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Huberman set to launch new book on commercial arbitration

By Mia Clarke, Associate Editor



Toronto litigator and commercial arbitrator [Marvin Huberman](#) hopes next month's launch of his new book will help people re-think arbitration.

"There's been a real shift in the way that people think about dispute resolution," he tells [AdvocateDaily.com](#).

"Commercial arbitration shouldn't be thought of as a last resort, but as the first resort in resolving disputes by means other than traditional court litigation," says Huberman.

The book, [A Practitioner's Guide to Commercial Arbitration](#), is the culmination of Huberman's 20 years of experience in alternative dispute resolution (ADR).

"I compiled the book and I chose the contributors for their specific breadth and depth of knowledge in the areas that they write about," he says.

"I basically put together an awesome team of really talented people who are leading practitioners in their areas of practice. I picked an A team, in my view."

In Chapter 10, for example, Shantona Chaudhury, partner with Pape Barristers, interviews some heavyweights about Effective Commercial Arbitration. She talks to retired Ontario Court of Appeal justices Robert Armstrong and Stephen Goudge and retired Supreme Court of Canada justice Ian Binnie.

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And the big names keep coming: in Chapter 11, Bay Street Chambers founder J. Brian Casey writes about “Court Involvement in Commercial Arbitration;” and in Chapter 17, Western University senior law professor Richard McLaren co-authors “Commercial Arbitration without Hearings: The Court of Innovative Arbitration.”

In addition to picking the contributors and editing the book, Huberman writes the preface, in which he says: “The book will be a timely contribution to the work and world of commercial arbitration — provincially, nationally and internationally. It is intended to be a handy and valuable guide to commercial arbitration practitioners. The target audience is new and experienced practitioners of commercial arbitration, corporate counsel, judges, government, industry professionals, educators and members of the public.”

In the preface, Huberman also quotes Benjamin Franklin in asking, “When will mankind be convinced and agree to settle their difficulties by arbitration?”

After watching the industry evolve over the last 20 years since getting his master of laws degree in alternative dispute resolution, Huberman says it’s time for a change. He recently told AdvocateDaily.com: “It’s time for an [arbitration revolution.](#)”

He says he noticed that arbitration began to look much like a trial.

“Arbitration has assimilated all kinds of litigation practices and tactics.”

Huberman points to the increase in discoveries, which — particularly in the international arbitration world — was previously unheard of.

“There are also more aggressive cross-examinations and ever-increasing motions,” Huberman says. “Basically, what you end up with is a procedure that is essentially a duplication of traditional court litigation.”

The result is that fewer people are using arbitration.

“What they’re seeing is it’s not less expensive, faster, or more effective because in my view arbitration is not being used effectively,” says Huberman.

He hopes the book will help transform ADR into the effective tool that he believes it can be.

A Practitioner’s Guide to Commercial Arbitration will be published by [Irwin Law](#) and launched in September.

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