



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 INVOLVING 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. Hague Evidence Convention
- c. Letters Rogatory
- d. 28 U.S.C. §1782

5. **ENFORCEMENT OF FOREIGN JUDGMENTS IN THE U.S.**
 - a. UFMJRA and Florida Uniform Out-of-country Foreign Money-Judgement Recognition Act
 - b. Common Law Enforcement Principles
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. **COMPARATIVE AND INTERNATIONAL LEGAL PRINCIPLES**
 - 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
 - f. Attorney's Fees and Costs
 - g. Application of Foreign Law in U.S. Courts
8. **PARALLEL PROCEEDINGS**
 - a. Anti-Suit Injunctions
 - b. Lis Alibi Pendens Doctrine
 - c. Parallel Arbitration Proceedings

B. INTERNATIONAL ARBITRATION

1. **GENERAL PRINCIPLES OF APPLICABLE LAW**
 - a. Treaties
 - b. Lex Arbitri
 - c. Federal Arbitration Act
 - d. Florida International Commercial Arbitration Act
 - e. UNCITRAL Model Law on International Commercial Arbitration
 - f. Arbitral Rules
2. **ARBITRAL AGREEMENT**
 - a. Arbitration Agreements and Clauses
 - b. Kompetenz/ Kompetenz
 - c. Arbitral/Jurisdiction
 - d. Validity of Arbitration Clauses
 - e. Sovereign Immunity Implications
 - f. 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 Arbitration
- b. Arbitration v. Litigation
- c. Major Arbitral Institutions and their distinguishing features
- d. Procedure and Taking of Evidence (including IBA Rules and Prague Rules)
- e. Parallel Proceedings
- f. Discovery and Arbitral Disclosure

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
- b. Federal Arbitration Act
- c. Florida International Commercial Arbitration Act/UNCITRAL Model Law

8. GENERAL PRINCIPLES OF INVESTOR/STATE ARBITRATION

9. ETHICS

- a. Ex Parte Communications With Arbitrators/Prospective Arbitrators
- b. Neutrality and Duty of Disclosure
- c. Disqualification Procedures and Standards

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).

Part 1 of the exam will consist of 50 multiple choice questions worth 1 point each, and 2 essays worth 25 points each.

Part 2 of the exam will consist of 50 multiple choice questions worth 1 point each, and 2 essays worth 25 points each.