

International Commercial Arbitration
Fall 2026

Thursdays from 5:30-7:30 pm

Professors:

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

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

Mode of Instruction: Face-to-Face

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: 70% of grade will be based on a closed-book final exam that will be comprehensive and will cover the entire course material. The remaining 30% of the final grade will be tabulated based on class participation/involvement and a case-study.

Attendance: The Law Center requires a minimum 80% attendance for all students. 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.

Course Objectives and Learning Outcomes: By the end of this course, you will be able to: Understand the framework, principles, and stages of the international commercial arbitration process; Identify and analyze issues related to the making and enforcement of arbitration agreements; Evaluate the selection, appointment, ethics, and challenge procedures for arbitral tribunals; Apply procedural rules and evidentiary standards in international arbitration proceedings; Understand the making and enforcement of international arbitral awards, including under the New York Convention and U.S. Federal Arbitration Act; and Develop skills in legal analysis, reasoning, and problem-solving related to international arbitration disputes.

Honor Code

The UHLC Honor Code applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

AI Generated Work Product: The software technology known as artificial intelligence has recently expanded its capability to generate text and other work product (AI Generated Work Product). Examples of the technology include what are known as “generative” large language models (LLMs). These systems can generate text and other work product in response to prompts and/or input of other text/documents/code/images. The output, the AI Generated Work Product, appears to have human-mimicking “intelligence” and is thus potentially usable as a substitute for material one might generate themselves.

Your continuing enrollment in this course obligates you to not knowingly prompt, generate, or use any AI Generated Work Product in relation to any activity or assessment in this course. This applies to AI Generated Work Product from yourself or others. This obligation includes that your assessment materials in the course be without any contribution from AI Generated Work Product. This obligation specifically extends to not plagiarize any writing required of you for assessment in the course: AI Generated Work Product will be treated as from another/others in applying the plagiarism policy to this course. The term “assessment” means any material generated for this course that is submitted to the instructor or presented in a class session, regardless whether it is graded content or not. Assessments include mid-terms and final exams. AI Generated Work Product may not be used in the development or drafting of any assessments created by you in a non-proctored environment, such as a “take-home” final examination.

Mental Health and Wellness Resources: The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now? If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

Reasonable Academic Adjustments/Auxiliary Aids: The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact the Justin Dart Jr. Student Accessibility Center (formerly the Justin Dart, Jr. Center for Students with Disabilities).

Title IX/Sexual Misconduct: Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

Recording of Class: Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor’s recordings for their own studying and notetaking. Instructor’s recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes: Please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible.

Security Escorts and Cougar Ride: UHPD continually works with the University community to make the campus a safe place to learn, work, and live. Our Security escort service is designed for the community members who have safety concerns and would like to have a Security Officer walk with them, for their safety, as they make their way across campus. Based on availability either a UHPD Security Officer or Police Officer will escort students, faculty, and

staff to locations beginning and ending on campus. If you feel that you need a Security Officer to walk with you for your safety please call 713-743-3333. Arrangements may be made for special needs.

Parking and Transportation Services also offers a late-night, on-demand shuttle service called Cougar Ride that provides rides to and from all on-campus shuttle stops, as well as the MD Anderson Library, Cougar Village/Moody Towers and the UH Technology Bridge. Rides can be requested through the UH Go app. Days and hours of operation can be found at <https://uh.edu/af-university-services/parking/cougar-ride/>.

Course Syllabus

CLASS #	DATE	TOPIC	ASSIGNMENT
1	AUG 27	Preliminary Considerations Bearing on the Selection of the International Arbitral Process	1. Coe, Chapter 1, Section 1.8 2. Coe, Chapter 2
2	SEPT 3	The Five Stages of the International Arbitral Process	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	SEPT 10	The Five Stages of the International Arbitral Process, continued	1. Coe, Chapter 6 2. “An Overview”, Tab 12 of Supplemental Materials Notebook, Section III
4	SEPT 17	<u>Stage I</u> The Making and Enforcement of the Arbitration Agreement	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 4. Texas International Arbitration Act, Texas Civil Practice & Remedies Code § 172, Subchapters A & B, p1-4.

CLASS #	DATE	TOPIC	ASSIGNMENT
5	SEPT 24	<u>Stage I</u> The Making and Enforcement of the Arbitration Agreement, continued	1. “An Overview”, Tab 12 of Supplemental Materials Notebook, Sections II and IV. 2. “The Moth, the Light and the United States Severability Doctrine”, Tab 13 of Supplemental Materials Notebook 3. <i>Schein v. Archer White Sales</i>, 139 S. Ct. 524 (2019); https://itainreview.org/articles/2022/vol4/issue1/determining-questions-of-arbitrability.html. 4. <i>Coinbase, Inc. v. Suski</i>, No. 23-3, 2024 U.S. LEXIS 2263 (2024).
6	OCT 1	Application of the Arbitration Agreement to Non-Signatories	1. Strategic Options When Catastrophe Strikes the International Energy Project, Section C on pp. 61-63. 2. “Motion for Stay Pending Arbitration, Marathon Oil Co. et al v. Ruhrgas AG”, Tab 5, of Supplemental Materials Notebook
7	OCT 8	<u>Stage II</u> The Selection and Appointment of the Arbitral Tribunal	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 2020. Articles 5-13.

CLASS #	DATE	TOPIC	ASSIGNMENT
8	OCT 15	<u>Stage II</u> The Selection and Appointment of the Arbitral Tribunal, continued	1. Code of Ethics for Arbitrators in Commercial Disputes – 2004 Revision, promulgated by the American Bar Association and American Arbitration Association, https://www.adr.org/sites/default/files/document_repository/Commercial_Code_of_Ethics_for_Arbitrators_2010_10_14.pdf 2. IBA Guidelines on Conflicts of Interest in International Arbitration (2024), https://www.ibanet.org/document?id=Guidelines-on-Conflicts-of-Interest-in-International-Arbitration-2024#:~:text=will%20be%20necessary.-(2)%20Conflicts%20of%20Interest,to%20be%20impartial%20or%20independent. 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), Tab 10 of Supplemental Materials Notebook. 4. Sample Motions to Strike Arbitrator (to be provided by Prof. Dimitroff)
9	OCT 22	<u>Stage III</u> Preliminary Proceedings, Including Procedural Orders and Interim Relief	1. Coe, Chapter 4, Section 4.12 2. Coe, Chapter 9, Sections 9.1 – 9.9 3. UNCITRAL Notes on Organizing Arbitral Proceedings, https://uncitral.un.org/en/texts/arbitration/explanatorytexts/organizing_arbitral_proceedings 4. ICC Note to Parties and Arbitral Tribunals on the Conduct of the Arbitration https://iccwbo.org/news-publications/arbitration-adr-rules-and-tools/note-parties-arbitral-tribunals-conduct-arbitration/

CLASS #	DATE	TOPIC	ASSIGNMENT
10	OCT 29	<u>Stage III</u> Preliminary Proceedings, Including Procedural Orders and Interim Relief, continued	1. Samples of Procedural Order and Terms of Reference 2. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association 2020 https://www.ibanet.org/MediaHandler?id=def0807b-9fec-43ef-b624-f2cb2af7cf7b 3. Strategic Options When Catastrophe Strikes the International Energy Project, pp. 14-16. 4. Federal Rules of Civil Procedure 64 and 65.
11	Nov 5	<u>Stage IV</u> The Evidentiary Hearing on the Merits	1. IBA Rules on the Taking of Evidence in International Commercial Arbitration, International Bar Association, 2020, <i>Supra</i>. 2. UNCITRAL Notes on Organizing Arbitral Proceedings, <i>Supra</i>. 3. LCIA Arbitration Rules, 2020 Articles 15-25; https://www.lcia.org/Dispute_Resolution_Services/lcia-arbitration-rules-2020.aspx. 4. Rules on the Efficient Conduct of Proceedings in International Arbitration (Prague Rules) https://praguerules.com/upload/medialibrary/9dc9dc31ba7799e26473d92961d926948c9.pdf

CLASS #	DATE	TOPIC	ASSIGNMENT
12	Nov 12	<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	1. Coe, Chapter 12. 2. The New York Convention, Articles III through VI 3. U.S. Federal Arbitration Act, Sections 9 through 16 4. William W. Russell, Rebeca E. Mosquera, Enforcement of International Arbitral Awards in the United States; https://www.linkedin.com/feed/update/urn:li:activity:7201598227693850624/ 5. <i>Corporación Mexicana De Mantenimiento Integral, S. De R.L. De C.V. v. Pemex-Exploración Y Producción</i> , 832 F.3d 92, 100 (2d Cir. 2016).
13	Nov 19	<u>Stage V</u> The Making and Enforcement of the Arbitral Award, continued	1. Class Project
	Nov 26	Thanksgiving holiday	
	Dec 1	Reading Days	
	Dec ____	FINAL EXAM	