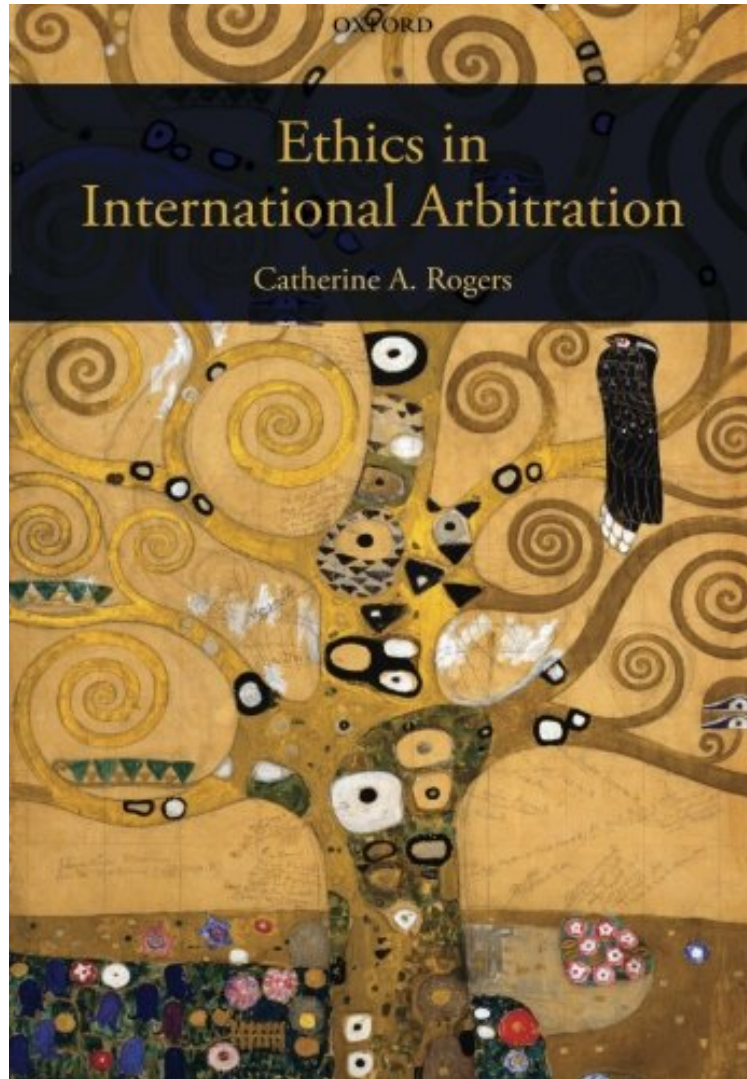


Ethics in International Arbitration

Catherine A. Rogers

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Catherine A. Rogers : Ethics in International Arbitration before purchasing it in order to gage whether or not it would be worth my time, and all praised Ethics in International Arbitration:

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International arbitration is a remarkably resilient institution, but many unresolved and largely unacknowledged ethical quandaries lurk below the surface. Globalization of commercial trade has increased the number and diversity of parties, counsel, experts and arbitrators, which has in turn lead to more frequent ethical conflicts just as procedures have become more formal and transparent. The predictable result is that ethical transgressions are increasingly evident

and less tolerable. Despite these developments, regulation of various actors in the system arbitrators, lawyers, experts, third-party funders and arbitral institutions remains ambiguous and often ineffectual. *Ethics in International Arbitration* systematically analyses the causes and effects of these developments as they relate to the professional conduct of arbitrators, counsel, experts, and third-party funders in international commercial and investment arbitration. This work proposes a model for effective ethical self-regulation, meaning regulation of professional conduct at an international level and within existing arbitral procedures and structures. The work draws on historical developments and current trends to propose analytical frameworks for addressing existing problems and reifying the legitimacy of international arbitration into the future.

"Lawyers consider themselves to be professionally ethical. But ethics is relative and not everyone plays by the same rules. This book provides a masterful insight into the ethical issues affecting international arbitration and analyses many of the questions that will need to be addressed by the arbitral community if arbitration is to retain its legitimacy." - Audley Sheppard, Global co-Head of the International Arbitration Group, Clifford Chance

"Rogers has a gift for seeing both sides of an argument, yet pointing us firmly to the path of principles likely to enhance arbitration's role in fair and efficient vindication of economic rights." - William W. "Rusty" Park, President of the London Court of International Arbitration; Professor of Law, Boston University

"At last, not only a book that addresses the long-neglected topic of ethics in international arbitration, but THE definitive book on the subject. Prof. Catherine Rogers' treatise, *Ethics in International Arbitration* covers the field comprehensively, both in terms of theory and existing international norms. Prof. Rogers was the first commentator to publish articles that attempted a methodical approach to counsel ethics in international arbitration, more than a decade ago, and now this book takes the broader subject to its logical conclusion--the ethical obligations of counsel, arbitrators, expert witnesses, and third-party funders in international arbitration. This book is a necessary addition to the library of any specialist, or anyone aspiring to be a specialist, in the field of international arbitration. It will one day be considered a classic, necessary reading in the field, around which courses will be designed. I highly recommend it." - Doak Bishop, Chair,

"In her prior work, Catherine Rogers has clearly established herself as the leading scholar on the ethics of international arbitration. With the publication of this seminal book, Professor Rogers now demonstrates just how important her work on international arbitration is for more general theoretical debates about legal ethics, legal theory, and the foundations of the global legal order. Knitting together grounded insights from her extensive engagement with real world cases...Professor Rogers has produced a dazzling synthesis of theory and practice. Whether one is interested in dispute resolution, regulation, the sociology of the legal profession, or global governance - or the intersection of all of the above - this book will be required reading for anyone seeking to understand the power of grounded theory to shape how we understand and act in the world." -David B. Wilkins Lester Kissel Professor of Law and Vice Dean for Global Initiatives on the Legal

"Rogers has done the arbitration community an immense service with this book. The issue of ethics in international arbitration is one that is of the highest importance. As the industry grows exponentially and as those who are engaged in this vital enterprise come from the many diverse regions of the world, there is now, more than ever, an urgent need for practitioners to have access to an authoritative source that analyses the issues, lays out the considerations and presents thoughtful answers to the many facets of ethicality in international arbitration. This book is that source. Catherine has examined the issue of ethics from all the significant vantage points - of arbitrators, lawyers, experts and even funders - in this magnificent work which is destined to become an essential part of the knowledge base of every serious practitioner and student of arbitration." - Sundaresh Menon, Chief Justice, Supreme Court of Singapore

"Having regularly used Professor Catherine Rogers' articles and other ethics works in our day-to-day practice, I enthusiastically join the chorus of appreciation for her new book: 'at last!'" - Lucy Reed, Global Head of the International Arbitration Practice of Freshfields Bruckhaus Deringer; former President of the American Society of International Law

"Professor Catherine Rogers' latest book goes further than its title suggests. Under the concept of "ethics", it embraces all the challenges international arbitration faces today, and it does so in a comprehensive and captivating way. Also, this approach addresses from a new perspective an old nagging question: the "rules of ethics" counsel follow originate from the national procedural rules they were trained in and are familiar with." - Isabelle Haoutot, General Counsel for ORANGE, Paris, and Chair of the Corporate Counsel International Arbitration Group

"Professor Rogers has written a book that reshapes the intellectual landscape of this fundamental dimension of international arbitration and that is also a pleasure to read. All who labor in international arbitration are indebted to her." --From the Foreword. W. Michael Reisman, Yale Law School

"The book provides valuable food for thought and a compelling argument for some form of professional regulation in international commercial arbitration." - Arman Sarvarian, *The Journal of World Investment Trade*

About the Author Catherine A. Rogers is a Professor of Law and International Relations at Penn State Law, and the Professor of Ethics, Regulation and the Rule of Law at Queen Mary University, College of London. She is a Reporter for the American Law Institute on the Restatement (Third) of the U.S. Law of International Commercial Arbitration, and the author of a series of widely-cited articles about the need for clearer ethical regulation in international arbitration. These works have been published over the past decade and have played an influential role in various law reform efforts. Today, Professor Rogers teaches and lectures throughout the

world on issues of international arbitration, ethics, and globalization of the legal profession. Professor Rogers is also actively engaged in various projects to implement in practice many of the ideas and proposals developed in her scholarly work.