Holocaust Litigation Seminar

Professor Neuborne      Spring 2005

For our first meeting on Tuesday, January 11 from 4-6 in FH 120, please read:

*In re Holocaust Victim Assets Litigation*, 105 F. Supp. 2d 139 (EDNY 2000) (upholding fairness of Swiss bank settlement); and

*In re Nazi Era Cases Against German Defendants Litig*, 198 FRD 429 (D.N.J. 2000) (upholding fairness of German Foundation).

You should also acquaint yourselves with the website maintained by the Swiss bank case at [www.swissbankclaims.com](http://www.swissbankclaims.com).


Several books have been published chronicling the process. The two best are: Michael J. Bazyler, *HOLOCAUST JUSTICE: THE BATTLE FOR RESTITUTION IN AMERICAN COURTS* (2003); and Stuart E. Eizenstat, *IMPERFECT JUSTICE: LOOTED ASSETS, SLVAE LABOR, AND THE UNFINISHED BUSINESS OF WW II* (2003).

At our first session, I plan to provide you with an overview of the proceedings in both the Swiss and German litigation and settlements. In subsequent weeks, we will explore specific issues raised by the process in depth.

Unfortunately, I will be unable to meet the seminar on January 18 because of a conflict with the German Foundation Board meeting in Berlin. I will post a reading assignment for January 25 that explores the first issue: Why should this litigation have taken place in American courts? We'll explore *in personam* jurisdiction, subject matter jurisdiction, *forum non conveniens*, international comity, political question and any other objection you can come up with. I'll suggest case readings. For those of you who can't wait, I suggest: *Iwanowa v. Ford Motor Co.*, 67 F. Supp. 2d 424 (D.N.J. 1999); and *Burger-Fischer v. Degussa AG*, 65 F. Supp. 2d 248 (D.N.J. 1999).

Burt Neuborne