Copyrighted Material

1 Legal Privilege and Confidentiality in Australia

*Geoff Healy and Andrew Eastwood**
Freehills

PART I – LEGAL PRIVILEGE IN AUSTRALIA

How do privilege issues arise in Australia?

[1.1] Legal privilege is not merely a rule of evidence applicable in judicial proceedings, but a fundamental common law principle capable of applying in non-judicial proceedings, including investigative, executive, administrative and ministerial proceedings.[1]

It may also be invoked, subject to the wording of the relevant legislation, to refuse a regulator's demand for compulsory production under statutory powers.[2] The privilege can be claimed in the context of an actual trial (civil or criminal), in which case information which is otherwise relevant to the issues to be tried and which the witness would otherwise be under an obligation to disclose is withheld from the court, tribunal or decision maker. Privilege is also often claimed prior to a trial, that is, in interlocutory proceedings at the stage of discovery and at other early stages of production of documents in a party's possession or in answering interrogatories. Generally, privilege issues arise due to a coercive power to compel the production of a document which is resisted because of a type of privilege claimed over the document sought.

http://www.pbookshop.com

Application of Evidence Act and common law

[1.2] Australia has a federal legal system with Commonwealth and state jurisdictions. The law relating to privileged communications varies significantly between these jurisdictions.

* The author of the original version of this chapter, Keith Steele, sadly passed away in June 2009. The chapter is still primarily based on Keith's analysis and drafting. The authors also wish to thank Anne Knight, senior associate at Freehills, for her assistance in the preparation of this chapter.

1 *Baker v Campbell* (1983) 153 CLR 52 at 88.

2 Competition and Consumer Act 2010 (Cth), s 155 (formerly s 155 of the Trade Practices Act 1974 (Cth) and *Daniels Corporation International Pty Ltd v ACCC* (2002) 213 CLR 543. Section 155 (7B) now provides that a person is not required to produce a document that would disclose information that is the subject of legal professional privilege.

Copyrighted Material

Copyrighted Material

Whilst the common law relating to privilege is still applied in some jurisdictions, others have enacted a uniform Evidence Act (the Evidence Acts).[3]

The uniform Evidence Acts are in most respects identical and apply to proceedings in the Federal, Australian Capital Territory, New South Wales, Victoria and Tasmania jurisdictions. Privilege under the uniform Evidence Acts applies to 'adducing evidence at trial'; they in effect, codify the manner in which privileged material may be excluded from evidence.

In New South Wales, Victoria and Tasmania, the Evidence Act applies to both pre-trial procedures and court proceedings. In the Australian Capital Territory and the Federal Court of Australia jurisdiction, the Evidence Act applies to court proceedings while the common law applies to pre-trial procedures. In the Northern Territory, Queensland, South Australia, and Western Australia, the common law applies to both pre-trial procedures and court proceedings.

Types of privilege

[1.3] As can be seen at paragraphs 1(c)–1(i), below, various forms of privilege exist in Australia. It is important to note legal professional privilege arises as a matter of public policy as it assists the administration of justice and the legal system. It follows that any communication made in furtherance of a fraud, an offence or an act that renders a person liable to a civil penalty or deliberate abuse of a statutory power does not attract the status of a privileged communication.[4]

Legal professional privilege at common law

[1.4] Legal professional privilege protects the confidentiality of certain communications made in connection with the giving or obtaining of legal advice or the provision of legal services, including representation in proceedings in a court.[5]

In Australia, legal professional privilege, a privilege that belongs to the client, attaches to:

(1) communications,[6] whether oral or in writing;[7] that are
(2) confidential in character;[8] and
(3) are brought into existence for the dominant purpose[9] of:

3 Evidence Act 1995 (Cth); Evidence Act 1995 (NSW); Evidence Act 2001 (Tas); Evidence Act 2008 (Vic). Note also that the Evidence Act 2011 (ACT) is expected to commence in April 2012. When it commences the ACT will have independently joined the Uniform Evidence Act scheme, whereas previously the provisions of the Evidence Act 1995 (Cth) applied directly to the ACT.

4 See *Gartside v Outram* (1856) 26 LJ (Ch) 113; uniform Evidence Acts, s 125. Note that 'fraud' for the purposes of s 125 requires dishonesty: see *Idoport Pty Ltd v National Australia Bank Ltd* [2001] NSWSC 222; *Tang v Kwan* [2001] NSWSC 956; and *Van der Lee v NSW* [2002] NSWCA 286. Similarly, an 'abuse of power' means that the decision maker must be aware that he/she is abusing power: *Bare v Small* [2011] VSC 639.

5 See, for example, *Commissioner of Taxation v Pratt Holdings Pty Ltd* (2003) 195 ALR 717 at 726 per Kenny J; citing *Mitsubishi Electric Australia Pty Ltd v Victoria Work Cover Authority* (2002) 4 VR 332 at 335–36 [8] per Batt JA, with whom Charles and Callaway JJA agreed, and *Grant v Downs* (1976) 135 CLR 674 at 677 per Barwick CJ.

6 *Commissioner, Australian Federal Police v Propend Finance Pty Ltd* (1997) 188 CLR 501 at 552, 568; *Dalleagles Pty Ltd & Ors v Australian Securities Commission & Ors* (1991) 4 WAR 325.

7 *Rosenberg v Jaine* [1983] NZLR 1 at 7.

8 *Ritz Hotel Ltd v Charles of the Ritz (No 22)* (1988) 14 NSWLR 132.

9 *Esso Australia Resources Ltd v Commissioner of Taxation* (1999) 201 CLR 49.

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

(a) in relation to communications between a client and his or her legal adviser (whether external or 'in-house'), either:
  (i) enabling the client to obtain, or the legal adviser to give, legal advice or the provision of legal services[10] ('advice privilege', see paragraph 1.10 below); or
  (j) for use in litigation either actual or within the reasonable contemplation of the client ('litigation privilege' – see paragraph 1.9, below);[11] and
(b) in relation to communications between the client or his/her agent (such as a legal adviser) and a third party to enable the client to obtain legal advice, or for use in litigation either actual or within the reasonable contemplation of the client.[12]

'Without prejudice' privilege

[1.5] 'Without prejudice' privilege operates to prevent the admission into court of material that has come into existence as a result of settlement negotiations. As a matter of policy, the privilege operates to maintain adversary freedom and encourage out-of-court settlements and thereby assist the administration of justice. Section 131 of the uniform Evidence Acts is entitled 'Exclusion of evidence of settlement negotiations' and provides that evidence must not be adduced of:

(1) a communication between the persons in dispute themselves, or between one of them and a third party, in connection with an attempt to negotiate a settlement of the dispute; or
(2) a document (whether delivered or not) that has been prepared in connection with an attempt to negotiate a settlement of a dispute.

The Australian High Court summarised the policy considerations in relation to 'without prejudice' privilege in *Field v Commissioner for Railways (NSW)* stating that:

> 'As a matter of policy the law has long excluded from evidence admissions by words or conduct made by parties in the course of negotiations to settle litigation. The purpose is to enable parties engaged in an attempt to compromise litigation to communicate with one another freely and without the embarrassment which the liability of the communications to be put in evidence subsequently might impose upon them.'[13]

Any documents can be privileged, even though not headed 'without prejudice', if it can be seen from the circumstances that negotiations have occurred with a view to compromising a claim.[14] The true nature of the communication contained in the document and the nature of the dispute and negotiations must be considered to determine whether it is truly 'without prejudice'.

The privilege is not absolute. In particular, the privilege cannot be relied upon to put a party into the position of being able to cause a court to be deceived as to the facts. Not can the privilege be relied upon where there is unambiguous impropriety, such as blackmail or perjury.

10 *Daniels Corporation International Pty Ltd v ACCC* (2002) 213 CLR 543.
11 *Grant v Downs* (1976) 135 CLR 674; *Baker v Campbell* (1983) 153 CLR 52.
12 *Wheeler v Le Marchant* (1881) 17 ChD 675; *Nickmar Pty Limited v Preservatrice Skandia Insurance Ltd* (1985) 3 NSWLR 44; *Ritz Hotel v Charles of the Ritz (No 22)* (1988) 14 NSWLR 132; *Pratt Holdings Pty Ltd v Commissioner of Taxation* (2004) 207 ALR 217.
13 *See Field v Commissioner for Railways (NSW)* (1957) 99 CLR 285 at 291.
14 *Rodgers v Rodgers (1964)* 114 CLR 608 at 614.

Copyrighted Material

Copyrighted Material

Common interest privilege

[1.6] Privilege can be claimed not only by the client but also by another who has a common interest in the legal advice or litigation. The concept of a 'common interest' has not been rigidly defined in Australia. At common law, common interest privilege is founded on an 'identity of interest' between parties.[15]

Disclosure of privileged information to a party with a 'common interest' to the party making the disclosure thus need not result in a waiver of privilege.

Section 122(5)(b) of the uniform Evidence Acts reflects common law principles and provides that privilege is not lost where a disclosure is knowingly and voluntarily made to a person with whom the party had, at the time of disclosure, a common interest in anticipated or pending proceedings and the disclosure was made with the express or implied consent of the disclosing party.

Common interest privilege does not appear to extend to parties involved in developing commercial arrangements. In *Ampolex Ltd v Perpetual Trustee Co (Canberra) Ltd & Ors*[16] Giles J held that where one company obtains legal advice and discloses it to others with a view to developing a commercial arrangement among them, but each has a separate commercial interest in the advice given, common interest privilege will not be attracted because there is insufficient identity of interest.

Public interest immunity privilege

[1.7] Public interest immunity allows courts to consider limiting access to sensitive information, although it is relevant and otherwise admissible, on the ground that public interest considerations outweigh the need for disclosure and achievement of justice.[17] When considering whether the information should be privileged, the court must undertake a balancing exercise between the public interest in the administration of justice and the public interest in support of the immunity.[18]

The immunity extends beyond claims made by central organs of government[19] and applies to documents in the possession of law enforcement agencies such as the Australian Securities and Investments Commission (ASIC).[20]

Public interest immunity is also dealt with under section 130 of the uniform Evidence Acts.

Privilege against self incrimination and exposure to civil penalty

[1.8] The privilege at common law states that in civil and criminal proceedings, a person (not extending to a corporate entity) is not obliged to answer any question or produce any document if the answer or the document would have a tendency to

15 *Network 10 Limited v Capital Television Holdings Ltd* (1995) 36 NSWLR 275 per Giles CJ.
16 (1995) 37 NSWLR 405.
17 *Sankey v Whitlam* (1978) 142 CLR 1 at 38 per Gibbs ACJ.
18 *Sankey v Whitlam* (1978) 142 CLR 1; *Alister v The Queen* (1984) 154 CLR 404 at 412.
19 *Borg v Barnes* (1987) 10 NSWLR 734; *Legal Services Commission v Trotter* (1990) 54 SASR 74 at 81; *Finch v Grieve* (1991) 22 NSWLR 578 at 595.
20 See *Zarro v Australian Securities Commission* (1992) 36 FCR 40 at 46; *Somerville v Australian Securities Commission* (1993) 118 ALR 149 at 331; *Australian Securities and Investments Commission v P Dawson Nominees Pty Ltd* (2008) 169 FCR 227.

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

expose that person to a criminal conviction or the imposition of a penalty. Further, the High Court in *Pyneboard Pty Ltd v Trade Practices Commission*[21] has held that the privilege against exposure to a civil penalty is 'distinct from, though often associated in discussion with, the privilege against exposure to conviction for a crime'. The High Court in *ASIC v Rich*[22] considered what amounts to a 'penalty' for the purpose of the privilege, noting that it includes (but is not confined by) monetary exactions.

Further, section 128 of the uniform Evidence Acts provides for the privilege against self incrimination and exposure to civil penalty.

A number of statutory provisions abrogate the privilege, but provide that answers to questions cannot be used in criminal proceedings.

Litigation privilege under the uniform Evidence Acts

[1.9] Section 119 of the uniform Evidence Acts states that evidence is not to be adduced where the court finds that the evidence would disclose:

(1) a confidential communication between the client and another person, or between a lawyer acting for the client and another person, that was made; or
(2) the contents of a confidential document (whether delivered or not) that was prepared,

for the dominant purpose of the client being provided with legal professional services, which relate to an Australian or overseas proceeding or a proceeding that is anticipated or pending in which the client is, or may be, a party.

Whilst the rule of privilege is most commonly applied to communications between a client and a lawyer it can also extend to communications between a client or lawyer and third parties if the communication is for the purpose of obtaining legal advice in relation to actual, contemplated or anticipated litigation. This is discussed further in paragraph 1.13 below.

This privilege extends, in general terms, to confidential communications prepared for the dominant purpose of a lawyer providing legal services in relation to litigation in an Australian or overseas court.

http://www.bbookshop.com

Advice privilege under the uniform Evidence Acts

[1.10] Privilege will attach to a confidential communication brought into existence with the dominant purpose of enabling the client to obtain, or the legal adviser to give, legal advice or the provision of legal services.[23]

Section 118 of the uniform Evidence Acts states that evidence is not to be advanced where, on objection by the client, the court finds that adducing the evidence would result in disclosure of:

(1) a confidential communication made between the client and a lawyer;
(2) a confidential communication made between two or more lawyers acting for the client; or

21 (1983) 152 CLR 328 at 336.
22 (2004) 220 CLR 129.
23 *Daniels Corporation International Pty Ltd v ACCC* (2002) 213 CLR 543 at [9]; *Esso Australia Resources Ltd v Commissioner of Taxation of the Commonwealth of Australia* (1999) 201 CLR 49.

Copyrighted Material

Copyrighted Material

(3) the contents of a confidential document (whether delivered or not) prepared by the client or lawyer, or another person, for the dominant purpose of the lawyer, or one or more of the lawyers, providing advice to the client.

Production of privileged material to regulatory authorities

[1.11] The use of information obtained by regulatory authorities in the performance of their functions may be expressly restricted under statute. Further, following a decision of the High Court of Australia in 2002,[24] a person will be entitled to resist a requirement of regulators such as the Australian Competition and Consumer Commission (the ACCC), the Australian Taxation Office (the ATO) or the Australian Prudential Regulation Authority (APRA) to produce documents on the grounds of legal professional privilege, unless the relevant statute expressly abolishes legal privilege. ASIC has also recognised that people and entities who are subject to its compulsory powers can make a valid claim for legal professional privilege.

Each of the states and territories (except the Northern Territory) have enacted freedom of information legislation in addition to Commonwealth legislation, to make available public government policy documents rules and practices which affect members of the public in their dealings with departments and other public authorities.

The central provision of the Freedom of Information Act 1982 (Cth) (the FOI Act) provides every person with a legally enforceable right to obtain access to:

(1) a document of an agency, other than an exempt document; or
(2) an official document of a minister, other than an exempt document.

There is no standing test. The person seeking access need not have an interest in the documents sought. Despite the legislation's title, the FOI Act provides access to documents, not information. 'Document' is, however, defined broadly.

Section 42(1) exempts from disclosure any document that is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege. The operation of section 42(1) is unaffected by any conduct which in legal proceedings would be regarded as having constituted a waiver of legal professional privilege.[25]

Types of relationships subject to legal professional privilege

'Legal adviser'–client

[1.12] The relevant relationship for legal professional privilege in Australia is between 'legal adviser' and client. The following are regarded as legal advisers:

- solicitor in independent practice;
- counsel;[26]

24 *Daniels Corporation International Pty Ltd v ACCC* (2002) 213 CLR 543. Section 155 (7B) of the *Competition and Consumer Act 2010 (Cth)* now expressly provides that a person is not required to produce a document to the ACCC that would disclose information that is the subject of legal professional privilege.

25 *Re Colonial Mutual Life Assurance Society Ltd and Department of Resources & Energy* (1987) 6 AAR 80.

26 *Mayor and Corporation of Bristol v Cox (1884)* 26 Ch D 678.

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Alister v The Queen (1984) 154 CLR 404, 51 ALR 480, Australia 1.7
AM&S Europe Ltd v Commission (Case 155/79) [1983] QB 878, [1983] 3 WLR 17, [1983] 1 All ER 705, [1982] ECR 1575, ECJ 11.2, 23.1, 23.19
Ampolex Ltd v Perpetual Trustee Co (Canberra) Ltd & Ors (1995) 37 NSWLR 405, Australia 1.6
Ampolex Ltd v Perpetual Trustee Co (Canberra) Ltd (1996) 137 ALR 28, 70 ALJR 603, [1996] HCA 15, Australia 1.33
Andersen Consulting v R (2001) 9 CPC (5th) 245 (FCTD), Canada 4.6
Anderson Exploration v Pan-Alberta Gas Ltd [1998] 10 WWR 633 (Alta QB), Canada 3.20
Anderson v Anderson (1979) 26 OR (2d) 769, Canada 4.4
Anderson v Bank of British Columbia (1877) 2 Ch D 644, 35 LT 76, [1874–80] All ER Rep 396, CA 14.11
Antoncic v Wylie (2009) 73 CCEL (3d) 45, Canada 4.7
Apple Corps Ltd v Apple Computer Inc [1992] FSR 431, (1991) IP & T Dig 2, ChD 6.38
Arab Monetary Fund v Hashim and Others [1989] 1 WLR 565, [1989] 3 All ER 466, (1989) 133 SJ 749, ChD 6.39
ASIC v Rich (2004) 220 CLR 129, 209 ALR 271, 50 ACSR 242, [2004] HCA 42, Australia 1.8
Associated Electric and Gas Insurance Services Ltd v European Reinsurance Co of Zurich [2003] UKPC 11, [2003] 1 All ER (Comm) 253, [2003] 1 WLR 1041, PC 23.55
Astra Aktieboleg v Andrx Pharmaceuticals, Inc, 208 F.R.D. 92, 98 (SDNY 2002), US 20.9
ATL, Inc v United States, 736 F.2d 677, 685–86 (Fed. Cir. 1984), US 20.2
Atomic Energy of Canada Ltd v Sierra Club of Canada (2002) 211 DLR (4th) 193, Supreme Ct, Canada 4.4
Attorney-General (NT) v Maurice (1986) 161 CLR 475, 69 ALR 31, Australia 1.34, 1.39, 1.40, 1.41
Australian Agricultural Company Ltd v AMP Life Ltd [2006] FCA 391, Australia 1.28
Australian Crime Commission v Stewart [2009] FCA 29, Australia 1.25
Australian Hospital Care (Pindara) Pty Ltd v Duggan [1999] VSC 131, Australia 1.22
Australian Mining and Smelting Europe Ltd v Commission of the European Communities (Case 155/79) [1983] QB 878, [1982] ECR 1575, [1982] 2 CMLR 264, [1982] FSR 474, ECJ 6.15, 22.1, 22.2, 22.3, 22.4
Australian Securities and Investments Commission v P Dawson Nominees Pty Ltd (2008) 169 FCR 232, 247 ALR 646, 66 ACSR 704, [2008] FCAFC 123, Australia 1.7
Automated Tabulation Inc v Canadian Market Images Ltd (1995), 24 OR (3d) 292 (Gen Div), Canada 4.5
Aviaco International Leasing Inc v Boeing Canada Inc (2000) 9 BLR (3d) 99 (Ont SC), Canada 3.20
Axa Seguros SA de CV v Allianz Insurance plc and Others [2011] EWHC 268 (Comm), [2011] All ER (D) 202 (Mar) 6.18
Ayeasha Bi v Peerkhan Sahib and Ors AIR (1954) Mad 741, Madras High Ct, India 8.8

B

Bailey v Director-General, Department of Land and Water (2009) 74 NSWLR 333, Australia 1.33
Baker v Campbell (1983) 153 CLR 52, 49 ALR 385, Australia 1.1, 1.4
Balabel v Air India [1988] 1 Ch 317, [1988] 2 WLR 1036, [1988] 2 All ER 246, CA 1.17, 6.8
Bank Leu Ag v Gaming Lottery Corp [2000] OJ No 1137 (Div Ct), Canada 3.19
Bank of America, NA v Terra Nova Insurance Co, 211 F. Supp. 2d 493, 496 (SDNY 2002), US 20.5
Bank of Crete SA v Koskotas and Others (No 2) [1992] 1 WLR 919, [1993] 1 All ER 748, (1992) *The Times*, June 30 ..... 6.38

Copyrighted Material

Copyrighted Material

BankAmerica Corp Securities Litigation, Re, 270 F.3d 639, 643–44 (8th Cir. 2001), US 20.13
Bare v Small [2011] VSC 639, Australia 1.3
Barilla v James [1964–5] NSWR 741, Australia 1.27
Barings plc (in liquidation) v Coopers & Lybrand [2000] 1 WLR 2353, [2000] 3 All ER 910, CA 6.37
BASF Canada Inc v Max Auto Supply (1986) Inc (1999), 30 CPC (4th) 23, [1999] OJ No 515 (Gen Div), Canada 4.5
BE Chandler Co v Mor-Flo Industries Inc (1996), 30 OR (3d) 139 (Gen Div), Canada . 4.7
BE.2007.10-13, in re Panalpina 14 March 2008, Switzerland 17.7
Belle Rosa Holdings Pty Ltd v Hancock Prospecting Pty Ltd, Proceeding 2105 of 1992, unreported, 1 December 1992, SCWA, Australia 1.21
Berd v Lovelace (1577) Cary 62, 21 ER 33 ..... 6.2
Betfair Pty Ltd v Racing New South Wales (No 5) [2009] FCA 1101, Australia 1.58
Bevill, Bresler & Schulman Asset Management Corp, Re 805 F.2d 120, Bankr. L. Rep. P 71,525, 22 Fed. R. Evid. Serv. 52 (3d Cir. 1986), US 20.5
BGE (Official Court Reporter) 115 IA 197, S v Bezirksanwaltschaft Zürich of 16 October 1989, n. 3d, at p 199, Switzerland 17.4
BGE 102 IV 210, Schweizerische Bundesanwaltschaft v Dr X of 11 October 1976, n. 4a, at p 214, Switzerland 17.14
BGE 102 IV 210, Schweizerische Bundesanwaltschaft v Dr X of 11 October 1976, n. 4b, at p 214, Switzerland 17.5
BGE 117 Ia 341 (footnote 33), n. 6a, cc, Switzerland 17.13
BGE 117 Ia 341, Me B v Procureur Général du Canton de Genève of 11 September 1991, n. 6, Switzerland 17.12
BGE 130 II 87, Zürcher Anwaltsverband v X of 29 January 2004, n. 4.3.3, at p 97, Swiss Federal Supreme Court 17.7
BGH Decision 23.1 1957 in NJW 1957, 592, Germany 23.33
BGHZ no 66, pp 63, 68, Germany 7.9
Bhalachandra Dattatraya Bubane v Chanbasappa Mallappa Warad, AIR (1939) Bom 237, India 8.2
Bhola Nath Roy v The Secretary of State for India in Council (1913) ILR 40 Cal 503, Calcutta High Ct, India 8.15
Bipro Dass Dey v Secretary of State for India in Council (1885) ILR 11 Cal 655, India ... 8.9
Biwater Gauf Ltd v United Republic of Tanzania, ICSID Case No ARB/05/22, Procedural Order No 3, 2 February 2007, available at *http://icsid.worldbank.org/ICSID/FrontServlet?requestType=CasesRH&actionVal=showDoc&docId=DC1584_En&caseId=C67* 23.46
Blank v Canada (Minister of Justice) [2006] 2 SCR 319, Canada 3.23, 3.24, 3.26
Borden & Elliot v R (1975) 12 OR (2d) 248 (CA), Canada 3.10
Borg v Barnes (1987) 10 NSWLR 734, Australia 1.7
Bourns Inc v Raychem Corp [1999] CLC 1029 (CA), Canada 4.11
Bourns Inc v Raychem Corp and Another (No 3) [1999] 3 All ER 154, [1999] CLC 1029, [1999] 2 Costs LR 72, CA 6.16
Bowman v Fels [2005] EWCA Civ 226, [2005] 1 WLR 3083, [2005] 4 All ER 609, [2005] 2 FLR 407 ..... 6.13, 23.53
Boyse, Re (1882) 20 Ch D 760, 46 LT 522 ..... 6.42
Brannigan v Davison [1997] AC 238, [1996] 3 WLR 859, (1997) 2 BHRC 395, PC .. 6.39
Brennan v Sunderland Council [2009] ICR 479, EAT 6.17
Bridgestone/Firestone, Inc v Superior Court (Rios), 7 Cal. App. 4th 1384, 9 Cal Rptr 2d 709 (1992), US 21.6
British American Tobacco Australia Ltd v Secretary, Department of Health and Ageing [2011] FCAFC 107, (2011) 281 ALR 75, Australia 1.33
British American Tobacco Australia Services Ltd v Cowell (representing the Estate of McCabe (deceased)) (No 2) [2003] VSCA 43, 8 VR 571, Australia 1.62
British American Tobacco Australia Services Ltd v Cowell [2002] VSCA 197, (2002) 7 VR 524, Australia 1.30

Copyrighted Material

Copyrighted Material

British Coal Corporation v Dennis Rye Ltd (No 2) [1988] 1 WLR 1113, [1988] 3 All ER 816, CA 6.4
Brown v Hart, Schaffner & Marx, 96 FRD 64, 68 (N.D. Ill. 1982), US 20.16
Browne v McNeilly [2000] OJ No 1805 (CA), Canada 4.7
Bruno & Stillman, Inc v Globe Newspaper Co, 663 F.2d 583 (1st Cir 1980), US 21.6
Buddy L Consultants v Williams [2000] 1 CTC 40, [1999] AJ 1232, Canada 4.4
Burgundy Royale Investments Pty Ptd v Westpac, unreported, Federal Court of Australia, Beaumont J, 2 November 1989, Australia 1.35
Buspirone Antitrust Litig, Re 211 FRD 249 (SDNY 2002), US 20.7
Buttes Gas and Oil Co v Hammer and Others (No 3); Occidental Petroleum Corporation v Buttes Gas and Oil Co and another (No 2) [1981] QB 223, [1980] 3 WLR 668, [1980] 3 All ER 475, CA 1.12, 1.41, 6.26, 14.11, 14.19

C

Calcraft v Guest [1898] 1 QB 759, 67 LJQB 505, 78 LT 283, 46 WR 420, 42 Sol Jo 343, CA 6.25
Campbell v MGN Ltd [2004] UKHL 22, [2004] 2 AC 457, [2004] 2 WLR 1232, [2004] 2 All ER 995, HL 6.31
Campbell v UK (C-13590/88) (1992) 15 EHRR 137, ECHR 23.1, 23.19
Canada (Director of Investigation and Research) v Shell Canada Ltd (1975) 55 DLR (3d) 713 (FCA), Canada 3.10
Canada Deposit Insurance Corp v Canadian Commercial Bank (1990), 68 DLR (4th) 754 (Alta QB), Canada 4.5
Canadian Imperial Bank of Commerce v Beck [2009] EWCA Civ 619, [2009] IRLR 740, CA 6.36
Canfor Corp v US, available at *www.state.gov/s/l/c7424.htm* 23.46
Carbone v De La Rocha (1993) 13 OR (3d) 355 (Ont Gen Div), Canada 4.6, 4.7
CAS (Nominees) Ltd v Nottingham Forest FC plc [2001] 1 All ER 954, [2002] 1 BCLC 613, ChD 6.11
Casad v United States Dept of Health & Human Services, 301 F.3d 1247 (10th Cir. 2002), US 20.2
Castrol Australia Pty Ltd v EmTech Associates Pty Ltd (1980) 33 ALR 31, 51 FLR 184, Australia 1.58
Cavallaro v United States, 248 F.3d 236 (1st Cir. 2002), US 20.5
Cendant Corporation Securities Litigation, Re, 343 F.3d 658 (3d Cir. 2003), US 20.16
Certain Complaints Under Investigation by an Investigating Comm of the Judicial Council of the Eleventh Circuit, Re, 783 F.2d 1488 (11th Cir. 1986), US 20.2
Chan U Seek v Alvis Vehicles Ltd. *See* Guardian Newspapers, Re
Chandubhai Jethabhai Desai v The State AIR (1962) Guj 290, (1962) 0 GLR 833, Gujarat High Ct, India 8.4
Chevron Corp v Pennzoil Co, 974 F.2d 1156 (9th Cir. 1992), US 20.11
Chotalal Shaw v Ram Golam Shaw and Ors AIR (1975) Cal 436, India 8.14
Church of Scientology and The Queen (No 3), Re (1984) 47 OR (2d) 90 (HCJ), Canada 3.12
Cineplex Odeon v Canada (1994) 114 DLR (4th) 141 (Ont Gen Div), Canada 3.11
Circosta et al v Lilly [1967] 1 OR 398, Canada 4.11
Citicorp Aust Ltd v Cirillo [2000] SASC 219, Australia 1.35
Claimspro Inc v Riddell 2011 ABQB 111, Canada 4.5
Colonial Mutual Life Assurance Society Ltd and Department of Resources & Energy (1987) 6 AAR 80, Australia 1.11
Colortech Painting & Decorating Ltd v Toh (2000) 9 CPC (5th) 350 (Alta QB), Canada 4.7
Coltec Industries, Inc v American Motorists Ins Co, 197 FRD 368 (N.D. Ill. 2000), US 20.4
Comaplex Resources International Ltd v Schaffhauser Kantonalbank (1990) 42 CPC (2d) 230, Canada 4.8

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Comaplex Resources International Ltd v Schaffhauser Kantonalbank (1991) 5 CPC (3d) 180 (Gen Div), Canada 4.8
Commissioner of Taxation v Pratt Holdings Pty Ltd 2003 FCA 6, (2003) 195 ALR 717, 51 ATR 593, Australia 1.4, 1.13
Commissioner of Taxation v Rio Tinto Ltd [2006] FCAFC 86, (2006) 151 FCR 341, 229 ALR 304, Australia 1.33
Commissioner, Australian Federal Police v Propend Finance Pty Ltd (1997) 188 CLR 501, 141 ALR 545, Australia 1.4, 1.38
Commodity Futures Trading Commission v Weintraub, 471 US 343, 105 S.Ct. 1986, 85 L.Ed.2d 372 (1985), US Supreme Ct 20.10
Commonwealth & Anor v Vance [2005] ACTCA 35, Australia 1.17, 1.18
Consolidation Coal Co v Bucyrus-Erie Co, 89 Ill. 2d 103, 432 N.E.2d 250 (Ill. 1982), US 20.6
Conway v Rimmer and Another [1968] AC 910, [1968] 2 WLR 998, [1968] 1 All ER 874, HL 6.3
Cooey v Strickland, 269 F.R.D. 643 (S.D. Ohio 2010), US 20.5
Cook v Leonard [1954] VLR 591, Australia 1.17
Cooke v Union Steamship Co (1908) 23 NZVLR 933, Australia 1.14
Cooksey v Hilton Int'l Co, 863 F. Supp. 150 (SDNY 1994), US 20.13
Council of the NSW Bar Association v Archer [2008] NSWCA 164, (2008) 72 NSWLR 236, Australia 1.33
Cox v Canada (1988) 88 DTC 6494 (BCSC), Canada 3.9
CPC International Inc v Seaforth Creamery Inc (1996), 49 CPC (3d) 363, [1996] OJ No 1353 (Ont Gen Div), Canada 4.5
Crater Corp v Lucent Technologies Inc, 255 F.3d 1361 (Fed. Cir. 2001), US 20.2
Crescent Farm (Sidcup) Sports Ltd v Sterling Offices Ltd. [1972] Ch 553, [1972] 2 WLR 91, [1971] 3 All ER 1192 ..... 6.9
Crest Homes plc v Marks [1987] AC 829, [1987] 3 WLR 293, [1987] 2 All ER 1074, HL 6.38
Croft House Care Ltd v Durham CC [2010] EWHC 909 (TCC), [2010] All ER (D) 12 (May) 6.36
Crown Cork and Seal Co Inc and Another v Rheem South Africa (Pty) Ltd and Others 1980 (3) SA 1093 (WLD), S Africa 14.16, 14.17
Czech Republic v CME (Czech Republic) BV, Svea Court of Appeal, 6 September 2001, (2003) 42 ILM 919, Sweden 23.35, 23.53

D

D (A Child) (Waiver of Legal Professional Privilege), Re [2011] EWCA Civ 684, [2011] 4 All ER 434, [2011] All ER (D) 83 (Jun); *sub nom* D (A Child) (Care Proceedings: Professional Privilege), Re [2011] 2 FCR 585, [2011] Fam Law 926 ..... 6.17
D Verasekaran v State of Tamil Nadu 1992 CriLJ 2168, (1992) IMLJ 24, Madras High Ct, India 8.17
Dalleagles Pty Ltd & Ors v Australian Securities Commission & Ors (1991) 4 WAR 325, Australia 1.4
Daniels Corp International Pty Ltd v ACCC (2002) 213 CLR 543, 192 ALR 561, 43 ACSR 189, [2002] HCA 49, Australia 1.1, 1.4, 1.10, 1.11
Dawson v New York Life Ins Co 901 F. Supp. 1362 (N.D. Ill. 1995), US 20.4
Decisions of the LCIA (2011) 27 Arbitration International 283ff 23.39
Dendron GmbH and Others v Regents of the University of California and Another [2004] EWHC 589 (Pat), [2005] 1 WLR 200, [2004] All ER (D) 440 (Mar) 6.42
Department of Economics Policy and Development of the City of Moscow v Bankers Trust Company [2004] EWCA Civ 314, [2005] QB 207, [2004] 3 WLR 533, [2004] 2 All ER (Comm) 193 ..... 23.31
Department of Interior v Klamath Water Users Protective Ass'n, 532 US 1 (2001), US Supreme Ct 20.2

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Derby & Co Ltd v Weldon (No 2) (*The Times*, 20 October, 1988) 6.37
Descoteaux v Mierzwinski [1982] 1 SCR 860, Canada 3.6, 3.10, 3.11
Dexia decision Netherlands Supreme Court 11.11
Dian AO v David Frankel & Mead [2004] EWHC 2662 (Comm), [2005] 1 All ER 1074, [2005] 1 All ER (Comm) 482, [2005] 1 WLR 2951 ..... 6.33
Disher v Kowal (2001) 56 OR (3d) 329, [2001] OJ No 4814 (Sup Ct), Canada 4.7
Distillers Co (Biochemicals) Ltd v Times Newspapers Ltd [1975] QB 613, [1974] 3 WLR 728, [1975] 1 All ER 41, 118 SJ 864 ..... 1.62, 14.18
District Court (LG) Hamburg, Neue Juristische Wochenschrift (NJW), 2011, p 942, Germany 7.31
District Court (LG) Kiel, Recht der Internationalen Wirtschaft (RIW), 1983, p 206, Germany 7.44
District Court (LG) Munich, Anwaltsblatt (AnwBl), 1982, p 197 et seq, Germany 7.34
District Court (LG) Munich, Recht der Internationalen Wirtschaft (RIW), 1981, p 851, Germany 7.44
District Court Berlin (LG), Neue Zeitschrift für Strafrecht (NStZ), 2006, p 470 et seq, Germany 7.35
District Court Bonn (LG), Neue Zeitschrift für Strafrecht (NStZ), 2007, p 605 et seq, Germany 7.35
District Court Ingolstadt (Landgericht Ingolstadt), Zeitschrift für das gesamte Insolvenzrecht (ZInsO), 2002, p 990, Germany 7.9
District Court Ingolstadt (Landgericht Ingolstadt), Zeitschrift für das gesamte Insolvenzrecht (ZInsO), 2002, p 991, Germany 7.11
Doe, Re, 662 F.2d 1073 (4th Cir. 1981), US 20.16
Dombo Beheer v Netherlands (No 14448/88) (1993) 18 EHRR 213, ECHR 23.21
DPP v Alexander (1994) 33 NSWLR 482, Australia 1.63
DSE (Holdings) Pty Ltd v InterTAN Inc (2003) 203 ALR 347, FCA, Australia 1.13
Duncan (deceased), Re; Garfield v Fay [1968] P 306, [1968] 2 WLR 1479, [1968] 2 All ER 395 ..... 6.14
Dye v Commonwealth Securities Ltd (No 5) [2010] FCA 950, Australia 1.16

E

Earles v Barclays Bank plc [2009] EWHC 2500 (QB), [2010] Bus LR 586, [2009] All ER (D) 179 (Oct) 6.18
'Eastern Saga', The [1984] 3 All ER 835, [1984] Lloyd's Rep 373 ..... 23.31
Ed Miller Sales and Rentals Ltd v Caterpillar Tractor Co, [1986] 43 Alta LR (2d) 299, [1986] AJ No 176 (Alta QB), Canada 4.5, 4.6
Edgar v Auld (2000) 184 DLR (4th) 747, New Brunswick CA, Canada 3.26
Ehrmann v Ehrmann [1896] 2 Ch 611 ..... 6.42
Eisenberg v Gagnon, 766 F.2d 770 (3d Cir. 1985), US 20.5
Electrabel SA v Republic of Hungary, ICSID Case No ARB/07/19 ..... 23.46
Ellsberg v Mitchell, 709 F.2d 51 (DC Cir. 1983), US 20.2
Elna Australia Pty Ltd v International Computers (Aust) Pty Ltd (1987) 14 FCR 461, Australia 1.63
Emmott v Michael Wilson & Partners Ltd [2008] EWCA Civ 184, [2008] 2 All ER (Comm) 193, [2008] 1 Lloyd's Rep 616 ..... 23.31, 23.55
Employers Reinsurance Corp v Laurier Indemnity Co, 2006 WL 532113 (M.D. Fla. 2006), US 20.5
ER Squibb and Sons Ltd v Apotex Inc (1993), 15 CPC (3d) 169, [1993] OJ No 404, Canada 4.5
Esai Ltd v Dr Reddy's Labs, Inc, 406 F.Supp.2d 341 (SDNY 2005), US 20.9
Esses v Hanania, 101 F.3d 873 (2d Cir. 1996), US 21.10
Esso Australia Resources Ltd v Commissioner of Taxation (1999) 201 CLR 49, 168 ALR 123, [1999] HCA 67, Australia 1.4, 1.10
Esso Australia Resources Pty v Plowman (Minister for Energy and Minerals) (1995) 183 CLR 10, 128 ALR 391, [1995] HCA 19, Australia 1.60, 23.31, 23.32

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Finch v Grieve (1991) 22 NSWLR 578, 23 ALD 208, Australia 1.7
First American Corporation v Zayed Al-Nahyan [1999] 1 WLR 1154, [1998] 4 All ER 439, [1998] Lloyd's Rep Bank 213, CA 6.42
Fisher v United States, 425 U.S. 391, 96 S.Ct. 1569, 48 L.Ed.2d 39 (1976), US Supreme Ct 20.4
Formica v Export Credit Guarantee Department [1995] 1 Lloyd's Rep 692, (1994) *The Times*, October 19, QBD 6.26
Fougerolle v Procofrance, 25 May 1990 (Paris Court of Appeal), France 23.21
Fox News Network, LLC v US Dep't of the Treasury, 739 F. Supp. 2d 515 (SDNY 2010), US 20.5
Foxley v UK (2000) 31 EHRR 637, (2000) 8 BHRC 571, ECHR 23.1, 23.19
France (Republic) v De Havilland Aircraft of Canada (1991), 3 OR (3d) 705, Canada 4.9, 4.10
Frankenhauser v Rizzo FRD 339 (ED Pa. 1973), US 20.2
Friction Division Products v EI Dupont de Nemours (No 2) (1986) 56 OR (2d) 722, Canada 4.10
Friedman v Bache Halsey Stuart Shields, Inc, 738 F.2d 1336 (DC Cir. 1984), US 20.2
Friend v Sheppard [1940] OWN 135, Canada 3.20
Frischke v Royal Bank of Canada (1977) 4 CPC 279, 17 OR (2d) 388, Ont CA, Canada 4.8
Fullowka v Royal Oak Mines Inc [1998] NWTJ No 73, Canada 4.11

G

Gabapentin Patent Litigation, Re 214 FRD 178 (DNJ 2003), US 20.16
Gamlen Chemical Co (UK) Ltd v Rochem Ltd (No 2) (1980) 124 SJ 276, CA 6.9
Garcia v City of El Centro, 214 FRD 587 (S.D. Cal. 2003), US 20.16
Gartside v Outram (1856) 26 LJ Ch 113, 28 LTOS 120, 3 Jur NS 39, 5 WR 35 ..... 1.3, 1.24, 1.38
GasTOPS Ltd v Forsyth (2000) 15 CPC (5th) 116, [2000] OJ No 5614 (Gen Div), Canada 4.5
GE Capital Corporate Finance Group Ltd v Bankers Trust Co [1995] 1 WLR 172, [1995] 2 All ER 993, (1994) 138 SJLB 178, CA 6.36
Geffen v Goodman Estate [1991] 2 SCR 353, (1991) 81 DLR (4th) 211, Canada 3.17
General Accident Assurance Co v Chrusz (1997) 34 OR (3d) 354 (Gen Div), Canada 3.23, 3.26, 3.27
General Accident Fire & Life Assurance Co v Tanter; Zephyr, The [1984] 1 WLR 100, [1984] 1 All ER 35, [1984] 1 Lloyd's Rep 58 ..... 1.34
General Elec Capital Corp v DirecTV, Inc, No 3:97 CV 1901,1998 WL 849389 (D. Conn. July 30, 1998), US 20.7
George Doland Ltd v Blackburn Robson Coates & Co (A Firm) [1972] 1 WLR 1338, [1972] 3 All ER 959, 116 SJ 713 ..... 1.27
Germany (Federal Republic) v Canadian Imperial Bank of Commerce (1997) 31 OR (3d) 684 (Gen Div), Canada 4.9
Gio Personal Investment Services Ltd v Liverpool and London Steamship Protection & Indemnity Association Ltd [1999] 1 WLR 984, (1999) 96(6) LSG 35, (1999) The Times, January 13, CA 6.33
Gleadow v Nomura Canada Inc (1996) 44 CPC (3d) 133, [1996] OJ No 668 (Gen Div), Canada 4.7
Glidepath BV v Thompson [2005] EWHC 818 (Comm), [2005] 2 All ER (Comm) 833, [2005] 2 Lloyd's Rep 549 ..... 23.31
Go Medical Industries Pty, Ltd v CR Bard, Inc, No 3: 95 MC 522, 1998 WL 1632525, at *3 (D. Conn. 14 Aug, 1998), rev'd in part on other grounds, 250 F.3d 763 (Fed. Cir. 2000), US 20.5
Goldberg v Ng (1994) 33 NSWLR 639, NSWCA, Australia 1.34
Goldberg v Ng (1995) 185 CLR 83, 132 ALR 57, [1995] HCA 39, Australia 1.31
Golden Trade SrL v Lee Apparel Co, 143 F.R.D. 514 (SDNY 1992), US 20.9
Goldstone v Williams, Deacon & Co [1899] 1 Ch 47, 68 LJ Ch 24, 79 LT 373, ChD. 6.16

http://www.pbookshop.com

Copyrighted Material

Good Luck, The [1992] 2 Lloyd's Rep 540, QBD 6.18, 6.26
Goodman & Carr v Minister of National Revenue [1968] 2 OR 814 (HCJ), Canada .. 3.12
Goodman v Rossi (1995) 24 OR (3d) 359, [1995] OJ No 1906, Canada 4.7
Gower v Tolko Manitoba Inc (2001) 196 DLR (4th) 716 (Man CA), Canada 3.6, 3.8, 3.14, 3.19
Grand Jury Proceedings Involving Tbullen and Dvorak, Re, 220 F.3d 568 (7th Cir. 2000), US 20.5
Grand Jury Proceedings, Re 43 F.3d 966 (5th Cir. 1994), US 20.17
Grand Jury Proceedings, Re 87 F.3d 377 (9th Cir. 1996), US 20.13
Grand Jury Proceedings, Bank of Nova Scotia, Re, 740 F.2d 817 (11th Cir. 1984), US 21.10
Grand Jury Subpoena (Mark Torf/Torf Environmental Management), Re 357 F. 3D 900 (9th Cir. 2004), US 20.16
Grand Jury Subpoena Duces Tecum, Re, 731 F.2d 1032 (2d Cir. 1984), US 20.4, 20.13
Grand Jury, Re (00-2H), 211 F. Supp. 555 (M.D. Pa. 2001), US 20.17
Grant v Downs (1976) 135 CLR 674, 11 ALR 577, HCA, Australia 1.4, 6.22
Grant v Monsanto Canada Ltd et al (1979) 101 DLR (3d) 594 (Alta SC (TD)), Canada 4.5
Great Atlantic Insurance Co v Home Insurance Co [1981] 1 WLR 529, [1981] 2 All ER 485, [1981] 2 Lloyd's Rep 138, CA 1.39, 6.14
Griffin, Re (1887) 8 LR (NSW) L 132, Australia 1.12
Guardian Newspapers, Re [2004] EWHC 3092 (Ch), [2005] 3 All ER 155, *sub nom* Chan U Seek v Alvis Vehicles Ltd [2005] 1 WLR 2965 ..... 6.33
Gucci America, Inc v Guess?, Inc, 271 F.R.D. 58 (SDNY 2010), US 20.9
Gucci American, Inc v Guess?, Inc, 2011 WL 9375, at *[illegible] (SDNY Jan. 3, 2011), US 20.9
Guinness Peat Properties Ltd v Fitzroy Robinson Partnership (a firm) [1987] 1 WLR 1027, [1987] 2 All ER 716, (1987) 38 Build LR 57, CA 6.22, 6.26
GWL Properties Ltd v WR Grace & Co of Canada Ltd (1992) 70 BCLR (2d) 180, SC, Canada 4.5

H

H v Anwaltskammer des Kantons Bern, 31 July 2001, n 3 (2P 144/2001), Swiss Federal Supreme Court 17.4
Haines v Ligget Group, Inc, 975 F.2d 81, 61 USLW 2148, 36 Fed. R. Evid. Serv. 782 (3d Cir. 1992), US 20.4, 20.5, 20.18
Halcon International Inc v Shell Transport & Trading Co [1979] RPC 97, (1978) 122 SJ 645, CA 14.18
Hallstone Products Ltd v Canada Customs and Revenue Agency (2006) 82 OR (3d) 368, Canada 4.6
Hamilton v Alberta (Minister of Public Works, Supply and Services), [1991] 5 WWR 232 (Alta QB), Canada 4.5
Handgards, Inc v Johnson & Johnson, 413 F. Supp. 926 (DC Cal. 1976), US 20.11
Harman v Secretary of State for the Home Department [1983] 1 AC 280, [1982] 2 WLR 338, [1982] 1 All ER 532, (1982) 126 SJ 136, HL 1.62
Harnischfeger Corp of Canada Ltd v Kranco Inc (1991), 39 CPR (3d) 81 (BCSC), Canada 4.5
Heath v Minister of National Revenue (1989) 41 BCLR (2d) 52 (SC), Canada 3.9
Heidelberg Harris, Inc v Mitsubishi Heavy Indus, Ltd, 1996 WL 732522 (N.D. Ill. 1996), US 20.9
Hickman v Taylor 329 US 495, 67 S. Ct. 385, 91 L. Ed. 451 (1947), US Supreme Ct 20.14
High Plains Corp v Summit Resource Mgmt, Inc, No 96–1105, 1997 WL 109659, at *2 (D. Kan. Feb. 12, 1997), US 20.17
Higher Regional Court (OLG) Cologne, Neue Juristische Wochenschrift – Rechtsprechungsreport (NJW-RR), 1993, p 1073, Germany 7.24
Higher Regional Court (OLG) Frankfurt, Neue Juristische Wochenschrift (NJW), 1980, p 2758, Germany 7.38

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Higher Regional Court (OLG) Munich, Neue Juristische Wochenschrift – Rechtsprechungsreport (NJW-RR), 1987, p 1021, Germany 7.38
Highgrade Traders Ltd, Re [1984] BCLC 151, CA 6.22
Hodgkinson v Simms (1988) 55 DLR (4th) 577 (BCCA), Canada 3.26
Hogan v Australian Crime Commission (2010) 240 CLR 651, 267 ALR 12, 2010] HCA 21, Australia 1.56, 1.59
Hogan v Hinch (2011) 275 ALR 408, 85 ALJR 398, [2011] HCA 4, Australia 1.52
Hollinger Inc (Re) (2011), 107 OR (3d) 1, Ont CA, Canada 4.4
Holloway, Re (1887) 12 PD 167 ..... 1.14
Honda Giken Kogyou Kabushiki Kaisha v KJM Superbikes Ltd [2007] EWCA Civ 313, [2008] IP & T 46 ..... 6.42
Honeywell, Inc v Minolta Camera Co, 1990 WL 66182, at *3 (D. N.J. 1990), US 20.9
Hooker Corporation v Darling Harbour Authority (1987) 9 NSWLR 538, Australia .. 1.35
Hubka v Pennfield Township, 494 N.W.2d 800 (Mich. Ct. App. 1992), rev'd in part on other grounds, 504 N.W.2d 183 (Mich. 1993), US 20.6
Hunt v T & N plc (1993) 15 CPC (3d) 134 (BCCA), Canada 3.26

I

Idoport Pty Ltd v National Australia Bank Ltd [2001] NSWSC 222, Australia 1.3
Inline Fiberglass Ltd v Omniglass Ltd (1992), 12 CPC (3d) 240, Canada 4.5
Intel Corp v Advanced Micro Devices, Inc, 542 U.S. 241, 259–263 (2004), U&S 21.10, 21.11
Internationall Systems & Controls Corp Securities Litigation, Re 693 F.2d 1235 (5th Cir. 1982), US 20.16
Iran–US Claims Tribunal Decision of 7 May 2001, (summary) (2001) 16(5) Mealey's Int'l Arb. Rep 23.53
Istil Group Inc v Zahoor and Another [2003] EWHC 165 (Ch), [2003] 2 All ER 252 6.17
Ivandaeva v Ivandaeva (2003) 63 OR (3d) 769, Ont CA, Canada 4.4

J

Jamamuddin v Shri Ram Chits Pvt Ltd 2009 (4) ALD 851, Andhra High Ct, India 8.2
Japanese Supreme Court Decision (55-7 Minshu 1411 (7 December, 2001) 9.7
Japanese Supreme Court Decision 1695 Hanji 49 (12 November, 1999) 9.7
Japanese Supreme Court Decision 802 NBL 45 (26 November, 2004) 9.7
John Fairfax Publications Pty Ltd v District Court of NSW [2004] NSWCA 324, (2004) 61 NSWLR 344, 50 ACSR 380, Australia 1.52
Johnson v Medical Defence Union Ltd [2004] EWHC 2509 (Ch), [2005] 1 All ER 87 ..... 6.31
Judgment of the Constitutional Court of 5 May 2000, Spain 15.14
Jurman v Doucette [2008] SCJ No 8, Canada 4.6, 4.7

K

Kasza v Browner, 133 F.3d 1159 (9th Cir. 1998), US 20.2
Kennedy v Wallace (2004) 142 FCR 185, 213 ALR 108, [2004] FCAFC 337, Full Ct, FCA, Australia 1.25
Kennedy v Wallace (2004) 208 ALR 424, [2004] FCA 332, Australia 1.25
Kevlik v Goldstein, 724 F.2d 844, 14 Fed. R. Evid. Serv. 1719 (1st Cir. 1984), US 20.10
KF Evans Ltd v Canada (1996) 106 FTR 210 (TD), Canada 3.20
King v Choney (1908) 13 CCC 289 (Man CA), Canada 3.16
Kinsmen Club of Kingston (cob Summerhill Apartment) v Walker (2004), 69 OR (3d) 453, [2004] OJ No 137 (Sup Ct), Canada 4.7
Kuwait Airways Corporation v Iraqi Airways Company (No 6) [2005] EWCA Civ 286, [2005] 1 WLR 2734, [2005] NLJR 468 ..... 6.9

L

L (Minors) (Police Investigation: Privilege), Re [1997] AC 16, [1996] 2 WLR 395, [1996] 2 All ER 78, HL 6.22

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Lac d'amiante du Quebec ltee c 2858-0702 Quebec Inc [2001] 2 SCR 743, [2001] SCJ No 49, Canada 4.7
Lac Minerals Ltd v New Cinch Uranium Ltd (1985), 50 OR (2d) 260, Canada 4.4
Lakatoi Universal Pty Ltd v Walker [1999] NSWSC 156 (11 March 1999), Australia 1.32
Lancaster Factoring Co v Mangone, 90 F.3d 38 (2d Cir. 1996), US 21.11
Larsen & Toubro Ltd v Prime Displays (P) Ltd, Abiz Business (P) Ltd and Everest Media Ltd 2002 (5) BomCR 158, 2003 114 CompCas 141 Bom, Bombay High Ct, India 8.18
Laurenson v Wellington City Corporation [1927] NZLR 510, New Zealand 1.14
Lauzier, Re (1996) 2 CPC (4th) 197 (Ont Gen Div), Canada 3.9
Law Debenture Trust Corporation (Channel Islands) Ltd v Lexington Insurance Company [2003] EWHC 2297 (Comm), [2003] All ER (D) 165 (Oct) 6.33
Law Society (Alberta) v Randhawa [1996] 7 WWR 664, [1996] AJ No 454 (QB), Canada 4.7
Law Society of Upper Canada v Telecollect Inc (2001), 56 OR (3d) 296, Canada 4.4
Leach v Assaly (1998) 28 CPC (4th) 239, Canada 4.7
Lee and Ministry of Education, Re (1986) 1 VAR 260, Australia 1.16
Lee v South West Thames Regional Health Authority [1985] 1 WLR 845, [1985] 2 All ER 385, (1985) 128 SJ 333, CA 14.11
Legal Services Commission v Trotter (1990) 54 SASR 74, Sth Australia (Full Ct) 1.7
Lehman Bros Inc v Phillips; Phillips v Lehman Bros. *See* Mid East Trading Ltd, Re
Levin v Boyce (1985) 34 Man R (2d) 1 (CA), Canada 3.24
Lieber v Johnson & Daniel (1998) 26 CPC (4th) 194 (Ont Gen Div), Canada 3.19
Lilly ICOS Ltd v Pfizer Ltd [2002] EWCA Civ 02, [2002] 1 WLR 225, [2002] 1 All ER 842, CA 6.34
Linde Thomson Langworthy Kohn & Van Dyke, PC v Resolution Trust Co, 5 F.3d 1508 (DC Cir. 1993), US 20.5
Lindsey v Le Sueur (1913) 29 OLR 648, Canada 4.6
Lisozzi v Bell Distribution Inc [2001] OJ No 2338 (Ont Sup Ct), Canada 4.2
Livent Inc v Drabinsky (2001) 53 OR (3d) 126, 2001 Carswell Ont 717 (SCJ), Canada 4.7
Lloyds Bank v Canada Life Assurance Co (1991) 47 CPC (2d) 157 (Ont Gen Div), Canada 3.19
Local Court (AG) Munich, Recht der Internationalen Wirtschaft (RIW), 1981, p 850, Germany 7.44
Lockheed Martin Inc v Bombardier Inc (2002), 214 DLR (4th) 179 (Sup Ct), Canada 4.7
London and County Securities Ltd (in liquidation) v Caplan (unreported, 26 May, 1978) 6.39
London Life Insurance Co v Konney (1998) 41 OR (3d) 706, Canada 4.7
London Trust & Savings Corp v Corbett (1994) 74 CPC (3d) 226 (Ont Gen Div), Canada 3.11
Lubrizol Corp v Imperial Oil Ltd (TD) [1991] IFC 325, [1990] FCJ No 816, Canada 4.5, 4.6, 4.7
Lyell v Kennedy (1884) 27 Ch D 1 (CA), Canada 3.26

M

M & W Grazebrook Ltd v Wallens [1973] 2 All ER 868, [1973] ICR 256, [1973] IRLR 139, NIRC 1.12, 1.19
M/s JS Construction Pvt Ltd v Damodar Rout AIR (1962) Guj 290, India 8.2, 8.25
Madanes v Madanes, 199 FRD 135 (SDNY 2001), US 20.13
Makanjuola v Commissioner of Police of the Metropolis (1989) 139 NLJ 468, (1990) 154 LG Rev 248, (1990) 2 Admin LR 214 ..... 6.40
Mancorp Pty Ltd v Baulderstone Pty Ltd (1991) 57 SASR 87, Australia 1.27
Mandesan v State of Kerala (1995) CriLJ 2168, India 8.14
Mann v Carnell (1999) 201 CLR 1, 168 ALR 86, [1999] HCA 66, HCA, Australia ... 1.27, 1.28, 1.29, 1.32

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Maranda v Richer [2003] 3 SCR 193, Canada 4.11
Marcel v Cmr of Police of the Metropolis [1992] Ch 225, [1992] 2 WLR 50, [1992] 1 All ER 72, (1991) 135 SJLB 125, CA 1.58, 6.4
Marlborough Hotel Co v Parkmaster (Canada) Ltd (1959) 17 DLR (2d) 720 (Man CA), Canada 3.20
Marlwood Commercial Inc v Kozeny [2004] EWCA Civ 798, [2005] 1 WLR 104, [2004] 3 All ER 648, 148 SJLB 822 ..... 6.40
Marriott Corp v American Academy of Psychotherapists, Inc, 277 S.E.2d 785 (Ga. Ct. App. 1981), US 20.6
Maverick LNG Holdings Ltd v Teekay Shipping (Canada) Ltd (cob Teekay Corp), 2009 BCSC 1538, Canada 4.5
Maximum Ventures Inc v De Graaf 2007 BCCA 510 (CanLII), Canada 3.27
Mayor and Corporation of Bristol v Cox (1884) 26 Ch D 678, 53 LJCh 1144, 50 LT 719, ChD 1.12
McCabe v British American Tobacco Australia Services Ltd (No 3) [2002] VSC 150, Australia 1.62
McCay v Ttrentowsky (1983) 47 NBR (2d) 71, 148 DLR (3d) 724 (CA), Canada 3.24
McCook Metals LLC v Alcon, Inc, 192 F.R.D. 242 (N.D. Ill. 2000), US 20.9
Mckinnon v Donaldson, Lufkin and Jenrette Securities Corp [1986] Ch 482, [1986] 2 WLR 453, [1986] 1 All ER 653 ..... 6.39
Mears Ltd v Leeds City Council [2011] EWHC 40 (QB), [2011] All ER (D) 134 (Jan) 6.36
Meltend Pty Ltd v Restoration Clinics of Australia Pty Ltd (1997) 75 FCR 511, 145 ALR 391, Australia 1.35
Merck v Apotex (1997) 1 CPR (4th) 58, Canada 4.7
Metalclad Corp v United Mexican States Award of 30 August 2000, available at *www.state.gov/s/l/c3752.htm* 23.46
Methanex Corporation v United States of America, Decision dated 15 January 2001 available at *www.state.gov/documents/organization/6039.pdf* 23.46
Mid East Trading Ltd, Re; sub nom Lehman Bros Inc v Phillips; Phillips v Lehman Bros [1998] 1 All ER 577, [1998] 1 BCLC 240, [1998] BCC 726, CA 6.39
Minnesota Mining & Manufacturing Co and Another v Rennicks (UK) Ltd [1991] FSR 97, (1990) IP & T Dig 21, ChD 6.29
Mitsubishi Electric Australia Pty Ltd v Victoria Work Cover Authority (2002) 4 VR 332, [2002] VSCA 59, Australia 1.4
Mobile Oil Australia Ltd v Guina Developments Pty Ltd (1996) 2 VR 34, (1995) 33 IPR 82, Australia 1.51
Mohamed v President of the Republic of South Africa and others 2001 (2) SA 1145 (C), S Africa 14.5
Morris and Others v Banque Arabe et Internationale d'Investissement SA, (1999) *The Times*, 23 December, ChD 6.39
Morrison-Knudsen Co v British Columbia Hydro and Power Authority (1971) 19 DLR (3d) 726 (BC Sup Ct), Canada 3.16
Moulded Components and Rotomoulding South Africa (Pty) Ltd v Coucourakis and Another 1979 (2) SA 457 (WLD), S Africa 14.16
Mulroney et al and Coates et al, Re (1986) 54 OR (2d) 353 (HC), Canada 4.10
Municipal Corporation of Greater Bombay v Vijay Metal Works AIR (1982) Bom 6, Bombay High Ct, India 8.10
Musa-Mueremi v Florists' Transworld Delivery, Inc, 270 F.R.D. 312 (N.D. Ill. 2010), US 20.11
Mutual Life Assurance Co of Canada v Deputy Attorney General of Canada (1988) 28 CPC (2d) 101 (Ont HCJ), Canada 3.12, 3.16

N

National Gypsum Co v Dorrell (1989) 68 OR (2d) 689, HCJ, Canada 4.4, 4.6, 4.11
National Westminster Bank plc v Rabobank Nederland [2006] EWHC 2108 (Comm), [2006] All ER (D) 48 (Aug) 6.22

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

North River Insurance Co v Philadelphia Reinsurance Co, 797 F Supp 363 (D NJ 1992), US 20.11
Nova and Alberta Corp v Guelph Engineering Co (1984) 42 CPC 194 (Alta CA), Canada 3.24
Nova Growth Corp v Kepinski [2002] OJ No 2522 (Div Ct), Canada 3.20
Novopharm Ltd v Glaxo Group Ltd et al (1998), 81 CPR (3d) 185, FCA, Canada 4.5
Novopharm Ltd v Nycomed Canada Inc, 2011 FC 109, Canada 4.5
Nowakowski v Mroczkowski Estate [2003] OJ No 649 (Supt Ct), Canada 4.7

O

O'Rourke v Darbishire [1920] AC 581, 89 LJ Ch 162, 123 LT 68, 36 TLR 350, 64 Sol Jo 322, HL 1.12
O'Sullivan v Morton [1911] VLR 70, Australia 1.14
Oilworld Supply Co v Audas [1985] BCJ No 1472, Canada 4.11
OLG Düsseldorf Decision 14.01.1988 in EWiR 1988, at 623, Germany 23.33
Orfus Realty v DG Jewellery of Canada Ltd (1995) 24 OR (3d) 379, Canada 4.6
Oriental Bank of Commerce v Ginni Industries & Ors 157 (2009) DLT 46, India 8.3
Osland v Secretary of the Department of Justice (2008) 234 CLR 275, 249 ALR 1, [2008] HCA 3, HCA, Australia 1.28, 1.33

P

Paley v Fishing Lake First Nation [2005] FCJ No 1772, Canada 4.2
Panayaiotou v Sony Music Entertainment (UK) Ltd [1994] Ch 142, [1994] 2 WLR 241, [1994] 1 All ER 755, DC 6.39, 6.42
Parsons v General Motors, 85 FRD 724 (N.D. Ga. 1980), US 21.6, 21.7
Patterson v Johnson (1998) 21 CPC (4th) 262 (Man Master), Canada 4.7
Paxus Services Ltd v People Bank Pty Ltd (1990) 95 ALR 728, 20 IPR 79, Australia 1.58
Pearce v Foster (1885) 15 QBD 114, 54 LJQB 482, 52 LT 886, 50 JP 4, CA 6.25
Pecarsky v Lipton Wiseman Altbaum & Partners [1999] OJ No 2004, Canada 4.10
People's Union for Civil Liberties and Anr v Union of India (UOI) and Ors AIR (2003) SC 2363, Indian Supreme Ct 8.5
Pepsi-Cola/Coca-Cola case of 22 July 2002, Tribunal de Defensa de la Competencia, Spain 15.2
Pfizer Health AB v Schwarz Pharma AG [2010] EWHC 3236 (Pat) 6.33
Pharaon v Bank of Credit and Commerce International SA (in liquidation) [1998] 4 All ER 455, (1998) 142 SJLB 251, (1998) The Times, August 17, ChD 6.40
Philip Services Corp (Receiver of) v Ontario Securities Commission [2005] OJ No 4418 (Div Ct), Canada 3.11
Pioneer Concrete (NSW) Pty Ltd v Webb (1995) 18 ACSR 418, Australia 1.17
Pratt Holdings Pty Ltd v Commissioner of Taxation (2004) 207 ALR 217, (2004) 136 FCR 357, [2004] FCAFC 122, Australia 1.4, 1.13
Presswood v International Chemalloy Corp (1975) 1 OR (2d) 164, Canada 3.8
Pritchard v Ontario (Human Rights Commission) [2004] 1 SCR 809, Canada 3.14
Procter & Gamble Co v Kimberley-Clark of Canada Ltd (1989), 25 CPR (3d) 12 (FCA), Canada 4.5
Proctor & Gamble Co v Calgon Interamerican Corporation (1980) 48 CPR (2d) 63 (FCTD), Canada 3.16
Prudential Consulting Inc v Correia (2008) 170 ACWS (3d) 298, Canada 4.6
Pyneboard Pty Ltd v Trade Practices Commission (1983) 152 CLR 328, HCA, Australia 1.8

R

R (Malik) v Manchester Crown Court [2008] EWHC 1362 (Admin), [2008] 4 All ER 403, DC 6.31
R (Morgan Grenfell & Co Ltd) v Special Commissioner of Income Tax [2002] UKHL 21, [2003] 1 AC 563, [2002] 2 WLR 1299, [2002] 3 All ER 1, HL 23.4

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

R (Prudential plc and Another) v Special Commissioner for Income Tax (Institute of Chartered Accountants and Others intervening) [2010] EWCA Civ 1094, [2011] 1 All ER 316, [2011] 1 FCR 195, [2010] STC 2802, CA 6.7
R v Abeyewardene [2008] OJ No 5749, Canada 4.11
R v Bencardino (1973) 2 OR (2d) 351 (CA), Canada 3.8, 3.11
R v Campbell [1999] 1 SCR 565, Canada 3.8, 3.10, 3.13, 3.14
R v Chief Constable of the West Midlands Police, ex parte Wiley [1995] 1 AC 274, [1994] 3 WLR 433, [1994] 3 All ER 420, HL 6.40
R v Choney (1908) 17 Man R 467 (CA), Canada 3.7
R v Derby Magistrates' Court, ex parte B [1996] AC 487, [1995] 3 WLR 681, [1995] 4 All ER 526, HL 6.2
R v Murray (2000) 48 OR (3d) 544, Canada 3.9
R v Secretary of State for the Home Department Ex p Amnesty International, 15 February 2000, unreported 6.31
R v Snider [1954] SCR 479, Canada 3.4
R v Zingre [1981] 2 SCR 392, Canada 4.10
Reddaway & Co Ltd v Flynn (1912) 30 RPC 16 ..... 1.58
Reed v Baxter 134 F.3d 351 (6th Cir. 1998), US 20.5
Reeves Bros Inc v Lewis Reed & Co Ltd [1971] FSR 17, [1971] RPC 355 ..... 6.25
Regence Group v TIG Specialty Ins. Co., 2010 WL 476646, at *2–3 (D. Or. 2010), US 20.5
Regional Labour Court Berlin (Landesarbeitsgericht Berlin), EzA-SD 2003, no 4, 13, Germany 7.9
Reichmann v Toronto Life Publishing Co (1988), 28 CPC (2d) 11 (Ont HCJ), Canada 4.4, 4.6
Reliance Insurance Co v American Lintex Corp, 2001 WL 604080 (SDNY 2001), US 20.5
Renaissance Co. of America, Inc. v Administratia Asigurarulor de Stat, 902 F.2d 1275 (7th Cir. 1990), US 21.10
Renfield Corp v E Remy Martin & Co, 98 F.R.D. 442 (D. Del. 1982), US 20.9
Revista dos Tribunais No 718/473, August 1995, Brazil 2.5
Ribeiro v Bank of Nova Scotia [2002] OJ No 3597 (Sup Ct), Canada 4.7
Rich v Harrington [2007] FCA 1987, (2007) 245 ALR 106, Australia 1.16, 1.23, 1.33
Richmark Corp v Timber Falling Consultants, 959 F.2d 1468, 60 USLW 2641, 22 Fed.R.Serv.3d 703 (9th Cir. 1992), US 21.10
Riddick v Thames Board Mills Ltd [1977] QB 881, [1977] 3 WLR 63, [1977] 3 All ER 677, (1977) 121 SJ 274, CA 1.62, 14.18
Rinehart v Welker [2011] NSWCA 403, Australia 1.53
Ring v Canada (Attorney General) 2009 NLTD 39, Canada 4.7
Rio Tinto Zinc v Westinghouse Electric Corporation [1978] AC 547, [1978] 2 WLR 81, [1978] 1 All ER 434, HL 6.39
Ritz Hotel Ltd v Charles of the Ritz (No 22) (1988) 14 NSWLR 132, Australia 1.4
Ritz Hotel Ltd v Charles of the Ritz Ltd (No 4) (1987) 14 NSWLR 100, 12 IPR 71, Australia 1.12, 1.16
Rivait v Gaudry (1993) 15 OR (3d) 159, Canada 4.6
Rivastigimine Patent Litigation, Re, 2006 WL 3386767, at *5 (SDNY 2006), US20.9
RK Jain v Union of India (1993) 4 SCC 120, 1993 AIR 1769, 1993 SCR (3) 802, Indian Supreme Ct 8.29
Roberts v Oppenheim (1884) 26 Ch D 724, 53 LJ Ch 1148, 50 LT 729, 32 WR 654, CA 1.41
Rodgers v Rodgers (1964) 114 CLR 608, [1965] ALR 109, Australia 1.5
Rosbrook Estate v Baker (1989) 1 WDCP (2d) 40 (Ont HC), Canada 4.6
Rosenberg v Jaine [1983] NZLR 1, New Zealand 1.4

S

S v Lwane 1966 (2) SA 433 (A), S Africa 14.1
S v Tandwa 2008 (1) SACR 613 SCA, S Africa 14.7

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

SP Gupta v Union of India AIR 1982 SC 149, 1981 Supp (1) SCC 87, 1982 2 SCR 365, Indian Supreme Ct 8.5, 8.29
Sandra TE v South Berwyn School District 100, 600 F.3d 612 (7th Cir. 2010), US 20.4
Sankey v Whitlam (1978) 142 CLR 1, 21 ALR 505, [1978] HCA 43, Australia 1.7, 1.51
Sanofi-Aventis Canada Inc v Apotex Inc (2008) 66 CPR (4th) 391, Canada 4.7
Santos Pty Ltd v Pipelines Authority of South Australia (1996) 66 SASR 38, Australia 1.51
Sarah C Getty Trust, Re; Getty v Getty and Treves [1985] QB 956, [1985] 3 WLR 302, [1985] 2 All ER 809 ..... 1.17
Sauder Industries Ltd v The Molta (1986) 3 FTR 190 (TD), Canada 3.24
Schreiber v Canada (AG) (2000) 2 CPC (5th) 69 (Alta QB), Canada 4.7
Schweizer Bundesgericht 10 December 2002, 4P.207/2002, Swiss Supreme Court 23.34
Science Research Council v Nasse [1980] AC 1028, [1979] 3 WLR 762, [1979] 3 All ER 673, HL 6.36
Scott v Scott [1913] AC 417, 82 LJP 74, 109 LT 1, 29 TLR 520, 57 Sol Jo 498, HL 1.52, 4.4
Sealed Case, Re 676 F.2d 793 (D.C. Cir. 1982), US 20.13
Sealed Case, Re 737 F.2d 94 (DC Cir. 1984), US 20.4
Sealed Case, Re 107 F.3d 46 (D.C. Cir. 1997), US 20.13
Sealed Case, Re 121 F.3d 729 (D.C. Cir. 1997), US 20.2
Sealed Case, Re 124 F.3d 230, 326 U.S. App. D.C. 317, 47 Fed. R. Evid. Serv. 327 (D.C. Cir. 1997); rev'd on other grounds sub nom Swidler & Berlin v United States, 524 US 399 (1998), US Supreme Ct 20.13
Sealed Case, Re 146 F.3d 881, 884 (D.C. Cir. 1998), US 20.16
Sepa Waste Water Treatment Pty Ltd v JMT Welding Pty Ltd (1986) 6 NSWLR 41, 7 IPR 52, Australia 1.12
Shelton v Am Motors Corp, 805 F.2d 1323 (8th Cir. 1986), US 20.7
Sikkim Subba Associates v State of Sikkim AIR (2001) SC 2062, India 8.14
Sita UK Holdings Ltd and Another v Serruys and Others [2009] EWHC 869 (QB), [2009] All ER (D) 217 (Apr) 6.38
Slavutych v Baker [1976] 1 SCR 254, Canada 3.5
Smerchanski v Lewis (1981) 31 OR (2d) 705, 120 DLR (3d) 745, 58 CCC (2d) 328, Canada 3.4
Smith Kline Beecham Corp v Apotex Corp, 193 F.R.D. 530 (N.D. Ill. 2000), US 20.9
Smith v Fell (1841) 2 Curt 667, 163 ER 544 ..... 3.16
Smith v Jones [1999] 1 SCR 455, (1999), 169 DLR (4th) 385, Canada 3.15
Smithkline Beecham Biologicals SA v Connaught Laboratories Inc [1999] 4 All ER 498, [1999] CPLR 505, (1999) 22(10) IPD 22092, CA 6.37
Société Colas Est v France, 2002-III Eur Ct HR 148 (2002) 22.5
Societe Nationale Industrielle Aerospatiale v United States District Court for the Southern District of Iowa, 482 US 552 (1987), US Supreme Ct 21.10
Somerville v Australian Securities Commission (1993) 118 ALR 149, FCA, Australia 1.7
Souter v 375561 BC Ltd (1995) 130 DLR (4th) 81 (BCCA), Canada 3.19
Southern Cross Airlines Holdings Ltd (In Liq) v Arthur Andersen (1998) 28 ACSR 455, (1998) 84 FCR 472, Australia 1.33
Southern Equities Corp Ltd (in liq) v Arthur Andersen & Co (No 6) [2001] SASC 398, Australia 1.20
Spencer and the Queen, Re (1983) 145 DLR (3d) 344 (Ont CA), aff'd (1985) 21 DLR (4th) 756, Canada 4.8
Sporck v Peil, 759 F.2d 312, 84 A.L.R.Fed. 763, 53 USLW 2538, 1 Fed.R.Serv.3d 1431, 17 Fed. R. Evid. Serv. 1232 (3d Cir. 1985), US 20.16
Standard Chartered Bank of Australia v Antico (1993) 36 NSWLR 87, Australia 1.20
Stanhill Consolidated Ltd, Re [1967] VR 749, Australia 1.26
State of Bihar v Kripalu Shankar (1987) 4 SCC 41, India 8.29
State of Maharashtra v Nagpur Electric Light & Power Co Ltd AIR 1961 Bom 242, Bombay High Ct, India 8.21, 8.24
State of Minnesota and Others v Philip Morris Inc and Others [1998] ILPr 170, CA 6.28

Copyrighted Material

Copyrighted Material

State of Norway's Application (Nos 1 and 2) [1990] 1 AC 723, [1989] 2 WLR 458, [1989] 1 All ER 745, HL 6.43
State of Norway's Application, Re [1987] QB 433, [1986] 3 WLR 542, (1986) 130 SJ 730, CA 6.43
State of Punjab v Sodhi Sukhdev Singh 1961 AIR SC 493, 1961 SCR (2) 371, Indian Supreme Ct 8.28, 8.29
State of Rajasthan v Smt Kailashwati and others AIR 1979 Raj 221, Rajasthan High Ct, India 8.27
State of Uttar Pradesh v Raj Narain 1975 AIR 865, 1975 SCR (3) 333, Indian Supreme Ct 8.29
Stevens and Prime Minister of Canada, Re (1998) 164 DLR (4th) 85 (FCA), Canada ... 3.9
Sun Life Assurance Co of Canada & Ors v Lincoln National Life Insurance Co [2004] EWCA Civ 1660, [2006] 1 All ER (Comm) 675, [2005] 1 Lloyd's Rep 60, CA 23.55
Supercom of California Ltd v Sovereign General Insurance Co, Re (1998) 37 OR (3d) 597 (Gen Div), Canada 3.27
Supervisory Authority on Attorneys (Aufsichtskommission über die Rechtsanwälte) of the Canton of Zurich, decision of 2 September 2004 (ZR 104 [2005], no 20), Switzerland 17.4
Swadeshi Cotton Mills Ltd v Swadeshi Polytex (1982) 52 CompCas 483 All, Allahabad High Ct, India 8.24
Swedish Government Official Reports, SOU 2003:73 ..... 16.2
Swedish Supreme Court case NJA 1990, p 537 ..... 16.6
Swedish Supreme Court case NJA 2010, p 122 ..... 16.5, 16.6, 16.11
Swidler & Berlin v United States. *See* Sealed Case, Re 124 F 3d 230
Sybron Corp v Barclays Bank plc [1985] Ch 299, [1984] 3 WLR 1055, (1984) 128 SJ 799, ChD 14.18
Syncrude Canada Ltd v Babcock & Wilcox Canada Ltd (1992) 10 CPC (3d) 388 (Alta CA), Canada 3.17

T

Taft v Siemens Electric Ltd [2000] OJ No 103, Canada 4.10
TAG Group Litigation. See Winterthur Swiss Insurance Co and Another v AG (Manchester) Ltd and Others
Tang v Kwan [2001] NSWSC 956, Australia 1.3
Tate Access Floors Inc v Boswell [1991] Ch 512, [1991] 2 WLR 304, [1990] 3 All ER 303, (1990) 134 SJ 1227 ..... 14.18
Television New Zealand v Quinley Productions Ltd [2000] NZLR 25, New Zealand 23.30
Telstra Corporation Ltd v Minster for Communications, Information Technology and the Arts (No 2) [2007] FCA 1445, Australia 1.16
Temelini v Ontario Provincial Police (1999) 44 OR (3d) 609, 174 DLR (4th) 418, 38 CPC (4th) 40, Canada 3.4
Three Rivers DC v Bank of England (No 6) [2002] EWHC 2309 (Comm), [2002] All ER (D) 130 (Nov) 6.31, 14.4
Three Rivers District Council and Others v Governor and Company of the Bank of England [2004] UKHL 48, [2005] 1 AC 610, [2004] 3 WLR 1274, [2005] 4 All ER 948, HL; rvsg [2004] EWCA Civ 218, [2004] QB 916, [2004] 2 WLR 1065, [2004] 3 All ER 168, CA; [2003] EWHC 2565, [2003] All ER (D) 40 (Nov) .. 6.8, 6.10, 6.13, 6.22, 6.28, 14.4, 23.4
Tolofson v Jensen [1994] 3 SCR 1022, Canada 4.11
Toronto-Dominion Bank v Leigh Instruments (1997) 32 OR (3d) 575 (Gen Div), Canada 3.12, 3.14, 3.19
Trade Practices Commission v Arnotts (1989) 88 ALR 69, Australia 1.35
Trade Practices Commission v Sterling (1979) 36 FLR 244, Australia 1.14
Transamerica Life Insurance Co of Canada v Canada Life Assurance Co (1995) 27 OR (3d) 291 (Gen Div), Canada 3.20
TransCanada Pipelines Ltd v Nova Scotia (Attorney General) (1999), 179 NSR (2d) 364, 40 CPC (4th) 362, [1999] NSJ No 369 (NSSC), Canada 4.5

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Tucker (A Bankrupt), ex parte Tucker, Re [1988] 2 WLR 748, [1988] 1 All ER 603, (1988) 132 SJ 497, CA 1.63

U

Unilever plc and Another v Polagric (Pty) Ltd, 2001 (2) SA 329 (CPD), S Africa 14.16
United Parcel Service v Canada, Decision dated 17 October 2001, available at *www.state.gov/s/l/c3749.htm* 23.46
United States of America v American Telephone and Telegraph Company 642 F 2d 1285 (DC Cir 1980), US 3.27
United States v Ackert, 169 F.3d 136 (2d Cir. 1999), US 20.5
United States v Bay State Ambulance & Hospital Rental Service, Inc, 874 F.2d 20 (1st Cir. 1989), US 20.5
United States v Bernard, 877 F.2d 1463 (10th Cir. 1989), US 20.4
United States v Bornstein, 977 F.2d 112 (4th Cir. 1992), US 20.4
United States v Chevron Corp, No. C-94-1885, 1996 US Dist. LEXIS 4154 (N.D. Cal. Mar. 13, 1996), US 20.4, 20.7
United States v Cintolo, 818 F.2d 980 (1st Cir. 1987), US 20.2
United States v Davis, 636 F. 2d 1028, 81-1 USTC P 9193 (5th Cir. 1981), US ... 20.4, 20.16
United States v Duke Energy Corp, 214 FRD 383 (MDNC 2003), US 20.18
United States v Edwards, 303 F.3d 606 (5th Cir. 2002), US 20.13
United States v Evans, 113 F.3d 1457, 47 Fed. R. Evid. Serv. 99 (7th Cir. 1997), US 20.4, 20.5
United States v Kovel, 296 F.2d 918, 96 A.L.R.2d 116, 62-1 USTC P 9111 (2d Cir. 1961), US 20.5
United States v Mammoth Oil Co [1925] 2 DLR 966 (Ont CA), Canada 3.16
United States v Mendelsohn, 896 F.2d 1183 (9th Cir. 1990), US 20.11
United States v Nixon 418 US 683, 4 S.Ct. 3090, 41 L.Ed.2d 1039 (1974), US Supreme Ct 20.2
United States v Reynolds, 345 U.S. 1, 73 S. Ct. 528, 97 L.Ed. 727 (1953), US Supreme Ct 20.2
United States v United Shoe Machinery Corp, 89 F. Supp. 357 (D. Mass. 1950), US 20.5
United States v Weingold, No 01-4487, 2003 WL 21702280, at *3 (3d Cir. 23 July, 2003), US 20.13
United States v Zolin, 491 US 554, 109 S.Ct. 2619, 105 L.Ed.2d 469 (1989), US Supreme Ct 20.13
Upjohn Co v United States 449 US 383, 101 S Ct 677, 66 L Ed 2d 584 (1981), US Supreme Ct 20.6, 20.16
US Dept of Homeland Security, Re 459 F.3d 565 (5th Cir. 2006), US 20.2
US v Panhandle Eastern Corp et al, 118 FRD 346, 10 Fed R Serv 3rd 686 (D Del 1988), US 23.32
USA v Matsumura, 737 Hanji 49 (Osaka High Ct, 12 July, 1973), Japan 9.27
USA v Philip Morris Inc and British American Tobacco (Investments) Ltd [2004] EWCA Civ 330, [2004] All ER (D) 448 (Mar) 6.18, 6.22, 6.28, 6.43

V

Van den Heever v Die Meester en andere 1997 (3) SA 102 (T), S Africa 14.5
Van der Lee v State of New South Wales [2002] NSWCA 286, Australia 1.3
Vance v Air Marshall McCormack (2004) 154 ACTR 12, [2004] ACTSC 78, Australia 1.18
Vardon Golf Co, Inc. v Karsten Mfg Co, 213 FRD 528 (N.D. Ill. 2003), US 20.13
Velsicol Chemical Corp v Parsons, 561 F.2d 671, 10 ERC 1618 (7th Cir. 1977), US 20.10
Verwaltungsgericht Berlin (VG), Neue Zeitschrift für Verwaltungsrecht (NVwZ), 2009, p 856, Germany 7.19
Verwaltungsgericht Frankfurt (VG), NVwZ 2008, p 1384, Germany 7.19
Vioxx Products Liability Litigation, Re 501 F. Supp. 2d 789 (E.D. La. 2007), US 20.7
Virginia Electric Power Co v Sun Shipbuilding & Dry Dock Co, 68 FRD 397 (E.D. Va. 1975), US 20.16
Vishnu Yeshawani v New Life Insurance Co (1997) 2 SCC 654, India 8.9

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

AUSTRALIA – *contd*
VICTORIA – *contd*
Supreme Court (General Civil Procedure) Rules 2005
r 28.05 ..... 1.55

BAHAMAS
Bank and Trust Companies Regulation Act 1965
s 10(1) 4.8

BRAZIL
Brazilian Bar Association Ethics Code 2.7
Art 25 ..... 2.4, 2.5, 2.8, 2.10
26 ..... 2.10
27 ..... 2.7
By-Laws of the Brazilian Bar Association 2.3, 2.4, 2.21
Civil Code 2.14
Art 229, clause I 2.4
Code of Civil Procedure 2.1, 2.2, 2.11, 2.14, 2.16
Art 155 ..... 2.11
347, clause II 2.4
406, clause II 2.4
Code of Criminal Procedure
Art 207 ..... 2.3
Criminal Code 2.14
Art 154 ..... 2.3, 2.4
Federal Constitution 1988 ..... 2.1, 2.2, 2.14, 2.16, 2.17, 2.21
Art 5, clause II 2.21
XII 2.4, 2.21
Art 5, clauses XIII, XIV 2.3, 2.21
Art 5, clause LVI 2.21
Industrial Property Code/Law No 9, 279/96
Art 195, clause XII 2.4
Law No 5,250/67 ..... 2.3
Law No 6,880/80 ..... 2.3
Law No 8,112/90 ..... 2.3
Law No 8,906, of 4 July 1994
Art 7, clause II 2.3, 2.4
Law No 9,296, of 24 July 1996 ..... 2.1, 2.21
Law No 8,906/97, Brazilian Bar Association Ethics Code
Art 8 ..... 2.6
Ruling (Provimento) No 91/00 of the Federal Council of the Brazilian Bar Association 2.6
Statutes of Legal Practice 2.3, 2.21
Art 7, clause II 2.4

CANADA
Access to Information Act RSC 1985, c A-1 ..... 3.26, 4.6
Canada Act 1982 (UK), (1982 c 11) 4.4
Sch B – Constitution Act, 1982 ..... 4.4
Canada Evidence Act RSC 1985, c C-5 ..... 4.9
s 4(3) 3.5
37 ..... 3.4
(5) 3.4
ss 38, 39 ..... 3.4
s 46 ..... 4.9, 4.10
Constitution Act, 1982
Pt I – Canadian Charter of Rights and Freedoms, s 2(b) 4.4
Coroners Act RSO 1990, c C37 ..... 4.7
Federal Court Rules, r 151(1), (2) 4.4
Foreign Extraterritorial Measures Act RSC 1985, c.F-29 ..... 4.9
Income Tax Act 4.8
Legal Professionals Act SA 1990, c L-9.1 ..... 4.7
Library and Archives of Canada Act SC 2004, c 11 ..... 4.6
Personal Information Protection and Electronic Documents Act SC 2000, c 5 ..... 4.2
s 7 ..... 4.2
(3) 4.2
(c) 4.2
Sch 1, section 4.3 ..... 4.2
ALBERTA
Rules of Civil Procedure 4.2
rr 6.29, 6.34 ..... 4.4
MANITOBA
Rules of Civil Procedure 4.2
r 30.11 ..... 4.4
NEW BRUNSWICK
Rules of Civil Procedure 4.2
r 31.12 ..... 4.4
NEWFOUNDLAND
Rules of Civil Procedure 4.2
r 42.12 ..... 4.4
NORTHWEST TERRITORIES
Rules of Civil Procedure 4.2
r 232 ..... 4.4
NOVA SCOTIA
Rules of Civil Procedure 4.2
r 85.04 ..... 4.4
ONTARIO
Ontario Business Records Protection Act RSO 1990, c B.19 ..... 4.9
s 1 ..... 4.9
(d) 4.9
Ontario Evidence Act RSO 1990, c E-23
s 60 ..... 4.10

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

CANADA – *contd*
ONTARIO – *contd*
Ontario Rules of Civil Procedure RRO 1990 ..... 4.11
reg 194 ..... 4.6, 4.7
r 30.1.01 ..... 4.6
30.1.01(1) 4.6
30.1.01(3) 4.6, 4.7
30.1.01(4) 4.6
30.1.01(5) 4.6, 4.7
30.1.01(6) 4.6
30.1.01(8) 4.6, 4.7
30.10 ..... 3.4
30.11 ..... 4.4, 4.5
Ontario Securities Act 4.9
Rules of Professional Conduct (Ontario Law Society) 3.15
r 2.02(1.1) 3.15
2.02(5) 3.15
2.02(5.1)(a) 3.15
2.02(5.1)(c), (d) 3.15
14 ..... 3.20
PEI
Rules of Civil Procedure 4.2
r 30.11 ..... 4.4
SASKATCHEWAN
Rules of Civil Procedure 4.2
rr 286–88 ..... 4.4

ENGLAND AND WALES
Arbitration Act 1996, ... 23.31
s 33 ..... 23.4, 23.21
34 ..... 23.4
(1) 23.31
(2)(d) 23.31
43 ..... 23.4
68 ..... 23.4
Bribery Act 2010 ..... 11.1, 11.12
Civil Evidence Act 1968
s 14(1)(a) 6.39
Civil Procedure Rules 1998, SI 1998/3132 ..... 6.3, 6.4, 6.17, 6.22, 6.31, 6.32, 6.33, 6.34, 6.37, 6.38, 23.56
Pt 5 – Court Documents 6.33, 6.34
Pt 5 PD 5A– Court Documents, para 4.2A 6.33
Pt 31 – Disclosure and Inspection of Documents 6.16
r 31.3 ..... 23.4
31.3.5 ..... 23.4
31.4 ..... 6.18
31.9 ..... 6.18
31.14 ..... 23.4
31.14.5 ..... 23.4

ENGLAND AND WALES – *contd*
Civil Procedure Rules 1998 – *contd*
r 31.19 ..... 6.40
31.19(3) 6.16
31.20 ..... 6.17
Pt 32 – Evidence 6.37
r 32.13(1) 6.33
Pt 34 – Witnesses, Depositions and Evidence for Foreign Courts 6.41
r 34.13 ..... 6.42
34.13(1A) 6.41
34.13(3) 6.41
Pt 35 – Experts and Assessors 6.23
r 35.10 ..... 6.23
Pt 62 – Arbitration Claims
r 62.10 ..... 23.31
Companies Act 2006
s 994 ..... 6.11
Crown Proceedings Act 1947
s 28(2) 23.31
Evidence (Proceedings in Other Jurisdictions) Act 1975 ..... 6.28, 6.41, 6.43
s 3 ..... 6.28
(2) 6.28, 6.43
Financial Services and Markets Act 2000 ..... 6.4
Human Rights Act 1998 ..... 6.2, 6.31
Money Laundering Regulations 2007, SI 2007/2157 ..... 6.13
Proceeds of Crime Act 2002 ..... 6.13, 23.53
s 333A 6.13
333D 6.13
Regulation of Investigatory Powers Act 2000 ..... 6.4
Solicitors Regulation Authority Code of Conduct 2007 ..... 6.13
Rule 4.01 ..... 6.13
Solicitor's Regulation Authority Handbook (October 2011) 6.13
Principal 4 ..... 6.13
Terrorism Act 2000 ..... 6.13
Terrorism Act 2000 and Proceeds of Crime Act 2002 (Amendment) Regulations 2007, SI 2007/3398 ..... 6.13

FRANCE
Code of Civil Procedure 23.35
Art 1464(4) 23.35
1479 ..... 23.35
1506 ..... 23.35
Decree 2001-48 of 13 January 2011, in force 1 May 2011 ..... 23.35

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

GERMANY

Act on Unfair Competition (*Gesetz gegen den unlauteren Wettbewerb*, UWG)
§§ 17, 18 ... 7.49
Administrative Courts Act (*Verwaltungsgerichtsordnung*, VwGO)
§ 100 ... 7.20
173 ... 7.20
Consumer Information Act(*Verbraucherinformationsgesetz*, VIG) *Verbraucherinformationsgesetz* of 5 November 2007, BGBl I 2007, p 1934 ... 7.19
Copyright Law relating to Works of Fine Art and Photography (*Gesetz betreffend das Urheberrecht an Werken der bildenden Künste und der Photographie*, KUrhG)
§ 22 et seq ... 7.48
Criminal Code (*Strafgesetzbuch*, StGB)
§ 138 ... 7.36, 7.41
139 ... 7.36
201 ... 7.49
202 ... 7.49
202a ... 7.49
202b ... 7.49
203 ... 7.29
204 ... 7.49
206 ... 7.49
Environmental Information Act (*Umweltinformationsgesetz*, UIG) *Umweltinformationsgesetz* of 22 December 2004, BGBl I 2004, p 3704 ... 7.19
Federal Data Protection Act (*Bundesdatenschutzgesetz*, BDSG) ... 7.48
Federal Freedom of Information Act (*Informationsfreiheitsgesetz*, IFG) *Gesetz zur Regelung des Zugangs zu Informationen des Bundes* of 5 September 2005, Federal Law Gazette (*Bundesgesetzblatt*, BGBl) I 2005, p 2722, which entered into force on 1 January 2006 ... 7.19
Federal Rules for Notaries Public (*Bundesnotarordnung*, BNotO)
§ 18 ... 7.24
Federal Rules for Solicitors (*Bundesrechtsanwaltsordnung*, BRAO)
§ 43a(2) ... 7.24, 7.29
German Banking Act (*Kreditwesengesetz*, KWG)
§ 44(6) ... 7.32

GERMANY – *contd*

German Civil Code (*Bürgerliches Gesetzbuch*, BGB)
BGB § 12 ... 7.48
809, 810 ... 7.8
823 et seq ... 7.49
1025ff ... 23.6
1042(1) ... 23.6
1042(4) ... 23.6
1050 ... 23.6
German Code of Civil Procedure (*Zivilprozessordnung*, ZPO) ... 7.2, 7.9, 7.32, 23.6, 23.33
ZPO § 138 ... 7.2
142 ... 7.9, 7.11, 23.6
(2) ... 7.11
142(2), s 2, 386 *et seq* ... 7.9
143 ... 7.6
144 ... 7.9, 7.11
(2) ... 7.11
273(2), 4 ... 7.10
295 ... 7.39
296 ... 7.20
(1) ... 7.50
(2) ... 7.20, 7.50
355 et seq ... 7.44
§§ 371–372a ... 7.2
§ 371(2) ... 7.8
§§ 373–401 ... 7.2
§ 376 ... 7.25
378 ... 7.10
380 ... 7.10
384(3) ... 7.44
§§ 383–385 ... 7.11
§ 383(1) No 1 ... 7.23
No 2 ... 7.23
No 2 lit a ... 7.23
No 3 ... 7.23
Nos 4, 5 ... 7.24
(2), (3) ... 7.39
384 Nos 1, 2 ... 7.26
385(1) No 1 ... 7.27
(2) ... 7.27
§§ 403–414 ... 7.2
415–444 ... 7.2
§ 422 ... 7.8
423 ... 7.7
427 ... 7.7
432 ... 7.21
§§ 445–455 ... 7.2
§ 445(1) ... 7.5
446, 447 ... 7.5
448 ... 7.5
450(2) ... 7.5

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

GERMANY – *contd*
German Code of Criminal Procedure (*Strafprozessordnung*, StPO)
§ 53(1) No 3 ..... 7.31
97(1) 7.31
(2) s 1 ..... 7.31
3 ..... 7.31
148 ..... 7.31
385(3) 7.16
§§ 395 et seq 7.16
§ 397(1) 7.16
§§ 403 et seq 7.16
§ 406e 7.17
(2), ss 2, 3 ..... 7.17
475 ..... 7.18
German Commercial Code (*Handelsgesetzbuch*, HGB)
§ 84 ..... 7.49
90 ..... 7.49
102 ..... 7.8
166 ..... 7.8
258 *et seq* 7.8
333 ..... 7.24
German Constitution (*Grundgesetz*, GG)
Art 5(1) s 2 ..... 7.24
47 ..... 7.25
German Law on Administrative Proceedings (*Verwaltungsverfahrensgesetz*, VwVfG)
§ 13(2) 7.19
29(1), (2) 7.19
30 ..... 7.19
65 ..... 7.32
German Money Laundering Act (*Geldwäschegesetz*, GwG)
§ 2(1) no 7 ..... 7.36, 7.41
Introductory Law of the German Judicature Act (*Einführungsgesetz zum Gerichtsverfassungsgesetz*, EGGVG) 7.54
EGGVG §§ 12–22 ..... 7.54
Judicature Act (*Gerichtsverfassungsgesetz*, GVG)
§ 169 ..... 7.51
Labour Courts Act (*Arbeitsgerichtsgesetz*, ArbGG)
§ 46(2) 7.20
Law on Certified Auditors (*Wirtschaftsprüferordnung*, WPO)
§ 64 ..... 7.24
Law on Stock Corporations (*Aktiengesetz*, AktG)
§ 78 ..... 7.5
93(1) 7.24, 7.49
(2) 7.49

GERMANY – *contd*
Law on Stock Corporations (*Aktiengesetz*, AktG) – *contd*
§ 116 ..... 7.24, 7.49
404 ..... 7.24, 7.49
Law on Tax Advisors (*Steuerberatungsgesetz*, StBerG)
§ 83 ..... 7.24
Limited Liability Companies Act (GmbH-Gesetz, GmbHG)
§ 35 ..... 7.5
51a 7.8
85 ..... 7.24, 7.49
Securities Trading Act (*Wertpapierhandelsgesetz*, WpHG)
§ 4(9) 7.32

INDIA
Code of Civil Procedure 1973 ..... 8.26
Companies Act 1956 ..... 8.24
ss 239, 240 ..... 8.24
Constitution
Art 20(3) 8.21, 8.24
21 ..... 8.21
74(1) (2) 8.29
Indian Civil Procedure Code 1908 ..... 8.2, 8.25
Indian Code of Criminal Procedure 1973 ..... 8.4
s 91 ..... 8.4, 8.26
Indian Evidence Act 1872 ..... 8.3, 8.4, 8.10, 8.17, 8.22, 8.26
s 123 ..... 8.27, 8.28
124 ..... 8.27, 8.28
126 ..... 8.8, 8.14
128 ..... 8.8
131 ..... 8.24
162 ..... 8.4, 8.26
Indian Evidence Act 1982
s 126 ..... 8.3
Official Secrets Act 1923 ..... 8.6, 8.7, 8.28
Right to Information Act 2005 ..... 8.5, 8.28
s 8(1)(e) 8.5
22 ..... 8.28
Right to Privacy Bill 2010 ..... 8.24

JAPAN
Act Concerning Prohibition of Private Monopolisation and Maintenance of Fair Trade (Antimonopoly Act)
Art 47(1)(iii) 9.3
62 ..... 9.3
94(iii) 9.3
102 ..... 9.3

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

JAPAN – *contd*
Act on the Prevention of Transfer of Criminal Proceeds (in force 2008) 9.8
Amendment to the Code of Civil Procedure 1996 ..... 9.1, 9.20
Antimonopoly Law (2009 Amendment)
Arts 83-4–83-7 ..... 9.3, 9.20
Code of Civil Procedure of Japan 9.1, 9.5, 9.15, 9.16, 9.18, 9.21, 9.27
Art 91(1), (2) 9.22
92 ..... 9.22
99 ..... 9.2
103 ..... 9.2
105 ..... 9.2, 9.7, 9.14
132-4(1)(i) 9.5
196 ..... 9.20
197 ..... 9.20
(2) 9.10
218 ..... 9.2
220 ..... 9.1, 9.20
(i) 9.11
(iii) 9.7
(iv)(c) 9.14
(iv)(d) 9.7, 9.14
(vi)(c) 9.9
222 ..... 9.2, 9.7
Arts 224, 225 ..... 9.1
Art 226 ..... 9.5
299(1) 9.5
Code of Criminal Procedure 9.5
Code of Ethics of Practising Attorneys (established by the JFBA) 9.7, 9.8
Constitution of Japan 9.17
Art 82 ..... 9.21
Copyright Law 9.21
Arts 114–115 ..... 9.1, 9.20
Design Law 9.21
Art 41 ..... 9.1, 9.20
Governmental Official Law
Art 100 ..... 9.26
Gun and Sword, etc Prohibition Law 9.7
Law Concerning the Protection of Personal Information (Kojin-Jyouho-no-Hogo-ni-kansuru-Horitsu), effective 1 April 2005 .. 9.17
Law Relating to Measures Associated with the Criminal Code for Protection of a Crime Victim, etc 9.5
Law Relating to Reciprocal Judicial Aid to be Given at the Request of Foreign Courts
Art 3 ..... 9.15
JAPAN – *contd*
Law Revising a Part of the Court Act, etc (in effect 1 April 2005) 9.21, 9.22, 9.23, 9.24
Lawyer Act
Art 23 ..... 9.7, 9.8
New Utility Model Law 9.21
art 30 ..... 9.1, 9.20
Patent Law 9.21
Art 105 ..... 9.1, 9.20
Trademark Law 9.21
Art 39 ..... 9.1, 9.20
Unfair Competition Prevention Act .. 9.19, 9.21, 9.22
Art 7 ..... 9.1, 9.20
Unfair Competition Prevention Act (2009 amendments) 9.19
Unfair Competition Prevention Act (2011 amendments) 9.19

MEXICO
Credit Institutions Act 10.20
Federal Code of Civil Procedures (*Código Federal de Procedimientos Civiles* (CFPC)) 10.2, 10.26
Art 90 ..... 10.3
Federal Constitution 10.19, 10.24
Art 16 ..... 10.1
133 ..... 10.26
Federal Criminal Code (FCC) 10.1, 10.3, 10.15, 10.20
Arts 210, 211 ..... 10.1
Federal Employment Act 10.20
Federal Law on the Protection of Personal Data Possessed by Private Persons (DPL) effective on 6 July 2010 ..... 10.19
Federal Law on Transparency and Access to Governmental Public Information (Transparency and Access Law (TAL)) 10.16, 10.19, 10.21
Federal Telecommunications Act 10.20
Industrial Property Act 10.20
Law on the General Means of Communication 10.20
Law Regulating Article 5 of the Federal Constitution related to the Exercise of Professions of the Federal District (LEP) 10.1, 10.3, 10.15
Art 36 ..... 10.1
Law for Regulating the Credit Information Societies 10.20

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

PEOPLE'S REPUBLIC OF CHINA – *contd*
Behaviour Criterions for the Practice of Lawyers (for Trial Implementation)
Art 56 ..... 5.7
Civil Procedure Law (revised in 2008) 5.1, 5.9, 5.10, 5.15
Art 64 ..... 5.2
66 ..... 5.8, 5.10
70 ..... 5.2
120 ..... 5.8
260 ..... 5.15
261 ..... 5.14
Commercial Banking Law
Arts 29, 30 ..... 5.11
Art 53 ..... 5.11
Constitution of the PRC
Art 38 ..... 5.8
Criminal Procedure Law (revised 1996) 5.1, 5.3, 5.10
Art 35 ..... 5.3
36 ..... 5.4
45 ..... 5.3
46 [proposed] 5.3
48(1) 5.3
Criminal Procedure Law (draft amendment) 5.4, 5.5
Art 37 ..... 5.4
68 ..... 5.5
Detailed Scope of Classification of Confidentiality in the Operation of Financial Institutions 5.11
Lawyers' Law 1996 ..... 5.1
Art 33 ..... 5.3
45 ..... 5.3
Lawyers' Law Amended with effect 1 June 2008 ..... 5.1, 5.3, 5.5, 5.9
Art 38 ..... 5.3, 5.7
49 ..... 5.3
Regulations on State Secrets 5.11
Several Provisions of the Supreme People's Court on Evidence in Civil Litigation 5.1, 5.9
Art 48 ..... 5.10
75 ..... 5.2

POLAND
Attorneys' Professional Ethics Code (*Zbiór Zasad Etyki Adwokackiej i Godności Zawodu*) 12.9
Para 15 ..... 12.9
Classified Information Protection Act of 5 August 2010 (*Ustawa o ochronie informacji niejawnych*) 12.1
Code of Civil Procedure (*Kodeks Postępowania Cywilnego* (KPC)) 12.2

POLAND – *contd*
Constitution
Art 49 ..... 12.2
Civil Code 12.2
Civil Procedure Code
Art 261(2) 12.3
Criminal Code (Kodeks Karny)
Art 178 ..... 12.3
267 ..... 12.2
Law of the Bar (Attorneys; Prawo o Adwokaturze)
Art 6 ..... 12.3
Law on Legal Advisers (ustawa o radcach prawnych) 12.3
Law on the Provision of Legal Services by Foreign Lawyers in the Republic of Poland 12.11

RUSSIA
Advocacy Law 13.17
Civil Code 13.17
Civil Procedural Code 13.2
Constitution
Arts 23, 24 ..... 13.16
Art 51 ..... 13.2
Law No 63-FZ of 31 May 2002 'On Advocacy and Advocate's Association' (the Advocacy Law) 13.2
Law No 98-FZ of 29 July 2004 'On Commercial Secrecy' 13.17, 13.19
Law No 115-FZ of 7 August 2001 'On prevention of money laundering and financing of terrorism' 13.7
Law No 5485-1 of 21 June 1993 'On State Secrets' 13.19
Russian Criminal Code 13.7

SOUTH AFRICA
Child Care Act 74 of 1983
s 8 ..... 14.16
Constitution 1996 ..... 14.3, 14.14, 14.21
s 14 ..... 14.3, 14.14
(a)–(d) 14.14
Constitution of the Republic of South Africa Act 108 of 1996
s 32 ..... 14.2
Criminal Procedure Act 51 of 1977 . 14.3
s 153 ..... 14.16
198 ..... 14.1
Foreign Courts Evidence Act No 80 of 1962 ..... 14.12, 14.21
s 5(2) 14.12
High Court Rules
r 35 ..... 14.11

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

SOUTH AFRICA – *contd*
Maintenance Act 99 of 1998
s 5(3) 14.16
Promotion of Access to Information Act 2 of 2001 ..... 14.2
s 40 ..... 14.2
67 ..... 14.2
Supreme Court Act 59 of 1959
s 16 ..... 14.16

SPAIN
19/2003 Act on Money Laundering . 15.2, 15.5
Arbitration Act 2003 (amended 2011) 23.35
Art 24(2) 23.35
Basic Statute 1/1982 on Civil Protection of the right to honour, privacy and personal reputation
Art 7.4 ..... 15.14
Civil Procedure Act 15.1
Art 3 ..... 15.19
138 ..... 15.16
283.3 ..... 15.2
328 ..... 15.1, 15.17
329 ..... 15.1
330 ..... 15.17
332 ..... 15.2
Civil Procedure Code
Art 140.1 ..... 15.16
Code of Conduct for the Spanish Legal Profession
Art 5 ..... 15.1
Code of Ethics for the Spanish Legal Profession, of 30 June 2000 ..... 15.3, 15.4, 15.5
Art 5 ..... 15.5, 15.10, 15.15
5.2 ..... 15.3, 15.10
12 ..... 15.6
13.7 ..... 15.4
Code of Ethics regarding professional secrecy
Art 5 ..... 15.13
Constitution of 27 December 1978 .. 15.1, 15.13, 15.21
Art 18.1 ..... 15.14
20.1.d 15.1, 15.15
Constitution of 27 December 1978 – *contd*
Section 24 ..... 15.1
Art 24 ..... 15.21
24.2 ..... 15.16
Criminal Code approved by the Organic Law of 23 November 1 995
Art 199 ..... 15.15
199.2 ..... 15.8

SPAIN – *contd*
Criminal Procedure Act 15.1
Arts 262, 263 ..... 15.2, 15.5
416.2º 15.2
General Statute of the Spanish Legal Profession, approved by Royal Decree 658/2001, of 22 June 2001
Art 32.1 ..... 15.1, 15.15
34 ..... 15.10
34.e 15.5
Organic Act on Judicial Power of 1 July 1985 ..... 15.1
Art 437.2 ..... 15.13
542.3 ..... 15.2, 15.15
Unfair Competition Act 3/1991, of 10 January 1991 ..... 15.14
s 13 ..... 15.14, 15.15

SWEDEN
Act (2010:1052) on Authorisation of Patent Lawyers
section 2, paragraph 1 ..... 16.1
Act on the Taking of Evidence for a Foreign Court 16.15
Arbitration Act
section 26 ..... 16.5
Code of Administrative Procedure
section 43 ..... 16.3, 16.19
Code of Judicial Procedure 16.1, 16.3, 16.4, 16.9, 16.14, 16.15, 16.16, 16.18, 16.19, 16.21
chapter 5 ..... 16.19
8, section 4 ..... 16.18
8, section 9 ..... 16.9
chapters 27–28 ..... 16.5, 16.13
chapter 27, section 2 ..... 16.2
28, section 1 ..... 16.2
36, section 5 ..... 16.2
36, section 5, paras 2–3 ... 16.1
36, section 5, para 3 ..... 16.14
36, section 5, para 4 ..... 16.1
38, section 2 ..... 16.13
38, section 2, para 2 ..... 16.2, 16.5
38, section 4, para 1 ..... 16.2
39, section 5 ..... 16.2, 16.5, 16.13
Code of the Swedish Bar Association (the Code of Conduct) 16.1, 16.4, 16.8, 16.16, 16.18
Credit Information Act 16.17
Freedom of Press Act 16.3, 16.19
chapter 2 ..... 16.17, 16.18, 16.19
Instrument of Government 16.19
chapter 2, section 11 ..... 16.19
Law on International Legal Assistance in Criminal Matters 16.15
Personal Data Act 16.17

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

SWEDEN – *contd*
Secrecy Act 16.1, 16.3, 16.17, 16.18, 16.19
chapter 10, section 3, paras 1, 2 ... 16.3, 16.19
chapter 36, section 2 ..... 16.19
Social Services Act (1980: 620)..... 16.1
Tax Law
Chapter 3, section 13, para 1..... 16.14

SWITZERLAND
Codes of Civil Procedure 17.1
Codes of criminal procedure 17.1
Federal Civil Procedure Code of 4 December 1947 ..... 17.1
Art 38 ..... 17.20
Federal Criminal Procedure Code of 15 June 1934 ..... 17.1
Federal Statute on Combating Money Laundering and Terrorist Financing of 10 October 1997 . 17.8
Art 9 ..... 17.8
Federal Statute on Banks of 8 November 1934
Art 47 ..... 17.3
Federal Statute on Cartels of 6 October 1995, as amended
Art 42 (in force 1 April 2004)..... 17.1
Federal Statute on Data Protection of 19 June 1992
Art 2 para 2(c)..... 17.18
Federal Statute on the Freedom of Movement for Lawyers of 23 June 2000 ..... 17.10
Art 13 ..... 17.19
17 ..... 17.19
Federal Statute on Patents of 25 June 1954
art 68 ..... 17.20
Federal Statute on Private International Law of 18 December 1987
Art 11a 17.16
Ordinance of the Zurich High Court of 16 March 2001 on Access of Court Files to Third Parties..... 17.20
§ 16..... 17.20
Private International Law Act 1987 . 23.7
Ch 12..... 23.7, 23.34
Art 182(2), (3)..... 23.7
184(1), (2)..... 23.7
Swiss Civil Procedure Code 2011 (CiPC) 17.1, 17.3, 17.4, 17.9
Art 156 ..... 17.20
158 ..... 17.1

SWITZERLAND – *contd*
Swiss Code of Obligations of 30 March 1911
Art 398 ..... 17.19
Swiss Constitution 17.20
Swiss Criminal Code of 21 December 1937 (SCC).. 17.3, 17.19
Art 28a 17.3
271 ..... 17.24
273 ..... 17.24
321 ..... 17.3, 17.19
Swiss Criminal Procedure Code 2011 (CrPC)..... 17.1, 17.3, 17.4, 17.9
Zurich Statute on Lawyers of 17 November 2003
arts 33 et seq..... 17.11

TURKEY
Administrative Procedure Code, Code No 2577, published in the Official Gazette numbered 17580 and dated 20 January 1982
Art 31 ..... 18.24
Banking Law, Law No 5411, Official Gazette 25983 1 November 2005
Art 86/IV 18.20
Civil Code
Arts 24, 25..... 18.19, 18.20
Civil Procedure Code No 6100, Official Gazette 27836, 4 February 2011 ..... 18.1, 18.6, 18.21
Art 28 ..... 18.24
Arts 66–69..... 18.23
Art 153 ..... 18.24
Arts 154, 155..... 18.21
Art 158 ..... 18.21
161 ..... 18.21
189/2 ..... 18.19
193 ..... 18.1
216 ..... 18.1
219 ..... 18.1, 18.13
Art 221 ..... 18.1
222/1 ..... 18.1
242 ..... 18.7
245 ..... 18.1
247/II 18.14
248 ..... 18.6, 18.8
249 ..... 18.9, 18.12
250 ..... 18.8
251/a–251/c 18.8
251/ç 18.8
253 ..... 18.1
255/II 18.24

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

TURKEY – *contd*
Code of Attorneyship, Code No 1136, Official Gazette 13168 7 April 1969 ..... 18.9, 18.11
Art 2 ..... 18.9
3 ..... 18.11
12/c 18.10
35 ..... 18.11
36 ..... 18.9, 18.12, 18.20
44/b 18.11
46 ..... 18.9, 18.21
58 ..... 18.9
Code of Obligations
Art 49 ..... 18.19, 18.20
Code on Literary and Artistic Works, no 5846, Official Gazette 7981, 13 December 1951 ..... 18.19
Art 85 ..... 18.19
Code on the Protection of Competition, no 4054, Official Gazette 22140, 13 December 2004 ..... 18.3
Art 25/IV 18.20
44/II-III 18.3
Code on the Right to Information, No 4982, Official Gazette 25269, 24 October 2003 ..... 18.3, 18.4
Art 16 *et seq* 18.4
Commercial Code
Art 57/VII 18.20
358 ..... 18.20
363 ..... 18.20
Commercial Code No 6102, which will enter into force on 1 July 2012
Art 55/d 18.20
404 ..... 18.20
437 ..... 18.20
Constitution
Arts 20–22 ..... 18.19
Art 38/V 18.8
141/I 18.24
Cooperatives Law, Law No 1163, published in the Official Gazette numbered 13195 and dated 10 May 1969
Art 25 ..... 18.20
Criminal Code, no 5237, Official Gazette no 25611, 12 October 2004 ..... 18.19, 18.20
Art 116 ..... 18.19
124 ..... 18.19
132 ..... 18.19, 18.20
Arts 133–136 ..... 18.20
Art 138 ..... 18.20
239 ..... 18.19, 18.20

TURKEY – *contd*
Criminal Procedure Code No 5271, Official Gazette 25673, 17 December 2004 ..... 18.2, 18.6, 18.19, 18.24
Arts 45–48 ..... 18.5
Art 45 ..... 18.6
45/I 18.8
45/III 18.14
46 ..... 18.7, 18.9
47/II 18.24
48 ..... 18.8
58/III 18.24
126 ..... 18.9, 18.10, 18.15
130 ..... 18.9, 18.10
136 ..... 18.9, 18.12, 18.13, 18.15
153 ..... 18.2
153/3 ..... 18.2
154 ..... 18.9
157 ..... 18.2
182 ..... 18.24
182/II–III 18.24
183 ..... 18.24
186/I–II 18.24
187/III 18.24
206/II 18.19
234 ..... 18.22
237 ..... 18.22
Arts 241, 242 ..... 18.22
Law on Accountants, Accountant Financial Consultants and Sworn Financial Consultants, Law No 3568, published in the Official Gazette numbered 20194 and dated 13 June 1989
Art 43 ..... 18.20
Patient Rights Regulation, Official Gazette 23420 1 August 1998
reg 7 ..... 18.7
21 ..... 18.20
23 ..... 18.20
Public Notary Code, No 1512, Official Gazette 14090, 5 February 1972
Art 54 ..... 18.7, 18.20

UAE
Dubai Municipality Rules of Arbitration
r 10.2 ..... 19.1
Federal Law No 5 of 1985 as amended by Federal Law No 1 of 1987: the Civil Code of the United Arab Emirates
Art 948 ..... 19.2

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

UAE – *contd*
Federal Law No 5 of 1985 as amended by Federal Law No 1 of 1987: the Civil Code of the United Arab Emirates – *contd*
Art 1006 ..... 19.2
Federal Law No 3 of 1987 (the Penal Code) 19.3, 19.6
Arts 266, 267 ..... 19.4
Art 369 ..... 19.4
379 ..... 19.4
Federal Law No 23 of 1991 Regarding Organising of the Lawyer's Profession (the 'Lawyers' Law') 19.5, 19.6, 19.10
Art 2 ..... 19.6
4 ..... 19.6
6(1)–(5) 19.6
7(1)–(2) 19.6
9(1)–(3) 19.6
42 ..... 19.5
44 ..... 19.5, 19.6
45 ..... 19.5
Federal Law No 10 of 1992, the Law of Proof in Civil and Commercial Transactions (the 'Law of Proof') 19.2
Art 18 ..... 19.3, 19.9
(1)(a)–(c) 19.2
(2) 19.2
20 ..... 19.2
82(3) 19.3
Federal Law No 11 of 1992 (the UAE Civil Procedure Code) 19.2
Art 73(2) 19.9
160 ..... 19.9
235 ..... 19.12
(1) 19.12
(2) 19.12
(a)–(e) 19.12
Federal Law No 35 of 1992 (the Penal Procedures Code) 19.3, 19.6, 19.9
Art 77 ..... 19.5, 19.6
Rules of Commercial Conciliation and Arbitration of the Dubai Chamber of Commerce and Industry 19.1
Arts 35, 36 ..... 19.1

USA
17 CFR § 205 'Standards of Professional Conduct for Attorneys Appearing and Practicing Before the Commission in the Representation of an Issuer' 20.8
17 CFR § 205.2(h) 20.8

USA – *contd*
American Bar Association Model Rules of Professional Conduct (2002) 20.8
R. 1.6(b)(1)–(4) 20.8
American Bar Association Model Rules of Professional Conduct (2002) Amended August 2003 . 20.8
R 1.6 ..... 20.8
1.13 ..... 20.8
1.13(b)–(d) 20.8
3.3 ..... 20.8
Assistance to foreign and international tribunals and to litigants before such tribunal 28 USC § 1782 ..... 21.11
Assistance to foreign and international tribunals and to litigants before such tribunal 28 USC § 1782(a) 21.11
Constitution
Amend V 20.3
Federal Arbitration Act 1925 ..... 23.5, 23.32
s 7 ..... 23.5
10 ..... 23.5
Federal Rules of Civil Procedure 11.1, 11.12, 21.3, 21.4, 21.11
R 26(b)(l) 20.1
26(b)(1) 21.3
26(b)(3) 20.14, 20.16
26(b)(3) advisory committee note 20.16
26(b)(5)(B) 20.11
26(c)(1) 21.6, 21.10
26(c)(1)(G) 21.4, 21.8
26(c)(1)(H) 21.5
34 ..... 20.2
37(a)(1) 21.6
45 ..... 20.2
Federal Rule of Evidence
R 502(b) 20.11
Foreign Corrupt Practices Act 1977 (FCPA) 11.12
Freedom of Information Act 5 USC § 552 ..... 20.2, 21.9
§ 552(a) 20.2
(b) 20.2, 21.9
(b)(5) 20.2
Restatement of Law, Second, Conflict of Laws (St Paul: ALI, 1971) § 188 ..... 23.20
Restatement (Third) of the Law Governing Lawyers § 68 (2000) 20.4
§ 69 cmt. i 20.4
80(1)(b) 20.11
82 cmt. c 20.13

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

Table of International Material

[*All references are to paragraph number*]

Charter of Fundamental Rights of the European Union
Art 7 ..... 11.14
Consolidated Version of the Treaty on European Union (2010 OJ C83/01) 22.5
Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, OJ L 281, 23/11/1995 pp 0031–0050..... 6.31, 7.48, 11.11, 11.14
Directive 98/5 EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained..... 11.6
Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001 amending Council Directive 91/308/EEC on prevention of the use of the financial system for the purpose of money laundering (2001 OJ L344/76) (Second EU Directive on money laundering) 15.5, 16.8
Directive 2005/60/EC of the European Parliament and the Council of 26 October 2005 on prevention of the use of the financial system for the purpose of money laundering 11.4
EEA Agreement 11.6
EC Treaty 6.38
EU Charter of Fundamental Rights.. 22.5
European Convention for the Protection of Human Rights and Fundamental Freedoms 6.2, 6.31, 11.14, 17.20, 22.5
Art 2 ..... 6.31
3 ..... 6.31
6 ..... 6.2, 6.31, 22.5, 23.1, 23.19
(3)..... 17.3
8 ..... 6.31, 11.14, 23.1, 23.19
(1), (2)..... 6.31, 8.21
10 ..... 6.31
European Convention on Mutual Assistance in Criminal Matters Council Act of 29 May 2000 established in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (2000/C 197/01)..... 11.12
Hague Convention of 1 March 1954 relating to civil procedure 9.15, 17.16, 18.17
Arts 8–16..... 18.17
Art 14 ..... 17.16
(1), (2)..... 9.15
Hague Convention of 15 November 1965 'On the service abroad of judicial and extrajudicial documents in civil or commercial matters'..... 13.23, 18.17
Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil and Commercial Matters (the Hague Convention on Evidence) 1.49, 5.14, 6.39, 7.44, 7.59, 7.60, 11.12, 13.14, 13.23, 17.16, 18.17, 18.29, 19.12, 23.23, 23.24

Copyrighted Material

http://www.pbookshop.com

Copyrighted Material

Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil and Commercial Matters (the Hague Convention on Evidence) – *contd*
Art 1 ..... 1.49, 1.64, 5.14
2 ..... 5.14
9(2) 7.44
11 ..... 1.49, 1.64, 5.6, 7.44, 7.46, 17.16, 18.17, 18.29, 23.23
12 ..... 5.15, 18.29
(b) 7.60
23 ..... 5.14, 7.60, 18.17, 18.29
29 ..... 18.17
Inter-American Convention on Conflicts of Law regarding bills of exchange, invoices and promissory notes 10.17
Inter-American Convention on Conflicts of Law regarding cheques 10.17
Inter-American Convention on the Taking of Evidence Abroad 1975
Art 12 ..... 23.23
International Covenant on Civil and Political Rights 1966
Art 17 ..... 11.14
(1), (2) 8.21
North American Free Trade Agreement 1992 (NAFTA) 10.11, 23.46
Art 1120(2) 23.46
Annex 1137.4 ..... 23.46
Regulation 1206/2001/EC of 28 May 2001 on Cooperation between the Courts of the Member States in the Taking of Evidence in Civil or Commercial Matters (Brussels Evidence Regulation) (2001 OJ L174/1) 6.39, 6.41, 6.42, 6.43, 7.46, 7.58, 7.60, 11.12, 16.15, 23.24
Preamble para (12) 11.12
Art 1(2) 6.42
4(1)(e) 11.12
14(1) 7.46, 23.24
Rome Convention on the Law Applicable to Contractual Obligations 1980
Art 4(1) 23.20
Second EU Directive on money laundering. See Directive 2001/97/EC
Treaty of Lisbon in force 1 December 2009 ..... 22.5
Universal Declaration of Human Rights 1948
Art 12 ..... 8.21
Vienna Convention on Diplomatic Relations 1961 ..... 18.1

http://www.pbookshop.com

Copyrighted Material

Copyrighted Material

Table of Arbitration Rules

[*All references are to paragraph number*]

AAA Code of Ethics for Arbitrators in Commercial Disputes 2004
canon VI 23.53
AAA International Rules 23.8
ALI/UNIDROIT Principles 2004 (Principles of Transnational Civil Procedure) 23.25
Art 16.2 ..... 23.25
Arts 18.1–18.3 ..... 23.25
Australian Centre for International Arbitration (ACICA) 2005 Rules
Art 27 ..... 23.26
CPR Non-Administered Arbitration Rules – domestic non-administered 2007 (International Institute for Conflict Prevention and Resolution) 23.8, 23.15
Rule 9.1 ..... 23.15
11 ..... 23.15
12.2 ..... 23.15
CPR Non-Administered Arbitration Rules – international disputes 2007 (International Institute for Conflict Prevention and Resolution) 23.8 23.15, 23.43
Rule 12.2 ..... 23.15
18 ..... 23.43
DIS Arbitration Rules (1998 Arbitration Rules of the German Institution of Arbitration) ... 23.8, 23.12, 23.51, 23.52
Art 24.1 ..... 23.12
26.1 ..... 23.12, 23.21
27.1 ..... 23.12
Arts 42, 43 ..... 23.40
Art 43.1 ..... 23.33, 23.40
43.2 ..... 23.40
ICC Arbitration Rules (1998 Rules of Arbitration of the International Chamber of Commerce) 23.8, 23.10, 23.38
ICC Arbitration Rules (1998 Rules of Arbitration of the International Chamber of Commerce) – *contd*
Art 15(1) 23.10
15(2) 23.10, 23.21
20(3) 23.10
(5) 23.10
(7) 23.10, 23.38
21(3) 23.38
ICC Arbitration Rules (2012 Rules of Arbitration of the International Chamber of Commerce) 23.11, 23.38, 23.50
Art 19 ..... 23.10
22(3) 23.38
(4) 23.10, 23.21
26(3) 23.38
Internal Rules of the International Court, Art 1(2) 23.38
Statues of the Court, Art 6 ..... 23.38
ICC Statutes 23.54
ICDR/AAA 2009 Commercial Arbitration Rules (Including procedures for Large, Complex Commercial Disputes)
Art 31(c) 23.14
International Arbitration Rules of the International Centre for Dispute Resolution (ICDR) 2009 ..... 23.14, 23.42, 23.50, 23.51
Art 16(1) 23.14, 23.21
19(3) 23.14
20(2) 23.14
(4) 23.42
(6) 23.14
27 ..... 23.42
(4) 23.42
(8) 23.42
34 ..... 23.42
International Bar Association Rules of Ethics for International Arbitrators
Art 9 ..... 23.53

http://www.pbookshop.com

Copyrighted Material