INTRODUCTION TO INTERNATIONAL COMMERCIAL ARBITRATION (LAW 391)
FALL 2013

INSTRUCTORS:

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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, 2013 with the permission of the instructors. Please confer with an academic counselor before you deciding whether to add Law 127.

SCHEDULE AND ASSIGNMENTS

1. August 19, 2013

Introduction to the Course; What is Arbitration; The Development of Arbitration From “Lex Mercatoria” to the Present

- No assignment.

2. August 26, 2013:

Arbitration in the Context of Overall Dispute Resolution from Negotiation to Litigation

Readings

• Read Drahozal, pp. 145-151) (Stop at “William W. Park…”), pp. 155-161 (Stop at “Notes”)
• Review American Arbitration Association (AAA), Commercial Mediation Rules M-1-M-17, www.adr.org

3. September 9, 2013:

Statutory Framework of Arbitration

Readings

• Review UNCITRAL Model Law on International Commercial Arbitration, Supplement, p. 72 or www.uncitral.org
• Read Drahozal, pp. 209-241 (Skip “Problems”)
• Read Drahozal, pp. 287-301 (Skip Problems), pp. 539-547, 549-555, 571-582.
• Termo Rio S.A. E.S.P. v. Electrificadora Del Atlantico S.A., 487 F.3d 928 (D.C. Civ. 2007)

4. September 16, 2013:

Arbitration Rules of Practice

Readings

• Review UNCITRAL Arbitration Rules, Supplement, p. 213 or www.uncitral.org
• Read Drahozal, pp. 625-644 (Skip “Problems”)

5. September 23, 2013:

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

Readings

• Review AAA Commercial Rules, R-11-R-19, Supplement, pp. 106-109 or www.adr.org
• Review ICC Rules, 7-12, Supplement, pp. 253-270 or www.iccarbitration.org
• Review International Bar Association Guidelines on Conflicts of Interest in International Arbitration, Supplement, p. 365
• Read Drahozal, pp. 367-371 (skip “Problems”)
• Read Drahozal, 2009 Update, pp. 40-49

6. September 30, 2013:

The Jurisdiction of the Arbitrator(s)

Readings

• Drahozal, pp. 54-70 (Stop at “Problems”), pp. 194-207 (Stop at “Problems)
• Drahozal, 2009 Update, pp. 2-4

7. October 7, 2013:

Challenges to the Award

Readings

• Drahozal, pp. 272-286 (Stop at “Problems”), pp. 494-517 (Stop at “Problems”), pp. 584-585, 592-606 (Skip Problems)
• Drahozal, 2009 Update, pp. 29-33, 55-56, 59-68
• 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)

Written Assignment

• Distribution and Discussion of Vis Problem

8. October 15, 2013: (Tuesday)

Selection

• Last day for Law 391 students to switch to Law 127 and Law 127 students to switch to Law 391.

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.
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 5:00 pm on December 2, 2013, 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 2013 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