International Business Transactions
Hofstra University School of Law
Fall 2014
Professor Julian Ku

This course is concerned with legal issues related to the arbitration of commercial disputes arising out of international transactions. It will introduce the legal framework governing international commercial arbitration as well as allow students to explore their advocacy skills through simulations and problems.

Grades

The grade for this course will be based on the following:

80% - Closed-book Exam.
20% - Class Participation

Readings

DM Distributed Materials

Learning Objectives

By the end of this course, students should:

• Have acquired knowledge of the different types of law relevant to international business transactions: international law, private law, and domestic law.
• Develop a knowledge of the basic forms of international business transactions and an understanding of how to apply legal rules to analyze those transactions.
• Develop an appreciation of the business considerations that drive international business decision making – including decisions relating to regulation by foreign countries.
• Develop an appreciation of the role and work of the business lawyer in a transnational context.
• Have acquired a general awareness of current events and developments affecting the conduct of international business

Class Attendance

Attendance & Lateness:
You are expected to arrive on time and prepared for each class.

Moreover, the rules of the New York State Court of Appeals and the American Bar Association require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of the regularly-scheduled classes in this course. **Thus, you may miss no more than one class in this two-credit class.**

I will provide dated sign-in sheets for each regularly-scheduled class. **Your signature (or lack thereof) on these sheets shall presumptively determine your attendance at (or absence from) any given class.** Each student is individually responsible for signing the attendance sheet in. Falsification of sign-in sheets (by, for example, signing another student’s name) is a violation of the Code of Academic Conduct.

**If you exceed the permitted absences by not attending class, or by failing to sign in, you will be administratively withdrawn from the course. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. If you are excessively absent from several classes, you may face additional sanctions, including but not limited to denial of certification of good and regular attendance to the New York State Board of Law Examiners, or other state bar examiners.**

The Office of Student Affairs has authority to excuse class absences for religious reasons and in cases of truly compelling hardship. If you wish to claim a particular absence as excused, and thus not counted against your maximum number of allowable absences, you must take that issue up with the Office of Student Affairs – NOT with me or my secretary. **I shall mark an absence as excused if and only if I receive a note or email from the Office of Student Affairs to that effect.**

**a. Class Participation and Professionalism**

Class participation is both encouraged and expected. As law students studying to become professionals, you should conduct yourselves in a manner that shows respect for others, respect for the study of law, and respect for your own pursuit of a legal career.

Attend class on time. As professionals, lawyers who are late for court dates, or late for important meetings, demonstrate disrespect for the court, their clients, or their colleagues. You show similar disrespect for your class, your instructor, and your classmates when you attend class late. Certainly, Long Island residents must face traffic and parking difficulties, but you should allow for these contingencies when coming to class.

During class, you should not leave the classroom while class is in session except in unusual situations. Given the setup of our classroom, it is highly distracting when students walk in or out of the classroom. Obviously, there will be times when a health issue requires you to step out of class, but such occasions should be rare.

**b. TWEN and the Use of Computers**
You will be required to register on the TWEN site for this class with an email address that you check regularly. **All written assignments** must be turned in via the TWEN site. Additionally, I will occasionally post discussion questions on the TWEN site. Participation in discussions on the TWEN site will also count toward your class participation grade.

You are welcome to use your computer in the classroom. I will generally post Powerpoint slides under the “Course Materials” tab on the TWEN site immediately prior to class. However, you should **not** use your computer to answer email, instant message, play games, etc. Not are such activities disrespectful and distracting to your classmates, but it is also usually very obvious to the instructor.

c. **Office Hours**

I am available for meetings in my office from 1:30-2:30 p.m. on Mondays and Wednesdays.

During my office hours, I will meet with students on a first-come, first-served basis.

In the interest of maintaining student privacy, the TWEN sign-up sheet has been configured so as not to reveal to other classmates the names of those students who have signed up for an appointment.

I encourage you to take full advantage of my office hours. And please do not feel as though you need to limit the subject of our meetings to class matters *per se* -- I would be happy to discuss with you more general law school concerns, career questions, or anything else that would be appropriate.

In the event that it is not possible for you to meet with me during my regularly-scheduled office hours, please let me know (preferably via email) and we can arrange to meet at another time that works for both of us.

I. **Introduction**

1. Introduction – CB 1-50

II. **Sales of Goods and Services**

2. The Sales Contract – CB 51-90
3. The Sales Contract – CB 175-186
4. CISG – CB 197-234

III. **Finance**

5. Letters of Credit – CB 235-264
6. Letters of Credit – CB 264-280
IV. Non Establishment Forms of International Business

7. Agency and Distributorships CB 297-310;
8. Agency and Distributorships CB 322-364

V. Foreign Direct Investment

9. International Investment Law CB 365-408
10. FCPA CB 420-444
11. FDI in China CB 482-518

VI. International Dispute Resolution

12. Arbitration CB 613-644
13. Litigation and Choice of Law 644-680