

**Certificate Program in Global Arbitration Law and Practice:
National and Transborder Perspectives
June 20 – July 21, 2016
London, England**

*A program of the Dispute Resolution Institute at Mitchell Hamline School of Law in cooperation with The
School of International Arbitration, Queen Mary University of London*

**FOUNDATION COURSE: INTRODUCTION TO U. S. ARBITRATION LAW: DOMESTIC
AND INTERNATIONAL ASPECTS**

The Process, Concepts, Governing Statutes,
Distribution of Decisional Authority, and Award Enforcement

Professor H. Allen Blair

2 credit hours – Mitchell Hamline Program in London at Queen Mary
June 20-24; June 27-29
Examination – July 1

Text: THOMAS E. CARBONNEAU, CASES AND MATERIALS ON ARBITRATION LAW & PRACTICE, 7TH EDITION, 2015

Optional Text: THOMAS E. CARBONNEAU, ARBITRATION IN A NUTSHELL, 3D EDITION, 2012

Description and Objectives

Arbitration is the oldest form of adjudication in the world. We are all familiar with it and we have used it a number of times in our personal lives. Fights between siblings, for instance, are often resolved by running to a parent who hears the evidence and makes a final decision. Anytime disputants turn to a third party neutral to adjudicate the disagreement, we may well think of them as using arbitration. While arbitration is distinct from mediation and negotiation, it shares, then, some of the same pre-legal intuitions and roots.

That said, contractual arbitration has become more a norm and less an alternative for resolving disputes in certain contexts, including the adjudication of commercial disputes, particularly internationally, and, at least in the U.S., consumer and employment disputes.

This foundation course covers the major stages of the arbitral process and the basic policies and principles that make up the U.S. law governing it. Although we will be focusing on domestic U.S. law, we will do so always with an eye towards the international use of arbitration. Accordingly, much of this class will involve big-picture questions and an assessment of reasons underlying the growth and popularity of arbitral adjudication as well as the potential limits of arbitration.

The primary objective of the course is to instill a wide and in-depth understanding of arbitration and the operation of the arbitral process, both domestically and internationally. Accordingly, this course provides a foundation for the remainder of the summer. To achieve this objective, we will read and discuss a variety of materials and you will participate in three workshop sessions during this course, involving small group consideration of hypothetical problems, statutory provisions, and the drafting of an arbitral clause. The workshop sessions are scheduled at the beginning, middle, and end of the course. In fact, the course concludes with the drafting workshop on arbitral clauses.

Course Policies

As with most law school courses, your grade will be based primarily on the final examination, which will consist of mix of multiple-choice and short-answer questions. This exam is worth 100 points. You may earn up to an additional 20 points towards your final grade by participating regularly and effectively in class discussions and workshop sessions. To warrant participation points, your participation must be consistently thoughtful and articulate. I will be the sole and final arbiter (no pun intended) of the quality of your participation. The registrar will add any additional points that you earn for participation to the raw score on your final examination, and I then will curve group results.

Please also note that behaviors that disrupt class, like unprofessional or disrespectful commentary, sidebar discussions or demonstrated disinterest in class participation, will result in the imposition of penalties. A minimum of -5 points applies to each incident. Proper professional conduct is expected and required.

| Date & Times | Readings |
|---|--|
| <p>June 20 (Monday)</p> <p>9:00 a.m. – 10:30 a.m. 10:50 a.m. – 12 noon 12:10 p.m. – 1:10 p.m.</p> | <p>Preface, pp. v-ix Chapter 1, Introduction, pp. 1-26 Chapter 2, Basic Concepts, pp. 27-42 (possibly, begin Chapter 3, U.S. Statutes)</p> |
| <p>June 21 (Tuesday)</p> <p>9:00 a.m. – 10:30 a.m. 10:50 a.m. – 12 noon 12:10 p.m. – 1:10 p.m.</p> | <p>Chapter 3, U.S. Statutes on Arbitration, pp. 51-104 (read the FAA sections thoroughly but merely skim the commentary) (Skip Arthur Andersen LLP v. Carlisle) Chapter 4, Summary Lecture on Arbitration and Federalism, read pp. 141-165, 167-171, 190-205, 211-218, 222, 234-236, 264-66</p> |

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| <p>June 22 (Wednesday)</p> <p>9:00 a.m. – 10:30 a.m. 10:50 a.m. – 12 noon 12:10 p.m. – 1:10 p.m.</p> | <p>Finish discussion of prior reading</p> <p>Workshop I (break-out groups): Hypothets (pp. 44-49) [In-class preparation and presentations by groups; 55 minutes to prepare and 55 minutes to present, roughly] Begin Chapter 5, Decisional Power, pp. 271-358 (Read the cases thoroughly and any introductory materials but you may skip the notes and questions, which constitute many of the pages)</p> |
| <p>June 23 (Thursday)</p> <p>10:00- 11:00 LCIA Visit (req'd) 12:30 – 4:20 (with 30 minutes of break time TBA)</p> | <p>Continue Chapter 5, prior readings</p> <p>Workshop II (break-out groups): RUAA (pp. 104-137) [In-class preparation and presentations by group; 55 minutes to prepare and 55 minutes to present, roughly]</p> |
| <p>June 24 (Friday)</p> <p>9:00 a.m. – 10:30 a.m. 10:50 a.m. – 12 noon 12:10 a.m. – 1:10 p.m.</p> | <p>Chapter 5, Decisional Power, pp. 362-396, 455-462</p> |
| <p>June 27 (Monday)</p> <p>9:00 a.m. – 11:30 a.m. (15 minute break TBA)</p> | <p>Chapter 7, Summary Lecture on Adhesive Arbitration, read 523-543, 567-600, 610-616 Read <i>Directv, Inc. v. Imburgia</i>, located on the jump drive DOC 56 Read <i>Global Client Solutions, LLC v. Ossello</i>, located on the jump drive DOC 57</p> |
| <p>June 28 (Tuesday)</p> <p>9:00 a.m. – 10:15 a.m. 10:30 a.m. – 11:30 a.m.</p> | <p>Chapter 8, Enforcement of Awards, pp. 679-690, 698-702, 726-732, 759-770, 777-783 Chapter 9, International Commercial Arbitration, pp. 877-880</p> <p>Workshop III: Drafting an Arbitral Clause (break-out group work) (consult Chapter 10 – specific group work to be assigned)</p> |
| <p>June 29 (Wednesday)</p> <p>9:00 a.m. – 10:30 a.m. Optional Review 2:00 p.m. – 3:00 p.m.</p> | <p>Workshop III: Drafting an Arbitral Clause Presentations</p> |

