

GEORGE MASON UNIVERSITY SCHOOL OF LAW

INTRODUCTION TO INTERNATIONAL COMMERCIAL ARBITRATION – LAW 391 FALL 2025 LECTURE SYLLABUS (Part 1 – Lecture)

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Class Meetings

Class meetings are held on Monday evenings from 6:05 p.m. to 8:05 p.m., beginning August 18, 2025, and ending September 29, 2025.

Course Description

This course is designed to give students an understanding of the law of international commercial arbitration. This 7-week course contains a series of lectures, individual and group assignments, and class discussions, which will provide students an opportunity to learn the law as well as practical aspects of domestic and international commercial arbitration. This course is taught typically as a prerequisite to Law 127 – the Vis International Commercial Arbitration Moot course. However, this lecture course stands alone, and students are not required to participate in the Willem C. Vis International Commercial Arbitration Moot.

Reading materials

DO NOT PURCHASE A TEXTBOOK FOR THIS COURSE. All reading materials will be available online. The textbook readings are available through Kluwer Arbitration, which can be found through the GMU Law Library's Law-Related Databases website [HERE](#). Week 1 readings will be available for download on the course TWEN page. ***STUDENTS MUST SIGN UP FOR THE COURSE TWEN PAGE***

Readings for the rest of the semester are being updated and an revised syllabus will be provided.

Course Objectives

- Students will learn the history of jurisprudence surrounding arbitration in the US and the judicial policy of furthering arbitration, including preemption of state law.
- Students will study the coverage, structure, and implementation of the Federal Arbitration Act and New York Convention on Enforcement of Foreign Arbitral Awards
- Students will learn the requirements of an enforceable arbitration clause and the challenges of arbitration clauses.
- Students will appreciate the processes for arbitrator appointments, challenges to arbitrator appointments, and challenges to the jurisdiction of the arbitrators.

- Students will become familiar with the arbitral hearing process in US and international settings.
- Students will become familiar with the process and policy of arbitral award and enforcement proceedings, including grounds for annulment under the FAA and the New York Convention.

Attendance

Students must meet the GMU attendance policy requirements. Further, your grade is based upon informed participation, so attendance will impact your grade. Please notify professors if you will miss any class periods.

Grading

Grades are based on your written individual and small group work product, your performance on assigned class presentations, and your informed participation in class. The grading breaks down as follows: 60% - Assignments and Presentations; 40% - Informed Participation.

Schedule

Class 1 August 18	<p>Introduction to Course; Arbitration in the Context of Overall Dispute Resolution; The Development of Arbitration from “<i>Lex Mercatoria</i>” to the Present; Forms of Arbitration</p> <p>Readings</p> <ul style="list-style-type: none"> - Lew, Mistellis, & Kroll, Ch. 1-3 - <i>Wilko v. Swan</i>, 346 U.S. 427 (1953)
Class 2 August 25	<p>Statutory Framework of Arbitration; Essentials of an Arbitration Agreement</p> <p>Readings</p> <ul style="list-style-type: none"> - Lew, Mistellis & Kroll, Ch 8 - <i>Southland Corp. v. Keating</i>, 465 U.S. 1 (1984) on preemption <p>Primary Sources</p> <ul style="list-style-type: none"> - Federal Arbitration Act (“FAA”) - UNCITRAL Model Law on International Commercial Arbitration - The Convention on the Recognition and Enforcement of Foreign (“UML”) - Arbitral Awards (“New York Convention”) <p>Assignment</p> <ul style="list-style-type: none"> - Draft an arbitration clause based on mock fact pattern - Group presentation based on the week’s reading

Class 3 September 1	<p>Enforcing Agreement to Arbitrate; Formation; Validity; Arbitrability; Interpretation</p> <p>Readings</p> <ul style="list-style-type: none"> - Born Ch 2.04-2.06 - Lew, Mistellis, & Kroll Ch 7 & 9 - <i>Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.</i>, 473 U.S. 614 (1985) on arbitrability - <i>Henry Schein, Inc. v. Archer & White Sales, Inc.</i>, 586 U.S. 63 (2019) - <i>Buckeye Check Cashing, Inc. v. Cardegna</i>, 546 U.S. 440 (2006) <p>Assignment</p> <ul style="list-style-type: none"> - Present and discuss draft arbitration clauses - Group presentation based on the week's reading
Class 4 September 3*	<p>Seat of Arbitration; Substantive Law; Arbitration Rules</p> <p>Readings</p> <ul style="list-style-type: none"> - Born Ch 6; 8.01-8.09; 13.01-13.03 <p>Primary Sources</p> <ul style="list-style-type: none"> - American Arbitration Association ("AAA") Rules - International Chamber of Commerce ("ICC") Rules - The Finland Arbitration Institute ("FAI") Rules <p>Assignment</p> <ul style="list-style-type: none"> - Group presentation based on the week's reading
Class 5 September 8	<p>Qualifications of the Arbitrator(s), Selection of Arbitrator(s) and Jurisdiction of the Arbitrator; Ethics and Professional Responsibility</p> <p>Readings</p> <ul style="list-style-type: none"> - Lew, Mistellis, & Kroll Ch 10 & 13 <p>Assignment</p> <ul style="list-style-type: none"> - Group presentation based on the week's reading
Class 6 September 15	<p>Challenges to the Award – Annulment and Set Aside</p> <p>Readings</p> <ul style="list-style-type: none"> - Lew, Mistellis & Kroll Ch 25 & 26 <p>Assignment</p> <ul style="list-style-type: none"> - Group presentation based on the week's reading
Class 7 September 22	<p>Overview of the Convention on the International Sale of Goods ("CISG")</p>

	<p>Readings</p> <ul style="list-style-type: none"> - TBD <p>Assignments</p> <ul style="list-style-type: none"> - Split into groups. Each group will review the Vis Moot Problem when it is released and prepare a Draft Timeline and Draft Headings for next class
Class 8 September 29	<p>Recent Developments in International Arbitration</p> <p>Readings</p> <ul style="list-style-type: none"> - Trends articles <p>Assignments</p> <ul style="list-style-type: none"> - N/A

Students **MUST** sign up for Law 127 to take part in the written portion of the course, and you may choose between two tracks:

- **Vis Moot Track** – The Willem C. Vis Commercial Arbitration Moot Problem will be released in the first or second week of October. You will work with the entire class to draft the Claimant’s Memorandum for the Vis Moot Competition. The class works as if we are a small law firm representing the Claimant in the mock dispute. You must assist with the memo to be eligible to join the traveling team in the spring.
- **Paper Writing Track** – You will initially work with a small group to analyze the moot problem and provide some legal insight to the firm. You’ll then be able to draft an individual paper. The paper will focus on an international commercial arbitration topic of your choosing. The professors will work with you to draft the paper, including assisting in publication if you are interested.