

**Stetson University College of Law**

**“Global Litigation: The American Perspective”**

**I. Course Information**

**Course:** Global Litigation: The American Perspective

**Location:** Granada, Spain

**Program:** Stetson Summer Abroad Program

**Semester and Year:** Summer 2019

**Course Start and End Dates:** 6/10/19 – 6/14/19

**II. Instructor Information**

**Name:** Dale, Michael J.

**Email:** [dalem@nova.edu](mailto:dalem@nova.edu)

**Local telephone number:** To be provided on site.

**III. Course Description:**

American companies and individuals are increasingly involved in international disputes both of a commercial and private nature. These disputes between American companies and individuals and companies and individuals from other countries (with emphasis on parties from European countries) are adjudicated in a variety of settings and involve complex practical questions of transnational law and procedure.

This Monday through Thursday three hour per day four meeting course focuses on practical issues common to such disputes. The course covers four international litigation issues that arise in American courts. They are jurisdiction to adjudicate (subject matter and territorial), pretrial matters (discovery including document production, service of process, and taking depositions) enforcement of American court orders and judgments abroad, choice of law (recognition of choice of law clauses and American and European methods of determining applicable law), alternative dispute resolution systems (courts, administrative tribunals, and arbitration) and relevant international treaties and conventions.

**IV. Course Schedule and Topic Outline:**

**Day 1 (June 10) – Jurisdiction**

Reading Assignment: 28 U.S.C. sections 1331 and 1332; Goodyear Dunlop Tires v. Brown 131 S.Ct. 2846 (2011); Daimler AG v. Bauman, 134 S.Ct. 746 (2014); Banco Nacional de Cuba v. Sabbatino 376 U.S. 398 (1964); Morrison v. National Australia Bank 561 U.S. 247 (2010); Hartford Fire Insurance Co. v. California, 509 U.S. 764 (1993); Mas v. Perry 489 F.2d 1396 (5<sup>th</sup> Cir. 1974).

**Day 2 (June 11)** – Pretrial Matters – Discovery, service of process Enforcement of American Court Orders and judgments abroad.

Reading Assignment: Hague Convention on the Service of Process in Civil and Commercial Matters, 20 U.S.T 361; Volkswagenwerk Actiengesellschaft v. Schlunk 486 U.S. 694 (1988); Watersplash, Inc. v. Menon 137 S.Ct. 1504 (2017); Lukas Holub, “Discovery Abroad: An Overview of European Blocking Statutes and the Hague Convention on Taking of Evidence Outside the US “ The National Institute For Trial Advocate (on line. 2-part article. April 2019); Tereza Horakova, “Service of Process Outside the United States Updated: Watersplash and Its Progeny”, The National Institute For Trial Advocacy Advocate (on line Winter 2018); Tereza Horakova, “Service of Process Outside the United States: A Basic Overview”. The National Institute For Trial Advocacy Advocate, (on line Winter 2018);

**Day 3 (June 12)** – Dispute resolution Settings (courts, tribunals, arbitration)

Reading Assignment: Bremen v. Zapata Off-shore Co. 471 U.S. 1 (1972); Piper Aircraft v. Reyno, 454 U.S. 235 (1981); Sherk v. Alberto –Culver Co., 417 U.S. 506 (1974); Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc., 473 U.S. 614 (1985); Vimar Seguros y Reasguos S.A. v. M/V Sky Reefer, 515 U.S. 528 (1995); “Domestication and Enforcement of American Judgments in the European Union Member States”, Massimo Reboa, The National Institute For trial Advocacy Advocate, (on line December 2017); “Enforcing Forum Selection Clauses in Euro-American Contractual Disputes”, Anastasia Pellagrosi, The National Institute For Trial Advocacy Advocate, (on line May 2017).

**Day 4 (June 13)** – Choice of Law

Reading Assignment; Bremen v. Zapata Off shore Co. 471 U.S. 1 (1972); Tucci v. Club Mediterranee, 89 Cal App. 4<sup>th</sup> 180 (2001); Regina Fullana Pitarch, “Taking Judicial Notice and Proving Foreign Law in American Courts”, The National Institute For Trial Advocacy Advocate, (on line November 2014).

Background Information – International Treaties and Conventions

Reading assignment; Hague Convention on The Civil Aspects of International Child Abduction, 28 U.S.C. 9001 et seq (1988); ; Vienna Convention on Diplomatic Relations, 23 U.S.T. 3227 (1961); Vienna Convention on Consular relations, 21 U.S.T. 77 (1963); European Convention on State Immunity, 11 In’l Leg. Met. 472 (1972); Foreign Sovereign Immunities Act of 1976, 28 U.S.C.601 et seq.

**Classroom Setting:** Lecture and discussion. Just a little bit of Socratic method!

**Final Examination:** One-hour one question open book essay examination.

**V. Office Hours:**

The professor shall be available an hour before and after class. In addition, students may reach the professor by email. (dalem@nova.edu) and hopefully by local telephone. Local European phone number to be provided on-site.

**VI. Access to Materials:**

All materials are available on line through Google. The articles from the National Institute For Trial Advocacy (NITA) are found in NITA's on line newsletter, "The Advocate". Statutes and reported opinions also are available through West Law and LexisNexis.

*\*Professor of Law, Nova Southeastern University College of Law, Fort Lauderdale, FL.*