Dear Students,

For obvious reasons beyond our control, this will be an unusual semester. All of our classes will be conducted remotely through Zoom. I will do my utmost to make this experience as painless and lively as possible, while maintaining the academic rigor dictated by our obligation to prepare you for a demanding profession.

As we proceed, we may have to make certain necessary adjustments. I hope for your cooperation and welcome your feedback.

I. COURSE OBJECTIVES

This course has two main objectives:

(1) To teach you the substantive materials described below and to help you use your knowledge in a more strategic manner; and

(2) To further develop your research, writing, and presentation skills, as well as your ability to be a mature and independent legal thinker.

II. SUBSTANTIVE COVERAGE

The course focuses primarily on litigation (and secondarily on arbitration) of private-law disputes that have a significant international element. The following are some of the topics we will cover:

(1) Comparative law of jurisdiction. We will compare U.S. jurisdiction law in cases involving foreign plaintiffs or defendants (or both) with European Union jurisdiction law in cases involving American defendants or plaintiffs

(2) Forum shopping and forum non conveniens;

(3) How to draft effective choice-of-law clauses, choice-of-court clauses, and arbitration clauses;

(4) Major issues in international commercial arbitration;

(5) Cross-border torts committed via the internet;

(6) Extraterritorial application of federal law to foreign events or persons; and

(7) Enforcing foreign judgments in the U.S. and American judgments abroad

III. REQUIRED BOOK

SYMEONIDES, INTERNATIONAL LITIGATION AND ARBITRATION: TEXT CASES, AND MATERIALS (Fall 2020) (electronic copy posted on WISE).
IV. CLASS ATTENDANCE

The school’s Class Attendance Policy remains applicable. It requires you to attend a minimum of 75% of regularly scheduled classes in order to receive credit. For this course, the maximum number of permissible absences is five 60-minute periods.

To be counted as present, you must enter the Zoom classroom on time and must be visible to me through the video screen for the entirety of the class period. Please be aware that Zoom records the names of students who attend and the number of minutes they are present.

V. PAPER REQUIREMENT

1. Paper Requirement. In lieu of an examination, you will write a paper on a topic covered by, or sufficiently related to, the course coverage. You will choose the topic in consultation with me. At the end of this syllabus, there is an illustrative list of topics on which students wrote papers in recent years. You may choose any one of those topics or, preferably, another topic. If you cannot find a topic on a subject covered by or sufficiently related to the course, I will assign a topic to you.

Your paper must be your individual and original work. It should be of sufficiently high quality to favorably impress a potential future employer to hire you. It should be longer than 20 double-spaced pages in 12-point font, and must conform to the Bluebook. You will have 40 minutes to orally present your paper in class at the end of the semester. Each student will be assigned a presentation slot, to be determined by drawing a lot. You must use PowerPoint. If you do not know how, I will be glad to provide individual coaching.

LL.M. students whose native language is not English need not comply with the Bluebook. Students who have language difficulties may be exempted from the requirement of orally presenting their paper, but they must prepare a PowerPoint presentation (with my help, if necessary). However, your paper must be written in comprehensible English. I will not rewrite your paper. You are permitted to receive some language assistance from another person, but the paper must be your individual and original work expressed in your own words. Please familiarize yourself with the definition and pitfalls of plagiarism and the rules of proper attribution through quotation marks and footnotes to the sources on which you rely.

2. Schedule and Deadlines for Paper. In preparation for your presentation, please observe the following schedule:

(1) By September 22, you must choose a topic;
(2) By October 6, you must submit an outline, and discuss it with me;
(3) By October 27, you must submit your first draft, and discuss it with me;
(4) By November 10, you must submit your second draft;
(5) By November 17, you must submit your PowerPoint presentation. I will edit it and return it to you;
(6) On November 27, you will present your topic in class.
(7) By December 11 (the last day of exams), you must submit the final version of your paper.

You may, and should, discuss your outline, draft, and paper with me as many times as you wish—the more the better.

VI. EVALUATION

Your grade will be based primarily on the quality of your paper. However, I will also take into account your oral presentation and your class attendance and participation.

VII. VIRTUAL OFFICE HOURS

For obvious reasons, we will not be allowed to meet in person. Consequently, our communication outside class will have to be by email, telephone, or Zoom.

I will be available to answer your questions from 9:00 am to 9:00 pm, seven days a week, except Monday: noon to 4:00 pm, Tuesday: noon to 6:00 pm, and Wednesday: noon to 4:00 pm.

You may send me your questions by email at symeon@willamette.edu. If you also send me a telephone number where I can reach you, I will call you back. If need be, we can schedule a Zoom meeting for one or more students.

VIII. HOW MUCH YOU MUST WORK

ABA Standard 310 requires law schools to demonstrate that the students spend approximately 45 hours of work in order to justify the award of one credit hour. For a two-credit course like ours, this amounts to a total of 90 hours for the semester, including the time spent in class. To comply with this requirement, I submitted the following itemization to the ABA.

<table>
<thead>
<tr>
<th>Task</th>
<th>Allotted time</th>
<th>Total working hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours in Class—Professor led instruction</td>
<td>26 sixty-min. classes x 1.2 = 31.2</td>
<td>31</td>
</tr>
<tr>
<td>Reading casebook and preparing for class, 350 pages</td>
<td>1 hour per 20 pages = 17.5 hours</td>
<td>17</td>
</tr>
<tr>
<td>Additional reading</td>
<td>2 hours</td>
<td>2</td>
</tr>
<tr>
<td>Research for choosing topic and writing outline</td>
<td>4 hours</td>
<td>4</td>
</tr>
<tr>
<td>Research and writing of first draft.</td>
<td>16 hours</td>
<td>16</td>
</tr>
<tr>
<td>Discussion with Professor</td>
<td>1 hour</td>
<td>1</td>
</tr>
<tr>
<td>Research and writing of second draft.</td>
<td>10 hours</td>
<td>10</td>
</tr>
<tr>
<td>Discussion with Professor</td>
<td>1 hour</td>
<td>1</td>
</tr>
<tr>
<td>Producing PowerPoint and preparing for oral presentation</td>
<td>5 hours</td>
<td>5</td>
</tr>
<tr>
<td>Final draft</td>
<td>3 hours</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>90</strong></td>
</tr>
</tbody>
</table>

ABA requirement: 2-credit course x 45 = 90

Requirement **MET**
IX. LIST OF PAPER TOPICS

This is an illustrative list of topics on which students wrote papers in the last few years. You may choose any one of these topics or, preferably, another topic.

- A Comparative Approach to Arbitrability: Lessons from Kompetenz-Kompetenz
- A Constitutional Analysis of the Use of Drones in Targeted Killings and the Rights of American Citizens
- A Corporate Right to Offensive Countermeasures in Cyber Attack
- A Cultural Property Odyssey: Conflicts of Law and the Lex Originis
- An Examination of U.S. Statutes Governing Civil Litigation Relating to Acts of Terrorism
- Anti-Piracy Legislation v. Technology: A Futile Struggle?
- Civil Counterterrorism Lawsuits in the United States
- Civil Suits Against Terrorist Organizations and Their Sponsors
- Cuba: A Comparison of Jurisdiction, Arbitration, and Choice-of-Law
- Doctrine vs. Policy: The Inconsistent Application of Forum Non Conveniens when U.S. Courts are Presented with the Latin American Principles of Preemptive Jurisdiction
- Electronic Arbitration in Saudi Arabia
- Extraterritorial Application of the Alien Tort Statute and Kiobel v. Royal Dutch Petroleum Co.
- Foreign Direct Investment: The Importance of Creating a Legitimate Investor-State Dispute Resolution Mechanism and the Issues Presented by NAFTA Chapter 11 Arbitration
- Forum non Conveniens in China
- Forum Selection Clauses in Canada
- Illicit Trafficking of Cultural Property and Bilateral Agreements
- Judicial Cooperation in Arab States
- Kiobel and Corporate Liability under the Alien Tort Statute—How and Why the Second Circuit Got it Wrong
- Legal Recourse for Same-Sex Couples Discriminated Abroad: Is it possible?
- Litigating Violations of International Human Rights in State Courts Using State Tort Law
- Living in a Post-Kiobel World
- Mexican Law of Private International Law
- One Nation, Under God, Indivisible, With Liberty and Justice for All Within Our Borders: An Argument for Extraterritorial Accountability
- Personal Jurisdiction Dilemma for Foreign Trademark Disputes over the Internet
- Personality rights in the European Union and the Draft Resolution by the Institute of International Law
- Pleading Alien Tort Statute Claims under *Iqbal:* The Need for Lenient Standards
- Public Policy, Overriding Mandatory Rules, and the Recognition & Enforcement of Foreign Judgments within the EU and France
- Recognition and Enforcement of Foreign Judgments in Spain
- Recognition of Foreign Judgments in Jordan
- Recognition of Foreign Judgments under the Riyadh Agreement
- Secret Pacts and Organized Power: Private Arbitration and Imbalance of Power Between Legal and Natural Persons
- Selected Issues and Topics in Jurisdiction: The European Union Brussels I Recast and the United States
- The 2017 Hague Convention on Recognition and Enforcement of Foreign Judgments
- The Forced Arbitration Injustice Repeal Act: Was *Epic Systems* the Straw that Broke the Camel’s Back?
- The Foreign Sovereign Immunities Act and Expropriated Art
- The Foreign Sovereign Immunities Act: Effects on the Families and Victims of 9/11 and Their Quest for Justice
- The Judicial System of Saudi Arabia
- The Price of Peace: An Examination of the Material Support Statutes and Their Role in America’s “War on Terror”
- The Sharia in American Courts
- The United States on Ratification and Implementation of the Hague Convention on Choice of Court Agreements
- Third Party Funding in International Arbitration
- Transnational Defamation via the Internet
- Validity and Enforceability of Arbitration Agreements and Arbitral Awards in Inter-American Contracts
- Watch What You Say on the Internet: A Comparison of Internet Defamation Jurisprudence in the Proposed Institute de Droit International Resolution and American Law