SYLLABUS

COURSE DESCRIPTION

To practice law in the future lawyers will need a basic understanding of the fundamental legal concepts surrounding the global economy and increased world trade. Structuring and resolving international transactions have many aspects that differ from traditional domestic law. A basic understanding of the way international commercial arbitration works and functions is a necessary tool in comprehending international transactions.

This course will introduce students to the mechanics and basic concepts of international commercial arbitration, including the arbitration process, discovery, mediation and negotiation, all of which are integral parts of the way disputes involving international transactions are resolved. We will focus upon legislation, court decisions, arbitral awards and commentary from all parts of the world. Students will receive practical knowledge that can be used to draft and understand arbitration clauses in international contracts as well as a beginning understanding of how to litigate an international arbitration dispute.

OBJECTIVES

Objectives include: A comprehensive understanding of (a) the way global transactions are structured to resolve disputes; (b) significance of negotiation and mediation in resolving international business disputes; (c) the various methods and ways to draft an international arbitration agreement; (d) procedures involved in international arbitration; (e) evidentiary and strategy issues in international arbitration; (f) conflict of law issues in an international arbitration setting; and (g) ways to enforce an international arbitration award.
ADMINISTRATIVE ITEMS

Classes: Classes will be held in Room 283 on Mondays from 3:30 p.m. – 5:20 p.m.

Class Performance: Specific case and/or text reporting assignments will be made in advance. Regular, punctual class attendance and participation are course requirements along with the final examination. I reserve the right to raise or lower grades by half a letter based on classroom performance.

I will comply with the law school's policy on attendance. Accordingly, if you miss more than 9 classes for any reason, you will have to explain all your absences to Dean Claude Reeves Arrington and may receive no credit or a failing grade for the course.

Recording Devices: The use of recording devices is prohibited without my prior permission.

Accommodations: Students with disabilities or special needs are encouraged to contact Claude Reeves Arrington, Associate Dean for Students/Academic Services at 205-348-6557 so that any individual needs for support services can be evaluated and accommodated in a timely manner. Please let me know if I can be of assistance as well.

TEXT AND OTHER MATERIALS

We will be using Tibor Varady, John J. Barcelo, III and Arthur T. on Mehren’s *International Commercial Arbitration, A Transnational Perspective* (West, 5th ed. 2012). I may also assign readings and materials to supplement the required text.

You should get more out of the course – and a better understanding of international business law in general – by regularly reading the *Financial Times*, *Wall Street Journal*, the Sunday edition of *The New York Times*, and/or *Economist*.

FINAL EXAMINATION

The final exam will be open-book and will consist of one or more essay questions.

COURSE OUTLINE AND READING ASSIGNMENTS

**Class 1 - January 14, 2013**  Introductions. Assignment: Text pages 1 – 81

**Begin:** Chapter I, I.1. Approaches to dispute resolution

**Through:** Sources I.3.b.i. Party Stipulation Versus Institutional Rules.

**January 21, 2013**  Martin Luther King, Jr. Holiday
Class 2 - January 28, 2013. Assignment: Text pages 81 - 161
Begin: I.3.b.ii Party Stipulation versus State Norms
Through: II.1.c.iii Separability Revisited and the Void Ab Initio Doctrine

Class 3 – February 4, 2013 Assignment: Text pages 161 – 236
Begin: II.1.d. The Form of the Arbitration Agreement
Through: Non-signatory Parties

Class 4 – February 11 2013. Assignment: Text pages 237 - 309
Begin: II.1.h. Split Arbitration Clauses
Through: Non-signatory Parties

Class 5 –February 18, 2013. Assignment: Text pages 309 - 393
Begin: III.1.c. More Modern Considerations and Devices (Neutrality, Independence, Disclosure)
Through: III.1.g.i The Issue of Fees

Class 6 – February 25, 2013. Assignment: Text pages 393 - 469
Begin: III.1.g.ii Conduct and Misconduct of Arbitrators Regarding Fees
Through: III.2.c.iii An Appointing Authority That Ceased to Exist

Class 7 –March 4, 2013. Assignment: Text pages 469 - 547
Begin: III.2.d. The Role of Lists of Arbitrators in the Appointment Process
Through: IV.1.c. Organizing Arbitral Proceedings

Class 8 – March 11, 2013 Assignment: Text pages 548 - 624
Begin: IV 1.d. Party Discretion, discretion of The Arbitrators, and Due Process
Through: IV.1.h.iii. Language Issues

Class 9 – March 18, 2013. Assignment: Text pages 624 - 706
Begin: IV.1.i. Action or Inaction in Connection with the Presentation of the Case That Amounts to Waiver
Through: IV.2.c. Interpreting Choice of Law Clauses and the Role of the Lex Arbitri

March 25, 2013 Spring Break

Class 10 – April 1, 2013. Assignment: Text pages 707 - 781
Begin: IV.2.d The Role of Lex Mercatoria
Through: V.1.b. Confirmation, Leave to Enforce

Class 11 – April 8, 2013. Assignment: Text pages 781 - 865
**Begin:** V.1.c. Confirmation and Conversion
**Through:** V.2.c. Public Policy, Fraud, and Evidence Partiality as Grounds for Setting Aside

**Class 12 – April 15, 2013.** Assignment: Text pages 865 - 946

**Begin:** V.2.d. Standard of Review
**Through:** V.3.c. Procedural Grounds Under the Convention for Refusing Recognition and Enforcement

**Class 13 – April 22, 2013** Assignment: Text pages 946 – 1039

**Begin:** V.3.c.ii Notice of Appointment of the Arbitrator and Waiverability
**Through:** End of Book

**Tuesday, April 30, 2013 @ 9:00 a.m. – 1:30 p.m. – FINAL EXAM.**