

**International Commercial Arbitration**  
**Fall 2021**

Thursdays from 5:30-7:30 pm

Sashe Dimitroff, Baker Hostetler LLP  
(713) 646-1320 (work)  
SDimitroff@bakerlaw.com

William Russell, Reed Smith LLP  
(713) 469-3634 (work)  
[wrussell@reedsmith.com](mailto:wrussell@reedsmith.com)

- Course Materials: No book for the course. The course packet will be emailed to the students 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: Attendance will be taken. Half a grade drop for every two unexcused absences. When attending via Zoom, students must keep cameras and audio on.
- Meeting: Please contact the professors 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](http://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](http://www.uh.edu/caps/outreach/lets_talk.html)

## Course Syllabus

| <b>CLASS #</b> | <b>DATE</b>      | <b>TOPIC</b>   | <b>ASSIGNMENT</b>  |
|----------------|------------------|--|--|
| <b>1</b>       | <b>8/26/2021</b> | <b>Preliminary Considerations Bearing on the Selection of the International Arbitral Process</b> | <ol style="list-style-type: none"> <li><b>1. Coe, Chapter 1, Section 1.8</b></li> <li><b>2. Coe, Chapter 2</b></li> </ol>  |
| <b>2</b>       | <b>9/2/2021</b>  | <b>The Five Stages of the International Arbitral Process</b>                                     | <ol style="list-style-type: none"> <li><b>1. Coe, Chapter 3, Sections 3.1-3.8</b></li> <li>2. Ben H. Sheppard, Jr., “<i>Commercial Arbitration: An Overview of the Preliminary Stages of the Arbitral Process</i>,” (hereinafter, “An Overview”) <b>Tab 12 of Supplemental Materials Notebook, Section I.</b></li> </ol>   |
| <b>3</b>       | <b>9/9/2021</b>  | <b>The Five Stages of the International Arbitral Process, continued</b>                          | <ol style="list-style-type: none"> <li><b>1. Coe, Chapter 6</b></li> <li>2. “An Overview”, <b>Tab 12 of Supplemental Materials Notebook, Section III</b></li> </ol>  |
| <b>4</b>       | <b>9/16/2021</b> | <b><u>Stage I</u><br/>The Making and Enforcement of the Arbitration Agreement</b>                | <ol style="list-style-type: none"> <li><b>1. Coe, Chapter 5, Sections 5.1-5.5</b></li> <li>2. The New York Convention, <b>Coe Appendix 42</b></li> <li>3. U.S. Federal Arbitration Act, <b>Coe Appendix 11</b></li> <li>4. Texas International Arbitration Act, Texas Civil Practice &amp; Remedies Code § 172, Subchapters A &amp; B, p1-4.</li> </ol>  |
| <b>5</b>       | <b>9/23/2021</b> | <b><u>Stage I</u><br/>The Making and Enforcement of the Arbitration Agreement, continued</b>     | <ol style="list-style-type: none"> <li>1. “An Overview”, <b>Tab 12 of Supplemental Materials Notebook, Sections II and IV.</b></li> <li>2. “The Moth, the Light and the United States Severability Doctrine”, <b>Tab 13 of Supplemental Materials Notebook</b></li> <li>3. <i>Buckeye Check Cashing, Inc. v. John Cardegna</i>, 126 S.Ct. 1204 (2006), <b>Tab 11 of Supplemental Materials Notebook</b></li> <li>4. <i>Schein v. Archer White Sales</i>, 139 S. Ct. 524 (2019).</li> </ol> |

| CLASS # | DATE       | TOPIC  | ASSIGNMENT  |
|---------|------------|--|---|
| 6       | 9/30/2021  | <u>Application of the Arbitration Agreement to Non-Signatories</u>                   | <ol style="list-style-type: none"> <li>1. <b>Strategic Options When Catastrophe Strikes the International Energy Project</b>, Section C on pp. 61-63.</li> <li>2. “Motion for Stay Pending Arbitration, Marathon Oil Co. et al v. Ruhrgas AG”, <b>Tab 5, of Supplemental Materials Notebook</b></li> <li>3. <b>AAA Supplementary Rules For Class Arbitrations</b></li> </ol>  |
| 7       | 10/7/2021  | <u>Stage II</u><br>The Selection and Appointment of the Arbitral Tribunal            | <ol style="list-style-type: none"> <li>1. <b>Coe, Chapter 4, Section 4.13</b></li> <li>2. “An Overview”, <b>Tab 12 of Supplemental Materials Notebook, Section V.</b></li> <li>3. London Court of International Arbitration (LCIA), Arbitration Rules effective 1 January 1998 (<b>to be furnished by Professor Dimitroff</b>). Articles 5-13.</li> </ol>   |
| 8       | 10/14/2021 | <u>Stage II</u><br>The Selection and Appointment of the Arbitral Tribunal, continued | <ol style="list-style-type: none"> <li>1. Code of Ethics for Arbitrators in Commercial Disputes – 2004 Revision, promulgated by the American Bar Association and American Arbitration Association, <b>Tab 8 of Supplemental Materials Notebook.</b></li> <li>2. IBA Guidelines on Conflicts of Interest in International Arbitration (23 October 2014), <b>Tab 9 of Supplemental Materials Notebook.</b></li> <li>3. 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,” ARBITRATION INTERNATIONAL, Vol 21, No. 1 (2005), <b>Tab 10 of Supplemental Materials Notebook.</b></li> <li>4. <b>Sample Motions to Strike Arbitrator (to be provided by Prof. Dimitroff)</b></li> </ol> |

| CLASS # | DATE       | TOPIC   | ASSIGNMENT   |
|---------|------------|---|--|
| 9       | 10/21/2021 | <u>Stage III</u><br>Preliminary Proceedings,<br>Including Procedural<br>Orders and Interim Relief               | <ol style="list-style-type: none"> <li>1. <b>Coe, Chapter 4</b>, Section 4.12</li> <li>2. <b>Coe, Chapter 9</b>, Sections 9.1 – 9.9.</li> <li>3. UNCITRAL Notes on Organizing Arbitral Proceedings, <b>Coe Appendix 8</b>.</li> </ol>  |
| 10      | 10/28/2021 | <u>Stage III</u><br>Preliminary Proceedings,<br>Including Procedural<br>Orders and Interim<br>Relief, continued | <ol style="list-style-type: none"> <li>1. Samples of Procedural Order and Terms of Reference (<b>to be provided by Professor Dimitroff</b>)</li> <li>2. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association, 29 May 2010 revision, <b>Tab 7 of Supplemental Materials Notebook</b>.</li> <li>3. <b>Strategic Options When Catastrophe Strikes the International Energy Project</b>, pp. 14-16.</li> <li>4. Federal Rules of Civil Procedure 64 and 65.</li> </ol> |
| 11      | 11/4/2021  | <u>Stage IV</u><br>The Evidentiary Hearing<br>on the Merits   | <ol style="list-style-type: none"> <li>1. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association, 29 May 2010 revision, <b>Tab 7 of Supplemental Materials Notebook</b>.</li> <li>2. UNCITRAL Notes on Organizing Arbitral Proceedings, <b>Coe Appendix 8</b>.</li> <li>3. <b>LCIA Arbitration Rules</b>, Articles 15-25.</li> <li>4. Rules on the Efficient Conduct of Proceedings in International Arbitration (<b>Prague Rules</b>)</li> </ol>                    |

| CLASS # | DATE       | TOPIC  | ASSIGNMENT   |
|---------|------------|--|--|
| 12      | 11/11/2021 | <u>Stage V</u><br>The Making and Enforcement of the Arbitral Award<br><br>A. The Making of the Arbitral Award<br><br>B. Recognition and Enforcement of the Award | 1. Coe, Chapter 12.  |
| 13      | 11/18/2021 | <u>Stage V</u><br>The Making and Enforcement of the Arbitral Award, continued  | 1. LCIA Arbitration Rules 26-29.<br><br>2. The New York Convention, Articles III through VI, <b>Coe Appendix 42.</b><br><br>3. U.S. Federal Arbitration Act, Sections 9 through 16, <b>Coe Appendix 11.</b>  |
| 14      | 12/2/2021  | <u>Stage V</u><br>The Making and Enforcement of the Arbitral Award, continued  | 1. Hall Street Assoc., L.L.C. v. Mattel, Inc., <b>Tab 14 of Supplemental Materials Notebook.</b><br><br>2. Articles 67 and 71 of the English Arbitration Act ( <b>to be provided by Professor Dimitroff</b> )<br><br>3. ICC Arbitration Rules, Article 35 ( <b>to be provided by Professor Dimitroff</b> ) |
|         |            |  |  |
|         |            |  |  |