

Kluwer Arbitration Blog

The Contents of the Brazilian Arbitration Journal, Volume XVII, Issue 65 (March 2020)

João Bosco Lee (Lee Taube Gabardo; Editor in Chief, Brazilian Arbitration Journal) · Monday, April 27th, 2020

The Brazilian Arbitration Journal, in its 65th edition, presents, in the National Doctrine section, the reflections of João Pedro Accioly on the arbitrability of conflicts involving the government. In addition, Marcelo Levitinas and Luisa Cabral de Mello Marques Coelho propose a reasonable interpretation of article 10 of the Brazilian Arbitration Law, in regard to the arbitration agreement in an on-going dispute and the adequate moment to appoint arbitrators. Finally, Andréia Propp Arend and Luciano Benetti Timm conduct a study on expedite arbitration, from the perspective of economic-legal analysis.

In the International Doctrine section, Bruno Sousa Rodrigues examines, in the context of investor-state arbitration, the exercise of discretion in relation to treaty interpretation.

Ricardo Ranzolin and Guilherme Queirolo Feijó contribute to the National Judicial Case Law section, by commenting on a conflict of jurisdiction case decided by the Second Section of the Brazilian Superior Court of Justice (STJ), in which it recognized the jurisdiction of the arbitral tribunal to analyze a corporate litigation between a minority shareholder and a society under judicial recovery, after the submission of a recovery plan and its approval by the general meeting of creditors. On his turn, Thiago Marinho Nunes notes a decision rendered by the First Panel of the Brazilian Superior Court of Justice, which refuted the ruling according to which the notification to initiate arbitration would have the power to interrupt the statute of limitations.

In the International Judicial Case Law section, Nikhil Palli examines a judgement from the Supreme Court of India, from the point of view of the constitutional validity of provisions of the Indian Arbitration and Conciliation Law, as well as its amendments. Furthermore, Pedro Arcoverde comments on a ruling from the Paris' Court of Appeal, which annulled the exequatur that had been granted to the arbitral award, due to the need for arbitrators to adopt a proactive stance on the issue of corruption.

In the General Information section, Maria Claudia Assis Procopiak concentrates on the State Attorney General's Resolution number 45 on the registration of arbitral institutions in São Paulo. The IV Oxford Symposium on Comparative International Commercial Arbitration, held on 15 November 2019, is commented by Carolina Apolo Roque. Ana Coimbra Trigo and Gustavo Becker present the round table held on 15 April 2019, during the 26th Willem C. Vis International Commercial Moot, on the theme "Rethinking Choice of Law and International Arbitration in

Cross-Border Contracts: A Roundtable with Stakeholders”.

This edition includes Fernanda Medina Pantoja’s review of the book “Participação de terceiros na arbitragem”, authored by Marcela Kohlbach de Faria; and Leonardo Corrêa’s review of “A convicção do árbitro: do inconsciente à Sentença Arbitral”, by Octavio Fragata.

I wish you an excellent arbitral reading!

João Bosco Lee, Director

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