

CILENotes

C E N T E R F O R I N T E R N A T I O N A L L E G A L E D U C A T I O N

From the Director

It has been a busy and exciting year at the Center for International Legal Education. The ability of the University of Pittsburgh to attract great teachers, students, lecturers and scholars, as well as to energize students and professors to take their quest for knowledge about the law overseas has proved to be substantial. Once again, we provide this newsletter as a means of cataloguing a small part of these activities.

One of the most exciting developments of the past year is the creation of our **Global Nonprofit Law Program**, directed by **Penina Kessler Lieber**. Professor Lieber has accomplished a great deal in getting "GNL" underway and headed for great achievements. She provides a look at some of the challenges faced in this area in her "Summary with Substance."

The fall semester has witnessed the beginning of our **International and Comparative Law Certificate Program**. This program allows students to concentrate their studies and receive acknowledgment of the resulting achievement upon graduation. By formalizing what many students were already doing, we are able better to coordinate curriculum offerings, placement opportunities and extracurricular experiences, providing an all-around better program for certificate students. Over thirty second and third-year students have elected to take part in the certificate program.

You will also find inside the announcement and itinerary for our new and unique

"**Law at Sea**" summer program that will begin in summer 2001. We are quite excited to be joining the Institute for Shipboard Education here at the University of Pittsburgh to create the very first graduate or professional school program on the Summer at Sea voyage. This is a special opportunity to build on the stimulating programs offered in the past to undergraduates in the Semester at Sea program.



Professor Ronald A. Brand

We have enjoyed the presence of many visitors to the Law School this the past year, and have benefitted greatly from their courses, lectures, and informal conversations. Many of these visits have built on established relationships. **Professors Volker Behr and Thomas Möllers** from the University of Augsburg have

added their special touches in the classroom. The faculty exchange with the University of Ghent continues this year, with **Professor Michel Tison** coming in January to teach European Banking and Capital Markets Law, following the successful visits last year by his colleagues, **Professors Hubert Bocken and Inge Govaere**. We also have begun a challenging and rewarding exchange with Donetsk State University, Donetsk, Ukraine, with visits here by **Dean Vyacheslav D. Volkov** and **Professor Roman Petrov**, and by **Tina Krivinogikh**, an engaging young instructor from Donetsk. It has been an honor once again to have **Professor Giandomenico Majone** of the European University Institute here to teach his course on the EU, US and the WTO.

Each year we benefit significantly from the structure and support of the University Center for International Studies, and this year is no exception. The Donetsk exchange has been the product of collaboration with the Center for Russian and East European Studies, and the presence of Professor Majone has resulted from cooperation with the European Union Center and the Center for West European Studies. Our work is consistently made easier because we are at a university with a truly global perspective and the infrastructure to match.

More-and-more of our own faculty are taking their expertise abroad. **Professors Pat Chew and Sandra Jordan** taught on Semester at Sea in the spring voyage. **Professors Douglas Branson and John Burkoff** will journey to Ghent this fall, following in the footsteps of **Professor Harry Flechtner**, who was there on our exchange last year. Other professors continue their involvement in the development of the law throughout the world. I was able to visit our friends in Donetsk this past summer,

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along with **Adjunct Professor Natalya Sipper**, who will be offering our course in CIS State Law in the coming spring term. In conjunction with the International Law Society, we have arranged for a series of faculty presentations sharing expertise and experiences on international and comparative law matters. These are open events, and you are welcome to join us at the Law School for any or all of them.

A special part of this newsletter is devoted to providing the full text of the Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters of the Hague Conference on Private International Law. As a member of the U.S. delegation to the negotiations over the past six years, I have enjoyed working with government officials, lawyers and scholars from around the globe in an effort to achieve a workable global convention. My hope is that many of you will review the draft and provide your comments to the U.S. delegation.

I have enjoyed being a part of the ever-developing global involvement of the University of Pittsburgh School of Law. I hope you will enjoy reading about what we are doing, and that you will find the opportunity to join us at some point in the process.

A SUMMARY WITH SUBSTANCE

A Legal Agenda for Civil Society- The Global Nonprofit Law Program

by **Penina Kessler Lieber**
Director, Global Nonprofit
Law Program



The Global Nonprofit Law Program (“GNL”) established in January 2000 (and originally called the Program on Law and Global Philanthropy), studies the laws which affect nonprofit activity throughout the world. As a teaching and research program, GNL is committed to building an internationally known educational resource and to promoting the development of a coherent legal framework for civil society. In our first year, we have added a new course at the Law School, written a new curriculum, worked with student research assistants, and participated in an international tax conference. I have explored collaborative relationships with international experts in the field and with other University departments. Our first International Round Table on the Tax Treatment of Nongovernmental Organizations will be held on November 6, 2000. We will also prepare a special symposium issue for the University of Pittsburgh Law Review later this year. Through GNL, the Law School has a unique opportunity to serve the community at-large and to use the University’s considerable resources to expand its presence within academic and philanthropic circles.

Civil society consists of the voluntary organizations that make up the world’s nonprofit sector. It is recognized as one of the three general sources of global power today, ranking with government and business in its capacity to change the world. Civil society has grown dramatically in numbers and in influence during the past decade. The fall of communism and the emergence of global market economies have forced its institutions to assume new roles and responsibilities. Throughout the

world, nonprofit organizations are now providing goods and services which historically were dispensed by government. Devolution, as this shift in social welfare is called, has placed a heavy burden on these organizations to deliver services and, at the same time, be self-sustaining. This is not an easy task.

In many countries, the nonprofit sector is fragile and lacks the financial resources to support itself. Governments in emerging democracies and less developed nations still regard their fledgling civil society institutions with suspicion, if not open hostility, as potential challengers to state primacy and control. The nonprofit sector faces internal challenges as well, stemming from its own lack of transparency and its failure to self-regulate. The tax treatment of nonprofit organizations presents formidable challenges with the absence of a coherent policy to incentivize charitable giving across borders. As a result of these unresolved concerns, civil society is confronting a dilemma: how to fulfill its promise as a global force while finding ways to create an indigenous and sustainable culture of philanthropy to support its vast network of institutions and initiatives.

If the institutions of civil society are to be equipped with the tools of survival, a legal infrastructure must be established to provide a framework of common principles and shared standards. Unlike other aspects of international law, international nonprofit law is still in its infancy. Deriving from diverse systems of law, it shares few common characteristics and lacks predictability. The area of tax treatment is particularly confusing, given that it has no single approach to essential issues of exemption and deductibility. The following three questions illustrate existing concerns.

CILE Notes 2000

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1. *What is charitable?* Concepts of "charitable" remain broadly different from country to country. Common law countries base their concepts of charity on case law, with England and Wales retaining narrow definitions and the United States interpreting charity in its broadest sense. Civil law countries define the concept in their respective codes, with each country articulating a different understanding of the term and its application. Of the 30 countries in Eastern Europe, only 15-20 share some common definitional aspects of charitable activity. As a response to this disparity, a current trend is for countries to construct lists of "charitable" organizations, thereby avoiding the controversial general definition issue.

2. *What regulatory process governs charitable organizations?* The process of forming, registering and qualifying a charitable organization differs from country to country. While most countries authorize the tax authorities to make the initial decision of status, others look to quasi governmental bodies (e.g. England's Charities Commission) and still others rely on judicial opinion. Similarly, there is no uniform approach to registration fees, time for determination, or the extent of information required for approval at formation or annually. In many countries, the process is

tainted by actual or potential abuse and unbridled subjectivity.

3. *What rules apply to cross border philanthropy?* The greatest problem facing cross border philanthropy is the failure of existing law to provide reciprocity for charitable deductions. The creation of an enabling fiscal environment for cross border philanthropy would significantly reduce the barriers which currently limit optimal giving by individual donors, private foundations, and transnational corporations. Little has been accomplished in this area. Of 2,000 bilateral tax treaties worldwide, none is nonprofit specific and none focuses on establishing common rules of public benefit. Even the United States, which historically has granted favorable tax treatment to its domestic nonprofit sector, is reluctant to apply that same endorsement to cross border charitable activity. While exempt status is generally reciprocal, only three United States treaties (U.S.-Canada; U.S.-Israel; and U.S.-Mexico) grant reciprocity for charitable deductions. In addition, the Internal Revenue Code retains the "geographic limitation rule" of §170(c)(2)(A), a provision enacted more than sixty years ago in the Revenue Act of 1938. By imposing a "place of origination" test on gifts to foreign beneficiaries, this rule places legal hurdles in the path of U.S.

donors wishing to engage in international philanthropy. Ironically, the test continues to control, in spite of today's globalization and porous borders. Internationally, there has also been little progress. While the Organization for Economic Cooperation and Development ("OECD") has taken steps to establish reciprocity in income and gift tax model treaties, it has failed to adopt similar measures in the area of charitable contributions. Recommendations for change have gone unanswered by regional and international governing bodies, with the result that reciprocity continues to be the exception and not the rule.

Through its Global Nonprofit Law Program, the University of Pittsburgh School of Law will play a vital role in addressing these and other issues regarding the development of law and the nonprofit sector.

THE OFFICERS OF
THE INTERNATIONAL
LAW SOCIETY 2000-2001

President:	Alexander Castrodale
Vice President:	Michelangelo Croce
Secretary:	Anna Maria Miele
Treasurer:	Matthew King

Alcoa Foundation Grant Provides Important LL.M. Scholarships

The Alcoa Foundation recently announced a grant to the Center for International Legal Education in the amount of \$40,000, to be used for scholarships for LL.M. students who will enroll in the fall of 2001. This continues a tradition that has provided Alcoa Foundation Fellowships during five of the first six years of the LL.M. Program. Professor Ronald A. Brand expressed his deep appreciation to the Alcoa Foundation, stating, "The support of the Alcoa Foundation has been the life-blood of the LL.M. Program and, in turn, the entire Center for International Legal Education. Without it, the many achievements of the Center to date would not have been possible. By having the funds available now, we will be able to select the best class possible for the coming year. Alcoa Foundation Fellowships will help bring students to Pittsburgh from universities in parts of the world where an advanced degree from a U.S. law school otherwise is out of reach."

You are invited

Donors Across Borders International Tax Issues & Challenges

Participants:

Dr. Frederick Hondius, Strasbourg, France
Chief Trustee, The Europhil Trust

Arthur B.C. Drache, Q.C., Ottawa, Canada
Drache, Burke-Robertson & Buchmayer

Penina Kessler Lieber, University of Pittsburgh School of Law Director, Global Nonprofit Law Program

November 6, 2000

3:00 – 5:00 p.m.

Faculty Lounge, School of Law
University of Pittsburgh

Reception to follow

RSVP (412) 648-7023 or cile@law.pitt.edu
2 CLE credits

International Visitors Enrich the School of Law

During the 1999 - 2000 academic year, the School of Law hosted many international visitors in a variety of different capacities. In December, **Dean Vyacheslav D. Volkov** and **Professor Roman Petrov**, Associate Dean for International Programs, Donetsk State University (DSU), Donetsk, Ukraine visited the University of Pittsburgh under the auspices of a Department of State Bureau of Educational and Cultural Affairs grant awarded to the School of Law and the Center for Russian and East European Studies for faculty exchanges. The primary goals of the exchange are to help develop a clinical program at DSU that will serve the educational needs of law students as well as the legal service needs of the local citizens, and to create a strong substantive curriculum at DSU in the area of commercial and international business law with faculty skilled in many areas of instruction. The purpose of Volkov and Petrov's visit was to gain an understanding of the academic and administrative structure of an American law school and to lay the groundwork for the next three years of

the grant. They met with faculty members, senior administrative staff, student government representatives, lawyers in private practice and local members of the Ukrainian community. Demonstrations on the use of technology, internet databases and distance learning were provided to show ways to improve the quality of teaching. Discussions were held on collaborative course development, future exchange visitors both to Donetsk and Pittsburgh, and DSU library enhancement.

Tina Krivonogikh, a teaching intern at the DSU Economics and Law Faculty, visited the University of Pittsburgh during the spring semester. She attended classes and developed course materials for international business transactions and comparative corporate law.

Ms. Fusako Seki, Research Fellow, Japan Society for the Promotion of Science, Hokkaido University, spent the 1999 - 2000 academic year at the School of Law. Ms. Seki, who is primarily interested in elder law, was mentored by **Professor Larry Frolik**.

In the spring semester, CILE hosted

Professor Volker Behr, University of Augsburg, Germany, who taught with Professor Brand in his Transnational Litigation class. **Professor Paul Beaumont**, University of Aberdeen, Scotland, and a Member of the U.K. Delegation to the Hague Conference Special Commission negotiating a convention on jurisdiction and judgments, visited the University of Pittsburgh to present with Professors Behr and Brand in the last in the three part CLE series on international law. They discussed the proposed European Regulation that will replace the Brussels Convention on Jurisdiction and Judgments, and the Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters being negotiated at the Hague Conference on Private International Law.

Continuing with the tradition of a European professor teaching an introduction to European Union Law, CILE in conjunction with the longstanding exchange program with the University of Augsburg, was pleased to host **Dr. Thomas Möllers**. He taught "Introduction to European Union Law" during the first half of the fall semester.

Dr. Giandomenico Majone, is once again a Visiting Distinguished Professor at the European Union Center during the fall term. A professor at the European University Institute in Florence, Italy, he is an expert on issues of regulation, including matters of policy and law. An editor of the *EUROPEAN LAW JOURNAL*, Professor Majone is regarded as a leading thinker on policy issues important to national, regional and international law. He is teaching "The EU, the U.S., and the WTO: The Challenges of Deeper Integration."



Professors Brand and Flechtner with Visiting Professors Giandomenico Majone and Thomas Möllers

Law at Sea

The University of Pittsburgh School of Law Summer at Sea Program



For the first time ever, the University of Pittsburgh School of Law will offer a Summer at Sea program of study for law students from June 13 through August 17, 2001. The voyage will begin in Piraeus, Greece, and students will travel to Spain, Norway, Russia, Belgium, Morocco, Italy, Egypt, and Israel, returning to Piraeus. Travel will be aboard the MTS World Renaissance, which will be equipped as a floating university. The 12,000 ton vessel, of the Royal Olympic Cruise Line, includes classrooms, student union, dining room, two swimming pools, and fitness facilities. Cabins for law students will be double occupancy on the upper deck.

This is a rigorous academic legal studies program in which each student is required to take 7 credits of law school courses. All law students will take the 3 credit Cultures of Law & Justice, a "core" course that will focus on the countries and legal systems visited during the voyage. In addition, each student will elect two of three available 2 credit courses: Comparative Corporate Law, Introduction to European Union Law, and Special Topics of European Union Law. Cultures of Law & Justice will be taught by

Associate Dean John Burkoff of the University of Pittsburgh School of Law, who has extensive experience as a professor and dean on earlier voyages of Semester at Sea. Comparative Corporate Law will be taught by Pitt Professor Douglas Branson, who has taught similar courses in Australia, France, New Zealand, and South Africa. The two courses on European Union Law will be taught jointly by Professor Bernhard Schloh, a retired Member of the Legal Service of the Council of Ministers of the European Union and former Professor in the Program on International Legal Cooperation at the Vrije Universiteit Brussel, and Kurt Riechenberg, Chief of Cabinet to the President of the European Court of Justice (who will split the voyage and the two courses).

Piraeus, Greece	Depart	Wednesday	13 June	1700
Cadiz, Spain	Arrive	Monday	18 June	0800
	Depart	Thursday	21 June	2300
Oslo, Norway	Arrive	Wednesday	27 June	0800
	Depart	Saturday	30 June	2300
St. Petersburg, Russia	Arrive	Wednesday	04 July	0800
	Depart	Saturday	07 July	2300
Antwerp, Belgium	Arrive	Thursday	12 July	0800
	Depart	Sunday	15 July	2200
Casablanca, Morocco	Arrive	Thursday	19 July	1400
	Depart	Sunday	22 July	2300
Naples, Italy	Arrive	Thursday	26 July	0800
	Depart	Monday	30 July	2300
Alexandria, Egypt	Arrive	Friday	03 August	0800
	Depart	Tuesday	07 August	2300
Haifa, Israel	Arrive	Friday	10 August	0800
	Depart	Monday	13 August	2300
Piraeus, Greece	Arrive	Friday	17 August	0800

The program will be limited to 26 law students, and will operate in conjunction with Pitt's regular Summer Semester at Sea undergraduate program of 424 students. Tuition, including housing, meals and the voyage, is \$11,275. For further information: contact the Center for International Legal Education at (412) 648-7023 or e-mail cile@law.pitt.edu or see www.law.pitt.edu.



Itinerary subject to change



First Person

Crisis of the Central American Integration System

Jennifer Van Horn

Though an issue of great concern, the subject of the Central American regional integration system receives comparatively little attention in studies of Latin America. It is for this reason that I chose to use the CILE 2000 Summer Fellowship to go to Costa Rica, a member country which is an abundant source for all kinds of information regarding the Central American Integration System (SICA).

SICA is a century-old concept that the Central American states have reinvigorated in the last decade. The members of the system regard it as key in achieving their individual objectives of lasting peace and stable atmospheres for economic and social growth. In its modern incarnation, the SICA resembles the European Union model. It has a Central American Court of Justice that hears complaints between member states, a Parliament, and various bureaus dealing with regionalization of topics such as trade, social policy and environmental policy. As domestic economies and politics become increasingly intertwined within a global regime, the success of SICA in fulfilling its members' agenda is vital also to its close neighbors in North and South America.

I embarked on a study of this regional organization through a summer law study program run by the University of Florida College of Law and also engaged in independent research in the capital city of San Jose, Costa Rica. The summer law program focused on comparative U.S.-Costa Rican environmental and constitutional law, as well as current efforts to establish a regional environmental law regime in Central America. Interestingly, the environmental law program was an integral component to understanding the degree to which Central America actually has a functioning regional government. I learned that the Central American countries are achieving the most success in the area of environmental cooperation, through the SICA environmental department (CCAD). In addition, numerous bilateral treaties are being

signed according to individual states' needs on such subjects as freshwater source rights and protection of endangered species.

Visits to local NGO's, research institutes and conversations with people such as the director of the Environmental Hub program at the U.S. Embassy in San Jose tempered my building enthusiasm for the success of SICA. The other aspects of SICA, as is probably to be expected, do not enjoy such progress in integrating members' policies. This is especially the case regarding issues of regional concern that are more volatile than the environment. Demilitarization within governments is one example. At this stage, the SICA appears mostly to act as an encouragement mechanism to cooperate regionally. The target of regional integration appears further distant than the states' Presidents were originally hoping when they signed the Esquipulus II Accords in 1991. However, the building blocks of a regional organization are in place, as well as a growing common interest in instigating a dependable regional environmental law. It is still early in the history of a regional organization, and it is to be hoped that the positive advances already made toward a regional framework will influence other aspects of the regional integration system.

McLean Lecture to Be Given by First Woman Judge on European Court of Justice

The Honorable Fidelma O'Kelly Macken will give the Ninth Annual McLean Lecture on World Law, on November 2, at 6:00 p.m. at the School of Law. Her topic will be "Towards a Possible Federal System of Law: The Impact of the Jurisprudence of the European Court of Justice." An Irish barrister since 1979, Judge Macken came to the Court in 1999 from her position as a judge on the High Court of Ireland, where she dealt primarily with commercial and chancery actions. Her practice experience in the areas of intellectual property law, environmental law, constitutional law, contract law, and the law of banking and chancery matters serves her well in her position on the European Court, as does her experience from 1996 to 1998, when she served as Senior Counsel at The Bar of Ireland, specializing in European Law. Judge Macken is a member of the Editorial Board of The Bar Gazette and of Irish Intellectual Property Review. She received a B.A. in Legal Science from Trinity College, Dublin, and an LL.M. from the University of London, London School of Economics and Political Science. The McLean Lecture on World Law is co-sponsored annually by the School of Law and the World Federalist Association of Pittsburgh.



Professor Brand and Adjunct Professor Natalya Sipper join faculty and students during their visit to Donetsk State University, Donetsk, Ukraine.

Hague Conference Attempts Global Convention on Jurisdiction and Judgments

In May of 1992, the U.S. Department of State proposed that the Hague Conference on Private International Law take up the negotiation of a multilateral convention on the recognition and enforcement of judgments. The matter ultimately was placed on the formal negotiating agenda of the Hague Conference in October of 1996, with formal negotiations held in June 1997, March 1998, and November 1998. At that point, the Drafting Committee issued the first document containing language for some convention provisions. That draft was considered further in June and again in October of 1999, resulting in a Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters ("PDC text").

Set forth on the following pages is the text of the Preliminary Draft Convention. Normal procedures would have resulted in a diplomatic conference in the fall of 2000, at which a final text would be prepared. In February of 2000, however, Jeffrey Kovar, Assistant Legal Advisor and head of the U.S. delegation, wrote to the Secretary General of the Hague Conference detailing U.S. concerns about the existing draft and suggesting further informal discussions prior to the diplomatic conference. This position was supported by several other Hague Conference member states, and in May a decision was taken to delay the start

of the diplomatic conference until June 2001, with a final week of the diplomatic conference to occur sometime in late 2001 or early 2002. This decision included an adjustment in the negotiation process, with a focus on consensus rather than the traditional majoritarian procedures of the Hague Conference.

Further informal discussions among the various member state delegations have been scheduled, and the focus has moved to building a consensus structure for the convention. It is reasonably certain that any final convention will contain a list of jurisdictional bases that all member states are required to apply ("required bases") and a list of jurisdictional bases member state courts may not apply ("prohibited bases"). To the extent agreement cannot be reached on other jurisdictional bases, they will be treated outside the convention, with existing national law governing both their use in local courts and the ability to recognize and enforce judgments founded on those jurisdictional bases emanating from other convention states ("status quo bases").

The convention should facilitate the free movement of judgments among convention states, and result in the channeling of cases into forums with a required basis of jurisdiction (insuring more convenient recognition and enforcement in other states), as well as preventing cases from

being brought on bases of jurisdiction uniformly considered exorbitant.

It may be possible to keep portions of the PDC text in the final convention. This will depend, however, on the resolution of matters such as (1) the extent to which consensus can be achieved on the required and prohibited lists of jurisdictional bases; (2) the ability of the delegations to develop a structure for the convention that is clear and likely to be easily understood; (3) the development of consensus positions on the ability of a recognizing court to limit what it may consider as excessive damage awards (see Art. 33); (4) the development of a consensus position on questions of parallel litigation (see Arts. 21 and 22); (5) whether U.S. concepts of specific (see Art. 9), general (see Art. 18(2)(e)), and tag jurisdiction (see Art. 18(2)(f)) will be required, permitted, or prohibited; and (6) the relationship of the Hague Convention to other existing jurisdiction and judgments conventions.

Further information on the Hague process, and U.S. involvement, can be found at the following websites:

Hague Conference on Private International Law:
<http://www.hcch.net>

U.S. Department of State:
http://www.state.gov/www/global/legal_affairs/private_intl_law.html

Hague Conference on Private International Law

Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters October 30, 1999

CHAPTER 1 -- SCOPE OF THE CONVENTION

Article 1 Substantive scope

1. The Convention applies to civil and commercial matters. It shall not extend in particular to revenue, customs or administrative matters.

2. The Convention does not apply to—

- a) the status and legal capacity of natural persons;
- b) maintenance obligations;
- c) matrimonial property regimes and other rights and obligations arising out of marriage or similar relationships;

- d) wills and succession;
- e) insolvency, composition or analogous proceedings;
- f) social security;
- g) arbitration and proceedings related thereto;
- h) admiralty or maritime matters.

3. A dispute is not excluded from the scope of the Convention by the mere fact that a government, a governmental agency or any other person acting for the State is a party thereto.

4. Nothing in this Convention affects the privileges and immunities of sovereign States or of entities of sovereign States, or of international organisations.

Article 2 Territorial scope

1. The provisions of Chapter II shall apply in the courts of a Contracting State unless all the parties are habitually resident in that State. However, even if all the parties are habitually resident in that State—
 - a) Article 4 shall apply if they have agreed that a court or courts of another Contracting State have jurisdiction to determine the dispute;
 - b) Article 13, regarding exclusive jurisdiction, shall apply;
 - c) Articles 23 and 24 shall apply where the court is required to determine whether to decline jurisdiction or suspend its proceedings on the grounds that the dispute ought to be determined in the courts of another Contracting State.
2. The provisions of Chapter III apply to the recognition and enforcement in a Contracting State of a judgment rendered in another Contracting State.

CHAPTER II -- JURISDICTION

Article 3 Defendant's forum

1. Subject to the provisions of the Convention, a defendant may be sued in the courts of the State where that defendant is habitually resident.
2. For the purposes of the Convention, an entity or person other than a natural person shall be considered to be habitually resident in the State—
 - a) where it has its statutory seat,
 - b) under whose law it was incorporated or formed,
 - c) where it has its central administration, or
 - d) where it has its principal place of business.

Article 4 Choice of court

1. If the parties have agreed that a court or courts of a Contracting State shall have jurisdiction to settle any dispute which has arisen or may arise in connection with a particular legal relationship, that court or those courts shall have jurisdiction, and that jurisdiction shall be exclusive unless the parties have agreed otherwise. Where an agreement having exclusive effect designates a court or courts of a non-Contracting State, courts in Contracting States shall decline jurisdiction or suspend proceedings unless the court or courts chosen have themselves declined jurisdiction.
2. An agreement within the meaning of paragraph 1 shall be valid as to form, if it was entered into or confirmed—
 - a) in writing;
 - b) by any other means of communication which renders information accessible so as to be usable for subsequent reference;
 - c) in accordance with a usage which is regularly observed by the parties;
 - d) in accordance with a usage of which the parties were or ought to have been aware and which is regularly observed by parties to contracts of the same nature in the particular trade or commerce concerned.

3. Agreements conferring jurisdiction and similar clauses in trust instruments shall be without effect if they conflict with the provisions of Article 7, 8 or 13.

Article 5 Appearance by the defendant

1. Subject to Article 12, a court has jurisdiction if the defendant proceeds on the merits without contesting jurisdiction.
2. The defendant has the right to contest jurisdiction no later than at the time of the first defence on the merits.

Article 6 Contracts

- A plaintiff may bring an action in contract in the courts of a State in which—
- a) in matters relating to the supply of goods, the goods were supplied in whole or in part;
 - b) in matters relating to the provision of services, the services were provided in whole or in part;
 - c) in matters relating both to the supply of goods and the provision of services, performance of the principal obligation took place in whole or in part.

Article 7 Contracts concluded by consumers

1. A plaintiff who concluded a contract for a purpose which is outside its trade or profession, hereafter designated as the consumer, may bring a claim in the courts of the State in which it is habitually resident, if
 - a) the conclusion of the contract on which the claim is based is related to trade or professional activities that the defendant has engaged in or directed to that State, in particular in soliciting business through means of publicity, and
 - b) the consumer has taken the steps necessary for the conclusion of the contract in that State.
2. A claim against the consumer may only be brought by a person who entered into the contract in the course of its trade or profession before the courts of the State of the habitual residence of the consumer.
3. The parties to a contract within the meaning of paragraph 1 may, by an agreement which conforms with the requirements of Article 4, make a choice of court—
 - a) if such agreement is entered into after the dispute has arisen, or
 - b) to the extent only that it allows the consumer to bring proceedings in another court.

Article 8 Individual contracts of employment

1. In matters relating to individual contracts of employment—
 - a) an employee may bring an action against the employer,
 - i) in the courts of the State in which the employee habitually carries out his work or in the courts of the last State in which he did so, or
 - ii) if the employee does not or did not habitually carry out his work in any one State, in the courts of the State in which the business that engaged the employee is or was situated;

- b) a claim against an employee may be brought by the employer only,
 - i) in the courts of the State where the employee is habitually resident, or
 - ii) in the courts of the State in which the employee habitually carries out his work.

2. The parties to a contract within the meaning of paragraph 1 may, by an agreement which conforms with the requirements of Article 4, make a choice of court—

- a) if such agreement is entered into after the dispute has arisen, or
- b) to the extent only that it allows the employee to bring proceedings in courts other than those indicated in this Article or in Article 3 of the Convention.

Article 9 Branches [and regular commercial activity]

A plaintiff may bring an action in the courts of a State in which a branch, agency or any other establishment of the defendant is situated, [or where the defendant has carried on regular commercial activity by other means,] provided that the dispute relates directly to the activity of that branch, agency or establishment [or to that regular commercial activity].

Article 10 Torts or delicts

1. A plaintiff may bring an action in tort or delict in the courts of the State—

- a) in which the act or omission that caused injury occurred, or
- b) in which the injury arose, unless the defendant establishes that the person claimed to be responsible could not reasonably have foreseen that the act or omission could result in an injury of the same nature in that State.

2. Paragraph 1 *b* shall not apply to injury caused by anti-trust violations, in particular price-fixing or monopolisation, or conspiracy to inflict economic loss.

3. A plaintiff may also bring an action in accordance with paragraph 1 when the act or omission, or the injury may occur.

4. If an action is brought in the courts of a State only on the basis that the injury arose or may occur there, those courts shall have jurisdiction only in respect of the injury that occurred or may occur in that State, unless the injured person has his or her habitual residence in that State.

Article 11 Trusts

1. In proceedings concerning the validity, construction, effects, administration or variation of a trust created voluntarily and evidenced in writing, the courts of a Contracting State designated in the trust instrument for this purpose shall have exclusive jurisdiction. Where the trust instrument designates a court or courts of a non-Contracting State, courts in Contracting States shall decline jurisdiction or suspend proceedings unless the court or courts chosen have themselves declined jurisdiction.

2. In the absence of such designation, proceedings may be brought before the courts of a State—

- a) in which is situated the principal place of administration of the trust;
- b) whose law is applicable to the trust;
- c) with which the trust has the closest connection for the purpose of the proceedings.

Article 12 Exclusive jurisdiction

1. In proceedings which have as their object rights in rem in immovable property or tenancies of immovable property, the courts of the Contracting State in which the property is situated have exclusive jurisdiction, unless in proceedings which have as their object tenancies of immovable property, the tenant is habitually resident in a different State.

2. In proceedings which have as their object the validity, nullity, or dissolution of a legal person, or the validity or nullity of the decisions of its organs, the courts of a Contracting State whose law governs the legal person have exclusive jurisdiction.

3. In proceedings which have as their object the validity or nullity of entries in public registers, the courts of the Contracting State in which the register is kept have exclusive jurisdiction.

4. In proceedings which have as their object the registration, validity, [or] nullity[, or revocation or infringement,] of patents, trade marks, designs or other similar rights required to be deposited or registered, the courts of the Contracting State in which the deposit or registration has been applied for, has taken place or, under the terms of an international convention, is deemed to have taken place, have exclusive jurisdiction. This shall not apply to copyright or any neighbouring rights, even though registration or deposit of such rights is possible.

[5. In relation to proceedings which have as their object the infringement of patents, the preceding paragraph does not exclude the jurisdiction of any other court under the Convention or under the national law of a Contracting State.]

[6. The previous paragraphs shall not apply when the matters referred to therein arise as incidental questions.]

Article 13 Provisional and protective measures

1. A court having jurisdiction under Articles 3 to 13 to determine the merits of the case has jurisdiction to order any provisional or protective measures.

2. The courts of a State in which property is located have jurisdiction to order any provisional or protective measures in respect of that property.

3. A court of a Contracting State not having jurisdiction under paragraphs 1 or 2 may order provisional or protective measures, provided that—

- a) their enforcement is limited to the territory of that State, and
- b) their purpose is to protect on an interim basis a claim on the merits which is pending or to be brought by the requesting party.

Article 14 Multiple defendants

1. A plaintiff bringing an action against a defendant in a court of the State in which that defendant is habitually resident may also proceed in that court against other defendants not habitually resident in that State if—

- a) the claims against the defendant habitually resident in that State and the other defendants are so closely connected that they should be adjudicated together to avoid a serious risk of inconsistent judgments, and
- b) as to each defendant not habitually resident in that State, there is a substantial connection between that State and the dispute involving that defendant.

2. Paragraph 1 shall not apply to a codefendant invoking an exclusive choice of court clause agreed with the plaintiff and conforming with Article 4.

Article 15 Counter-claims

A court which has jurisdiction to determine a claim under the provisions of the Convention shall also have jurisdiction to determine a counter-claim arising out of the transaction or occurrence on which the original claim is based.

Article 16 Third party claims

1. A court which has jurisdiction to determine a claim under the provisions of the Convention shall also have jurisdiction to determine a claim by a defendant against a third party for indemnity or contribution in respect of the claim against that defendant to the extent that such an action is permitted by national law, provided that there is a substantial connection between that State and the dispute involving that third party.

2. Paragraph 1 shall not apply to a third party invoking an exclusive choice of court clause agreed with the defendant and conforming with Article 4.

Article 17 Jurisdiction based on national law

Subject to Articles 4, 5, 7, 8, 12 and 13, the Convention does not prevent the application by Contracting States of rules of jurisdiction under national law, provided that this is not prohibited under Article 18.

Article 18 Prohibited grounds of jurisdiction

1. Where the defendant is habitually resident in a Contracting State, the application of a rule of jurisdiction provided for under the national law of a Contracting State is prohibited if there is no substantial connection between that State and the dispute.

2. In particular, jurisdiction shall not be exercised by the courts of a Contracting State on the basis solely of one or more of the following—

- a) the presence or the seizure in that State of property

belonging to the defendant, except where the dispute is directly related to that property;

- b) the nationality of the plaintiff;
- c) the nationality of the defendant;
- d) the domicile, habitual or temporary residence, or presence of the plaintiff in that State;
- e) the carrying on of commercial or other activities by the defendant in that State, except where the dispute is directly related to those activities;
- f) the service of a writ upon the defendant in that State;
- g) the unilateral designation of the forum by the plaintiff;
- h) proceedings in that State for declaration of enforceability or registration or for the enforcement of a judgment, except where the dispute is directly related to such proceedings;
- i) the temporary residence or presence of the defendant in that State;
- j) the signing in that State of the contract from which the dispute arises.

3. Nothing in this Article shall prevent a court in a Contracting State from exercising jurisdiction under national law in an action [seeking relief] [claiming damages] in respect of conduct which constitutes—

Variant One:

[a] genocide, a crime against humanity or a war crime[, as defined in the Statute of the International Criminal Court]; or]

[b] a serious crime against a natural person under international law; or]

[c] a grave violation against a natural person of non-derogable fundamental rights established under international law, such as torture, slavery, forced labour and disappeared persons].

[Sub-paragraphs [b] and] c) above apply only if the party seeking relief is exposed to a risk of a denial of justice because proceedings in another State are not possible or cannot reasonably be required.]

Variant Two:

a serious crime under international law, provided that this State has established its criminal jurisdiction over that crime in accordance with an international treaty to which it is a party and that the claim is for civil compensatory damages for death or serious bodily injury arising from that crime.]

Article 19 Authority of the court seised

Where the defendant does not enter an appearance, the court shall verify whether Article 20 prohibits it from exercising jurisdiction if—

- a) national law so requires; or
- b) the plaintiff so requests; or
- c) the defendant so requests, even after judgment is entered in accordance with procedures established under national law; or]

[d]the document which instituted the proceedings or an equivalent document was served on the defendant in another Contracting State.]

or

[d]it appears from the documents filed by the plaintiff that the defendant's address is in another Contracting State.]

Article 20

1. The court shall stay the proceedings so long as it is not established that the document which instituted the proceedings or an equivalent document, including the essential elements of the claim, was notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence, or that all necessary steps have been taken to that effect.

[2.Paragraph 1 shall not affect the use of international instruments concerning the service abroad of judicial and extrajudicial documents in civil or commercial matters, in accordance with the law of the forum.]

[3.Paragraph 1 shall not apply, in case of urgency, to any provisional or protective measures.]

Article 21 *Lis pendens*

1. When the same parties are engaged in proceedings in courts of different Contracting States and when such proceedings are based on the same causes of action, irrespective of the relief sought, the court second seised shall suspend the proceedings if the court first seised has jurisdiction and is expected to render a judgment capable of being recognised under the Convention in the State of the court second seised, unless the latter has exclusive jurisdiction under Article 4 or 12.

2. The court second seised shall decline jurisdiction as soon as it is presented with a judgment rendered by the court first seised that complies with the requirements for recognition or enforcement under the Convention.

3. Upon application of a party, the court second seised may proceed with the case if the plaintiff in the court first seised has failed to take the necessary steps to bring the proceedings to a decision on the merits or if that court has not rendered such a decision within a reasonable time.

4. The provisions of the preceding paragraphs apply to the court second seised even in a case where the jurisdiction of that court is based on the national law of that State in accordance with Article 19.

5. For the purpose of this Article, a court shall be deemed to be seised—

- a) when the document instituting the proceedings or an equivalent document is lodged with the court, or
- b) if such document has to be served before being lodged with the court, when it is received by the authority responsible for service or served on the defendant.

[As appropriate, universal time is applicable.]

6. If in the action before the court first seised the plaintiff seeks a determination that it has no obligation to the defendant, and if an action seeking substantive relief is brought in the court second seised—

- a) the provisions of paragraphs 1 to 5 above shall not apply to the court second seised, and
- b) the court first seised shall suspend the proceedings at the request of a party if the court second seised is expected to render a decision capable of being recognised under the Convention.

7. This Article shall not apply if the court first seised, on application by a party, determines that the court second seised is clearly more appropriate to resolve the dispute, under the conditions specified in Article 24.

Article 22 *Exceptional circumstances for declining jurisdiction*

1. In exceptional circumstances, when the jurisdiction of the court seised is not founded on an exclusive choice of court agreement valid under Article 4, or on Article 7, 8 or 13, the court may, on application by a party, suspend its proceedings if in that case it is clearly inappropriate for that court to exercise jurisdiction and if a court of another State has jurisdiction and is clearly more appropriate to resolve the dispute. Such application must be made no later than at the time of the first defence on the merits.

2. The court shall take into account, in particular—

- a) any inconvenience to the parties in view of their habitual residence;
- b) the nature and location of the evidence, including documents and witnesses, and the procedures for obtaining such evidence;
- c) applicable limitation or prescription periods;
- d) the possibility of obtaining recognition and enforcement of any decision on the merits.

3. In deciding whether to suspend the proceedings, a court shall not discriminate on the basis of the nationality or habitual residence of the parties.

4. If the court decides to suspend its proceedings under paragraph 1, it may order the defendant to provide security sufficient to satisfy any decision of the other court on the merits. However, it shall make such an order if the other court has jurisdiction only under Article 19, unless the defendant establishes that sufficient assets exist in the State of that other court or in another State where the court's decision could be enforced.

5. When the court has suspended its proceedings under paragraph 1,

- a) it shall decline to exercise jurisdiction if the court of the other State exercises jurisdiction, or if the plaintiff does not bring the proceedings in that State within the time specified by the court, or
- b) it shall proceed with the case if the court of the other State decides not to exercise jurisdiction.

CHAPTER III -- RECOGNITION AND ENFORCEMENT

Article 23 Definition of “judgment”

For the purposes of this Chapter, “judgment” means—

- a) any decision given by a court, whatever it may be called, including a decree or order, as well as the determination of costs or expenses by an officer of the court, provided that it relates to a decision which may be recognised or enforced under the Convention;
- b) decisions ordering provisional or protective measures in accordance with Article 14, paragraph 1.

Article 24 Judgments excluded from Chapter III

This Chapter shall not apply to judgments based on a ground of jurisdiction provided for by national law in accordance with Article 19.

Article 25 Judgments to be recognised or enforced

1. A judgment based on a ground of jurisdiction provided for in Articles 3 to 14, or which is consistent with any such ground, shall be recognised or enforced under this Chapter.

2. In order to be recognised, a judgment referred to in paragraph 1 must have the effect of *res judicata* in the State of origin.

3. In order to be enforceable, a judgment referred to in paragraph 1 must be enforceable in the State of origin.

4. However, recognition or enforcement may be postponed if the judgment is the subject of review in the State of origin or if the time limit for seeking a review has not expired.

Article 26 Judgments not to be recognised or enforced

A judgment based on a ground of jurisdiction which conflicts with Articles 4, 5, 7, 8 or 12, or whose application is prohibited by virtue of Article 18, shall not be recognised or enforced.

Article 27 Verification of jurisdiction

1. The court addressed shall verify the jurisdiction of the court of origin.

2. In verifying the jurisdiction of the court of origin, the court addressed shall be bound by the findings of fact on which the court of origin based its jurisdiction, unless the judgment was given by default.

3. Recognition or enforcement of a judgment may not be refused on the ground that the court addressed considers that the court of origin should have declined jurisdiction in accordance with Article 24.

Article 28 Grounds for refusal of recognition or enforcement

1. Recognition or enforcement of a judgment may be refused if—

- a) proceedings between the same parties and having the

same subject matter are pending before a court of the State addressed, if first seised in accordance with Article 21;

- b) the judgment is inconsistent with a judgment rendered, either in the State addressed or in another State, provided that in the latter case the judgment is capable of being recognised or enforced in the State addressed;
- c) the judgment results from proceedings incompatible with fundamental principles of procedure of the State addressed, including the right of each party to be heard by an impartial and independent court;
- d) the document which instituted the proceedings or an equivalent document, including the essential elements of the claim, was not notified to the defendant in sufficient time and in such a way as to enable him to arrange for his defence;
- e) the judgment was obtained by fraud in connection with a matter of procedure;
- f) recognition or enforcement would be manifestly incompatible with the public policy of the State addressed.

2. Without prejudice to such review as is necessary for the purpose of application of the provisions of this Chapter, there shall be no review of the merits of the judgment rendered by the court of origin.

Article 29 Documents to be produced

1. The party seeking recognition or applying for enforcement shall produce—

- a) a complete and certified copy of the judgment;
- b) if the judgment was rendered by default, the original or a certified copy of a document establishing that the document which instituted the proceedings or an equivalent document was notified to the defaulting party;
- c) all documents required to establish that the judgment is *res judicata* in the State of origin or, as the case may be, is enforceable in that State;
- d) if the court addressed so requires, a translation of the documents referred to above, made by a person qualified to do so.

2. No legalisation or similar formality may be required.

3. If the terms of the judgment do not permit the court addressed to verify whether the conditions of this Chapter have been complied with, that court may require the production of any other necessary documents.

Article 30 Procedure

The procedure for recognition, declaration of enforceability or registration for enforcement, and the enforcement of the judgment, are governed by the law of the State addressed so far as the Convention does not provide otherwise. The court addressed shall act expeditiously.

Article 31 Costs of proceedings

No security, bond or deposit, however described, to guarantee the payment of costs or expenses shall be required by reason only that the applicant is a national of, or has its habitual residence in, another Contracting State.

Article 32 Legal aid

Natural persons habitually resident in a Contracting State shall be entitled, in proceedings for recognition or enforcement, to legal aid under the same conditions as apply to persons habitually resident in the requested State.

Article 33 Damages

1. In so far as a judgment awards non-compensatory, including exemplary or punitive, damages, it shall be recognised at least to the extent that similar or comparable damages could have been awarded in the State addressed.
2. *a)* Where the debtor, after proceedings in which the creditor has the opportunity to be heard, satisfies the court addressed that in the circumstances, including those existing in the State of origin, grossly excessive damages have been awarded, recognition may be limited to a lesser amount.
b) In no event shall the court addressed recognise the judgment in an amount less than that which could have been awarded in the State addressed in the same circumstances, including those existing in the State of origin.
3. In applying paragraph 1 or 2, the court addressed shall take into account whether and to what extent the damages awarded by the court of origin serve to cover costs and expenses relating to the proceedings.

Article 34 Severability

If the judgment contains elements which are severable, one or more of them may be separately recognised, declared enforceable, registered for enforcement, or enforced.

Article 35 Authentic instruments

1. Each Contracting State may declare that it will enforce, subject to reciprocity, authentic instruments formally drawn up or registered and enforceable in another Contracting State.
2. The authentic instrument must have been authenticated by a public authority or a delegate of a public authority and the authentication must relate to both the signature and the content of the document.

[3. The provisions concerning recognition and enforcement provided for in this Chapter shall apply as appropriate.]

Article 36 Settlements

Settlements to which a court has given its authority shall be recognised, declared enforceable or registered for enforcement in the State addressed under the same conditions as judgments falling within the Convention, so far as those conditions apply to settlements.

CHAPTER IV. GENERAL PROVISIONS

Article 37 Relationship with other conventions

[See annex]

Article 38 Uniform interpretation

1. In the interpretation of the Convention, regard is to be had to its international character and to the need to promote uniformity in its application.
2. The courts of each Contracting State shall, when applying and interpreting the Convention, take due account of the case law of other Contracting States.

[Article 39

1. Each Contracting State shall, at the request of the Secretary General of the Hague Conference on Private International Law, send to the Permanent Bureau at regular intervals copies of any significant decisions taken in applying the Convention and, as appropriate, other relevant information.
2. The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission to review the operation of the Convention.
3. The Commission may make recommendations on the application or interpretation of the Convention and may propose modifications or revisions of the Convention or the addition of protocols.]

[Article 40

1. Upon a joint request of the parties to a dispute in which the interpretation of the Convention is at issue, or of a court of a Contracting State, the Permanent Bureau of the Hague Conference on Private International Law shall assist in the establishment of a committee of experts to make recommendations to such parties or such court.

[2. The Secretary General of the Hague Conference on Private International Law shall, as soon as possible, convene a Special Commission to draw up an optional protocol setting out rules governing the composition and procedures of the committee of experts.]]

Article 41 Federal clause

ANNEX

Article 36. Relationship with other Conventions Proposal 1

1. The Convention does not affect any international instrument to which Contracting States are or become Parties and which contains provisions on matters governed by the Convention, unless a contrary declaration is made by the States Parties to such instrument.
2. However, the Convention prevails over such instruments to the extent that they provide for fora not authorized under the provisions of Article 18 of the Convention.

3. The preceding paragraphs also apply to uniform laws based on special ties of a regional or other nature between the States concerned and to instruments adopted by a community of States.

Proposal 2

1. a) In this Article, the Brussels Convention [as amended], Regulation [. . .] of the European Union, and the Lugano Convention [as amended] shall be collectively referred to as “the European instruments”.
b) A State party to either of the above Conventions or a Member State of the European Union to which the above Regulation applies shall be collectively referred to as “European instrument States”.

2. Subject to the following provisions [of this Article], a European instrument State shall apply the European instruments, and not the Convention, whenever the European instruments are applicable according to their terms.

3. Except where the provisions of the European instruments on—
a) exclusive jurisdiction;
b) prorogation of jurisdiction;
c) *lis pendens* and related actions;
d) protective jurisdiction for consumers or employees;

are applicable, a European instrument State shall apply Articles 3, 5 to 11, 14 to 16 and 18 of the Convention whenever the

defendant is not domiciled in a European instrument State.

4. Even if the defendant is domiciled in a European instrument State, a court of such a State shall apply—
a) Article 4 of the Convention whenever the court chosen is not in a European instrument State;
b) Article 12 of the Convention whenever the court with exclusive jurisdiction under that provision is not in a European instrument State; and
c) Articles 21 and 22 of this Convention whenever the court in whose favour the proceedings are stayed or jurisdiction is declined is not a court of a European instrument State.

Note: Another provision will be needed for other conventions and instruments.

Proposal 3

1. Judgments of courts of a Contracting State to this Convention based on jurisdiction granted under the terms of a different international convention (“other Convention”) shall be recognised and enforced in courts of Contracting States to this Convention which are also Contracting States to the other Convention. This provision shall not apply if, by reservation under Article . . . , a Contracting State chooses—
a) not to be governed by this provision, or
b) not to be governed by this provision as to certain designated other conventions.

First Person

Studies at Durham and The Hague Add to Pitt Education

Charles Kotuby

I entered Pitt law school in September 1998 having been awarded a Rotary Ambassadorial Scholarship for the 1999-2000 academic year. Knowing that I would have the rare opportunity to pursue graduate studies overseas, yet also being aware that such an opportunity would come at the expense of a traditional law school career, I undertook to integrate both experiences and make the most of what each could offer. With the help of Professor Brand and the Center for International Legal Education, I sought and gained acceptance into the University of Durham’s LL.M. program in International and European Law, and returned to Pittsburgh this August with a newfound appreciation of legal scholarship and the dynamic study of law outside of the confines of a traditional legal education.

In what was as apparent the first day I arrived in Durham as it is today, there could have been no more idyllic setting for the rediscovery of academia than Durham. As the third oldest university in England,

next to Cambridge and Oxford, Durham boasts a proud academic and social tradition nestled in England’s northernmost region of Northumbria. “Half church of god, half castle ‘gainst the Scot,” Sir Walter Scott aptly described the Norman keep that now houses the large majority of University classrooms and faculties. While assignments and final grades find themselves posted on 11th century castle walls, and time remains kept by the cathedral bells, contemporary topics of international human rights, European Community external relations, and European trade law have become of particular interest to Faculty of Law at Durham. I entered into a program where I was, in fact, the only native English speaker in the cradle of English scholarship. French, German, Dutch and Scandinavian students added a particular global element to a University that could have otherwise rested quietly along the Scottish border.

That element brought broad perspectives to each classroom subject, encouraged individual research that spanned the practical and purely academic approaches

to the law, and resulted in a dynamic educational experience. In my own research, I sought to find the practical relevance of European Community law to American practitioners, and focused on the development of European external competence in the field of private international law. This work was necessarily directed to the work of the Hague Conference of Private International Law, and upon completion of my coursework in Durham, I was given the opportunity to complete my research at that organization’s Permanent Bureau, in the Netherlands. In an experience that drew together my coursework, research and practical exposure to international law, and combined that exposure with a remarkable cultural experience, I concluded my year abroad in a city synonymous with international law – The Hague. From Pittsburgh to England to the Netherlands and back to Pittsburgh again, the scope of my legal education will hereafter extend beyond traditional constraints, and leave me to appreciate globalization on the most intimate of levels.

Sixth LL.M. Class Brings Special Skills and Experience to Law School

This year's LL.M. class brings to the School of Law twelve lawyers from eleven countries. Its members come to Pitt with support from the Edmund S. Muskie Graduate Fellows program, the University Center for International Studies, the Center for Latin American Studies, the Center for Russian and East European Studies, and the Center for West European Studies.

Luz Mariá Cárdenas (Mexico) graduated from the Universidad Panamericana, Guadalajara, Mexico, with degrees in law and corporate law. Ms. Cárdenas worked as a lawyer for Villa Cárdenas, Guitérrez & Asociados, S.C.; Mexicana de Lubricantes, S.A. de C.V.; Deloitte & Touche Glaza, Gomez, Morfin, Chavero, Yamazaki, S.C.; Servicios Industriales Mexiprom S.A. de C.V.; Situr Desarrollos Turísticos, S.A. de C.V.; Martínez Suarez y Cabazos Flores, S.C.; and Gonzalez Romero, S.C. She has also been an assistant professor at the Universidad Panamericana since August 1999.

Adolfo Omar Cespedes (Peru) received his law degree from the Universidad de Piura, Lima, Peru and has recently completed a second undergraduate degree in philosophy. He graduated at the top of his law class. He served as an assistant professor of law in Lima where he taught classes on the philosophy of law.

Daniil Fedorchuk (Ukraine) graduated from the Economics and Law Faculty, Donetsk State University, Donetsk, Ukraine. Since 1998, he has been an assistant lecturer at Donetsk State University in Comparative Constitutional Law, Municipal Law of Ukraine, and Constitutional Law of Ukraine. He received a fellowship to study European and English law at Warsaw University in 1997-1998. Mr. Fedorchuk is being sponsored by the Open Society Institute on their Edmund S. Muskie Graduate Fellows program.

Sven Kill (Germany) received his law degree from the University of Augsburg, Augsburg, Germany. He took his first state examination in European and International Law, and his second state examination in European and Private International Law. He worked as an intern for the law offices of Seidler & Seidler, Omaha, Nebraska in 1997, the Bavarian Parliament, Munich, Germany in

1996-1997, and the European Parliament in 1995.

Yishan Liu (China) graduated from the China University of Political Science and Law, Beijing, China. He has worked for various corporations in real estate, including the Beijing Chang Qing Real Estate Company, Ltd, Beijing Tai Rui Real Estate Company, Ltd, Hai Nan International Leasing Company, Ltd, and Ever Bright International Leasing Company, Ltd. He is accompanied to Pittsburgh by his wife Huiling Wang and their baby.

Yanting Min (China) graduated from the Guangdong University of Foreign Studies where she specialized in International Trade. Ms. Min graduated in the top 5 of her class. She worked for the Guangdong South Satellite Telecommunication Service (SST) legal affairs division and was the secretary to the Board of Directors of SST.

David Leinig Meiler (Brazil) received his law degree from the University Federal do Parana, Curitiba, Brazil. He has worked as an attorney with Le Soim Do Brasil Com. De Cosméticos Ltda., in commercial contracts; Bassi e Advogados Associados, in commercial and labor law; and Bacellar e Advogados Associados, in international and commercial law.

Victor Mosoti (Kenya) graduated from Moi University, Eldoret, Kenya with an LL.B. and from the Kenya School of Law, Nairobi, Kenya with a postgraduate diploma in law. He served as Editor-in-Chief of the Moi Faculty of Law journal, "The Law Informer." He practiced law with Nyaundi Tuiyutt & Co. Advocates in Nairobi. He is especially interested in international environmental law.

Petya Vakarelska-Petrova (Bulgaria) received her law degree from Sofia University Faculty of Law in Sofia, Bulgaria. She worked for the Sofia District Court in various

areas, including criminal prosecution and investigation. She is particularly interested in refugees and human rights. Her husband, Dr. Alexander Petrov, is a post-doctorate researcher at Carnegie Mellon University.

Areeya Ratanayu (Thailand) graduated from Assumption University, Bangkok, Thailand. She participated in Moot Court competitions while in law school and is particularly interested in intellectual property. She was on the bowling team at Assumption University and on the Thai national team.

Angela Maria Romito (Italy) received her law degree from the University of Bari, Bari, Italy. She has also received certificates for study at the London Guildhall University, the Hague Academy of International Law, and the University Institute of European Studies and International Training Center of ILO-Turin, Italy. Ms. Romito worked for her family's law firm and as the legal advisor for Nicoletti, a furniture export company.

Carla Silva (Chile) received her law degree from Universidad Gabriela Minstral, Santiago, Chile. She taught law classes at the Universidad Central while working for the Ministry of Justice. In October 1998, she organized a conference under the auspices of the Catholic church to address issues of child welfare and poverty alleviation. Her husband René Caracci attends Carnegie Mellon University.



Members of the incoming LL.M. class take a break with Professor Brand at Ohiopyle.

Pitt Law and the World:

Faculty Lectures on International and Comparative Legal Issues and Experiences

Professors at the University of Pittsburgh School of Law have played important roles in scholarship and practice regarding international and comparative law. This series of lectures provides an opportunity to hear about those experiences and understand better the impact of the University of Pittsburgh School of Law on the development of law around the globe

Friday, September 15, 2:00 p.m., Room 111 – Professor Thomas Möllers, Visiting Professor from the University of Augsburg: “The Role of Law in European Integration”

–Professor Möllers is teaching the Introduction to European Union Law course during the fall term and will share his expertise on an important aspect of the development of the EU.

Thursday, September 28, 1:00 p.m., Room 111 – Professor Ronald A. Brand: “A Global Convention on Jurisdiction and Judgments: Negotiations at The Hague”

–Professor Brand is a member of the U.S. delegation negotiating a treaty on jurisdiction and the enforcement of foreign judgments at the Hague Conference on Private International Law. He will share his thoughts on the substance and experience of those negotiations.

Thursday, October 19, 1:00 p.m., Room 111 – Professor Harry Flechtner: “The Use of Foreign Case Law for CISG Issues: The Recovery of Attorney Fees as CISG Damages”

–Professor Flechtner is one of the world’s leading scholars on the U.N. Convention on Contracts for the International Sale of Goods (CISG), and will share his insights on important CISG issues.

Thursday, November 16, 1:00 p.m., Room 111 – Professor Vivian Curran: “Judicial Methodology in France and Germany during their Facist Periods”

–Professor Curran is one of the world’s leading scholars on the law of Vichy France and the way law was used to further Nazi goals. She will share her most recent research on related topics.

Thursday, January 11, 1:00 p.m., Room 111 – Professor Jules Lobel: “Litigating International Law in U.S. Courts”

–Professor Lobel has litigated important questions regarding the application of international law in U.S. courts, particularly in human rights cases, and will discuss that experience.

Thursday, February 8, 1:00 p.m., Room 111 – Professor Douglas Branson: “Prospects for global convergence in Corporate Governance”

–Professor Branson has taught and lectured around the globe on issues of comparative corporate law. He will share his thoughts on the future of the law concerning corporate governance.

Thursday, February 22, 1:00 p.m., Room 111 – Professor Pat Chew: “How Cultural Context Affects Conflict and Problem Solving”

–Professor Chew will speak on issues dealt with in her recently published book, *CONFLICT AND CULTURE*, and relate them to her recent experience on Semester at Sea.

Thursday, March 15, 1:00 p.m., Room 111 – Professor John Parry: “Comparing U.S. and Israeli Approaches to Illegal State Violence”

–Professor Parry will share his research on the different ways in which two legal systems confront violence by state agents

ACTIVITIES

Faculty Activities

Professor Ronald A. Brand has continued his participation in the negotiations at the Hague Conference on Private International Law of a Convention on jurisdiction and the effects of foreign judgments in civil and commercial matters, as a member of the U.S. Delegation. During the spring 2000 term, he participated in a series of continuing legal education programs for the Allegheny County Bar Association. On July 8, 2000, Brand was a commentator at a Symposium in Paris on “A Global Law of Jurisdiction and Judgments: Lessons from the Hague,” sponsored by Cornell Law School and the University of Paris I (Sorbonne). On July 20 and 21, he gave presentations at the University of Washington School of Law on the Hague Judgments Convention as part of the Center for Advanced Study and Research on Intellectual Property, High Technology Protection Summit 2000. Professor Brand’s recent publications include: *Fundamentals of International Business Transactions*, (Kluwer Law International, 2000); *Fundamentals of International Business Transactions: Documents* (Kluwer Law International, 2000); and *Due Process as a Limitation on Jurisdiction in U.S. Courts and a Limitation on the United States at the Hague*

Students Take Advantage of Certificate Program in International and Comparative Law

The School of Law is offering for the first time a certificate in international and comparative law. The certificate is intended to give students interested in international and comparative legal issues a foundation for careers and further study in the application of legal regimes to transnational and international relationships. Students in the certificate program are expected and encouraged to obtain the same broad back-

ground in law expected of all graduates of the University of Pittsburgh School of Law. Students seeking the certificate are required to take International Law, International Business Transactions, Comparative Law, a faculty supervised legal writing project on an appropriate topic, and nine elective credits. Thirty-four students have enrolled in the certificate program in its first year.

Conference on Private International Law, 60 UNIVERSITY OF PITTSBURGH LAW REVIEW 661-706 (1999).

Professor Douglas Branson visited Australia where he holds a permanent appointment as a Fellow at the School of Law, University of Melbourne. He will be a faculty member on the Law at Sea Program during the summer 2001. Professor Branson recently published *Teaching Comparative Corporate Governance: The Significance of "Soft Law" and International Institutions*, 34 GEORGIA LAW REVIEW 669 (2000). He will be teaching a compact seminar on comparative corporate governance at the University of Ghent from October 13-29, 2000.

Professors Teresa Brostoff and Ann Sinsheimer's book, *LEGAL ENGLISH*, was published by Oceana this year. Their article *English for Lawyers: A Preparatory Course for International Lawyers*, JOURNAL OF THE LEGAL WRITING INSTITUTE (with Meghan Ford) is scheduled to be published in the spring of 2001.

Associate Dean John Burkoff spent a week in Iceland in early March, 2000 under the auspices of the Department of State discussing the American criminal law system, recent trends in American constitutional criminal procedure, and Icelandic legal, political and economic issues. Dean Burkoff will be teaching in the new Masters program in European Criminology & Criminal Justice systems at the University of Ghent from November 18 to December 2, 2000. He will be making presentations about comparative aspects of American criminal law and criminal procedure both to the Masters Program student body as a whole, and in individual classes, including Masters classes in European Criminal Justice Systems, Comparative Methodology, Basic Criminal Law, and Advanced Criminal Law. He continues to serve on the Semester at Sea Academic Advisory Committee and will be serving as Program Director during the inaugural Law at Sea voyage in the summer of 2001.

Professor Pat Chew served as a faculty member on the Spring 2000 Semester at Sea voyage. Her book *THE CONFLICT AND CULTURE READER* was published by NYU press this year.

Professor Vivian Curran contributed a chapter entitled *Herder and the Holocaust: A Debate About Difference and Determinism in the Context of Comparative Law*, in F. C. De Coste & Bernard Schwartz, ed., *THE HOLOCAUST'S GHOST: WRITINGS ON ART, POLITICS, LAW AND EDUCATION* (Alberta University Press, 2000). Her article, *Romantic Common Law, Enlightened Civil Law: Legal Uniformity and the Homogenization of the European Union* is scheduled for publication this year in the COLUMBIA JOURNAL OF EUROPEAN LAW; her article on the legal theory of the founder of Germany's Free Law school of thought, Hermann Kantorowicz, is scheduled to be published this year in the book *RETHINKING THE MASTERS OF COMPARATIVE LAW*; and her review called *Law's Mimicry of Law*, a review essay of DAVID DYZENHAUS, *JUDGING THE JUDGES, JUDGING OURSELVES* (1998) will be published by the Alberta Law Review. Her chapter on *United States Property Rights*, in *FUNDAMENTAL RIGHTS IN EUROPE AND NORTH AMERICA* is scheduled to be published by Kluwer International in 2002.

In April, Professor Curran spoke about "Legal Cultures in the European Union" at Kutztown University. She was the keynote speaker at a meeting on "Foreign Languages and the Professional Schools," in April here at the University of Pittsburgh, and gave a special lecture on "The European Homogenization of Legal Cultures," in May. In September, Professor Curran spoke at the European University Institute in Florence, Italy, on "Formalism and Anti-Formalism in French and German Judicial Methodology." In October, she gave the "Kick-off" talk for the University of Pittsburgh's European Union Center's new academic year, on "Romanticism and the Enlightenment as Paradigms in European Legal Mentality."

Professor Curran is on the editorial board of the French-English bilingual and interdisciplinary journal, "Science Letters," and has joined the advisory board of the Center for International Business and Trade of John Marshall Law School.

Professor Harry Flechtner's book *SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS* (with John E. Murray, Jr., West 2000) was published this year. His recent articles include: *Transcript of a Workshop on the Sales Convention: Leading CISG Scholars Discuss Contract Formation, Validity, Excuse for Hardship, Avoidance, Nachfrist, Contract Interpretation, and Much More*, 18 JOURNAL OF LAW & COMMERCE 191 (1999); *The UN Sales Convention (CISG) and MCC Marble Center, Inc. v. Ceramica Nuova D'Agostino, S.P.A.: The Eleventh Circuit Weighs in on Interpretation, Subjective Intent, Procedural Limits to the Convention's Scope, and the Parol Evidence Rule*, 18 JOURNAL OF LAW & COMMERCE 259 (1999).

Professor Sandra Jordan served as a faculty member on the Spring 2000 Semester at Sea voyage.

Professor Alan Meisel is a member of a group of American and German scholars convened by the Educational Development Center of Newton, Massachusetts, under a grant from the Max Kada Foundation, to collaborate on research on end-of-life issues in the United States and Germany. As part of this group, he spent a week in Munich in January with German palliative care practitioners and gave a talk on "The Consensus in the U.S. About End-of-Life Decisions" at the Ludwig-Maximilian University. In May, this group met in Boston to study palliative care in the United States, and he gave a talk on "The Role of Families in End-of-Life Decisionmaking."

Student Activities

Rebecca Colebaugh studied at the University of Newcastle, England, during the spring 2000 semester.

Nicole Breland is spending the fall 2000 term studying at Donetsk State University, Donetsk, Ukraine, where she is also teaching an American-style legal writing course.

Tiffany Ford received a Foreign Language and Area Studies Fellowship for the 2000-2001 academic year through the Center for West European Studies. She is a joint degree student with the Katz Graduate School of Business.

In April, **Richard Hlaudy** and **Kristen Prechtel** (JD '00) participated in the Willem C. Vis International Arbitration Moot in Vienna, Austria. Professor Harry Flechtner accompanied them and served as their coach.

Charles Kotuby received a Rotary Fellowship to study law at the University of Durham, England for the 1999-2000 academic year, where he completed work

on an LL.M. in International and European Law.

Jennifer Van Horn studied at the University of Chile in Santiago, Chile during the fall 1999. She received a Center for Latin American Studies Tuition Remission Fellowship for the fall 2000 semester.

The following students were awarded scholarships for summer study abroad in 2000:

Jennifer Aitken received a CILE scholarship to study in Greece with Tulane University.

Alex Castrodale received a CILE scholarship to study in Thailand with Golden Gate University.

Raynell Denny received a CILE scholarship to participate in the Army's JAG program, Kaiserslautern, Germany.

Matthew Geisel received a CILE scholarship to participate in the Brussels Seminar sponsored by University of Georgia.

Vickie Graham received a CILE scholarship to participate in the Capitals of Europe Program sponsored by The

Dickinson School of Law.

Jody Kim received a CILE scholarship to complete an internship in Brussels sponsored by American University.

Simone Malknecht-VanKeuren received a CILE scholarship to complete an internship with Respirationics, China.

Marcella McIntyre received a CILE scholarship to study in Ireland with the University of Missouri, Kansas City.

Ziaaddan Mollabashy received a CILE scholarship to study in Korea with Santa Clara University.

Rachel Rosen received a CILE scholarship to study in Mexico with Baylor University.

Kimberly Thomas received a CILE scholarship to study in London with University of Miami.

Jennifer Van Horn received a CILE scholarship to study in Costa Rica and Nicaragua with the University of Florida.

Penny Zacharias received a CILE scholarship to study in Greece with Tulane University.

News of Alumni

Timur Arifdjanov (LL.M. '00) returned to his position as an attorney with Kanematsu Corporation, Tashkent, Uzbekistan.

Jennifer Austin (JD '99) is working on an LL.M. at the American University Washington College of Law where she is specializing in human rights. She worked in Sarajevo with the Organization for Security and Cooperation in Europe following graduation from the University of Pittsburgh.

John I. Blanck, Jr. (JD '95) left his position with Crowell & Moring, Washington, DC to join the Department of State's Office of the Legal Advisor, Washington, DC.

Rodrigo Bulnes (LL.M. '00) has returned to Santiago, Chile and works as an attorney with Estudio Jurídico Otero specializing in matters of electronic commerce.

Kathy Chouai (JD '84) recently left her position at Clifford Chance Rogers & Wells, LLP, Washington, DC, to establish the office of White & Case LLP in Bahrain.

Silvana Cortellezzi (LL.M. '00) has returned to her position as an attorney with IMPSA in Buenos Aires, Argentina.

Jaime Favela (LL.M. '99) has left his position at Ritch, Heather and Mueller, S.C. for a position as Assistant General Counsel with Citibank, Global Consumer Bank in Mexico City, Mexico. Jaime and MariaCarmen Favela became parents of their second daughter, Julia, in July 2000.

Myles S. Getlan (JD '95) recently left his position with the Department of Commerce to join the firm of Miller & Chevalier Chartered, Washington, DC.

Natalya Sipper (LL.M. '99) traveled with Professor Brand to Donetsk, Ukraine, to visit the law faculty there, and will be teaching a course at the School of Law in spring 2001 on the Law of CIS States.

Elke Flores Suber (JD '96) has joined the firm of Akin, Gump, Strauss, Hauer & Feld, LLP in Philadelphia.

Rachaya Suvanamas (LL.M. '99) is completing a JD at the University of Indiana.

Chih-chin Wang (LL.M. '00) is completing a second LL.M. at the University of Iowa.

Ni Zhu (LL.M. '00) is working on a JSD at the University of Toronto, Canada.



The LL.M. Class of 2000

Center Sponsors CLE Programs on International Topics

During the spring of 2000, the Center joined with the Allegheny County Bar Association to present a three part CLE series on transnational practice. The first program, held on February 9, 2000, was on "Compliance with The Foreign Corrupt Practices Act, The International Anti-Bribery and Fair Competition Act of 1998, and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business." **Professor Ronald A. Brand** joined with **F. Ramsey Coates**, General Counsel, Westinghouse Electric Company, and **Maury D. Locke**, Senior Counsel International at U.S. Steel, to provide a review of U.S. law and recent treaty developments.

The second program, held on March 22, 2000, was on "Multidisciplinary and Multijurisdictional Practice The Future of the Global Practice of Law." Professor Brand was joined by **Dean and Emeritus Professor W. Edward Sell**, and **W. Thomas McGough, Jr.**, a shareholder of the firm of Reed Smith Shaw & McClay, Pittsburgh, and President of the Allegheny County Bar Association, to consider questions of cross-border and multidisciplinary practice.

The third and final program, on "Transnational Litigation: Jurisdiction and Enforcement of Foreign Judgments," was held on April 11, 2000. **Professor Brand** was joined by **Professor Paul R. Beaumont** from the University of Aberdeen, Scotland, and **Professor Volker Behr** from the University of Augsburg, Germany, to discuss the current status of the law as well as prospects for a multilateral convention governing these important issues (see the text of the Preliminary Draft Hague Convention, on pp. 7-14).

Willem Vis International Commercial Arbitration Moot

In April, 2000, a team of University of Pittsburgh Law Students – 3L Kristen Prechtel and 2L Richard Hlaudy – along with their faculty coach, Professor Harry Flechtner, traveled to Vienna, Austria under the sponsorship of the Center for International Legal Education, to participate in the oral argument stage of the Willem Vis International Commercial Arbitration Moot. The Vis Moot is an annual competition that focuses on the United Nations Convention on Contracts for the International Sale of Goods ("CISG") in the context of arbitration proceedings. This was the fifth year that the CILE sponsored a University of Pittsburgh team in the competition.

In Vienna, the Pitt team joined with 78 other teams from 28 different countries on five continents in making oral arguments on contract and procedural issues before arbitration panels comprised of leading practitioners and academics from around the world. During the five months leading up to oral arguments, the teams produced memoranda for both the claimant and the respondent. In Vienna, the University of Pittsburgh team engaged in oral arguments with teams representing the University of Ljubjana (Slovenia), the University of Las Palmas de Gran Canaria (Canary Islands, Spain), the University of Münster (Germany), and the Moscow State Institute of International Relations (Russian Federation).

This year's team, like previous Pitt teams, had the extraordinary experience of learning about both international commercial law topics and foreign domestic legal systems by direct contact with law students and legal professionals from around the globe. For the Pitt participants, the camaraderie that

developed in Vienna among the diverse group of law students engaged in the moot was one of the most valuable and memorable experiences of their law school careers.

For Professor Flechtner, whose primary area of scholarly interest is the U.N. Sales Convention, attending the moot presented an extraordinary opportunity to network with like-minded scholars from around the world, as well as to serve as an arbitrator in oral arguments involving the University of Heidelberg (Germany), Napier University (Scotland), Salzburg University (Austria) and McGeorge School of Law (USA). "It is particularly important to have a global community of scholars interested in the CISG," he commented. "In order to achieve the goals of the Sales Convention – development of an international sales law that is uniform in both word and application – scholars from around the world must be able to work together. The Vis Moot has become an annual event that is critical to this community of scholars."

Professor Flechtner also noted that the Moot produced recognition of the achievements of the University of Pittsburgh's *Journal of Law and Commerce* in promoting CISG scholarship through its annual issue devoted to the Sales Convention. "Judging from citations in the briefs and oral arguments, as well as comments by international sales specialists attending the moot, it is clear that the *Journal* is recognized as perhaps the leading outlet for CISG scholarship in the world," he said.



Richard Hlaudy, Professor Flechtner and Kristen Prechtel at the Vis Competition in Vienna



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First Person

A Chinese Summer

By Simone Malknecht-VanKeuren

Rather than taking a traditional approach to my first summer in law school, I choose to work abroad. I was advised by the Career Planning Office to contact a University of Pittsburgh Law School alum, David Iwinski who works for Respironics, a Pittsburgh based company in Hong Kong. After writing to Mr. Iwinski a few times I knew I wanted to go to Hong Kong to work with him on Chinese sales and manufacturing issues.

I arrived in Hong Kong in late May and stayed for ten weeks, eight of which I spent working at Respironics as a team with one other intern. Respironics is a medical device manufacturer, not a law firm, therefore I was working in a business environment. Specifically Respironics Hong Kong focuses on sales and manufacturing of medical devices both in Asia and the United States. Through a series of small projects I was able to really understand how a company works. I had daily interaction with top managers within their finance, quality management, engineering, and human resources divisions, which taught me more than any business or corporate book ever could.



David Iwinski (JD '88) and Simone Malknecht-VanKeuren at Respironics, Hong Kong

The small projects I worked on were scattered across all divisions of the company. Together with the other intern I researched topics such as employment wages in China, distribution in China, establishment of a representative office in China, World Trade Organization accession, and the translation of legal text. Often the work involved a lot of research at either the Hong Kong public library or University of Hong Kong library. For example, to research employment wages in China I went to the public library and the other intern went to the University library so we could cover more ground in a day. Still, it took three or four days to sift through all the

recently published books and journal articles on Chinese employment and wages before we could find what the human resources department of Respironics had asked for.

Another example of the persistence that was necessary to complete the projects we were given was when we were asked to polish a legal text that had just been published in China concerning the mandatory certification of medical devices to be sold in China. It had just been translated from Chinese to English by a Chinese medical professional, which ensured that all the medical terms were properly translated, but the text itself was extremely difficult to understand in English. Therefore the other intern and I sat down for a couple of days and from nine in the morning until six at night we would debate the most precise and accurate legal language necessary to convey the message of the Chinese government. It was taxing but when we finished and we read over the legal document it made all the frustration worthwhile.

I learned more about how a company works than I ever expected and I sincerely believe that the experience I gained this summer will help me immensely in the field of corporate and international law.