

Kluwer Arbitration Blog

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João Bosco Lee (Lee Taube Gabardo; Editor in Chief, Brazilian Arbitration Journal) · Saturday, January 18th, 2020

In October 2019, Brazilian legal community lost two of its most prominent authorities in private international law: Professors Jacob Dolinger and Luiz Olavo Baptista. Besides having built the basis of modern Brazilian private international law, Professors Dolinger and Baptista were essential in the development of [Brazilian arbitration](#). In this edition, Brazilian Journal honors these unique and exceptional jurists with tributes of [José Emilio Nunes Pinto, Esq.](#) to Prof. Baptista and of Min. [Luis Barroso](#) to Prof. Dolinger.

In this 64th edition of Brazilian Journal Arbitration, [Pedro Teixeira Mendes Parizotto](#) opens the National Doctrine section with a study on the validity of hybrid jurisdictional clauses under Brazilian legal system. Thereafter, [Maysa Abrahão Tavares Verzola](#) and [Kamile Medeiros do Valle](#) present an article about the arbitrability of pecuniary administrative penalties as disposable rights. Finally, [Ana Olivia Antunes Haddad](#), [Julia Martins Gomes](#), and [Louise Maia de Oliveira](#)'s work aims at identifying tendencies concerning arbitrators' profile in Brazil through an analysis of the members of the lists of the leading Brazilian arbitral institutions.

In the International Doctrine section, [Thomas Granier](#) examines the recent understanding of Paris Court of Appeals on the compatibility of international arbitral awards with international public policy, counting on an in-depth review of the facts to determine whether a breach of international public policy had arisen.

In the National Judicial Case Law section, [Caio de Sá Dal'Col](#) and [Lívia Dalla Bernardina Abreu](#) comment the Superior Court of Justice (STJ) decision in the judgment of Special Appeal No. 1.550.260/RS on the jurisdiction of State courts to process and judge a lawsuit on forgery of a document, even when there is an arbitration clause in the subject matter documents of the lawsuit. On his turn, [Ricardo Ramalho Almeida](#) comments on a first instance decision delivered by the 1st Court of Business Restructuring and Insolvency of São Paulo in the *Continental v. Quirós* case, which handled the bankruptcy effects on pending arbitral proceeding and passive standing *ad causam* of the part that had not been included as debtor in the enforceable instrument for the enforcement of the award.

Turning to not-commented International Judicial Case Law section, it is presented a decision rendered by [Grand Court of the Cayman Islands Financial Services Division](#) regarding the enforcement of a foreign arbitral award filed by VRG Airlines against Matlin Patterson.

In the General Information section, [Renata Auler Monteiro](#) reports the highlights of the IV International CBMA Arbitration Congress; [Bruno Guandalini](#) comments the XVIII International Arbitration Congress of Brazilian Arbitration Committee, which took place from August 22 to August 24, 2019, in Brasília; and [Thais D'Angelo da Silva Hanesaka](#) presents the transcription of the speech of Ambassador Roberto Azevêdo in the ceremony of granting of the Title of Patron of *CI Arb Brazil Branch*, held on September 27, 2019.

In the Arbitration Classics section, [Clarie Debourg](#) presents her comments on the emblematic *Cour de Cassation's* decision in the *Mardelé v. Muller* case, which has consolidated, in French law, the dualist system centered in the economic criterion to differentiate the domestic arbitration and the international arbitration.

Finally, this edition includes the Arthur Gonzalez Cronemberger Parente book review on “Arbitragem e Conexão – Poderes para Decidir sobre Questões de Conexão”, by [Paulo Macedo Garcia Neto](#).

I wish you an excellent arbitral reading!

João Bosco Lee, Director

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