
MAURO RUBINO-SAMMARTANO



Overview

Admitted in Milan (1961);

Court of Cassation (1975);

Paris (1986);

Education at Catholic University of Milan (J.D., 1958).

Visiting Professor, Commercial Arbitration Law, University of Milan, 1997-1998,

Arbitration Law, University of Padua 2003-2004. 2005-2006;

Lecturer, International Arbitration, University of Padua, 1987-1989;

Honorary Member of the Sofia and Istanbul Bars.

Associate tenant of Littleton Chambers, London, as an International Arbitrator

Offices Held

- President, European Court of Arbitration;
- President, Unione Camere Internazionali (Italian Section of International Attorneys);
- Vice-President, Conseil Méditerranéen d'Arbitrage;
- Honorary Investment Counsellor of Pakistan for Italy;
- Chartered Arbitrator (U.K.);
- Président d'Honneur, Union Internationale des Avocats (UIA);
- Chairman Emeritus, International Committee of the Milan Bar;
- Président d'Honneur, Association Internationale des Juristes de langue Italienne ;
- Co-Editor of Foro Padano;
- Vice-President, Italian Society for Construction Law;
- Council Member, International Bar Association (IBA);
- Vice Secretary of the Consular Corps of Milan;
- Chairman Emeritus, SBL's International Construction Projects;
- Secretary-General Emeritus of the Federation of European Bars.

Previous Offices

- Recorder of Desio, 1964-1969;
- Deputy Judge (Court of Monza);
- Honorary Consul in Milan of the Islamic Republic of Pakistan;
- Chairman of SBL's International Sales and Related Commercial Transaction;
- SBL Council Member;
- Member, IBA Publication Committee;
- IBA Deputy Secretary General for Southern Europe (appointment not served, due to a

- simultaneous nomination as President of Union Internationale des Avocats, an office which has been held);
- Chairman, The Mediterranean and Middle East Institute of Arbitration.
- President of the European Society for Construction Law

Textbooks

“Arbitrato, Conciliazione e ADR” (Arbitration, Mediation and ADR), Zanichelli, Ed.

2009 “Appalti d’Opere e Contratti di Servizi” (Construction Contracts and Contracts for Services), Cedam, 3rd Ed. 2006; “Il Diritto dell’Arbitrato”, (Arbitration Law), Cedam, 5th Ed. 2006; “International Arbitration: Law and Practice”, Kluwer, 2nd Ed. 2001; “Warranties in Cross Border Acquisitions”, (Gen. Ed.) Graham & Trotman, London, 1994; “Garanzie nella compravendita di pacchetti azionari e di imprese”, Giuffrè, 2006; “The Section on Italy of “Practitioner’s Handbook on International Arbitration”, (Weigand Ed.) Beck, 2002; “Submitting and Presenting Evidence, The Arbitration Process” (Gen. ed. Campbell), Kluwer, 2001; “La soluzione delle controversie in materia di appalti”, (The Disputes Resolution in Construction Contracts), “L’appalto privato”, (Ed. Costanza), Utet, 2000, 532; “Public Policy in Transnational Relationships” (Co-Gen. Ed.) Kluwer, 1991; “Performance Bonds” in “International Business Transactions”, (Eds. Campbell and Proksch), Kluwer, 1988; “Drafting and Enforcing Contracts in Civil and Common Law Jurisdiction” (Gen. Eds. K. Yelapaala, M. Rubino-Sammartano and D. Campbell) Kluwer, 1986; The Part on Civil Procedure in Italy of “World Litigation Law and Practice”, (Ed. Myrick) Matthew Bender, New York, 1985; “Lack of Conformity and Various Reliefs in Sales of Moveable Goods to Italy” in “Survey of the International Sale of Goods” (Eds. Campbell, Lafili and Gevurtz) Kluwer, 1985; “Commercial Agency in Italy” in “Rights and Liabilities in Commercial Agency”, Kluwer 1984; Commentary in “Defects, Delay, Prices and Subcontracting in Civil Law”, in “Selected Problems of Construction Law: International Approach”, University Press, Fribourg, 1983; “Bibliographical Dictionary of the Library of the Milan Bar”, Milan, Giuffrè, 1970 and various other publications.

Articles on Arbitration

The Fall of a Taboo - Review of the Merits of an Award by an Appellate Arbitration Panel and a Proposal for an International Appellate Court, *J. Int. Arb.* 2003, 20(4): 387-392, Camera Arbitrale per i Lavori Pubblici (The Arbitration Court for Government Contracts), *Foro pad.* 2001, II, 107; id, Transazione Assistita ovvero: dalla Mistica del Conflitto al Trionfo della Ragione (Support for conciliation: from love for conflict to the triumph of reason), *Foro pad.* 2001, II, 121; Vittoria di tappa. Arbitrato irrituale come processo: un sogno impossibile? (Provisional success of the joint mandate to settle classified as court proceedings: an impossible dream), *Foro pad.* 2001, I, 42; Sede dell’arbitrato in Italia: veramente l’ultimo legame con il territorio nazionale? (Venue for arbitration proceedings in Italy as the last link with the territory?), *Foro pad.* 2000, III, 312; Contratto in violazione di norme inderogabili e compromettibilità della controversia (Contracts in breach of mandatory provisions and suitability of the dispute for arbitration), *Foro pad.* 2000, III, 355; id. Invito-ordine alle parti a conciliare. Coraggio e precedenti oltremare (Invitation-order to the parties to settle: courage and overseas court precedents), *Foro pad.* 1997, I, 411; id. Termini perentori e diritti della difesa nel procedimento arbitrale (Mandatory deadlines and due process in arbitration proceedings), *Foro pad.* 1996, I, 148.; id. Developing Countries vis a vis International Arbitration, *J. Intl. Arb.* 1996, Vol. 13, No. 1; New International Arbitration Legislation in Italy, *J. Intl. Arb.*, 1994, Vol. 11, No. 3; id. The Channel Tunnel and the Tronc Commun Doctrine, *J. Intl. Arb.*, 1993, Vol. 10, No. 3; Amiable Compositeur (Joint Mandate to Settle) and Ex Bono et Aequo, *J. Intl. Arb.*, 1992, Vol. 9, No. 1; id. Ruolo della legge procedurale della sede della procedura

arbitrale (The Lex Fori rule in arbitration proceedings), *Foro pad.* 1992, I, 201; id. Arbitrato semplificato e arbitrato su documenti (Simplified arbitration and documents-only arbitration), *Foro pad.* 1990, II, 35; id. Divieto all'arbitro di nominare un consulente tecnico-giuridico, o incapacità dell'arbitro (Prohibition on Arbitrator appointing a legal expert or unsuitability of the Arbitrator), *Foro pad.* 1990, I, 280; id. L'arbitrato internazionale in giurisprudenza: sede in Italia e regolamento arbitrale non italiano (Court precedents on international arbitration: venue in Italy and non Italian Arbitration rules), *Foro pad.* 1990, I, 4; *Is Arbitration to Be Just a Luxury Clinic?*, *J. Intl. Arb.*, 1990, Vol. 7, No. 3; *An International Arbitral Court of Appeal as an Alternative to Long Attacks and Recognition Proceedings*, *J. Intl. Arb.* 1989, 181; id. Arbitrato internazionale ed arbitrato estero. Analisi e distinzioni (International and foreign arbitration: analysis and distinctions), *Foro pad.* 1988, II, 203; id. Arbitrato irrituale. Mandato a transigere e non ad accertare (Joint mandate to settle and not to establish whether a claim is grounded), *Foro pad.* 1988, I, 406; *International and Foreign Arbitration*, *J. Intl. Arb.* 1988, Vol. 5, No. 3; id. *La prova nell'arbitrato internazionale (Evidence in International Arbitration)*, *Foro pad.* 1987, II, 85; *Third Generation Arbitration. Appeals to a New Panel Within Arbitration Proceedings?*, *J. Intl. Arb.* 1987, Vol. 4, No. 1; id. *I mezzi di impugnazione del lodo rituale non esecutivo e la giurisprudenza (Challenges to awards, which are not yet enforceable, and court precedents)*, *Foro pad.* 1986, I, 304; *Rules of Evidence in International Arbitration*, *J. Intl. Arb.*, 1986 Vol. 3, No. 2; id. *Il Référé Arbitral (Pre-Arbitral Referee)*, *Foro pad.* 1982, II, 35; id. *The Keban Arbitration*, *The Arbitration Journal*, 1980, 241; *Arbitrato con più parti (Multiparty Arbitration)*, *Foro pad.* 1980, II, 75; *Arbitrati italiani, stranieri e internazionali – distinzione e analisi (Italian, foreign and international arbitration: distinction and analysis)*, *Foro pad.* 1979, II, 9; *Arbitrato con più parti (Multiparty Arbitration)*, *Rass. Arb.* 1980, n. 3. *Performance Bonds and Injunctions in International Contracts*, (It) *Foro pad.* 1979, I, 245.

Languages

English, French and Italian.

Practice Areas

Contract Law; International Arbitration and Litigation; Construction; Mergers and Acquisitions; Sales of Goods, Major Tort Issues.

Honours

Grand Cross (Order of the Merit, Portugal); High Officer (Order of the Merit, Italy); Cross of Honour (Order of St. Ramon, Spain); Silver Star (Austria).