

## **EBS Law Term Lecture**

**18th October 2016**

**6.30 p.m.**

**Lecture Room “Sydney“**

### **Professor Dr. Hannah L. Buxbaum**

**John E. Schiller Chair in Legal Ethics**

**Maurer School of Law**

**Indiana University Bloomington, USA**

## **Extraterritoriality in Transnational Regulation:**

### **The Special Problem of Private Enforcement**

In 2000, the European Community filed a lawsuit against RJR Nabisco (RJR) in U.S. federal court, alleging violations of the U.S. Racketeer Influenced and Corrupt Organizations Act (RICO). In 2016, the litigation came to a close. The Supreme Court held that RICO does apply to certain forms of foreign conduct - however, it concluded that RICO's private cause of action does not extend to claims based on injuries suffered outside the United States, and therefore denied the European Community any recovery. The effect of this decision, which builds on other recent decisions of the Court, is to constrain quite significantly the application of U.S. regulatory law in cross-border cases. This talk will explore the extraterritorial application of domestic regulatory law as a tool of transnational regulation. In particular, it will address the special challenges created when it is private plaintiffs, rather than state agencies, that seek to apply that law.



Professor Buxbaum joined the faculty at Indiana Law in 1997 after practicing in the area of international securities transactions in the New York and Frankfurt offices of Davis Polk & Wardwell. She teaches conflict of laws, contracts, international business transactions, international litigation and secured transactions. She has won a number of teaching awards, including the school's Leon H. Wallace Award, and is a five-time recipient of the Gavel Award for outstanding contribution to the graduating class. Professor Buxbaum has taught as a visiting professor at the universities of Cologne, Kiel, and Nürnberg-Erlangen; in 2013 she delivered a course on international regulatory law at the Hague Academy of International Law.



Professor Buxbaum's research is in the areas of private international law and international litigation and jurisdiction, and is published in leading U.S. and European journals. Her most recent work has focused on the jurisdictional issues presented in cross-border securities and antitrust litigation. She is also the co-author of a leading casebook on international business transactions. Professor Buxbaum is active in a number of national organizations, including the American Society of International Law, the American Society of Comparative Law, and the Association of American Law Schools. She has been elected to membership in the American Law Institute, where she is currently an Advisor for the Restatement (Fourth) of Foreign Relations Law: Jurisdiction and Judgments, and is a titular member of the International Academy of Comparative Law.

Professor Buxbaum has held a number of administrative positions at Indiana Law, and from January 2012 to December 2013 served as the school's interim dean. In July 2015, she was appointed academic director of IU's Global Gateway in Berlin.

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**Prof Dr Matthias Weller, Mag.rer.publ.  
Chair for Civil Law, Civil Procedure and  
Private International Law  
EBS Law School**

**Director of the Research Center for  
Transnational Commercial Dispute Resolution  
(TCDR)**

**Gustav-Stresemann-Ring 3  
D – 65189 Wiesbaden**

**Office Management:  
Claudia Mueller  
claudia.mueller@ebs.edu  
Tel.: +49 (0) 611 7102 2214  
Fax: +49 (0) 611 7102 10 2214**

**Do not hesitate to contact us anytime if you have questions!**

**The EBS Law School is located in the centre of Wiesbaden in 5 min walking distance from Wiesbaden Railway Main Station and in 30 min driving distance from Frankfurt International Airport.**

**Recommendations for accommodation nearby:**

**Motel One Wiesbaden**  
Kaiser-Friedrich Ring 81  
65185 Wiesbaden  
Tel.: +49 (0) 611 45 02 80

**Dorint Hotel Pallas Wiesbaden**  
Auguste-Viktoria-Str. 15  
65185 Wiesbaden  
Tel.: +49 (0) 611 33 06 0

**B&B Hotel Wiesbaden**  
Mainzer Str. 89  
65189 Wiesbaden  
Tel.: +49 (0) 611 73 66 90

**Looking forward to seeing you!**

**Please help us planning the event by registering  
(claudia.mueller@ebs.edu)**