

Table of Contents

	Page
PREFACE	v
ACKNOWLEDGMENTS	vii
ANNOTATED BIBLIOGRAPHY OF RECOMMENDED RESOURCES	ix
TABLE OF CASES	xvii
Chapter 1. Introduction	1
A. Transnational Perspectives	2
David McClean, Domestic Litigation in Transition	2
Andrew S. Bell, Transnational Litigation	3
B. Comparative Perspectives	5
Kevin M. Clermont, Why Comparative Civil Procedure?	5
Herbert Jacob et al., The Civil Law and Common Law Traditions	6
Geoffrey C. Hazard, Jr., Fundamental Differences Between Procedural Systems	9
C. International Perspectives	10
Owen M. Fiss & Judith Resnik, International Tribunals	11
Geoffrey C. Hazard, Jr., International “Harmonization” of Procedural Law	13
Chapter 2. Access to Justice	16
W. Kent Davis, The International View of Attorney Fees in Civil Suits	16
Notes	26
Chapter 3. Pleading Requirements	28
Notes	31
Chapter 4. Discovery	33
A. National Practices	33
Stephen N. Subrin, Discovery in Global Perspective: Are We Nuts?	36
B. Transnational Conflict	37
C. International Solutions	38
Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters	39
Société Nationale Industrielle Aérospatiale v. United States District Court	43
Restatement (Third) of Foreign Relations Law	49
ALI/UNIDROIT Rules of Transnational Civil Procedure	50
Notes	52
Chapter 5. The American Jury	55
Oscar G. Chase, American “Exceptionalism” and Comparative Procedure	55
Notes	62

	Page
Chapter 6. Personal Jurisdiction	63
A. Suing Foreign Defendants in U.S. Courts	63
Telcordia Tech., Inc. v. Alcatel S.A. and Alcatel USA, Inc.	64
Notes	73
B. Foreign Forum Selection Clauses	74
Richards v. Lloyd's of London	74
Notes	81
C. European Perspectives	82
Council Regulation (EC) No 44/2001 of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judg- ments in Civil and Commercial Matters	86
Notes	94
Gruber v. Bay Wa AG	97
Notes	108
D. Forum Non Conveniens	109
Owusu v. Jackson et al.	110
Notes	118
 Chapter 7. Service Upon Foreign Defendants	 120
Hague Convention on the Service Abroad of Judicial and Extrajudi- cial Documents in Civil or Commercial Matters	120
Brockmeyer v. May	124
Prewitt Enterprises, Inc. v. Organization of Petroleum Exporting Countries	136
Notes	146
 Chapter 8. Jurisdiction of Cases Involving Aliens	 148
Singh v. Daimler-Benz AG	152
Notes	164
 Chapter 9. Choice of Law	 166
Notes	171
 Chapter 10. Recognition and Enforcement of Foreign Judgments	 175
Restatement (Third) of Foreign Relations Law	179
Notes	180
Society of Lloyd's v. Ashenden	181
Notes	184
Bridgeway Corporation v. Citibank	184
Notes	191
 INDEX	 193