Commercial Arbitration
Professors Hulbert and Silberman

For the first class, on Wednesday, January 12, please read the following material in the casebook for the course, which is Varady, Barcelo and von Mehren, International Commercial Arbitration, second edition (Thomson-West 2003):

Carter excerpt, pp. 24-26
Buhring-Uhle excerpt, p. 26
L'Alliance v. Prunier, pp. 42-44
Kulukundis Shipping v. Amtorg, pp. 48-54
Note, pp. 62-67
The two Termarea decisions, pp. 73-79

We will consider what methods for the resolution of international commercial disputes are available under various cultural and legal regimes, what distinguishes arbitration from other methods of dispute resolution, and what objectives or circumstances might induce a preference for, or, on the contrary, a hostility to, arbitration. We will also take up a question that will recur through the course, the relationship between international treaties, national laws and party agreement as they relate to arbitration.