

 Nutshell Series

Admiralty

in a nutshell

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5th EDITION

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Admiralty In A Nutshell

**Frank L. Maraist, Thomas C.
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the dimensions of a lifeboat or deserted shore Rather than debate the veracity of shipwreck tales Mitchell Cook provides a cultural and social analysis that places maritime disasters within the broader context of North American society She answers questions that include who survived and why how did gender or status affect survival rates and how did survivors relate their stories to interested but unaffected audiences Mitchell Cook observes that in creating a sense of order out of chaotic events the narratives reassured audiences that anarchy did not rule the waves even when desperate survivors resorted to cannibalism Some of the accounts she studies are legal documents required by insurance companies while others have been a form of prescriptive literature guides that taught survivors how to act and be remembered with honor In essence shipwreck revealed some of the traits that defined what it meant to be Anglo American In an elaboration of some of the themes Mitchell Cook compares American narratives with Portuguese narratives to reveal the power of divergent cultural norms to shape so basic an event as a shipwreck

The Republic Afloat Matthew Taylor Raffety, 2024-05-31 In the years before the Civil War many Americans saw the sea as a world apart an often violent and insular culture governed by its own definitions of honor and ruled by its own authorities The truth however is that legal cases that originated at sea had a tendency to come ashore and force the national government to address questions about personal honor dignity the rights of labor and the meaning and privileges of citizenship often for the first time By examining how and why merchant seamen and their officers came into contact with the law Matthew Taylor Raffety exposes the complex relationship between brutal crimes committed at sea and the development of a legal consciousness within both the judiciary and among seafarers in this period *The Republic Afloat* tracks how seamen conceived of themselves as individuals and how they defined their place within the United States Of interest to historians of labor law maritime culture and national identity in the early republic Raffety's work reveals much about the ways that merchant seamen sought to articulate the ideals of freedom and citizenship before the courts of the land and how they helped to shape the laws of the young republic

Law and Practice of Arbitration - Fifth Edition Thomas E. Carbonneau, 2014-02-01 *The Law and Practice of Arbitration* is a comprehensive treatise about the development and practice of arbitration law in the United States It addresses in detail the recourse to arbitration in domestic matters employment labor consumer transactions and business and its use in the resolution of international commercial claims It covers all of the major subject areas in the field and provides practical advice as well as an easy to read clear discussion of the relevant case law It represents a masterful synthesis of the entire body of arbitration law It discusses basic concepts and doctrines the FAA freedom of contract in arbitration arbitrability the enforcement of awards the use of arbitration in consumer and employment matters institutional arbitration and the drafting of arbitration agreements It speaks of the federalization of the law and growing judicial objections to the use of adhesionary arbitration agreements in the consumer context The volume represents the author's continuing in depth reflection on the practical and systemic consequences of United States Supreme Court's decisional law on arbitration a process that is instrumental to the operation of the United

States legal system as well as international business The work continues its tradition of being the best statement on U S arbitration law and practice The Law and Practice of Arbitration is a handy reference for all who have an interest in arbitration law and practice The new Fifth Edition of Carbonneau s treatise is built upon a comprehensive update of the federal circuit and U S Supreme Court cases on arbitration The Introduction has been rewritten to take into account AT T Mobility v Concepcion and the American Express Merchants Litigation in the development of U S arbitration law These decisions represent landmark USSC pronouncements on adhesive arbitration The Introduction also contains a new section on the foundational legitimacy of arbitration in the U S legal system The two landmark decisions are also incorporated into the text of Chapter 8 on the topic of adhesive arbitration Chapter 9 on the award enforcement assesses the standing of Stolt Nielsen in light of the Court s recent decision in Sutter asking whether this re evaluation might be a de facto reversal of the earlier and highly unusual opinion The assessment takes into account Justice Alito s concurring opinion in Sutter Chapter 10 on International Commercial Arbitration has undergone substantial rewriting and makes its various points more lucidly and effectively This is also true of chapters 2 3 and 5 Many footnotes have been perfected in form and content The per curiam opinions KPMG LLP v Cocchi Marmet Health Care v Brown and Nitro Lift v Howard are all integrated into the text and fully assessed The USSC s decision in CompuCredit v Greenwood is evaluated for its significance on the issue of Congressional intent to preclude arbitration There are updates on how the courts define arbitration the waiver of the right to arbitrate in particular the Ninth Circuit opinion in Richards v Ernst Young the enforcement of arbitration agreement with emphasis upon the curious Third Circuit decision on the matter in Guidotti the latest adherents to the ill conceived RUAA the Ninth Circuit s favorable response to AT T Mobilty in Mortensen and Murphy and an assessment of recent developments on the judicial imposition of penalties for frivolous vacatur actions The treatise continues to be a highly contemporary and complete statement on the law of arbitration

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