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∪ **LEGL 4900/6900 ~ Fall 2007** ∪
International Business Law and Its Environment

Course Objectives

- a) To familiarize students with the legal and ethical considerations that affect international business transactions, to enable them to form an initial understanding of the international marketplace necessary to become informed leaders in the business community.
 - b) To introduce students to public and private legal issues in an international context, which is essential to effective risk management for multi-national corporations.
 - c) To alert students to new issues in international law, especially those related to global business.
- Note: To this end, emphasis will be placed on applying the law to current business news/events.

I. THE LEGAL LANDSCAPE: INTERNATIONAL LAW AND LEGAL RISK IN GLOBAL TRANSACTIONS

Aug 16: Introduction to the Course Sign up for an oral argument or presentation

Aug 21: Chapter 1 - Introduction to International Business

Cases: *First Flight* 14, *Dayan* 16, *Union Carbide* 23, *Gaskin* 34, *DIP SpA* 39

Aug 23: Chapter 2 - International Law and Organizations

Cases: *Paquette Habana* 48, *Alvarez-Machain* 50 & *Matushevitch* 63, and *Aguinda (ATCA)* 632

Handout: Pfizer case

Aug 28: International Ethics: Discussion of the Pfizer case (handout)

Aug 30: Chapter 3 - Resolution of International Disputes, Case: *Bremen* 91

DiscoveryTimes Documentary: *China Rises: "Getting Rich"*

Sept 4: Chapter 8 - National Lawmaking Powers and the Regulation of U.S. Trade

Cases: *Made in the USA* 260, *U.S. v. Lindh* 266;

Chapter 19 - Political Risk: Nationalization, Expropriation & Other Takings

Cases: *INA Corp.* 574

Sept 6: Oral Argument #1: Are the changes in Venezuela under Chavez making the country better or worse?

II. INTERNATIONAL SALES TRANSACTIONS *Contract Negotiation Exercise - 11 – 20 Sept:*

Chapter 4 - Sales Contracts and Excuses for Nonperformance

Chapter 5 - The Documentary Sale & Terms of Trade

Chapter 7 - Bank Collections, Trade Finance, and Letters of Credit

Distribution of Contract Negotiation Assignment & formation of groups

Contract Negotiations in class (groups are encouraged to bring laptops)

25 Sept: Midterm Review Session & **CONTRACTS DUE** by the end of class

27 Sept: LEGL 4900 MIDTERM EXAM / LEGL 6900 CONSULTATION ABOUT PAPERS

III. MAJOR TRADE AGREEMENTS

Oct 2: Chapter 9 - GATT and the WTO: Basic Principles Cases: *EC Bananas* 294 & 299

Oct 4: Oral Argument #2: Chiquita's operations in Colombia – Justifiable or Legally Actionable?

Oct 9: Chapter 14 - The EU and Other Regional Areas of Trade, Case: *National Farmer's Union* 469

Oct 11: Oral Argument #3: Should the EU be enlarged to include Turkey?

Oct 16: Chapter 13 – NAFTA Cases: *Cross Border Trucking* 433 & *Metalclad* 437

Trading Democracy PBS Documentary re: Chapter XI Expropriation under NAFTA

IV. REGULATION OF IMPORTS AND EXPORTS

Oct 18: Chapter 11 - Regulating Import Competition and Unfair Trade, Case: *Harley-Davidson* 355
Chapter 12- Imports, Customs and Tariff Law
Chapter 15 - Regulation of Exports

Oct 23: Oral Argument #4: Is the current plan to protect U.S. ports (incl. container security) adequate?

Fall Break

V. THE IMPORTANCE OF LOCAL (NATIONAL) LAW ON GLOBAL COMMERCE

Oct 30: Chapter 16 - International Marketing Law, Cases: *Carbolic Smoke Ball* 507

Nov. 1: Oral Argument #5: Is it appropriate for GE to market and sell ultrasound machines in India?

Nov 6: Chapter 17 - Licensing Agreements and the Protection of Intellectual Property

Nov. 8: Chapter 20 - Labor and Employment Discrimination Law

Nov 13: Oral Argument #6: Should Wang Xiaoning prevail in his lawsuit against Yahoo HK?

Nov 15: DiscoveryTimes Documentary *China Rises: "City of Dreams"*

Handout: for Tuesday's discussion (TBA)

Nov 20: Chapter 22 - Regulating the Competitive Environment & discussion of handout

Thanksgiving Break

VI. THE LAW IN ACTION: *The Art of the Steal: Inside the Sotheby's-Christie's Auction House Scandal*

Nov 27 – pp. 1-215

Nov 29: pp. 216-340

(Note that at UGA, Tues 12/4 is actually "Friday")

Dec 6: - pp. 341-376 - Valedictory

– **JOURNALS DUE at the beginning of class (staple or folder; no binders)**

-- **LEGL 6900 PAPERS DUE at the beginning of class**

Thurs, 13 Dec. 8-11 am

***Briefing Cases** - As you prepare the legal cases for class, you should note the following issues: 1) The case name, citation, date; 2) Parties (who is suing?); 3) Facts (what is the bottom line of the dispute?); 4) Procedural History (what happened in the courts before the decision in the text?); 5) Legal issue(s) (what questions is the court asked to decide?); 6) Prevailing party; 7) What is the court's holding? (i.e. basis for the decision); and 8) What practical points are raised that may apply to other firms?

LEGL 4900 Grading

Midterm Exam	25%
Final	30%
Presentation	20%
Contract Negot	10%
Journal & Part.	15%

LEGL 6900 Grading

Presentation	20%
Research Paper	50%
Contract Negot	10%
Final Essay	10% (on <i>Art of the Steal</i>)
Journal & Part.	10% *

*Based on attendance, effective participation, journal/assignments & engagement with the class and groups.

The following scale will be used in this class:

A 94-100, A- 90-93.99, B+ 87-89.99, B 84-86.99, B- 80-83.99, C+ 77-79.99, C 74-76.99, C- 70-73.99, D+ 67-69.99, D 64-66.99, D- 60-63.99, F 59.99 and lower.

The course syllabus is a general plan for the course; deviations announced to the class by the instructor may be necessary.

Class Requirements & Information

Texts and Technology

International Business Law and Its Environment 6th ed., Richard Schaffer, *et al.* (do not use an earlier edition)

The New York Times (1.888.698.2655 Media Code S61EH) or the *Wall Street Journal* (1.800.JOURNAL - ask for college rate)

Be sure to say you are subscribing for APagnattaro=s class@- Also highly suggested: *The Economist* (www.economist.com)
Blackboard <http://terry.blackboard.com/> - announcements, course information, chapter outlines, media links and grades

Conferences - Please feel free to stop by my office during office hours or to schedule a conference to discuss any concerns you might have about the course. You should also feel free to e-mail me any time. (Note your full name, LEGL 4900/6900)

Discussion/Journal/Attendance/Contract Negotiation/Class Participation Grade

1) Students are required to keep a **typed journal** of their thoughts about current international business law-related events as follows news (a paragraph or two per entry shall suffice):

- at least 1 entry per week about law-related international news (15)
- an entry about each oral argument (including a short entry about your own presentation) (6)
- an entry about each video/DVD

Merely restating the facts of the news is not sufficient; you should add your thoughts and analysis to demonstrate understanding of the issue presented. For your individual news entries: clearly note the title, source of the news, and date of the article: e.g., *Tobacco-Industry Lawyers Call U.S. Claims "Dated" and "Stale,"* WALL ST. JOURNAL, 23 Sept. 2005. To the extent that you rely on outside sources in any other entries, these should be clearly documented.

2) Regular class **attendance** is essential. Roll will be taken every class. You are required to sign in on the day of class. I will not permit you to be counted present if you did not sign the roll. You can miss **two** classes without a penalty. Thereafter, for each class missed, your class participation grade will be reduced by 5 points. Note: Having someone else sign the roll for you and signing the roll for another are violations of the academic honesty code. **Even if absent, you are responsible for all material covered (exam material frequently will cover material from class) and all announcements.**

3) **Contract Negotiation & Oral arguments** – Lack of participation or “slacking” in connection with the group may result in a failing class participation grade as well as a lower assignment grade for the slacker.

Oral Arguments - Students will work in groups prepare oral arguments on selected topics. One group will argue in favor of an issue and the other group will argue in opposition. Each presentation will last no longer than 20 minutes, and should include a brief explanation of the issue to form a foundation for the argument. Each side may then have a brief 5-minute rebuttal. Presenters are encouraged to be professional and creative. Teams are required to 1) prepare an informative one-page handout for the class, 2) give Dr. P a hard copy of slides before the presentation begins; and 3) provide Dr. P with a typed list of sources. Criteria for evaluation include: persuasiveness of the argument, clarity, organization, quality of sources used to support the argument, effective delivery of the argument and appropriate attire, and the ability to give knowledgeable on-your-feet responses to questions.

Exams - Students are expected to be present for all exams. LEGL 4900 Exams will consist of multiple choice questions and the final exam will contain cumulative questions on selected topics. The final exam will also include an essay question on *Art of the Steal*. Absent extreme, unavoidable, extenuating circumstances, **make-up exams are not given.** Any such requests for a make-up exam must be accompanied by written documentation from Student Affairs. All make-ups and extensions are at the instructor’s discretion.

Identification Photo/Information - I will hand out note cards on the first day of class. Please return the card to me:

Last Name, First “Prefer to be called”	Clear, recent photo	[Staple here]
Class #, time, semester, year		
Local Address & Local Phone #		
E-mail address		
Future Goals / Interests	<i>Please print clearly</i>	
International Travel/Academic/Work Experience		Concerns about the class

Academic Honesty - All students are responsible for maintaining the highest standards of honesty and integrity in every phase of their academic career. All academic work must meet the standards contained in “A Culture of Honesty. If you have a question, ask!

Oral Argument/Presentation Sign-Up Sheet

1- : Are the changes in Venezuela under Chavez making the country better or worse?

Better

Worse

2 - Chiquita's operations in Colombia – Justifiable or Legally Actionable?

Justifiable (for Chiquita)

Legally Actionable (for Justice dept & plaintiffs)

3- Should the EU be enlarged to include Turkey?

Yes

No

4- : Is the current plan to protect U.S. ports (incl. container security) adequate?

Yes

No

5- Is it appropriate for GE to market and sell ultrasound machines in India?

Yes

No

6- Should Wang Xi prevail in his lawsuit against Yahoo HK?

Yes

No
