U.S. Law on Arbitration  
August 4-7, 9, 2008  
2 academic credits, 1,400 teaching minutes

Faculty:  
Thomas E. Carbonneau, Samuel P. Orlando Distinguished Professor of Law, Pennsylvania State University, The Dickinson School of Law

Course Description:  
The foundation course covers the salient aspects of U.S. arbitration law as it relates to domestic and international disputes. The course begins with an introduction to the basic legal concepts that make up arbitration law and to the institutions that are central to arbitration practice. Consideration of the Federal Arbitration Act (FAA) follows, along with a systematic treatment of the role of contract in arbitration and the function of subject-matter inarbitrability. Problems relating to the enforcement of arbitral awards and other practical issues are also examined. The basic facets of international commercial arbitration are introduced.

Course Reading:  

The reading assignments are divided into two categories: recommended and required readings. The “recommended” level (listed first for each assignment) reflects an ideal amount of reading. The “required” level (noted in parentheses) establishes the minimum reading necessary to understand the class and the course.

The schedule attempts to reconcile coverage with the accelerated pace of summer program courses. It is up to individual students to make a decision that is in their best interest. Doing all or nearly all the reading is always the preferred practice.

Syllabus

Monday, August 4 (4:30-9:15 p.m.)

4:30-5:30  Introduction to Arbitration  
Reading:  pp. 1-20, 24-32, 32-50 (pp. 1-20, 24-32)

5:30-5:35  Break

5:35-6:35  U.S. Statutes on Arbitration: The FAA  
Reading:  pp. 51-88 (pp. 51-58, 61-66)

6:35-6:40  Break
6:40-7:40   FAA (cont'd)

7:40-7:45   Break

7:45-8:30   Break-Out Groups
Reading: pp. 45-50

8:30-9:15   Presentations

**Tuesday, August 5 (4:30-9:15 p.m.)**

4:30-5:30   U.S. Statutes on Arbitration: RUAA
Reading: pp. 88-120 (pp. 88-93)

5:30-5:35   Break

5:35-6:35   RUAA (cont'd); Federalization
Reading: pp. 121-145 (pp. 121-123; 126-129)

6:35-6:40   Break

6:45-7:45   The Federalism Trilogy
Reading: pp. 145-199 (pp. 145-146; 156-159; 185-190)

7:45-7:50   Break

7:50-8:30   Break-Out Groups: Contract Principles and Arbitrator
Sovereignty
Reading: pp. 200-231; 231-244 (pp. 200-203; 211-213;
222-226; 231-232; 236-238)

8:30-9:15   Presentations

**Wednesday, August 6 (4:30-9:15 p.m.)**

4:30-5:30   Rules, statutes, and practices covering arbitration in the
trial court system, including Supreme Court ADR rules,
special rules of court; settlement techniques; management
of presentations made during early neutral evaluation
procedures and moderated settlement conferences
(Professor James Coben).
Reading: Minnesota Supplement (to be distributed in class)

5:30-5:35   Break
5:35-6:35  Statutory Arbitrability
Reading:  pp. 244-275 (pp. 244-46; 250-258; 270-275)

6:35-6:40  Break

6:40-7:40  Consumer Arbitration
Reading:  pp. 310-371 (pp. 310-313; 313-314; 323-324; 330-332; 352-365)

7:40-7:45  Break

7:45-8:30  Break-Out Groups: Labor & Employment Arbitration
Reading:  pp. 385-387, 400-402, 408-478 (pp. 385-387; 400-402; 408-412)

8:30-9:15  Presentations

Thursday, August 7 (4:30-9:15 p.m.)

4:30-5:30  Enforcement of Arbitral Awards
Reading:  pp. 479-668 (pp. 479-485; 485-490; 499-500; 532-533; 616-627; 642-647; 661-666)

5:30-5:35  Break

5:35-6:35  Enforcement (cont’d)

6:35-6:40  Break

6:40-7:40  Enforcement (cont’d)

7:40-7:45  Break

7:45-8:30  Break-Out Groups—Topics:
            Hall Street Associates LLC v. Matel Corp.
            FAA § 10
            Use of Sanctions

8:30-9:15  Presentation

Saturday, August 9 (9:00 a.m. – 5:00 p.m.)

9:00-10:00 a.m.  Arbitral Advocacy:
                 Film of an Arbitral Proceeding

10:00-10:05 a.m.  Break
10:05-11:05 a.m. Discussion on Arbitral Proceedings and Organization
11:05-11:10 a.m. Break
11:10 a.m. – 12:10 p.m. Arbitral Advocacy (cont’d)
12:10-1:10 p.m. Lunch
1:10-2:40 p.m. Break-Out Groups: Issues on the “Cusp”
Reading: pp. 783-837
2:40-2:45 p.m. Break
2:45-3:50 p.m. Presentations
3:50-4:00 p.m. Break
4:00-5:00 p.m. Roundtable Discussion
Content of the Arbitration Agreement
(Distribution of Take-Home Examination)

GRADING AND COURSE REQUIREMENTS:
Class attendance and class participation are required. Please attend every hour of class, have
read the reading assignments prior to class, be prepared to discuss the assigned reading, and
participate in class assignments, exercises, and discussions when those occur.

Your grade will be based on a take home exam/paper due on August 25th (assignment to be
distributed at the last class session), with possibility of upward or downward grade bump as follows:

1. Graded up for consistently excellent class participation;
2. Graded down for disruptive behavior, e.g., side bars;
3. Graded down for lack of or insufficient participation in Break-Out Groups or Presentations.

The exam will be due in the Hamline Law School Registrar's Office no later than 4:30 p.m. on
Monday, August 25, 2008. You must keep a copy of your exam and obtain a time-stamped
receipt when you drop it off. Students not residing in the Twin Cities may mail their exam to
Debra Berghoff, Dispute Resolution Institute, 1536 Hewitt Avenue, St. Paul, MN 55104. Mailed
submissions must be postmarked no later than August 25, and must be sent by two day Priority
Mail. I recommend that you obtain a receipt from the Post Office in case you need to verify that
the exam was mailed on time.