Michigan State University Summer Course 2014

International Business Litigation and Arbitration

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Essay Question 1

Give an accurate, concise, comprehensive, and well-balanced account of the law covered by the international litigation part of the course (namely, from Japan’s Rule on International Jurisdiction to Anti-suit Injunction). For each topic involved, a comparative analysis is essential.

It is unnecessary, though welcome, to conduct independent research to write this essay.

Word limit: 4,000 words (including footnotes).

Deadline for submission: June 30, 5:00 p.m. EST.

Method of submission: Please send your essay to the Registrar of MSU.

Essay Question 2

Discuss the extent to which parties to an international arbitration have or should have control, by way of mutual agreement, over the resolution of their dispute. Consider, in particular, the following agreements.

(1) agreement specifying a national law as the law applicable to determine the arbitrability of dispute;

(2) agreement giving the tribunal competence to finally and conclusively rule on its own jurisdiction;

(3) agreement specifying a national law as the law applicable to the merits of the case, made with the intent to avoid the application of the mandatory rules of the law of the country with which the case has a close connection;

(4) agreement adding to the grounds for setting aside awards as stipulated by the law of the seat of arbitration; and

(5) agreement limiting the grounds for setting aside awards as stipulated by the law of the seat of arbitration.

Word limit: 5,000 words (including footnotes).

Deadline for submission: June 30, 5:00 p.m. EST.

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Useful databases: Westlaw, Lexis, Kluwerarbitration.com