

5521 International Commercial Arbitration
Fall 2018

Thursdays from 5:30-7:30 pm
DIMITROFF - 25895

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Course Materials: No book for the course. The course packet will be available in Associate Dean's Office starting two weeks before the first day of class
Office Hours: Monday-Friday – 9:00 AM – 4:00 PM

Grading: 90% of grade will be based on a final exam that will be comprehensive and will cover the entire course material. The final 10% of the final grade will be tabulated based on class participation/involvement.

Attendance: I will take attendance. Half a grade drop for every two unexecuted absences.

Meeting: Please contact the professor at the above contact information to schedule a meeting if needed.

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the “Let's Talk” program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Course Syllabus

DATE	TOPIC	ASSIGNMENT
AUG 23	<u>Preliminary Considerations Bearing on the Selection of the International Arbitral Process</u>	<ol style="list-style-type: none"> 1. Coe, Chapter 1, Section 1.8 2. Coe, Chapter 2
AUG 30	<u>The Five Stages of the International Arbitral Process</u>	<ol style="list-style-type: none"> 1. Coe, Chapter 3, Sections 3.1-3.8 2. Ben H. Sheppard, Jr., “<i>Commercial Arbitration: An Overview of the Preliminary Stages of the Arbitral Process</i>,” (hereinafter, “An Overview”) Tab 12 of Supplemental Materials Notebook, Section I. 3. The Xanadu Mock Scenario
SEPT 6	<u>The Five Stages of the International Arbitral Process, continued</u>	<ol style="list-style-type: none"> 1. Coe, Chapter 6 2. “An Overview”, Tab 12 of Supplemental Materials Notebook, Section III
SEPT 13	<u>Stage I</u> The Making and Enforcement of the Arbitration Agreement	<ol style="list-style-type: none"> 1. Coe, Chapter 5, Sections 5.1-5.5 2. The New York Convention, Coe Appendix 42 3. U.S. Federal Arbitration Act, Coe Appendix 11.
SEPT 20	<u>Stage I</u> The Making and Enforcement of the Arbitration Agreement, continued	Mandatory Reading <ol style="list-style-type: none"> 1. <i>Buckeye Check Cashing, Inc. v. John Cardegna</i>, 126 S.Ct. 1204 (2006), Tab 11 of Supplemental Materials Notebook 2. “The Moth, the Light and the United States Severability Doctrine”, Tab 13 of Supplemental Materials Notebook 3. “An Overview”, Tab 12 of Supplemental Materials Notebook, Sections II and IV.

DATE	TOPIC	ASSIGNMENT
SEPT 27	<u>Application of the Arbitration Agreement to Non-Signatories</u>	<ol style="list-style-type: none"> 1. <i>Isover St. Gobain v. Dow Chem. France</i>, 1983 J. Droit Int'l 899, Vol. 9, 132 – ICC Yearbook (1983), aff'd by Paris Ct. App. (Oct. 21, 1983) 2. <i>J.J. Ryan & Sons v. Rhône Poulenc Textile SA</i>, 863 F.2d 315 (4th Cir. 1988) 3. <i>Sunkist Soft Drinks, Inc. v. Sunkist Growers, Inc.</i>, 10 F.3d 753 (11th Cir. 1993), cert. denied, 513 U.S. 869 (1994) 4. <i>Thomson-CSF, SA v. American Arb. Ass'n.</i>, 64 F.3d 773 (2d Cir. 1995) 5. Motion for Stay Pending Arbitration, <i>Marathon Oil Co. et al v. Ruhrgas AG</i> 6. <i>Lin, et al v. China Oil and Gas Pipeline Bureau, et al</i> 7. "An Overview", Tab 12 of Supplemental Materials Notebook, pages 22-24. <p>Items 1-5 are in the Supplemental Materials Notebook at Tabs 1-5. Item 6, the <i>Lin</i> will be provided separately by Professor Dimitroff</p>
OCT 4	<u>Stage II</u> The Selection and Appointment of the Arbitral Tribunal	<ol style="list-style-type: none"> 1. Coe, Chapter 4, Section 4.13 2. "An Overview", Tab 12 of Supplemental Materials Notebook, Section V. 3. London Court of International Arbitration (LCIA), Arbitration Rules effective 1 January 1998 (to be furnished by Professor Dimitroff). Articles 5-13. 4. Code of Ethics for Arbitrators in Commercial Disputes – 2004 Revision, promulgated by the American Bar Association and American Arbitration Association, Tab 8 of Supplemental Materials Notebook.
OCT 11	<u>Stage II</u> The Selection and Appointment of the Arbitral Tribunal, continued	<ol style="list-style-type: none"> 1. IBA Guidelines on Conflicts of Interest in International Arbitration (22 May 2004), tab 9 of Supplemental Materials Notebook. 2. Ben H. Sheppard, Jr., "A New Era of Arbitrator Ethics for the United States: The 2004 Revision to the AAA/ABA Code of Ethics for Arbitrators in Commercial Disputes," <i>ARBITRATION INTERNATIONAL</i>, Vol 21, No. 1 (2005), tab 10 of Supplemental Materials Notebook.

DATE	TOPIC	ASSIGNMENT
OCT 18	<u>Stage III</u> Preliminary Proceedings, Including Procedural Orders and Interim Relief	<ol style="list-style-type: none"> 1. Coe, Chapter 4, Section 4.12 2. Coe, Chapter 9, Sections 9.1 – 9.9. 3. UNCITRAL Notes on Organizing Arbitral Proceedings, Coe Appendix 8.
OCT 25	<u>Stage III</u> Preliminary Proceedings, Including Procedural Orders and Interim Relief, continued	<ol style="list-style-type: none"> 1. LCIA Arbitration Rules, Articles 14-25. 2. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association, 29 May 2010 revision, Tab 7 of Supplemental Materials Notebook. 3. “Confronting the Confrontation of the World’s Two Great Arbitration Systems,” by Ewell E. Murphy, Jr., Vol. 3, No. 2, THE INTERNATIONAL ARBITRATION NEWS (Summer 2003), Tab 6 of supplemental materials notebook.
Nov 1	<u>Stage IV</u> The Evidentiary Hearing on the Merits	<ol style="list-style-type: none"> 1. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association, 29 May 2010 revision, Tab 7 of Supplemental Materials Notebook. 2. UNCITRAL Notes on Organizing Arbitral Proceedings, Coe Appendix 8. 3. LCIA Arbitration Rules, Articles 15-25.
NOV 8	<u>Stage V</u> The Making and Enforcement of the Arbitral Award A. The Making of the Arbitral Award B. Recognition and Enforcement of the Award	<ol style="list-style-type: none"> 1. Coe, Chapter 12.
NOV 15	<u>Stage V</u> The Making and Enforcement of the Arbitral Award, continued	<ol style="list-style-type: none"> 1. LCIA Arbitration Rules 26-29. 2. The New York Convention, Articles III through VI, Coe Appendix 42. 3. U.S. Federal Arbitration Act, Sections 9 through 16, Coe Appendix 11.

DATE	TOPIC	ASSIGNMENT
NOV 22	Thanksgiving Holiday	
NOV 29	<u>Stage V</u> The Making and Enforcement of the Arbitral Award, continued	1. Hall Street Assoc., L.L.C. v. Mattel, Inc., Tab 14 of Supplemental Materials Notebook.
DEC 6 6 – 8 PM	Final Exam	.