

## Mauro Rubino-Sammartano

Call: 1961

### International Arbitrator

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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.

### RECOMMENDATIONS

### AREAS OF LAW

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#### 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.

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#### Practice Areas

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

- Major tort issues

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## Books

- *Arbitrage International Droit et Pratique (4th edition)*, Bruylant, 2019
- *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.

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## Articles

### Articles and Publications

- *Guilty or not guilty of non-disclosure ? Lexology, 28 June 2019*
- *Who should win in case of conflict between an express arbitral agreement and incorporated Arbitration Rules ? Lexology, 12 July 2019*
- *Is friendship to arbitration just to be merely stated ? Lexology, 21 June 2019*
- *May a final disposal of the dispute be just a procedural order ? Lexology, 9 July 2019*
- *Beyond the prevention principle ? Lexology, 25 June 2019*
- *Will the powerful Brexit waves take London to Lugano ? Lexology, 5 July 2019*
- *Custom clearance refused to awards under online arbitration agreements, Lexology, 22 July 2019*
- *EU and England : Abstract v. Concrete justice ? Lexology, 31 May 2019*
- *A Second (Quasi-Perfect?) Storm also in Arbitration ? Journal of International Arbitration, Vol. 34, no. 6, December 2017, p. 925*
- *K v. A: A Broker : A Name ... What's in a Name ? Lexology, 17 May 2019*
- *Trifling defects take the floor, Lexology, 23 May 2019*
- *A Continuous Search for New Horizons, ARIA, Vol. 23, no. 2, 2012, p. 335*
- *Nationality vs. Internationality of Arbitral Proceedings, Austrian Yearbook on International Arbitration, 2019, p. 179.*
- *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
- *The Channel Tunnel and the Tronc Commun Doctrine, J. Intl. Arb., 1993, Vol. 10, No. 3*
- *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 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*
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