

Court-Arbitration Interface: Consolidation, Attachment, and Discovery

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32 ATENEO L.J. 9 (1988)

SUBJECT(S): REMEDIAL

KEYWORD(S): COURT-ARBITRATION INTERFACE, CONSOLIDATION, ATTACHMENT, DISCOVERY

The Article treats of its subject, court-arbitration interface, in three terms or aspects, namely: consolidation of arbitrations, attachment and provisional remedies, and discovery in aid of arbitration. Court-arbitration interface is described to broadly deal with the matter of resort to judicial remedies by parties bound under an arbitration agreement. The Author restricts his work to the field of non-traditional court-arbitration interaction, namely, at the pre-hearing stage. Calling this stage a gray area, he expresses concern over how courts construe any application before it, other than to stay the action or arbitration, as constituting implied waiver of the parties' right to arbitration. He notes that the absence of legislation coupled with the growing recognition and acceptance of arbitration leaves courts without a uniform approach to the matter. He therefore recommends amendments to the Commercial Arbitration Rules of the American Arbitration Association and improved drafting of arbitral clauses and agreements. This way, he avers, courts would be provided a workable standard.