

Western State College of Law

International Business Transactions

Prof. Aaron Ghirardelli

**Syllabus
(Spring 2015)**

Introduction

This course examines the legal framework of international business transactions. Topics include international sales of goods, bills of lading, letters of credit, import and export control, transfers of technology and protection of intellectual property, forms and regulation of foreign investments and issues of transnational litigation, including service of process abroad, choice of law and enforcement of foreign judgments and arbitral awards. This course will prepare future attorney to deal with clients in a globalized world.

Class Meetings

The class meets once a week, on Fridays, from 1:00 PM to 4:00 PM.

Contact

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Office Hours: Fridays, from 4:30 PM to 5:30 PM, upon appointments to be scheduled via email.

Text

Folsom, Gordon, Spanogle, Fitzgerald & Van Alstine, *International Business Transactions: A Problem Oriented Coursebook (Eleventh Edition)* (West, 2012)

In addition to the casebook, students may purchase the casebook's documents supplement. The documents supplement is optional. Most of the laws included in the supplement are also available online. The supplement may be a useful study and research tool, providing students with a one-stop place where to find all the rules that will be covered during the course.

Attendance and participation

Class attendance is mandatory. Attendance will be taken at the beginning of each class.

The casebook for this course contains a series of problems that simulate real life situations. The goal is to provide students with an opportunity to analyze and discuss these situations in

class, by applying the rules and principles that will be covered during the course. Preparedness and participation is required and strongly encouraged. **Class participation constitutes 15% of the grade for the course.** Students should come to class having reviewed the material assigned for that class. During each class, students may be called by the instructor to present the relevant facts and issues of a case or a problem. This course should be considered as a continuous discussion between the instructor and students. In view of this, students are expected to participate actively in the analysis of cases and problems, providing their own view and prospective, based on the material covered during previous classes. Good participation means that a student shows preparedness on the material assigned for a specific class and effort to go through a legal analysis of the material.

Disqualifications include both absences and unpreparedness.

Exam

Your final grade will be based on your participation (15%) and on your research paper (85%).

Students' topics proposals must be submitted at the end of class on February 20th.

A draft of the paper is due at the end of class on March 20th.

Final papers are due on May 11th

Final papers must be at least 20 pages long. The paper should be a substantial written product that demonstrates legal research, analysis, and contains ample citation to legal authority. All written assignments must be typed or word-processed. Handwritten assignments will not be accepted. Your work should be double-spaced, resulting in no more than 28 lines per page. Margins should be one inch at the top, the bottom, and both sides. Use only 12-point fonts.

The grade you receive on your paper will be based both on your legal analysis and the quality of your writing. The depth of your research and the quality of your thinking based on the information you have learned and collected is very important. However, the manner in which your ideas are expressed will also influence your grade.

Plagiarism is a violation of the ethical standards of Western State College of Law. According to Webster's Ninth New Collegiate Dictionary, plagiarism is (1) "to steal and pass off (the ideas or words of another) as one's own" or (2) to "use (a created production) without crediting the source." All assignments in this class must be the product of your own research, analysis, writing, and editing. You must not steal or pass off as your own the work of any other person. You will, of course, use cases, statutes, and secondary sources as authority for your analysis. You must credit those sources.

To be on time, all written assignments must be turned in by midnight on the due date highlighted above. Submissions will be made through the Registrar office.

This course is graded non-anonymously. Please write your name, the course name and the professor's name on your cover sheet.

Calendar

The topics that will be covered during the course are the following:

- Introduction to International Business Transactions
- The international trade of goods
 - How to complete an agreement for the international trade of goods and what are the basic sets of rules that apply;
 - How to finance an international trade of goods through letters of credit
- Transfers of technology: licensing, theft and protection of intellectual property
- Foreign investments: how to establish and operate a foreign investment
- The resolution of international commercial disputes
 - Issues related to choice of forum and jurisdiction
 - Enforcement of foreign judgments
 - International Arbitration

Class 1 (1/16/15)	<p>The conduct of business in the world community</p> <p>International trading of goods: the basic transaction</p> <p>Reading: casebook, from page 2 to page 52</p>
Class 2 (1/23/15)	<p>Problem 4.1: Formation of an international transaction</p> <p>Reading: casebook, from page 58 to page 69; from page 73 to page 84</p>
Class 3 (1/30/15)	<p>Problem 4.2: Commercial Terms, Bills of Lading and Insurance</p> <p>Problem 4.3: Wars and other frustrations</p> <p>Reading: casebook, from page 90 to page 110; from page 113 to page 123; from page 125 to page 142</p>
Class 4 (2/6/15)	TBD
Class 5 (2/13/15)	TBD
Class 6 (2/20/15)	TBD
Class 7 (2/27/15)	TBD
Class 8 (3/6/15)	TBD
Class 9 (3/20/15)	TBD

Class 10 (3/27/15)	TBD
Class 11 (4/3/15)	TBD
Class 12 (4/10/15)	TBD
Class 13 (4/17/15)	TBD
Class 14 (4/24/15)	TBD

Disability Service Statement

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."