MEMORANDUM

TO: Dr. Douglas Kalika, Dean  
The Graduate School

FROM: Dr. Fred Morgan, Director of Graduate Studies  
The MBA Program

DATE: April 11, 2002

RE: Law Courses in the Joint MBA/JD program

The MBA program requests to add the following courses to the Joint MBA/JD program list of acceptable classes:

- Law 864 – Real Estate Transactions
- LAW 926 – International Business Transactions

Attached are the course descriptions for both classes. Both courses cover a great deal of business related topics in real estate and international business. If you need any additional information please contact me. Thank you.

C: file
The casebook for this course is *International Business Law*, Ray August (3rd edition, 2000). Additional materials will be handed out in class from time to time.

Attendance is required at all classes. University and Law School regulations require that a student miss not more than 25% of classes in order to be able to take the final exam. Since my final exams tend to be based primarily on matters discussed in class, which may or may not be in the casebook, class attendance is strongly recommended.

Final grades will be based on a final exam, but final grades of some students may be raised for class participation credit. Class participation credit is given for consistent, high quality class participation, usually to about 10% of the students in the class.

The course syllabus contains 26 assignments and there are 42 class sessions during the semester. We will spend more than one class session on some assignments. The numbers in front of each assignment give the estimated class sessions that will be spent on that assignment. We may spend more or fewer class sessions on any particular assignment: I recommend that you stay about 20 pages ahead in the reading for each class. We will cover as much of the materials in the casebook as we can during the semester.

**SYLLABUS**

**OVERVIEW OF THE INTERNATIONAL SYSTEM** (Chapters 1, 2)

1) CB, 1-12; 27-46.
   Sources of International Law, International and Domestic Application of International Law, the United Nations, the European Union.

2) CB, 46-58.
   Comparative Law (Common law, Civil law, Islamic law).

3) CB, 89-96.
   Investment insurance.

4) CB, 111-134.
   Dispute settlement in international forums (ICJ, WTO, ICSID).

**INTERNATIONAL CIVIL LITIGATION** (Chapter 3)

5) In International Forums, CB 111 - 134
   International Court of Justice (ICJ)
   World Trade Organization (WTO)
   International Center for the Settlement of Investment Disputes (ICSID)

6) In Municipal Courts, HANDOUT
   Concept of Jurisdiction
Minimum Contacts & Long-Arm Statutes
Enforcement of Sister State Judgments
Sunrise Torquoise, Inc. v. Chemical Design Company, Inc.
Service of Process Abroad
Obtaining Evidence Abroad
Proof of Foreign Law, CB 171-172

7) Choice of Forum Clauses
CB bottom of 141 - 145
Forum Non Conveniens
CB 168[F] - 171; 221-226
Enforcement of Foreign Judgments
Handout - Victoria De La Mata v. American Life Insurance Company

8) Sovereign Immunity & Act of State
Jurisdiction over foreign sovereign
Handout - statute & Honduran Aircraft Registry, Ltd. v. Government of Honduras
CB 147-152
CB 302-304
Execution of Judgment Against a Foreign Sovereign
Handout, Letelier v. Republic of Chile, also dba LAN
Act of State Doctrine
Note on Sabbatino case and Hickenlooper Amendment
Handout, Kirkpatrick and Eckert v. Fiji cases
Jurisdiction in Foreign Courts
Enforcement of Judgments in Foreign Courts
Lugano Convention Excerpts

9) International Arbitration
Rules of International Chamber of Commerce (ICC)
Enforcement of Arbitral Awards
U.N. Conference of International Commercial Arbitration
Foreign Arbitral Awards Convention
U.S. Law

FOREIGN INVESTMENT (Chapters 4 & 5)
10) CB, 176-183; 186-189, 192-198.
Comparative business forms, the Multinational Enterprise (MNE).

11) CB, 199-230.
Home state regulation of multinational businesses.

12) CB, 231-237.
Host state regulation of multinational businesses.

13) CB, 241-274
Limitations and restrictions on Foreign Investment

14,15) CB, 275-297.
Securities Regulations

MONEY AND BANKING (Chapter 6)
16,17) CB, 300-302; 312-323; 334-339; 343-351.
Money and Banking

TRADE IN GOODS (Chapter 7)
18,19) CB, 354-367
The World Trade Organization (WTO).
20,21) CB, 368-389
The General Agreement on Tariffs and Trade (GATT94).

22,23) CB, 389-413
Multilateral Trade Agreements

TRADE IN SERVICES (Chapter 8)
24) CB, 417-432
GATS and NAFTA

EU labor, visas, regulation of foreign workers.

INTELLECTUAL PROPERTY (Chapter 9)
26,27) CB, 468-501
Creation of intellectual property.

28,29) CB, 501-531.
International IP Treaties and Organizations; Licensing IP.

INTERNATIONAL SALES CONTRACTS (Chapter 10)
30,31,32) CB, 535-562
Formation of the Contract

33,34) CB, 562-583
Performance, non-performance and remedies.

TRANSPORTATION (Chapter 11)
35) CB, 590-611
Incoterms

36, 37) CB, 611-640

FINANCING TRADE (Chapter 12)
38) CB, 667-682
Letters of Credit, sources of trade financing.

INTERNATIONAL TAXATION (Chapter 13)
39) - 42) Handout on Int’l Taxation. CB assignments to be made based on time available.

Comparison of different income tax systems, avoidance of double taxation, tax treaties, international tax avoidance and evasion.
LAW 920 ADMINISTRATIVE LAW - 3 credits
Establishment of administrative tribunals, limits on discretion. Notice and hearing, orders, methods of judicial relief, scope of judicial review.

Professor Rogers' Comments: For a more detailed course description and syllabus for this and other courses taught by Professor Rogers, check out his home page (http://www.uky.edu/~jrogers). This course covers how administrative agencies fit into the legal scheme, and the extent to which they are subject to the control of the legislature, the executive, and, most importantly, the courts. Careful analysis is given to the nature and extent of substantive and procedural requirements imposed upon agencies by the courts, and, in some cases, by the Congress, notably through the Administrative Procedure Act. Methods of judicial review of administrative action, and obstacles thereto, are also covered. (You should have completed Constitutional Law I before taking this class. Careful student preparation is essential to the success of the class.)

LAW 925 INTERNATIONAL LAW - 3 credits
Introduction to the legal process by which interests are adjusted and decisions reached on the international scene. Treaties, the law of international organizations, the "common law" of nations and national laws with significant international ramifications are examined to determine their effect on international cooperation and coercion.

Professor Rogers' Comments: For a more detailed course description and syllabus for this and other courses taught by Professor Rogers, check out his homepage(http://www.uky.edu/~jrogers). Public international law is, roughly, the law that applies to nations in their dealings with one another. It can have a strong effect on the rights and duties of individual citizens. It is something that leaders who are lawyers are expected to be familiar with. And, more and more, it is being used (and abused) by lawyers in United States courts. This course is an introduction to public international law. The emphasis is on the relation between International Law and United States law. The particular subjects covered are:

1. Sources of International Law.
2. Using International Law at the International level.
4. Foreign affairs law of the U.S.

Substantive areas of international law at least partially covered include Law of the Sea, Sovereign Immunity, Diplomatic Immunity, Recognition, Human Rights Law, and foreign judicial assistance.

Careful student preparation is essential to the success of the class.

LAW 926 INTERNATIONAL BUSINESS TRANSACTIONS - 3 credits
This course covers the basic legal structure (U.S., foreign, and international) regulating international sales contracts, international finance, international civil litigation and arbitration (jurisdiction, choice of law, enforcement of foreign judgments and arbitration awards), tariff and non-tariff trade barriers, export licensing, international aspects of intellectual property (patents, trademarks and copyrights), regulation of foreign investment, regional trade organization with emphasis on the EEC and North American Free Trade Area and fundamentals of taxation of international transactions.

LAW 927 LEGISLATION - 3 credits
Professor Healy's comments: This course provides a general introduction to legislation and the legislative process. Its goal is to help students develop a theoretical and practical understanding of statutes so that they have competence in working with the many statutes that are not specifically studied in law school courses. Our study focuses on the federal legislative process both because lawyers will typically be responding to problems arising under federal statutes and because the lessons learned in studying the
Question: What is LAW 866 ESTATE PLANNING SKILLS about?

Answer: LAW 866 ESTATE PLANNING SKILLS covers numerous issues related to real estate conveyancing, the physical environment, including water and air pollution, solid waste disposal, and storm sewage. Emphasis is on constitutional limitations on the right to private property, workmen's compensation, and due process of law.