

Welcome to Transnational Litigation. Please buy the course-pack from Gnomon Copy. A number of additional materials will be posted on TWEN. They are also required readings. You must register to access the documents on TWEN.

For the first class, please read the following materials:

*Introduction: Major Issues*

- The Pipeline Case: John Doe v. Myanmar et al.

- Overview of the Problems and Procedures

*Overview: the International Law Framework*

- Restatement 3rd of Foreign Relations § 421

- The Bremen v. Zapata Off-shore Co.

- Michigan Compiled Laws Sec. 600.745.

- New York - General Obligations Law § 5-1402

- McDonnell Douglas Corp. v. Republic of Iran

- Richards v. Lloyd's of London

- Hague Convention on Choice of Courts Agreements

**Think about the following questions to guide your understanding of the materials:**

- In light of The Bremen, when will courts typically enforce forum selection clauses?

- Does the Michigan jurisdictional statute codify *The Bremen*? Expand it? Restrict it?

- How does the Michigan rules on jurisdiction based on choice of forum compare with the NY rules?

- What lesson do you take away from the *McDonnell Douglas Corp.* case regarding the drafting of choice of forum clauses? How would you draft a forum selection clause if you wanted to make sure it would apply?

- In light of *Richards v. Lloyds*, what can defeat a choice of forum clause?

**Read the factual scenario of the Pipeline Case. What procedural and substantive issues are raised that call for an international element?**