

The Bulletin in Brief

The third issue of this year's Bulletin carries a number of contributions that will undoubtedly be frequently referred to, starting with ASA President Elliott GEISINGER's proposal in the President's Message to establish a body addressing alleged violations of ethical rules by arbitration counsel (*Counsel Ethics in International Arbitration – Could One Take Things a Step Further?*).

Felix DASSER and David ROTH (*Challenges of Swiss Arbitral Awards – Selected Statistical Data as of 2013*) update their often quoted statistical analysis first published in 2007. The percentage of successful challenges to arbitral awards in commercial arbitration remained stable at around 7 %.

Stefan LEIMGRUBER, the author of a recent book on declaratory relief, analyses non-monetary prayers for relief in international arbitration (*Declaratory Relief in International Commercial Arbitration*).

Other important practical issues are tackled by:

- Andrea MEIER and Yolanda MCGOUGH, *Do Lawyers Always Have to Have the Last Word? Iura Novit Curia and the Right to Be Heard in International Arbitration: an Analysis in View of Recent Swiss Case Law*;
- Giulio PALERMO and Malcolm ROBACH, *Judicial Review of Arbitrators' Fees. A Swiss law perspective*; and
- Martin MOLINA, *Swiss Federal Supreme Court annuls belated award of “resigning” arbitrator: A curse in disguise? A comment on 1^{ère} Cour de droit civil, 4A_490/2013 du 28 janvier 2014*.

Finally, Professor Yves Gautier shares some of his experience with written and oral advocacy (Yves GAUTIER, *Pour convaincre l'arbitre*).

As always you will also find many decisions of Switzerland's Supreme Court, as summarized in the Introduction to Case Law (p. 523), including two key decisions:

- An important ruling that a Swiss court before which an arbitration agreement is challenged has unrestricted powers to examine whether there is an arbitration agreement and an arbitrable dispute, but, if so, as a second step, may only assess summarily whether the arbitration agreement is manifestly invalid or unenforceable. The judgment is critically reviewed by

Bernhard BERGER (*Negative effect of competence-competence revisited*).

- A decision elaborating on whether and when a party may be deemed to have waived its right to challenge an award as a result of its failure to request the arbitral tribunal to provide reasons (in this instance, the arbitration rules of a sport federation (FIBA, in relation to the Basketball Arbitral Tribunal provided that the arbitral tribunal only has to state reasons for its award upon request).

Also included in this issue are news about ASA.

As always, if you have critical remarks or suggestions as to how the Bulletin could be further improved, or wish to provide materials for possible publication, please do not hesitate to contact us.

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