

“International dispute resolution” is a broad term that involves representing clients in the following settings: (1) in U.S. courts, (2) before arbitral tribunals located in the U.S., (3) before arbitral tribunals located abroad, (4) in courts located in foreign countries (with the assistance of local counsel), (5) in regional or international courts. The client being represented may be U.S.-based or foreign. If litigation were taking place in a foreign court, you (as a U.S. lawyer) would likely not make an appearance in the proceeding; rather you might play an active role in choosing the foreign lawyers who would appear in court, and you might work closely with them to prepare the case, especially if the client is based in the U.S. and is a regular client of your firm. Another increasingly common role for U.S. lawyers is in disputes about access to evidence or discovery located in the U.S. but sought in connection with proceedings abroad.

Given the wide variety of settings in which transnational disputes are resolved, how does one prepare for this career path while still in law school?

Courses

A. Conflict of Laws: This course will introduce you to three main concepts that are central to a career that involves litigating internationally: (1) concurrent jurisdiction, (2) how one determines which country’s/state’s law is applied to a given issue in dispute? (3) under what circumstances the courts in one jurisdiction will recognize and enforce a judgment that has been ordered somewhere else.

B International Law: An introductory course in international law will cover a lot of ground intended for students of differing interests. For the future transnational litigator, the most useful topics include: interpretation of treaties, the status of international law within the U.S. legal system, the extraterritorial application of U.S. law, the extent to which U.S. courts will defer to the political branches on questions of international law, and an overview of the kinds of international tribunals that currently exist.

C. International Litigation: This is a highly specialized course meant to provide in-depth understanding of such issues as: battles over choice of forum, parallel litigation, differences between U.S. discovery and pretrial practice in other countries, the special issues that arise when foreign governmental entities or their agents are party to a dispute, the many multilateral treaties and customary arrangements that one needs to know in this area of practice.

D. Comparative Law: In many respects the U.S. legal system differs substantially from those of other countries, even from such close cousins as Great Britain and Canada. An introductory course in comparative law explores differences in approach to jurisdiction, the relative weight of case law, differences in the trial and pretrial process, and differences in the stature and professional responsibility rules governing the legal profession.

F International Business Transactions: The starting point for much of what transnational litigators do is an international transaction (commercial, financial, IP) that has gone poorly. An introduction to the most common sorts of such transactions and the main treaties and institutions involved in such work is thus helpful for those planning to litigate or arbitrate in this

area.

G International Trade: International trade disputes, particularly disputes over subsidies, dumping, and other unfair trade practices, are quite specialized and require familiarity both with the substantive law of international trade and the institutions (e.g., the WTO) created to oversee regional and international trade regimes.

Suggested Extracurricular Activities

- A. Jessup Moot Court Competition
- B. International Law Students Association (ILSA)
- C. Attend annual meetings of the International Law Association (ILA), American Branch (October in New York) and the American Society of International Law (late March in Washington, D.C.)
- D. International law section of the Michigan bar
- E. Niagara International Cup Moot Court Competition
- F. Numerous student paper competitions
- G. Publish an article or note in a student international law journal

Suggested Externships

- A. U.S. Department of Commerce, Southeast Michigan Regional Office
- B. American Arbitration Association
- C. In-House Corporate Legal Departments
- D. State of Michigan, Office of the Governor
- E. Office of the U.S. Attorney
- F. American Society of International Law