

University of the Pacific Scholarly Commons

McGeorge School of Law Teaching Materials

McGeorge School of Law Faculty Scholarship

2010

Global Issues in Commercial Law

Claude D. Rohwer
University of the Pacific, McGeorge School of Law

Kristen David Adams

Follow this and additional works at: https://scholarlycommons.pacific.edu/facultyteaching

Part of the Commercial Law Commons, Comparative and Foreign Law Commons, International Law Commons, and the International Trade Law Commons

Recommended Citation

CLAUDE D. ROHWER & KRISTEN D. ADAMS, GLOBAL ISSUES IN COMMERCIAL LAW 1 (2010). Available at: https://scholarlycommons.pacific.edu/facultyteaching/13

This Book is brought to you for free and open access by the McGeorge School of Law Faculty Scholarship at Scholarly Commons. It has been accepted for inclusion in McGeorge School of Law Teaching Materials by an authorized administrator of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

Table of Contents

	Page
Preface	v
ACKNOWLEDGEMENTS	vii
TABLE OF CASES	xix
TABLE OF CASES	XIX
Chapter 1. Choice of Law: Substantive Considerations	1
Problem 1a Risk of Loss	$\frac{3}{2}$
Problem 1b Right of Inspection and Notification of Defects	5
Problem 1c Duty to Accept Goods; Right to Reject Goods	6
Problem 1d A Drafting Problem	10
Problem 1e Terms Relating to Quality of Goods (Warranties and Conditions)	10
Questions	21
Problem 1f Obligation of Good Faith	22
Problem 1g Remedies	23
Chapter 2. Interpreting and Supplementing the CISG I. Comparing UCC Section 1–103(b) with CISG Article 7 Questions	28 28 34 34 35
Questions	37
Problem 2	38
Problem 3	39
III. Interpreting the CISG as a "True Code" and Consistent with Its International Character	40 43 43
	10
IV. Interpreting the CISG as an International Instrument: Avoiding Homeward Trend	45 46
Questions	53
Problem 5	54
Problem 6	55
V. The Role of Private International Law	57 58
Questions	63

Cha	apter 3. Choice of Forum
	Bremen and Unterwesser Reederei, GmBH, Petitioners v. Zapata ff—Shore Company
Ω_{100}	stions and Comments
	Choice of Forum—Ontario or Minnesota?
11.	Judge or Arbitrator?
	Commercial Law in Developing Countries
IV.	A Lawyer's Thoughts on Contracting With a Chinese
	Company
	Questions and Comments
	npter 4. Interest and Usury
I.	Introducing Interest and Usury
	Problem 1
	Questions
	Problem 2
TT	Problem 3
11.	The CISG's Approach to Interest
	Commercial Court (Handelsgericht) Aargau
	Problem 4
TT	Choice of Law Challenges
111.	Questions
	Problem 5
IV.	The UNIDROIT and PECL Approaches
	Questions
nh.	apter 5. Commercial Agents—Franchises
	Duration and Termination in the United States
1.	E.I. Du Pont De Nemours & Co. v. Claiborne-Reno Co.
	Questions
	Jack's Cookie Company v. A.A. Brooks
	Questions and Comments
	Hunt Foods, Inc. v. Phillips and H.W. Liholm
	Varni Bros. Corporation et al., Plaintiffs and Appellants v. Wine
	World, Inc., Defendant and Respondent
II.	Statutes Protecting the Rights of Agents or Franchisees
III.	European Union Legislation
	Problem
Cha	apter 6. Extraterritoriality; Enforcement and Claw
Note	Back Laws
	apter 7. Microfinance
1.	Introduction: The Origins and Many Forms of Microfinance
	Problem 1
II.	Microfinance and Social Change
	Questions
	Problem 2
	Problem 3
	For Further Exploration

	Page
III. Meeting the Demand for Microfinance and Creating Su	•
tainable Institutions	188
Questions	198
Problem 4	199
Problem 5	
For Further Exploration	199
IV. Peer Lending Groups, Relatively High Interest Rates, ar	
Other Characteristics of Microfinance	200
Questions	208
Problem 6	208
For Further Exploration	208
V. Microfinance in the United States	208
Questions	217
Problem 7	217
VI. The Road Ahead: Weathering Financial and Politic	al
Challenges	217
Question	
Problem 8	222
Problem 9	223
Chapter 8. Letters of Credit and Documentary Sales	
Questions	
Problem 1	
I. What Is a Letter of Credit?	
Questions	
Problem 2	
II. The Legal Framework for a Documentary Sale	
Questions	
Problem 3	242
III. A Basic Documentary Sale	242
Voest-Alpine Trading Co. v. Bank of China	244
Questions	
$Problem \ 4 \ \dots \ Problem \ 4$	250
Chantan 0 Panlymentary	254
Chapter 9. Bankruptcy Thomas J. Salerno, "Reorganization of the Financially Distress."	
Business in the US—Just How Far Afield Is It From the Rest of t	
World?"	~
11 UI IW.	405
INDEX	275