Conflicts Conference in Toronto

The following information is provided by the conference organizers. Given how rare conflict of laws conferences are in Canada, I am delighted to pass this along.

The CJPTA: A Decade of Progress

In 2016, the *Court Jurisdiction and Proceedings Transfer Act* marks its tenth year in force. Adopted in British Columbia, Saskatchewan and Nova Scotia, the CJPTA has clarified and advanced the law of judicial jurisdiction. This symposium will assess the progress made by the CJPTA across the range of issues addressed and critically evaluate the capacity of the CJPTA: to provide leadership for the law in other parts of Canada; to enable further development in the law; and to meet the needs of Canadians in the years ahead in a world of increasing cross-border dealings.

Details:

Friday, October 21, 2016 (expected to run from 9am to 4:30pm)

University Club of Toronto (380 University Avenue, just north of the American consulate)

Co-chaired by Professor Janet Walker (Osgoode) and Lisa Munro (Lerners LLP) with the assistance of Dr. Sagi Peari and Gerard Kennedy

We are excited to bring you a fantastic lineup of speakers and panelists discussing a wide range of topics pertaining to CJPTA and judicial jurisdiction.

Space is limited. Kindly RSVP to

Sagi Peari (SPeari@osgoode.yorku.ca)
or
Gerard Kennedy (GerardKennedy@osgoode.yorku.ca)

by October 3, 2016.

Out now: Future Prospects for Comparative Law – Symposium in Honour of Hein Kötz

On the occasion of *Hein Kötz*' 80th birthday in November 2015, a symposium in his honour was held at the Max-Planck-Institute for Comparative and International Private Law in Hamburg/Germany. The presentations given at this event have now been published (in German) by Mohr Siebeck, Tübingen: Zukunftsperspektiven der Rechtsvergleichung, ed. by *Reinhard Zimmermann*, 2016; XX, 267 pages.

Following an explanation by the editor as to why this is not a *Festschrift*, the volume contains contributions by *Christiane Wendehorst* (Vienna) on the comparison of legal systems, by *Ralf Michaels* (Duke) on religious laws and post-secular comparative law, by *Giesela Rühl* (Jena) on comparative law and European conflict of laws: the forgotten dimension, by *Eva-Maria Kieninger* (Würzburg) on principles and basic concepts of property law as objects of comparative law, by *Gralf-Peter Calliess* (Bremen) on the role of comparative law in the context of a competition between legal orders, by *Marc-Philippe Weller* (Heidelberg) on future prospects for comparative law in private international and corporate law, and by *Jan von Hein* (Freiburg/Br.) on market regulation by tort law from a comparative perspective. The book concludes with closing remarks by *Hein Kötz*.

Further information is available here.

Conference on the “Codification of Private International Law” – Cologne, 23-24 September 2016

This year does not only mark 30 years since the great reform of German private international law of 1986, but it is also the 35th anniversary of the foundation of the *Praxis des Internationalen Privat- und Verfahrensrechts (IPRax)*. Therefore, Professor *Heinz-Peter Mansel*, President of the German Council for Private International Law, and Professor *Jan von Hein*, chairman of the Council’s 2nd Commission, are pleased to announce that a celebratory conference will take place on **23-24 September 2016** at the University of Cologne (Germany) under the title: **“Codification of Private International Law: German Experience and European Perspectives Thirty Years After the PIL-Reform of 1986”**. The conference, which will be held in German, will look at how Private International Law has evolved in the past and provide an outlook for future responsibilities and challenges of the field.

The conference programme (in German) is available here.

Conference: “Le successioni internazionali in Europa” (International Successions in Europe) – Rome, 13 October 2016

The Faculty of Law of the **University of Rome “La Sapienza”** will host a German-Italian-Spanish conference on **Thursday, 13th October 2016, on International Successions in Europe**. The conference has been convened for the **presentation of the volume “The EU Succession Regulation: a**

Commentary", edited by Alfonso-Luís Calvo Caravaca (University "Carlos III" of Madrid), Angelo Davì (University of Rome "La Sapienza") and Heinz-Peter Mansel (University of Cologne), published by Cambridge University Press, 2016. The volume is the product of a research project on "The Europeanization of Private International Law of Successions" financed through the European Commission's Civil Justice Programme.

Here is the programme (available as .pdf):

Welcome addresses: *Prof. Enrico del Prato* (Director, Department of Legal Sciences, University "La Sapienza"); *Prof. Paolo Ridola* (Dean, Faculty of Law, University "La Sapienza"); *Prof. Angelo Davì* (University "La Sapienza").

First Session

Chair: *Prof. Ugo Villani* (University of Bari, President of SIDI-ISIL – Italian Society for International Law)

- *Prof. Javier Carrascosa González* (University of Murcia): La residenza abituale e la clausola di eccezione (Habitual Residence and Exception Clause);
- *Prof. Cristina Campiglio* (University of Pavia): La facoltà di scelta del diritto applicabile (Choice of the Applicable Law by the Testator);
- *Prof. Erik Jayme* (University of Heidelberg): Metodi classici e nuove norme di conflitto: il regolamento relativo alle successioni (Traditional Methods and New Conflict Rules: the EU Regulation Concerning Succession);
- *Prof. Claudio Consolo* (University "La Sapienza"): Il coordinamento tra le giurisdizioni (Coordination between Jurisdictions).

Second Session

Chair: *Prof. Sergio Maria Carbone* (University of Genova)

- *Prof. Peter Kindler* (University of Munich): I patti successori (Agreements as to Succession);
- Round Table: The European Certificate of Succession
  Introduction: *Prof. Claudio Consolo* (University "La Sapienza");
  Participants: *Dr. Ana Fernández Tresguerres* (Notary in Madrid); *Dr.*

Paolo Pasqualis (Notary in Portogruaro); *Dr. Fabian Wall* (Notary in Ludwigshafen).

Concluding remarks: *Prof. Sergio Maria Carbone* (University of Genova).

(Many thanks to Prof. Fabrizio Marongiu Buonaiuti, University of Macerata, for the tip-off)

New publication: Conflict of Laws in the People's Republic of China

By Professor Zheng Sophia Tang (Newcastle University), Professor Yongping Xiao (Wuhan University, China) and Professor Zhengxin Huo (China University of Politics and Law)

The area of conflict of laws in China has undergone fundamental development in the past three decades and the most recent changes in the 2010s, regarding both jurisdiction and choice of law rules, mark the establishment of a modern Chinese conflicts system. Jointly written by three professors from both China and the UK, this book provides the most up-to-date and comprehensive analysis of Chinese conflict of laws in civil and commercial matters, covering jurisdiction, choice of law, procedure, judgment and awards recognition and enforcement, and interregional conflicts in China.

Providing comprehensive and sophisticated analysis of current Chinese conflict of laws, the authors assess the actual judicial practice and case decisions. The book takes into account the historic, political and economic background of the subject matter, as well as relevant empirical evidence and data, especially recognizing the contribution of Chinese scholars in the field. It examined over 300 cases and over 130 legislative and judicial interpretive materials. It concludes that the Chinese conflicts system has entered into the stage of modernization and proposes policy to improve efficiency, prevent local protectionism, balance internationalization and nationalization, democratize legislative process and improve judicial training and judicial practice.

This timely book is an invaluable resource for academics and practitioners in

private international law, conflict of laws, international law, international litigation, Chinese law and international civil and commercial matters involving China.

Contents

Part I Conflict of Laws in China—History and Concept
1. Conflict of Laws in China—A Historical Perspective
2. Concepts and Preliminary Questions
Part II Jurisdiction, Procedure, Foreign Judgments and Awards
3. Jurisdiction in Chinese Courts
4. Declining Jurisdiction in Chinese Courts
5. Selected Procedural Issues in Foreign-Related Litigation in China
6. Recognition and Enforcement of Foreign Judgments in Chinese Courts
7. Recognition and Enforcement of Arbitral Awards in Chinese Courts
Part III Choice of Law
8. Choice of Law in Contracts
9. Choice of Law in Tort
10. Choice of Law in Unjust Enrichment and Negotiorum Gestio
11. Choice of Law in Property
12. Choice of Law in Intellectual Property
Part IV Interregional Conflicts and Cooperation
13 Interregional Conflicts and Cooperation between Mainland, Hong Kong, Macau and Taiwan
Part V Final Remarks
14. Chinese Conflict of Laws: Past, Present and Future

Critical Acclaim

‘This is an excellent and up-to-date book that enables the English-speaking world to get an accurate and comprehensive understanding of private international law in mainland China. The Chinese system can be said to be a mixed system, in that it is only partially governed by statute and much of the law still emerges from case law and interpretations of the law given by the Supreme People’s Court. The authors point out that only in very few cases do the Chinese courts actually apply foreign law. This tendency of the judges to avoid the application of foreign law is one of several features of the Chinese system of private international law that shows the importance of judicial decisions to understanding how the system actually works. The writers rightly point out areas where Chinese private international law could be improved, with recommendations that China should liberalise its approach to recognition and enforcement of foreign judgments by adopting a de jure approach to reciprocity and by entering into multilateral treaties like the Hague Choice of Court Agreements Convention 2005.’

– Paul Beaumont, University of Aberdeen, UK

For full information, see http://www.e-elgar.com/shop/conflict-of-laws-in-the-people-s-republic-of-china.

Upcoming Events at the Center for the Study of Dispute Resolution at the University of Missouri School of Law

The Center for the Study of Dispute Resolution at the University of Missouri School of Law and the American Society of International Law (ASIL) Dispute Resolution and Midwest Interest Groups, in association with Young ICSID, are pleased to announce two upcoming events: (1) a works-in-progress conference and (2) student writing competition. Both events focus on international dispute resolution, broadly defined.

More information on both events shows below and on the event website. Please feel free to forward this email to those who might be interested in either event.

Works in Progress Conference

The works-in-progress conference will take place on February 2 and 3, 2017, at the University of Missouri School of Law. The purpose of the conference is to help authors develop draft articles for publication, so authors will be required to submit a working draft before the conference takes place. Papers will be circulated in advance of the session, and all participants will be expected to provide detailed feedback on a limited number of other papers.

The works-in-progress conference will also feature various networking opportunities as well as several substantive presentations on issues relating to international dispute resolution. Presentations will be live or by video and include: Lady Justice Joyce Aluoch, Judge and First Vice-President of the International Criminal Court in the Hague, who will be speaking on matters of public international law; Ryan Reetz and Pedro Martinez-Fraga of Bryan Cave, who will be speaking on their recent book, Public Purpose in International Law: Rethinking Regulatory Sovereignty in the Global Era (Cambridge University Press 2015); and

Paul-Jean Le Cannu, Legal Counsel at ICSID, who will speak on the future of investor-state dispute settlement systems.

Papers presented at the works-in-progress conference will be eligible for expedited review by the University of Missouri's highly regarded Journal of Dispute Resolution as well as for consideration by the ICSID Review-Foreign Investment Law Journal. While submissions will have to go through the normal publication process and an offer of publication is not guaranteed, the editors of both journals are very interested in reviewing submissions from works-in-progress participants.

This is expected to be a very international event, and submissions are sought from academics and practitioners around the world. Junior professionals, including aspiring and untenured academics, are encouraged to submit proposals. To be considered, potential participants must submit a one-page abstract of their work on or before October 15, 2016. Details on how to submit a proposal for the works-in-progress conference can be found here.

Student Writing Competition

The University of Missouri is also sponsoring a student writing competition in conjunction with this event. The competition is open to current students at any institution in the world granting a degree in law. The competition carries a prize of $450 for first place and $125 for second place, and the winning paper is eligible to be considered for publication in the University of Missouri's Journal of Dispute Resolution. The prize amounts may increase (funding is still being finalized), so be sure to check back for additional details. Students of all levels (J.D., LL.B., LL.M., S.J.D., and Ph.D.) are eligible to submit papers. Advanced degree students (LL.M., S.J.D. or Ph.D.) may submit the same paper for both the works-in-progress conference and the student writing competition. The deadline for the student writing competition is January 15, 2017. More details on the student writing competition are available here.

Van Den Eeckhout on the ongoing process of revising the Posting Directive

written by Veerle Van Den Eeckhout

On the blog section of the Dutch journal Nederlands Juristenblad, a new blog of Veerle Van Den Eeckhout on the Proposal for a revision of the Posting Directive has been published, see here.

Previous blogs on this theme can be found here and here.

This blog is entitled “Ipr en het verdergaande proces tot wijziging van de Detacheringsrichtlijn. Ipr in een politiek-juridisch krachtenveld (in English: “Private International Law and the ongoing process of revising the Posting Directive. PIL in a legal-political force field”). It is written in Dutch. An English version can be found here.

Journal of International Arbitration Special BREXIT Issue (Launch)

Wilmer Cutler Pickering Hale and Dorr LLP are delighted to invite you to the launch of the special BREXIT issue of the Kluwer *Journal of International Arbitration*.
Professor Dr. Maxi Scherer, General Editor of the Journal of International Arbitration and Dr. Johannes Koepp, Special Issue Editor, will host a discussion with the authors on the content of the Special Issue.

Topics and speakers will include:

How Brexit Will Happen: A Brief Primer on EU Law and Constitutional Law Questions Raised by Brexit – Dr. Holger P. Hestermeyer
What Does Brexit Mean for the Brussels Regime? – Sara Masters QC & Belinda McRae
Brexit Consequences for London as a Premier Seat of International Dispute Resolution in Europe – Michael McIlwrath
Impact of Brexit on UK Competition Litigation and Arbitration –Gilbert Paul
Brexit and the Future of Intellectual Property Litigation and Arbitration – Annet van Hooft
Possible Ramifications of the UK's EU Referendum on Intra- and Extra-EU BITs – Markus Burgstaller

Date: Thursday, September 29, 2016 6–9 p.m.

Venue: 49 Park Lane, London, W1K 1PS

To register: here

(The Special Issue journal launch will be followed by a champagne reception)

The applicable (European) law as 'Hidden Civil Law' (new book)

Roel Westrik, associate professor of private law at Erasmus School of Law, is the author of a noteworthy book that presents an original approach to the applicable European law in "Hidden Civil Law. How can you know what the applicable law is?' (Paris, 2016). The abstract reads:

> *Lawyers are taught to work with applicable law and to be familiar with the applicable law, they should 'keep up to date with their literature'. Here, in two sentences, the reality and ways of working of lawyers throughout the past century. Past because, in contemporary times, applicable law can no longer be*

easily 'recognised'. There is a knowing problem related to applicable law of European origin. This problem consists in two main questions: How are lawyers to know what applicable law is? And, if there is a presumption of 'other' applicable law when practising 'national law', where is it to be found?

These questions must be posed in every case, every advice to be written as well as judgments and rulings that have to be pronounced. What, in a specific case, is the prevailing, applicable law irrespective of whether its origins are national or European?

The acknowledgement that these questions must be posed in advance, before 'solving' any case, will make great strides in the current ways of working and classification of legal areas. Also, it will pay scant attention to the existing approach where 'European law' is seen as corpus alienum, which influences national law from 'outside' and creates a 'Hidden Civil Law'.

A message is sent to the legal world of civil law: Wake up! European law is part of national law and should be studied as applicable law. It should be recognised and implemented rather than being taken as a separate supplement under the flag of 'IPL, European law or its impact'. It is applicable civil law!

More information is available here.

TDM Journal, Special Issue

The Arbitration Institute of the Stockholm Chamber of Commerce will turn 100 years in 2017. As part of the celebrations in January, a book about the history of arbitration will be published, where lawyers and diplomats from all over the world each write about one particular dispute.

One of the contributions is written by the winner of a large competition initiated by the SCC and aimed at young lawyers. The competition inspired many highly qualified contributions and several were so well-written that they will now be published in a separate edition of Transnational Dispute Management Journal

(TDM).

The four texts deal with four different arbitrations that affected international relations: from a border dispute between the United States and Great Britain in what is now Canada, via an early ISDS case from the year 1900 over a Portuguese railway project and a relatively recent arbitration between Singapore and Malaysia, which was concluded at the Permanent Court of Arbitration in 2014.

You can read more about the publication, including the foreword by SCC Secretary-General Annette Magnusson, clicking here.