



# International Sales Law and Arbitration

*Joseph F. Morrissey, Jack M. Graves*

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This book's integrated approach at the intersection of substantive contract law and dispute resolution is unique, and its value to students, counsel and advocates concerned with cross-border transactions is immediately evident. In a globalised world where an arbitration agreement is increasingly a part of every international sales agreement, it is both logical and effective to consider the two topics in tandem. This dual focus is invaluable for any practicing or prospective commercial lawyer, and this casebook provides just such a perspective. The combination of materials powerfully demonstrates both how a lawyer drafts an international sales contract and how the transactional and arbitral provisions interact if the deal does not go as anticipated.

In its treatment of the law governing the international sale of goods, the book focuses specifically on the United Nations Convention on Contracts for the International Sale of Goods (CISG). With respect to international commercial arbitration, the book explains and analyzes a variety of materials including the UNCITRAL Model Law on International Commercial Arbitration (the UNCITRAL Model Law), the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the New York Convention), and various sets of arbitration rules. The book also presents cases (both hypothetical and actual) and arbitral decisions (with detailed commentary) illustrating applications of the CISG, the UNCITRAL Model Law and the New York Convention. Problems and questions are also set forth to provide opportunities to apply the law, and to elucidate the policies underlying the various approaches taken by the prevailing laws.

Throughout the presentation the reader is challenged to apply theory and doctrine to issues that arise in practice. The level of detail is of considerable depth, addressing such questions as the following:

Was a contract of sale validly concluded?

Was an arbitration agreement validly concluded?

Is it possible that a contract of sale was validly concluded but not an arbitration agreement (or vice versa)?

If there is a valid contract of sale and/or arbitration agreement what are its terms?

What should the arbitral tribunal do if one of the parties has challenged the jurisdiction of the tribunal in the courts?

What might a lawyer include in a contract to minimize risk and the likelihood of a dispute?

What types of questions about the situation might bear on how a lawyer might structure the deal?

The book is ideal for students preparing for the Willem C. Vis International Commercial Arbitration Moot, which focuses on both international sales and arbitration. It is also an ideal resource for lawyers, novice or experienced, charged with negotiating sales contracts on behalf of international buyers or sellers of goods. Its focus on arbitration not only sets the practitioner in tune with the best current practice, but also ensures agreements that will withstand the stresses of potential subsequent disputes.

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