

## MAURO RUBINO-SAMMARTANO

Call: 1961



Mauro Rubino-Sammartano sits as an arbitrator in commercial and investment arbitrations. He has a wide experience as an advocate in Italy and in Paris, as an associate tenant of a London set of Chambers for many years, as a Recorder and Deputy Judge in Italy and has been much involved since about 30 years in arbitration and more recently in mediation.

He chairs the European Court of Arbitration and the Mediation Centre of Europe, the Mediterranean and the Middle East. He lectures on arbitration and mediation and is the writer of various text books and many articles on arbitration.

### Arbitration

His role as an arbitrator is focused on aiming to understand the parties by creating a constructive dialogue, on ensuring that they have the possibility to prove their case and on taking into account the need that the case be decided in a balanced way and in a short time.

### Practice Areas

- Contract law
- International arbitration and litigation
- Construction
- Mergers and acquisitions
- Sales of goods
- Major tort issues

### Books

- *International Arbitration: Law and Practice*, Juris, 3rd ed. 2014
- *Appalti d'Opere e Contratti di Servizi* (Construction Contracts and Contracts for Services), Cedam, 3rd Ed. 2006
- *Il Diritto dell'Arbitrato*, (Arbitration Law), Cedam, 6th Ed. 2011
- *Arbitrato, Conciliazione e ADR*" (Arbitration, Mediation and ADR), Zanichelli, Ed. 2009
- *Warranties in Cross Border Acquisitions*", (Gen. Ed.) Graham & Trotman, London, 1994
- *Investment Arbitration – Substantive and Procedural Issues in Investments*, Yearbook on International Arbitration, Vol. II, 2012, Roth/Geistlinger (gen. ds.), NWV Vienna
- *Public Policy in Transnational Relationships*" (Co-Gen. Ed.) Kluwer, 1991

- *The Section on Italy of "Practitioner's Handbook on International Arbitration, (Weigand Ed.)* Oxford University Press, 2009
- *The Part on Civil Procedure in Italy of "World Litigation Law and Practice", (Ed. Myrick) Matthew Bender,* New York, 1985
- *Drafting and Enforcing Contracts in Civil and Common Law Jurisdiction" (Gen. Eds. K. Yelapaala, M. Rubino-Sammartano and D. Campbell) Kluwer,* 1986
- *Bibliographical Dictionary of the Library of the Milan Bar", Milan, Giuffr ,* 1970.

## Articles and Publications

### Articles

- *Prejudging in international arbitration: danger or excuse?, Yearbook on International Arbitration,* 2010, Vol.1
- *The Procedural Rule: from instrument to obstacle to justice, Foro pad. 2010, 3; Third Generation Arbitration, The American Review of International Arbitration,* Vol. 20, No. 4
- *The Fall of a Taboo - Review of the Merits of an Award by an Appellate Arbitration Panel and a Proposal for an International Appellate Court, J. Int. Arb.* 2003, 20(4): 387-392
- *Substantive and procedural issues (and perspectives) in investment disputes, International Arbitration: Law and Practice,* 2nd edition Kluwer, 2001
- *Performance Bonds" in "International Business Transactions", (Eds. Campbell and Proksch), Kluwer,* 1988
- *Lack of Conformity and Various Reliefs in Sales of Moveable Goods to Italy" in "Survey of the International Sale of Goods" (Eds. Campbell, Lafili and Gevurtz) Kluwer,* 1985
- *Commercial Agency in Italy" in "Rights and Liabilities in Commercial Agency", Kluwer* 1984
- *Commentary in "Defects, Delay, Prices and Subcontracting in Civil Law", in "Selected Problems of Construction Law: International Approach", University Press, Fribourg,* 1983
- *The Channel Tunnel and the Tronc Commun Doctrine, J. Intl. Arb.,* 1993, Vol. 10, No. 3
- *Amiable Compositeur (Joint Mandate to Settle) and Ex Bono et Aequo, J. Intl. Arb.,* 1992, Vol. 9, No. 1
- *Is Arbitration to Be Just a Luxury Clinic?, J. Intl. Arb.,* 1990, Vol. 7, No. 3
- *An International Arbitral Court of Appeal as an Alternative to Long Attacks and Recognition Proceedings, J. Intl. Arb.* 1989, 181
- *International and Foreign Arbitration, J. Intl. Arb.* 1988, Vol. 5, No. 3
- *Third Generation Arbitration. Appeals to a New Panel Within Arbitration Proceedings?, J. Intl. Arb.* 1987, Vol. 4, No. 1
- *The Keban Arbitration, The Arbitration Journal,* 1980, 241
- *The role of the Engineer, Myth and Reality, International Business Lawyer,* 81 (1986)
- *The Civil Law Approach to Evidence, The Arbitration Journal,* 331 (1983)
- *International Construction Agreements-Employer's Breach and Consequent Right of the Contractor to Withhold Delivery on Site, Intl. Bus. Law.,* 1943 (1983)
- *International Construction Agreements, Extent of the Owner's Interference and case Where the Agreement Become Null and Void, Intl. Bus. Law.,* 457 (1981)

### Publications

- General Editor of "Med-Mid Arbitration and Mediation Reports".