INTERNATIONAL ARBITRATION

Course Number:    INTL 7009    Call Number:  000126
Semester:        Fall 2015
Professor:       Pinney
Credits:         2 classroom
Primary Basis for the Grade:  Project and exam – see details below; letter grade
Prerequisites:   International Business Transactions recommended but not required
Enrollment:      Capped at 18
Meets Seminar Requirement?  No
Meets Writing Requirement?  No
Meets Client Counseling Requirement?  No
Meeting Times:   8:30 to 10:30 am Tuesday
Location:        104

COURSE DESCRIPTION:
The course is designed to introduce the student to international commercial arbitration. The course will focus on preparing the student both for advising companies on negotiating effective dispute resolution provisions in cross-border commercial contracts and representing clients having a dispute before an international commercial arbitration tribunal. The course will begin by emphasizing the importance of a well-crafted dispute resolution provision in cross-border agreements and the inadequacies of leaving dispute resolution to national courts. The course will then address the differences in customs and legal traditions in Europe, Asia and Latin America and the influence of such differences on the manner in which disputes are resolved and arbitrations are conducted. The student will be introduced to the principal international arbitral institutions administrating international arbitrations and their procedural rules, and also to the UNCITRAL Arbitration Rules (for ad hoc non-administered arbitrations) and investor/state arbitrations under bilateral investment treaties. In addition, there will be a brief introduction to the Convention on Contracts for the International Sale of Goods. The remainder of the course will demonstrate, using a hypothetical international business dispute, the procedures step-by-step typically used in an international commercial arbitration, including: commencement and issuance of the statements of claims and defense, the selection of arbitrators, the disclosure process, the pleadings and submissions of pre-hearing briefs and memorials, the presentation of written and oral evidence at the hearing, the issuance of the award, the role of courts in enforcing arbitral agreements and ultimately enforcement or vacatur of the award under the New York Convention and a variety of specific arbitration laws, including those in the United States, England, France, Hong Kong and China.
Required Text:


Required Reading:

The Problem for the 2015 Willem C. Vis International Commercial Arbitration Moot and for the 22nd Annual Competition (Vienna) and 12th Annual Competition (Hong Kong) ([https://vismoot.pace.edu/media/site/22nd-vis-moot/10NovCorrected22VisMootProblem.pdf](https://vismoot.pace.edu/media/site/22nd-vis-moot/10NovCorrected22VisMootProblem.pdf))

Grading:

Student grades will be based on class preparation and participation, a mid-term paper (either a claimant’s or respondent’s legal memorandum) based on the 2015 Vis Moot problem (see above), and a final exam. If we obtain funding, for those students chosen for the possible 2016 Vis Moot team, the final exam will be waived in order to allow the team members to complete the initial “Claimant’s Memorandum” due around December 10, 2015.

University of Cincinnati Vis Moot Team – March 2016 Competition:

Plans are being made to field a University of Cincinnati College of Law team to compete in the Willem C. Vis International Commercial Arbitration Moot in either Vienna or Hong Kong in March 2016. If we are able to obtain the funding, at least one and up to four “team” members will be chosen from students in the class. This potential team would travel to either Vienna or Hong Kong in March and compete against over a hundred law schools from around the world on the 2016 Moot Problem issued in early October 2015. The mid-term paper based on the 2015 Vis Moot Problem will be used as part of the team selection process, along with personal interviews. As noted, fielding a U/C team will be contingent of securing funding. Individual team members will likely be asked to contribute a portion of the expense.

Last updated: NO 8-6-15