CONTENTS
VOLUME I

Preface .................................................. vii
Table of Cases ......................................... xv
Table of Statutes ....................................... li
Table of Statutory Instruments .................. lvi

PART I
INTRODUCTION TO THE FORMS OF CIVIL JUSTICE

Chapter 1. Introduction .................................. 3
Chapter 2. Sources of English Civil Procedure .... 31
Chapter 3. 'The Big Picture': Interaction of the Court System and Other
Forms of Dispute Resolution ......................... 43

PART II
COMMENCEMENT OF COURT PROCEEDINGS AND
PREPARATION FOR TRIAL

Chapter 4. The Six Phases of Court Proceedings .... 63
Chapter 5. Commencement and Service ............. 75
Chapter 6. Pleadings and Parties ..................... 97
Chapter 7. Counterclaims and Set-Off ............... 125
Chapter 8. Limitation of Actions ..................... 145
Chapter 9. Case Management and Procedural Discipline .... 195
Chapter 10. Pre-Trial Termination of Actions Without Settlement:
Interim, Summary, Default, Preliminary and Striking Out
Procedures ........................................... 213
Chapter 11. Disclosure .................................. 261
Chapter 12. Privileges ................................... 287
Chapter 13. Experts ..................................... 349
Contents Volume I

PART III
END-GAME: TRIAL, APPEAL, FINALITY AND ENFORCEMENT

Chapter 14. Trial and Judgment ................................. 379
Chapter 15. Appeals ................................................. 415
Chapter 16. Finality in Court Proceedings ....................... 461
Chapter 17. Enforcement of Court Judgments and Orders........ 495

PART IV
COSTS AND FINANCING OF LITIGATION

Chapter 18. Basic Costs Principles .............................. 519
Chapter 19. Security for Costs .................................. 551
Chapter 20. ‘No Win, No Fee’ Systems ......................... 559

PART V
SPECIAL PROCEEDINGS

Chapter 21. Protective Relief .................................... 587
Chapter 22. Multi-Party Litigation ............................... 619
Chapter 23. Complex Litigation ................................. 659
Chapter 24. The Commercial Court ............................. 671

PART VI
PRINCIPLES OF CIVIL LITIGATION

Chapter 25. The Five Constellations of Procedural Principle ...... 683
Chapter 26. Judicial Independence and Impartiality ............. 733
Chapter 27. Due Notice ........................................... 753
Chapter 28. Publicity and Open Justice .......................... 763
Chapter 29. The Duty to Give Reasoned Decisions ............... 781

PART VII
THE EUROPEAN CONTEXT

Chapter 30. European Influences upon English Civil Justice ...... 807

Select Bibliography ................................................. 819
Index to Volumes I and II ......................................... 825
# CONTENTS

## VOLUME II

<table>
<thead>
<tr>
<th>Table of Cases</th>
<th>xi</th>
</tr>
</thead>
<tbody>
<tr>
<td>Table of Statutes</td>
<td>xix</td>
</tr>
<tr>
<td>Table of Statutory Instruments</td>
<td>xxiii</td>
</tr>
</tbody>
</table>

## PART I

### MEDIATION

- Chapter 1. Mediation .................................................. 3
- Chapter 2. Mediation Combined with Arbitration .......... 65

## PART II

### ARBITRATION

- Chapter 4. The Major Principles of Arbitration and Litigation:
  - A Comparison .................................................. 113
- Chapter 5. Fundamental Features of English Arbitration ................. 143
- Chapter 6. ‘The Seat’ and the Range of Relevant Laws .................... 155
- Chapter 7. ‘Arbitrability’: Public Policy Limitations upon the Scope of Arbitration .................................................. 169
- Chapter 8. A Confidential Process .................................. 179
- Chapter 9. Arbitration Agreements ................................... 195
- Chapter 10. Courts Giving Effect to Arbitration Agreements ............. 211
- Chapter 11. Commencement of the Submission and Time Issues .......... 243
- Chapter 12. The Tribunal’s Appointment, Tenure and Immunity .......... 249
- Chapter 13. Pre-Hearing Proceedings ................................. 261
- Chapter 14. The Hearing ............................................... 285
- Chapter 15. Final Remedies, the Award, and Correction of the Award by the Tribunal .................................................. 301
- Chapter 16. Fees, Expenses and Recoverable Costs ....................... 313
- Chapter 17. Arbitration Awards: Issues of Finality and *Res Judicata* .. 319
- Chapter 18. Challenges to English Arbitral Awards under English Law .... 331
- Chapter 19. English Enforcement of English Awards ....................... 373
- Chapter 20. Enforcement under the New York Convention (1958) ........ 377

---

Intersentia
PART III
CONSUMER ADR


Select Bibliography ................................................................. 403

Index to Volumes I and II ..................................................... 407