

# Kluwer Arbitration Blog

## The Contents of the Brazilian Arbitration Journal, Volume XVII, Issue 68 (December 2020)

João Bosco Lee (Lee Taube Gabardo; Editor in Chief, Brazilian Arbitration Journal) · Sunday, January 17th, 2021

In this issue, the Brazilian Arbitration Journal pays tribute to Professor Theophilo de Azeredo Santos, one of the pioneers of arbitration in Brazil, in a Note *In Memoriam* by [Selma Ferreira Lemes](#) and [Fabiane Verçosa](#).

This edition also marks the last one coordinated by our Editor-in-Chief Flavia Mange, who has diligently and competently directed the RBA in these last years. Our sincere gratitude to Flavia. Fabiane Verçosa will replace her in the conduction of the Journal's activities.

In its National Doctrine section, the Journal introduces the work of [José Victor Palazzi Zakia](#), who examines the possibility of a party lacking financial resources to disregard the effects of the arbitration agreement. Moreover, [Heitor Vitor Mendonça Sica](#) and [Wilson Pimentel](#) analyze and compare the cost allocation regime of judicial proceedings and arbitration proceedings in Brazil. The Professors [Kazuo Watanabe](#) and [Daniela Monteiro Gabbay](#) address the admissibility and adequacy of collective arbitration as a mechanism for access to justice in the capital markets and its procedural aspects.

Whereas in the International Doctrine section, [Brian D. Burstein](#) presents a forecast on how disputes regarding investments in renewable energy will evolve in the context of climate urgency.

In the Nacional Judicial Case Law section, [Natália Mizrahi Lamas](#) discusses a judgement, delivered by the São Paulo Court of Appeal, that ruled on the setting aside of an arbitral award on the grounds of a failure, perpetrated by the President of the Arbitral Tribunal, of his duty of disclosure. [Luis Fernando Guerrero](#) comments on a decision rendered by the Superior Court of Justice regarding the existence of an arbitration agreement between the parties and the consequent derogation of the state court's jurisdiction. In addition, [Giovana Perette Leites](#) assesses the judgement of the Superior Court of Justice concerning the transferability of arbitration clauses by subrogation.

In the International Judicial Case Law section, [James E. Berger](#), [Charlene C. Sun](#) and [Paula Miralles de Araujo](#) provide insights into the U.S. Court of Appeals for the Fourth Circuit's decision on the use of section 1782 in aid of foreign commercial arbitrations and thoughts for the Brazilian arbitration scenario.

In the General Information, [Ana Paula Montans](#) introduces LCIA's new Arbitration Rules in force

since 1 October 2020. [Fernando Freire Lula de Souza](#) reports the Young Practitioners Forum of the 19<sup>th</sup> CBAr International Arbitration Congress. Furthermore, [Luíza Kömel](#) and [Maúra Guerra Polidoro](#) present their notes on the 19<sup>th</sup> CBAr International Arbitration Congress – “Arbitration and Digital Transformation”.

The Article “Ethics of the International Arbitrator” by Professor Martin Hunter is this edition’s Arbitration Classic, containing an introductory note by [Renato Stephan Grion](#) and [Thiago Del Pozzo Zanelato](#).

Lastly, the present edition includes [Thiago Marinho Nunes](#)’s review of the book “*Vinculações Arbitrais*”, authored by Paulo Magalhães Nasser.

Stay safe in these times of pandemic!

João Bosco Lee, Director

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This entry was posted on Sunday, January 17th, 2021 at 5:03 am and is filed under [Brazilian Arbitration Journal](#)

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