GEORGE MASON UNIVERSITY SCHOOL OF LAW

INTRODUCTION TO INTERNATIONAL COMMERCIAL ARBITRATION (LAW 391) FALL 2015 AND PART 1 OF VIS INTERNATIONAL COMMERCIAL ARBITRATION MOOT (LAW 127)

INSTRUCTORS:

John B. Tieder, Jr., Esquire
Kathleen Olden Barnes, Esquire
Shelly L. Ewald, Esquire

Watt, Tieder, Hoffar & Fitzgerald, L.L.P.
8405 Greensboro Drive, Suite 100
McLean, Virginia 22102
(703) 749-1000 (Telephone)
(703) 893-8029 (Facsimile)
E-mail: jtieder@watttieder.com
Email: kbarnes@watttieder.com
Email: sewald@watttieder.com

Note: This course is a prerequisite to Law 127 (the Vis International Commercial Arbitration Moot course) but is also open to students not planning to participate in the Vis competition. Students not already enrolled in the Vis course will have the option of adding Law 127 at any time before October 15, 2015 with the permission of the instructors. Please confer with an academic counselor before deciding whether to add Law 127.

SCHEDULE AND ASSIGNMENTS

1. August 24, 2015:

   Introduction to the Course; Arbitration in the Context of Overall Dispute Resolution; The Development of Arbitration From "Lex Mercatoria" to the Present

   Readings

   • No reading

2. September 7, 2015: Labor Day – No Classes


   Readings

   • Comparative International Commercial Arbitration, Chapter 1-2
   • Federal Arbitration Act, 9 U.S.C. §§ 1-16

4. September 21, 2015: Enforcing Agreements to Arbitrate and Arbitrability

Readings

• Comparative International Commercial Arbitration, Chapters 7 & 9
• Buckeye Check Cashing v. Cardegna, 126 S. Ct. 1204 (2006)
• Mitsubishi Motors Corp v. Soler Chrysler-Plymouth, Inc. 473 U.S. 614 (1985)

5. September 28, 2015:

Drafting of the Arbitration Agreement and Arbitration Rules of Practice

Readings

• Comparative International Commercial Arbitration, Chapter 8

Vis Problem Distributed October 2, 2015

6. October 5, 2015:

Qualifications of the Arbitrator(s) and the Selection of an Arbitrator(s) and Jurisdiction of the Arbitrator

Readings

• Comparative International Commercial Arbitration, Chapter 10, 13 & 14
• Review AAA Commercial Rules, R-11-R-19, www.adr.org
• Review International Bar Association Guidelines on Conflicts of Interest in International Arbitration
• Ovitz v. Schulman, 133 Cal. App. 4th 830, 35 Cal. Rptr. 3d 117
• Americo Life, Inc. Myer, 2014 WL 2789429 (June 20, 2014)

7. October 13, 2015:

Challenges to the Award

Readings

• Comparative International Commercial Arbitration, Chapter 25 & 26
• Hall Street Assocs. LLC v. Mattel, Inc., 128 S. Ct. 1396 (2008)
• Citigroup Global Markets, Inc. v. Bacon, 562 F.3d 349, 358 (5th Cir. 2009);
• Comedy Club, Inc. v. Improv West Assocs., 553 F.3d 1277 (9th Cir. 2009)

8. October 19, 2015: (Tuesday)

Written Assignment

• Discuss Vis Problem

9. October 26, 2015: Monday

Written Assignment

• Non-Vis students submit paper topics; Paper should be 10 pages long.
• Vis students prepare preliminary outline of issues raised by the Vis Problem.

LAW 391 class work ends on this date. LAW 391 students only should work on paper which is due December 18, 2015. LAW 127 students will continue to meet on a regular class dates and other days, as necessary, to submit Claimant’s Memorial by December 10, 2015.

10. November 2, 2015

• Vis Memorial

11. November 9, 2015

• Vis Memorial


• Vis Memorial


• Vis Memorial


• Vis Memorial

Claimant’s Memorial due for submission on December 10, 2015
GRADING

Grading for students who are not participating in the Vis International Commercial Arbitration Moot shall be based on class participation and a final paper. The final paper, due by 8:00 pm on December 18, 2015, shall constitute 75% of the grade. The remaining 25% will be based on knowledgeable participation in class.

Grading for students who are participating in the Vis International Commercial Arbitration Moot shall be based on class participation and a summary and analysis of the issues raised by the 2015 Vis Problem. The summary/analysis due date will be set by the course instructors once the Vis Problem is released and shall constitute 75% of the grade. The remaining 25% will be based on knowledgeable participation in class.

BOOKS

Kluwer Law International, “Comparative International Commercial Arbitration.” Readings will be made available to students on the first day of class by instructor.