. Penalties for Frivolous Vacatur Actions	661
CHAPTER NINE. INTERNATIONAL COMMERCIAL ARBITRATION	669
1. Introduction	669
2. The Enforcement of Forum-Selection Clauses	672
3. The Arbitrability of Claims Arising Under the 1934 Securities and Exchange Act	680
4. The Arbitrability of U.S. Antitrust Claims	694
5. A Conflict Between the FAA and COGSA?	721
6. The 1958 New York Arbitration Convention	734
EPILOGUE	
ISSUES ON THE “CUSP”	783
1. The “Judicialization” of Arbitration	784
2. Judicial Expansion of the Agreement to Arbitrate	799
3. A Final View of Boundaries and Fairness	819
4. A New Basis for Vacatur	831