

University of Miami School of Law

BASIC CONCEPTS IN INTERNATIONAL ARBITRATION

LAW 338 A

Syllabus - Fall 2020

This is an intensive course intended for two types of students: those who are generally interested in international business transactions and want an overview of the most frequent method for resolving contractual disputes, and those who are intending to go on to take more intensive courses in the field. This course is recommended for the following courses: Fall Semester: Advanced Oral Advocacy in International Arbitration; Advanced Topics in Arbitration: Theory; Drafting Complex Arbitration Clauses; Federal Arbitration Act; Forensics of Advocacy in International Arbitration I; International Arbitration in Latin America & the Caribbean; International Arbitration LL.M. Practicum I & II; International Commercial Arbitration Seminar: A United States Perspective; The Law of International Treaties. Spring Semester: Advanced Topics in Arbitration: Publication; Forensics of Advocacy in International Arbitration II; International Arbitration and the New York Convention; International Arbitration LL.M. Practicum I & II; International Investment Agreements; International Law of State Responsibility; Investment Arbitration; Transnational Litigation and International Arbitration with a European Nexus.

Course Schedule

Offering Dates: 08-24-2020 - 08-28-2020

Dates Day Time Room

08-24-2020 - 08-27-2020 MTWR 12:10 PM-1:40 PM

08-28-2020 - 08-28-2020 F 12:10 PM-5:40 PM

The readings for the six sessions are primarily to be found in Jan Paulsson, *The Idea of Arbitration* (Oxford University Press, 2013), as set forth below. A number of key ideas will be introduced and developed only in class, so attendance is not only mandatory but essential to your success on the exam (closed books, short answers, one hour).

- Session 1: Why has international arbitration flourished?
 Reading: *The Idea of Arbitration* pages 29-39, 174 – 183
- Session 2: Threshold Issues.
 Reading: *The Idea of Arbitration* pages 50-82
- Session 3: Enforcing arbitration agreements and awards.
 Reading: *The Idea of Arbitration* pages 200 – 230
- Session 4: How the 1958 New York Convention works in a nutshell.
 Reading: <http://www.newyorkconvention.org> (This is a short text; please read at least Articles 1 – 7 several times.)
- Session 5: Ethics.
 Reading: *The Idea of Arbitration* pages 259-293
- Rules of procedure.
 2010 IBA Rules on the Taking of Evidence in International Arbitration
 (readily available on the International Bar Association website
<http://www.ibanet.org>).

Short Course Attendance Policy: Due to the small number of meetings, attendance to all meetings/classes for short courses is mandatory. Students who miss more than one class session (80 minute) of a 1-credit short course are subject to administrative withdrawal and will have a W for the course on their transcripts.

Academic Integrity Policy:

Students are expressly prohibited from recording any part of this course. Meetings of this course might be recorded by the University. Any recordings will be available to students registered for this class as they are intended to supplement the classroom experience. Students are expected to follow appropriate University policies and maintain the security of passwords used to access recorded lectures. Recordings may not be reproduced, shared with those not in the class, or uploaded to other online environments. If the instructor or a University of Miami office plans any other uses for the recordings, beyond this class, students identifiable in the recordings will be notified to request consent prior to such use.

Disability & Accommodation:

If a student has a disability, or suspects that he or she may have a disability, please contact Jessie Howell, Director of Accessibility, for information about available opportunities, resources, and services. Her phone number is 305-284-4551, and her email address is access@law.miami.edu.