

科目番号	25-6881	科目群	展開・先端科目				
授業名	英語で学ぶ法と実務 2						
担当教員	古田 啓昌						
種別	選択	単位数	2	年次	3	学期	A Semester

授業の目的・ねらい・進め方

国際的な紛争の解決手続に関連して発生する理論的・実務的な諸問題について、理解を深める。担当講師は、いずれも企業法務の第一線で活躍している国際弁護士である。授業では、国際企業間のビジネス紛争を重点的に扱う。

This course will provide students with opportunities to learn and discuss various theoretical and practical issues relating to international dispute resolution. All lecturers are experienced international business lawyers, and emphasis will be placed upon business dispute resolution among international corporations.

履修上の注意

この授業は、英語で行われる。

This course will be conducted in the English language.

授業の構成

初回のガイダンス授業の後、全体を以下の通り 3 回×4 ユニットに分けて授業を行う。各回の授業は、一人または複数の講師が担当する。

Following an introductory first class, this course will be divided into 4 units as set forth below, each unit consisting of 3 classes, for a total of 13 classes. Each class will be taught by one or more lecturer(s).

Introduction and Outline (Week 1)

Yoshimasa Furuta and Takefumi Sato (partners at Anderson Mori & Tomotsune) will provide an introduction, outline and overview of the course, with suggestions for how to derive the most benefit from the course.

Unit 1: International Litigation in the U.S. (Weeks 2 to 4)

In this Unit, we will discuss issues such as jurisdiction of the U.S. courts, choice of forum, parallel proceedings, choice of law in international cases, discovery and the taking of evidence, and the role of juries and jury trials.

Ryan S. Goldstein (the head of the Tokyo office of Quinn Emanuel Urquhart & Sullivan) will be primarily in charge of this Unit.

Unit 2: International Litigation in the U.K. and EU (Weeks 5 to 7)

In this Unit, we will discuss issues such as jurisdiction of UK/EU courts, foreign (non UK/EU) sovereign immunity, parallel proceedings, international service of process, application of foreign laws, taking evidence abroad, and recognition and enforcement of foreign judgments.

Chris Bailey (a partner in King & Spalding's International Arbitration and Litigation practice), will be primarily in charge of this Unit.

Unit 3: International Arbitration (Weeks 8 to 10)

In this Unit, we will discuss issues such as the distinct nature of arbitration (including investment treaty arbitration), arbitration clauses, arbitrator selection, interim measures, arbitral proceedings, evidence taking, costs for arbitration, and enforcement of arbitral awards. Christopher Hunt (partner in the Tokyo office of Herbert Smith Freehills) will be primarily in charge of this Unit.

Unit 4: International Litigation in Japan (Weeks 11 to 13)

In this Unit, we will discuss issues such as jurisdiction over Japanese companies, foreign (non-Japanese) sovereign immunity, parallel proceedings, international service of process, application of foreign laws, taking evidence abroad, and recognition and enforcement of foreign judgments. Yoshihiro Takatori (the head partner of the Litigation Group in the Tokyo office of Orrick, Herrington & Sutcliffe LLP) will be primarily in charge of this Unit.

授業の方法	<p>講師による講義と受講者との双方向的授業を取り混ぜて行う。</p> <p>Combination of lecturer presentations and interactive discussion with students.</p>	使用言語	英語
教材等	<p>必要に応じて指示する。</p> <p>To be announced as necessary.</p>		
成績評価の方法	<p>筆記試験を行わない。平常点を考慮する。レポートを課さない。</p> <p>成績をA+・A・B・C+・C-（2011年度以前の入学者はC）・Fで評価する。</p> <p>There will be no written examination. Grading will be based upon class performance. There will be no written report.</p> <p>Grades will be evaluated as A+, A, B, C (C+ or C- for those who entered the school after 2012) or F.</p>		
開講年度 (予定)	毎年開講		