

LEGL 4900/6900 ~ Fall 2008
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 19: Introduction to the Course *Sign up for an oral argument or presentation*

Aug 21: Chapter 1 - Introduction to International Business

Cases: *First Flight* 15, *Dayan* 18, *Union Carbide* 27, *Gaskin* 37, *DIP SpA* 40

Aug 26: Chapter 2 - International Law and the World's Legal Systems

Cases: *Paquette Habana* 49, *Alvarez-Machain* 51 & *Renkel* 54, *Congo* 62, *Khaki* 79 and
ATCA: *Aguinda* 672 & *Roe* 656

Aug 28: Chapter 3 - Resolution of International Commercial Disputes, Case: *Bremen* 91

Sept 2: Chapter 8 - National Lawmaking Powers and the Regulation of U.S. Trade

Chapter 19 - Political Risk: Nationalization, Expropriation & Privatization

Cases: *INA Corp.* 610, *Saudi Arabia* 615, *W.S. Kirkpatrick* 618, *National Thermal* 620

Sept 4: Oral Argument #1: Should the U.S. open trade with Cuba?

Sept 9: DiscoveryTimes Documentary: *China Rises: Getting Rich*

Sept 11: Oral Argument #2: Are the changes in Venezuela under Chavez making the country better or worse (including the effect on foreign investment/oil)?

II. INTERNATIONAL SALES TRANSACTIONS *Contract Negotiation Exercise* – Sept 16-25

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)

Sept 30: Midterm Review Session & **CONTRACTS DUE** by the end of class

Oct 2: LEGL 4900 MIDTERM EXAM / LEGL 6900 CHECK IN WITH PAPER PROGRESS

Oct 7: Oral Argument #3: Doing business in China –China v. U.S.: different perspectives on major concerns.

III. MAJOR TRADE AGREEMENTS

Oct 9: Chapter 9 - GATT and the WTO: Basic Principles Cases: *EC Bananas* 300 & 305

Oct 14: Chapter 14 – NAFTA Cases: *Cross Border Trucking* 477, *Metalclad* 482, *Samsonite* 490
Trading Democracy PBS Documentary re: Chapter XI Expropriation under NAFTA

Oct. 16: Chapter 15 - The EU and Other Regional Areas of Trade, Cases: *Commission* 501,
European Parliament 510, *National Farmer's Union* 513

Oct 21: Oral Argument #4: Should the U.S. ratify the pending FTA with Colombia?

IV. REGULATION OF IMPORTS AND EXPORTS

Oct 23: Chapter 11 - Regulating Import Competition and Unfair Trade, Cases: *Argentina Footware* 360, *Chilean Salmon* 369, *Harley-Davidson* 362, & *Bulk Aspirin* 372, *European Steel* 377
Chapter 12- Imports, Customs and Tariff Law, Cases: *Golden Ship* 391 & *Camel* 402
Chapter 13 - Regulation of Exports, Cases: *Lindh* 455 & *FTC* 458

V. REGULATION OF THE INTERNATIONAL MARKETPLACE: THE IMPORTANCE OF NATIONAL LAW

Oct 28: Chapter 16 - International Marketing Law & FCPA, Cases: *Carbolic Smoke Ball* 537 & FCPA 545
Oct 30: Oral Argument #5: Is it appropriate for GE to market and sell ultrasound machines in India?

“Fall Break”

Nov 4: Chapter 17 - Licensing Agreements and the Protection of Intellectual Property, Cases: *WIPO* 563, *Champagne* 567, *Disney* 573 & *Bourjois* 578

Nov 6: Oral Argument #6: Should eBay be held liable for selling fakes?

Nov 11: Chapter 20 - Labor and Employment Discrimination Law

Nov. 13: Discussion continued and presentation on Chinese Labor & Employment Law

Nov. 18: DiscoveryTimes Documentary *China Rises: City of Dreams*

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

Nov 20: Chapter 22 - Regulating the Competitive Environment

The Art of the Steal - Discuss pp. 1-215

Thanksgiving Break

Dec 2: *The Art of the Steal* - Discussion continued

Dec 4: Valedictory: Discussion: Recap of the Most Important International News During the Term

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

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

FINAL EXAM: Tuesday, Dec 16, 8-11 a.m.

***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	40%
Contract Negot	10%
Final Exam	20%
Journal & Part.	10% *

*Based on attendance, effective participation with discussions and presentations, 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 69.99-60, 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 7th 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* (sign-up in class)

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 before the presentation begins. 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 Fall 2008 ~ LEGL 4900/6900

Sept 4: Oral Argument #1: Should the U.S. open trade with Cuba? (be sure to incorporate positions of the presidential candidates)

Yes

No

_____	_____
_____	_____
_____	_____

Sept 11: Oral Argument #2: Are the changes in Venezuela under Chavez making the country better or worse (including the effect on foreign investment)?

Better (Chavez's position)

Worse (Chavez opponents)

_____	_____
_____	_____
_____	_____
_____	_____

Oct 7: Oral Argument #3: Doing business in China – two different perspectives on major concerns.

China's Perspective (gov't)

U.S. Perspective (Business/Consumers)

_____	_____
_____	_____
_____	_____
_____	_____

Oct 21: Oral Argument #4: Should the U.S. ratify the pending FTA with Colombia? (be sure to incorporate positions of the presidential candidates)

Yes (USTR perspective)

No (labor & environment, etc.)

_____	_____
_____	_____
_____	_____
_____	_____

Oct 30: Oral Argument #5: Is it appropriate for GE to market and sell ultrasound machines in India?

Yes/for GE

No

_____	_____
_____	_____
_____	_____
_____	_____

Nov 6: Oral Argument #6: Should eBay be held liable for selling fakes?

Yes

No

_____	_____
_____	_____
_____	_____
_____	_____