

# The Conference

Dispute Resolution Agreements (DRA) are a very special kind of contract. They allow parties to make a choice on the rights (applicable law) and remedies (competent forum, including procedural rules), which govern their relationship. Party autonomy, i.e. the freedom to enter into DRA, enables international merchants to provide for legal certainty and to bargain on the 'law market' for the most efficient institutional framework for their transactions. However, where DRA are included in the fine print of standard form contracts with less sophisticated contract parties, the question of legitimacy arises. For instance, where mandatory consumer rights or constitutional rights to a remedy are waived, a higher quality of consent might be required, one that is informed, instead of a simple manifestation of assent to the transaction. However, "informed" consent has been criticized as a legal fiction.

DRA are regulated by diverse instruments on the national, supra-, and international level. Despite their similarities they are rarely discussed in a consistent fashion. The conference convenes leading scholars of private international law, international civil procedure, international arbitration, and standard form contracts from both sides of the Atlantic in an effort to develop a coherent framework.



Proceedings to be published in  
German Law Journal, Special Issue, Vol. 26 (2025)

# Registration

Places are limited. Please register no later than April 30, 2024 with your name, institution and billing address at [knipper@uni-bremen.de](mailto:knipper@uni-bremen.de). Registration fee is 150 €. After acceptance of your registration we will send a bill.

**Conference Hotel:** Hotel Classico, Am Markt 17, 28195 Bremen, [info@classico-hotel.de](mailto:info@classico-hotel.de)

**Conference Venue:** Haus der Wissenschaft (House of Science) Sandstraße 4/5  
28195 Bremen



From the Central Station  
take tram 4, 5, 6, or 8 two stops to *Schüsselkorb*  
From the Airport  
take tram 6 to the stop *Domsheide*

**Conveners**  
**Prof. Dr. Graf-Peter Calliess &**  
**Dr. Nicholas Mouttotos**



Institute for  
Commercial  
Law

# ICTDRA

## Informed Consent to Dispute Resolution Agreements

## Conference

Bremen, 20-21 June 2024

**University of Bremen**  
**Institute for Commercial Law**  
Universitätsallee, GW 1  
D-28359 Bremen  
Telephone: +49 (0)421 218-66208



**DFG** Deutsche  
Forschungsgemeinschaft

# Program

Thursday, 20 June 2024

## 13:00 Registration and light lunch

**13:15 Welcome Address** by **Dr. Mandy Boehnke**, Vice President for International Affairs, University of Bremen

## 13:30 Keynote Speech

*Party Autonomy: Then and Now*, **Symeon C. Symeonides**, Alex L. Parks Distinguished Professor of Law, Dean Emeritus, Willamette University

## 14:15-15:45 Session 1: Consent, Contract, Constitution

Chair: **Rui Dias**, Professor of Law, Faculty of Law University of Coimbra

· *What is the "Meaning of Consent"?* – **Nancy Kim**, Professor of Law, Michael Paul Galvin Chair in Entrepreneurship and Applied Legal Technology, Chicago-Kent College of Law

· *Reflexive Contract Law: A Constitutional Framework* – **Graf-Peter Calliess**, Professor of Law, Dean of the Faculty of Law, University of Bremen

## Coffee Break

## 16:00-18:00 Session 2: Standard form contracts and unfair terms

Chair: **Ralf Michaels**, Professor of Law, Director of Max Planck Institute for Comparative and International Private Law, Hamburg

· *Unfair Contract Terms Directive (93/13/EEC) and US Restatement of Consumer Contracts compared*, **Frederick Rieländer**, Professor of Law, Director at Centre of European Law and Politics, University of Bremen

· *Assent under Adhesion Contracts and the Doctrine of Unconscionability* – **Daniel D. Barnhizer**, Professor of Law & The Bradford Stone Faculty Scholar, Michigan State University

· *A Farewell to the Information Model in the Law of General Terms and Conditions?* – **Peter McColgan** (PhD), Postdoctoral Researcher, Humboldt University of Berlin

**18:30 Conference Dinner: Bremer Ratskeller**, Am Markt, Bremen

Welcome Address by Senator of Justice and Constitution of Free Hanseatic City of Bremen, **Dr. Claudia Schilling**

## Friday, 21 June 2024

## 09:00-10:45 Session 3: Choice of Law

Chair: **Patrick Leyens**, Professor of Law, Institute for Commercial Law, University of Bremen

· *The Restatement of the Law (Third), Conflict of Laws: The State Whose Law is Selected* – **Kermit Roosevelt**, David Berger Professor for the Administration of Justice, University of Pennsylvania

· *The Treatment of Choice of Law Clauses under the Restatement of the Law (Third), Conflict of Laws* – **Laura Little**, James G. Schmidt Professor of Law, Temple University

· *The Treatment of Choice of Law Clauses under European Private International Law* – **Nikitas Hatzimihail**, Professor of Law, Deputy Dean of the Faculty of Education and Social Sciences, University of Cyprus

## Coffee Break

## 11:15 – 13:00 Session 4: Choice of jurisdiction

Chair: **Geneviève Saumier**, Peter M. Laing Q.C., Professor of Law, McGill University

· *Insufficient Notice and No Knowing Consent as Grounds for Refusal to Enforce Choice-of-Jurisdiction Clauses* – **John F. Coyle**, Reef C. Ivey II Distinguished Professor of Law and Associate Dean for Faculty Development, The University of North Carolina

· *Statutory Anti-Waiver Provisions and Their Effect on Jurisdictional Choice* – **Hannah Buxbaum**, Vice President for International Affairs, John E. Schiller Chair in Legal Ethics and Professor of Law, Maurer School of Law, Indiana University Bloomington

· *Consent to Jurisdiction under Brussels Ia and The Hague Choice of Court regime* – **Marta Pertegás Sender**, Professor of Law, Chair on Private International Law and Transnational Law, Maastricht University

## Lunch Break

## 14:30 – 16:15 Session 5: Arbitration agreements

Chair: **Lars Klöhn**, Professor of Law, Humboldt University of Berlin

· *Contractual Waivers of Constitutional Rights under US Law: Arbitration, Jury-Waiver, and other Clauses* – **Stephen J. Ware**, Frank Edwards Tyler Distinguished Professor of Law, The University of Kansas

· *Consent to Arbitration and Waiving Access to Justice Rights* – **Camelia Toader**, Professor of Law, Former Judge of the Court of Justice of the European Union, University of Bucharest

· *The Effectiveness of Arbitration Agreements in Germany* – **Stefan Thönissen** (PhD) Privatdozent at University of Freiburg

## Coffee Break

## 16:45 – 17:30 Session 6: Wrap-up

Chair: **Graf-Peter Calliess**, Professor of Law, Dean of the Faculty of Law, University of Bremen

· *Towards a Coherent Regulation of Dispute Resolution Clauses?* – **Nicholas Mouttotos** (PhD) Postdoctoral Researcher, Walter Benjamin position (DFG), University of Bremen