



INTERNATIONAL
LITIGATION AND
ARBITRATION

INTERNATIONAL LITIGATION AND ARBITRATION CERTIFICATION EXAMINATION SPECIFICATIONS



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ARBITRATION

1. Purpose of Examination

The International Litigation and Arbitration Certification Examination consists of a combination of essay and multiple choice questions. It is intended to test whether an applicant possesses the knowledge, skills, abilities, ethics, and judgments that are common to specialists in international litigation and arbitration and is also intended to be a valid and reliable measurement to justify the representation of special competence and professionalism that distinguishes a “Florida Bar Board Certified Lawyer.”

2. Examination Content

Topics that may be covered on the international litigation and arbitration examination include:

A. INTERNATIONAL LITIGATION

1. JURISDICTION AND APPLICABLE FORUM

- a. Subject Matter jurisdiction including alienage
- b. Personal Jurisdiction
 - Long arm statute
 - Due Process
- c. Forum Selection Clauses
- d. *Forum Non Conveniens*

2. SERVICE OF PROCESS

- a. Hague Service Convention
- b. FRCP 4(f)

3. LITIGATION AGAINST FOREIGN GOVERNMENTS

- a. FSIA, Jurisdiction, Service and General Exceptions to Immunity
- b. Act of State

4. CROSS-BORDER DISCOVERY

- a. U.S. Litigant's Discovery Abroad
- b. 28 U.S.C. §1782

5. **ENFORCEMENT OF FOREIGN JUDGMENTS IN THE U.S.**
 - a. UFMJRA
6. **GENERAL PRINCIPLES OF APPLICATION OF U.S. LAW ABROAD**
 - a. Extraterritorial Application of U.S. Law
 - b. Foreign Corrupt Practices Act
 - c. Alien Torts Claim Act
7. **PRINCIPLE OF COMPARATIVE LAW**
 - a. Fundamental Principle of International Law = Treaties (jus cogens)
 - b. Choice of Law
 - c. Common Law v. Civil Law Regimes
 - d. Comity
 - e. Privilege Issues
8. **PARALLEL PROCEEDINGS**
 - a. Anti-Suit Injunctions
 - b. Lis Alibi Pendens Doctrine
 - c. Parallel Arbitrator Proceedings

B. INTERNATIONAL ARBITRATION

1. **GENERAL PRINCIPLES OF APPLICABLE LAW**
 - a. Treaties
 - b. National Law
 - c. Lex Arbitral
 - d. Arbitral Rules
2. **ARBITRAL AGREEMENT**
 - a. Kompetenz/ Kompetenz
 - b. Arbitral/Jurisdiction
 - c. Validity of Arbitration Clauses
 - d. Sovereign Immunity Implications
 - e. Conditions Precedent to Arbitration
3. **MULTI-PARTY ARBITRATION**
 - a. Consolidation
 - b. Non-Signatories
4. **INTERIM RELIEF**

5. **PRINCIPLES OF ARBITRATION PROCEDURE**
 - a. Ad hoc v. Institutional
 - b. Arbitration v. Litigation
 - c. Rules of Evidence
- (IBA Guidelines)/Hague
 - d. Parallel Proceedings
 - e. Discovery
6. **LITIGATION ABOUT ARBITRATION**
 - a. Compelling arbitration in court
 - b. Anti-Suit Injunctions
 - c. Court roles in arbitration procedures
7. **AWARD ENFORCEMENT**
 - a. NY Convention/Panama Convention
8. **GENERAL PRINCIPLES OF INVESTOR/STATE ARBITRATION**
9. **ETHICS**
 - a. Ex Parte Communications With Panel
 - b. Neutrality and Disclosures
 - c. Disqualification and Disclosures

Examinees will be tested on law that was in effect of January 1 of the year in which the exam is administered.

3. Resources

A. Organizations

- Florida Bar Section of International Law
- ABA Section of International Law
- American Society of International Law
- International Bar Association (London)
- Inter American Bar Association
- International Center for Dispute Resolution

B. Textbooks

- Gary Born, *International Civil Litigation in United States Courts*, (6th ed. 2018).
- American Bar Association, *International Aspects of U.S. Litigation: A Practitioner's Deskbook* (James Berger ed., 2017)
- Gary Born, *International Commercial Arbitration* (2d ed. 2014)
- Margaret Moses, *The Principles and Practice of International Commercial Arbitration* (3d ed. 2017).