

COURSE DESCRIPTIONS AND BIOGRAPHIES OF PROGRAM FACULTY

COURSES SESSION I (SEPT. 5 - OCT. 14, 2011)

INTRODUCTION TO COMPARATIVE AND EUROPEAN PRIVATE LAW BY PROF. FRANZ WERRO

Credits: 1 ABA / 2 ECTS

Course Description: This course is an introduction to comparative and European private law. The course is divided into two parts. The first part presents the general functions, aims and methods of comparative law. After this overview of the world's legal systems, the course provides a comprehensive introduction to the basic features of the civil law system, as contrasted with the common law tradition prevalent in England and the United States. At the same time, the course aims to show that some of the differences between the two legal systems are being overcome by way of unification and harmonization of laws. Important instruments studied in this respect are the Vienna Convention on the International Sale of Goods, the UNIDROIT Principles of International Commercial Contracts, the Principles of European Contract Law and the Draft Common Frame of Reference. While the course focuses on substantive law issues in the fields of contract, tort and property, it also examines structural issues, such as the various court systems, the education of lawyers and the role of judicial review in different systems. The second part of the course analyzes the trend towards de-nationalization of private law in Europe resulting from the impact of EC legislation on national law. Special attention is devoted to the link between private law and the formation and functioning of markets, particularly the Single Market in Europe. In its entirety, the course aims at providing a practical introduction to issues of European law faced by foreign lawyers and the use of foreign law to advocate change in domestic law; it also seeks to encourage the utilization of comparative law as a means of thinking about law in broader theoretical terms.

CV: Franz Werro's professional life is divided between the Faculté de droit of the University of Fribourg and the Georgetown University Law Center. He teaches and researches in different fields of private law, including the law of obligations, European private law and comparative law. He was a visiting professor at Cornell Law School (Ithaca, NY) and at a number of European law schools, including the Università degli Studi di Trieste, Scuola Superiore Santa Anna in Pisa, University of Pau, University of Bordeaux and the University of Geneva. He has also taught for a number of years at the Tulane Summer Law Program in Paris. Additionally, Franz Werro acts as an arbitrator and consultant in international commercial disputes. He is on the board of a number of Swiss and European journals and is involved in different projects of continuing legal education in Switzerland. He has published several books, including a treatise on Swiss tort law as well as a monograph on contracts for services. He has also written a number of essays on the impact of EC law on national private law. One of his recent publications was a study on European tort law. This study focused on strict liability and was written in collaboration with Professor Vernon Palmer of Tulane Law School as part of the Common Core project in Trento. Franz Werro taught as a visiting professor at the Georgetown University Law Center in the fall semesters of 1999 and 2000 and has been a permanent member of the Law Center since 2001. He has also been a permanent member of the Fribourg faculty since 1992. In the academic year 2009-2010, he served as co-director of the new Center of Transnational Studies in London.

COMPARATIVE INTELLECTUAL PROPERTY BY DR. DANA BELDIMAN

Credits: 2 ABA / 4 ECTS

Course Description: The course focuses on the comparison of intellectual property law concepts, primarily under the EU and US legal systems, but also considers developments in China, Japan, India, etc. Legal concepts and norms from different jurisdictions are discussed and contrasted. The ultimate goal of the course is to provide an understanding of the various systems on a comparative basis, the rationale for different types of legal norms and the interaction of national norms in the international intellectual property arena.

The course begins with a general comparison of the two major legal systems relevant to intellectual property and a discussion of the interplay between international conventions and national law. These introductory concepts are followed by a more detailed discussion of the creation, scope and enforcement of patent, trademark, copyright and industrial design rights respectively, highlighting some of the most significant substantive differences between the intellectual property rights in the systems examined.

CV: Dana Beldiman is a partner with the law firm Carroll, Burdick & McDonough LLP in San Francisco and specializes in international intellectual property law and international transactions. She has taught at the Santa Clara University School of Law and is currently an adjunct professor at U.C. Hastings in San Francisco, as well as a visiting professor at Bucerius Law School and the Riga Graduate School of Law. She serves as Honorary Consul General of Romania in San Francisco and is a member of the board of the American Friends of Bucerius Law School.

Dana Beldiman holds a M.A. degree from the University of Bucharest, a J.D. from U.C. Hastings in San Francisco, an LL.M. in intellectual property from Santa Clara University School of Law and a doctorate in law magna cum laude from the University of Bremen.

CORPORATE LAW BY DR. CARSTEN JUNGSMANN, DR. EVA MICHELER AND PROF. DR. DRES. H.C. KARSTEN SCHMIDT

Credits: 2 ABA / 4 ECTS

Course Description: Will be available soon.

CV: Carsten Jungmann is a lecturer in law and a senior research assistant to the chair for Business and Corporate Law at Bucerius Law School, Dean Karsten Schmidt. His primary fields of research are insolvency law, corporate law (including corporate governance), commercial law, banking law and corporate finance. He studied law at the University of Bonn and at the University of Edinburgh. At the University of Bonn, he worked at the Institute for Commercial and Business Law and graduated as a Doctor of Laws. Whilst a trainee solicitor, he worked inter alia with the international law firm Lovells and with HSH Nordbank; he also clerked for High Court Chief Judge Dr. Buechel. After passing the bar exam at the High Court of Hamburg, he went to the US and obtained an LL.M. from Yale Law School. In addition, Carsten Jungmann holds the title Master of Science in Finance, which he obtained from the University of Leicester. He spent a year as an academic visitor at the London School of Economics and was a lecturer in law at the University of Surrey, the University of Fribourg and, most recently, at the Ludwig-Maximilians-University of Munich. He has published numerous articles on corporate, banking and insolvency law in leading law journals.

CV: Rafael Manóvil is a partner of the M & M Bomchil law firm in Buenos Aires. He is in charge of both the corporate and commercial law, and the bankruptcy law departments. Due to his extensive academic and professional experience, he is also a consulting lawyer in several other areas of the firm's practice, with a special emphasis on private law matters. Rafael Manóvil holds a Ph.D. from the University of Buenos Aires, where he serves as a full regular professor of commercial law and as the director of the Corporate Law Postgraduate Program. He also serves as a professor of the business law master courses at the Universidad Austral, and of the master courses of law and economics at the Universidad Torcuato Di Tella. In 2009, he was elected member of the National Academy of Law and Social Sciences.

CV: Karsten Schmidt is President of Bucerius Law School. His doctorate in 1972 was followed by a post-doctorate in Bonn from 1975-1976 on the subjects of civil law, commercial law, business law and civil procedural law. Following a professorship in Göttingen in 1976, he held a professorial chair at the University of

Hamburg from 1977 to 1997 and was director of the departments of commercial, maritime and economic law. From 1997 to 2004, Karsten Schmidt was a professor at the University of Bonn and director of the Institute for Commercial and Business Law.

EU CONSUMER PROTECTION LAW BY PROF. YESIM ATAMER

Credits: 2 ABA / 4 ECTS

Course Description: From the consumer's point of view, the introduction of the Euro and market liberalization together with cross-border competition brought not only great opportunities, but also risks caused by different levels of consumer protection in the member states of the European Community. Effective consumer protection demands a European consumer policy that corresponds to the realization of a European Internal Market. That is why Art. 153 of the EC-Treaty mandates the European Commission to contribute to protecting health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organize themselves in order to ensure a high level of consumer protection.

This course aims at analyzing the development of the consumer protection policy of the European Community and introducing the main legislative outcomes in the area of safeguarding consumers' economic interests. The areas of study have thus far focused on protection against several market practices (e.g. misleading advertising, unfair commercial practices, distance marketing, door-to-door marketing), protection in the area of contract law (e.g. sale, consumer credit, package tour) and product safety and liability. The classes will zoom in on the respective Directives of the EC and their national implementation measures. The jurisprudence of the European Court of Justice (ECJ) regarding these Directives and their effect on the development of European consumer policy will also be evaluated.

The course will end with an appraisal of the efforts in the EC to review the consumer acquis and their relation to the forming of a "European Contract Law" – a topic on the agenda of the EU Commission since the publishing of the Action Plan on Contract Law in 2001 and still very much in discussion since the issuance of the "Green Paper on policy options for progress towards a European Contract Law for consumers and businesses" in July 2010.

CV: Yesim M. Atamer studied law at Istanbul University Law Faculty, where she also obtained her LL.M. and Ph.D. degree. Currently she works as an associate professor for civil law and comparative civil law at Istanbul Bilgi University. Her main areas of research are law of domestic and international sale of goods, Turkish and EU consumer law and harmonization of European contract law. As a scholar of the European Union Jean Monnet program, Alexander von Humboldt Foundation, Max Planck Society, Swiss Institute of Comparative Law and the International Institute for the Unification of Private Law (Unidroit), she has conducted research in Lausanne, Bern, Rome, Munich and Hamburg. From 2005 to 2008, Yesim Atamer advised the Turkish Ministry of Industry and Trade in the adaptation of Turkish consumer law to the standards of the European Union. Since 2007, she has been the vice director of the European Institute of Istanbul Bilgi University.

INTERNATIONAL CONFLICT OF LAWS BY PROF. DR. PETER HAY

Credits: 2 ABA / 4 ECTS

Course Description: Private international law ("conflict of laws" or "conflicts," in American and, increasingly, in English and Canadian usage) deals with the special problems that arise when the facts of a case are "connected" to different countries. Examples include a contract made in one, but to be performed in another country; a tort committed abroad; a decedent's estate with assets in different countries; or a foreign divorce, perhaps with support and custody problems involving more than one country.

The course has two principal parts. On the procedural (litigation) side it deals with prerequisites for the exercise of jurisdiction over foreign defendants, questions of service and of obtaining evidence abroad, and with the recognition and enforcement in one country of judgments rendered in another as well as

defenses thereto. The second part deals with the question: which law applies? This includes the effect of a choice-of-law agreement by the parties, statutory or case law default rules for the determination of the applicable law, the effect of overriding mandatory local rules (e.g., for consumer protection) and how to determine the content of applicable foreign law.

The primary focus is on the conflicts law of the European Union (EU law and national member state law) with comparative consideration of US, Canadian and Chinese law.

CV: Peter Hay is the L.Q.C. Lamar Professor of Law at Emory University, Atlanta. Before accepting the appointment at Emory in 1991, he was Alumni Distinguished Professor of Law and dean at the University of Illinois. Since 1975 he has been an honorary professor at the University of Freiburg. In 1989, Peter Hay received the research prize of the Alexander von Humboldt Foundation in Germany. He is a titular member of the International Academy of Comparative Law and a life member of the American Law Institute. From 1994 to 2000 he held, concurrently with his Emory appointment, the chair for Civil Law, Foreign and International Private Law, and Comparative Law at the University of Dresden, where he also served as dean of the law faculty from 1997 to 2000. He holds B.A. and J.D. degrees from the University of Michigan. Peter Hay's research has focused on the fields of conflict of laws, European Community law and comparative law, especially in the contexts of contract and international sales law.

INTERNATIONAL TRADE LAW BY PROF. THOMAS KREBS

Credits: 2 ABA / 4 ECTS

Course Description: This course takes as its subject matter a sale of goods by a seller in one country to a buyer in another, and examines the contractual relations between various parties that may be involved in the making and performance of such a sale. Accordingly, it is concerned first with the relations between buyer and seller, emphasizing the special features of the sale which are due to its international character. Secondly, it is concerned with the carriage of goods from the seller to the buyer, once again emphasizing the special rules which govern international carriage. So as to keep the course within reasonable bounds, it deals only with carriage by sea and does not cover the special rules governing international carriage by air, road and rail. Thirdly, the course deals with an aspect of banking law. Payment in international sales is often made not directly by buyer to seller, but through the mechanism of a banker's commercial credit; the law relating to such credits forms the third part of the course. Although its name might suggest something different, the course is about a branch of English domestic law. Its concern is with the English rules governing international transactions (though these rules are often applied to contracts which have no physical connection with England). As a result, the materials and methods of this course are almost entirely those of a traditional common law course, i.e. consisting largely of a study of decided cases and legislation, though the latter is to a considerable extent influenced by international conventions. Internationally accepted customs and practices figure prominently in the banking section of the course. There will be eight one-hour lectures on CIF and FOB contracts, carriage of goods by sea and documentary credits, followed by a series of eight two-hour seminars (which will be taught using the Socratic method).

CV: Thomas Krebs read English and German law at the University of Kent at Canterbury, before going to Oxford to study for the postgraduate degree of Bachelor of Civil Law. He stayed at Oxford to complete a Ph.D. under Peter Birks, before then qualifying as a barrister. In 1999, he was invited to join the Law Faculty of University College London, where he spent four years as the Norton Rose Lecturer in Commercial Law. Since 2003, he has been a university lecturer in commercial law at the University of Oxford and a fellow of Brasenose College, Oxford. He continues to practice at the English Commercial Bar and is a member of a Chancery / Commercial Set of Chambers in Lincoln's Inn. He spent the academic year 2007-2008 as Hauser Global Law Fellow at New York University.

WHITE COLLAR CRIME BY BEATRICE KREBS

Credits: 1 ABA / 2 ECTS

Course Description: This course deals with contemporary issues in the prosecution of white collar crime.

Because most white collar crime is prosecuted in the USA, the primary focus will be on US federal law; however, where appropriate, reference will be made to other common law and civil law jurisdictions. The initial focus will be on the basic principles and theories underlying this area of law, particularly the doctrines which allow criminal liability to be imposed on corporations for the conduct of individuals. We will be looking at different definitions of white collar crime, who its offenders and victims are, and what harm is caused thereby. Criminal offences addressed will include mail and wire fraud, securities fraud and insider trading, extortion and bribery. A final focus will be on the investigation and punishment of white collar crime, including difficulties in enforcing white collar statutes and the overlap between federal and state law on the one hand and civil and criminal law on the other.

CV: Beatrice Krebs studied law at the Universities of Münster and Exeter, graduating in 2004 with the First State Exam (Erstes Juristisches Staatsexamen). In 2007, she obtained a BA in Jurisprudence from the University of Oxford, followed by an LL.M. from Columbia Law School, New York, in 2008 (Harlan Fiske Stone Scholar). She is a lecturer in law at Corpus Christi College, Oxford. Her doctoral thesis, funded by the Arts and Humanities Research Council (AHRC), focuses on homicide and joint criminal enterprise in English and German law. Research interests include white collar crime and comparative and international criminal law.

COURSES SESSION II (OCT. 31 - DEC. 16, 2011)

BUSINESS MEDIATION BY PROF: DR. LARS KIRCHHOFF AND FELIX WENDENBURG

Credits: 2 ABA / 4 ECTS

Course Description: This course aims to teach both the practical skills and the theoretical background of professional conflict resolution, with a focus on the interest-based method of mediation. Several areas of business mediation are introduced, including workplace mediation as well as the interplay between mediation and arbitration. The main subject during the first class is conflict and communication analysis, followed by the techniques and methods of mediation. Students learn to deal with conflicts systematically and constructively by means of several role plays and simulations, which are individually analyzed. Class preparation includes reading articles and book excerpts. Students are graded on the basis of an essay.

CV: Lars Kirchhoff is an attorney and mediator, partner at the Berlin-based firm TGKS, as well as academic director of the postgraduate master's program in mediation and the Institute for Conflict Management at the European University Viadrina. He specialized in alternative dispute resolution at Yale Law School, the OSCE and in the mediation program of the US District Court of Northern California. He is also a lecturer in ADR at Bucerius Law School, the Centrale für Mediation and for the Ministries of Justice in Lower Saxony and Mecklenburg-Vorpommern. Lars Kirchhoff has authored numerous publications on state sovereignty, mediation and the interplay between international commercial arbitration and mediation.

CV: Felix Wendenburg is a mediator and senior researcher at the Institute for Conflict Management at the European University Viadrina. After graduating from Bucerius Law School Hamburg in 2008, he worked as a research associate and doctoral candidate at the Max-Planck-Institute for Comparative and International Law in Hamburg and received his mediation training at Bucerius Law School Hamburg, the Lawyers' Chamber, Celle, Boston College Law School, Boston, Fordham University School of Law, New York City and the mediation program of the US District Court of Northern California. Felix Wendenburg has authored several publications on "interprofessionality" in mediation, the legal framework of mediation and on law school grading policies.

CORPORATE GOVERNANCE BY DR. CARSTEN JUNGSMANN

Credits: 2 ABA / 4 ECTS

Course Description: Corporate governance primarily concerns the (executive) directors' fiduciary duties as well as the tasks and rights of those who have control of the management (non-executive directors, mem-

bers of the supervisory board, shareholders). The course focuses on corporate governance in stock corporations and deals in detail with the German Corporate Governance Code. As the course takes a comparative approach, recent trends on the European level, as well as in the US and in the UK, are taken into account.

For this course, students are strongly recommended to have completed the course "Corporate Law" (or an equivalent course in their home country). As case studies form an integral part of this course, every student should be willing to take part in group work / group presentations.

CV: See "Corporate Law" above for Carsten Jungmann's CV.

INTERNATIONAL BANKING TRANSACTIONS BY DR. CHRISTOF MARIA FRITZEN

Credits: 1 ABA / 2 ECTS

Course Description: This course, conducted by a former lawyer and banker, is an introductory survey into basic international banking products and transactions, such as deposits, forwards, futures, swaps, options, project financing and securitizations. Discussions will focus on (1) the purpose of these transactions and their economic / financial workings and risk profiles and (2) their legal requirements, documentation and advisory needs, and will give an introduction into the regulatory aspects driving many of these transactions. The materials for this short course include landmark cases, scholarly writings, samples of real-life documentation, instructions for a negotiation session and other readings. No in-depth financial and/or banking knowledge is required.

CV: Christof Maria Fritzen was a managing director of Deutsche Bank AG, where he worked in various positions in investment banking, risk management and as head of the office of the management board and the supervisory board. He worked for six years in the New York and Brussels offices of the law firm of Cleary, Gottlieb, Steen & Hamilton. He received his legal education at the universities of Freiburg and Würzburg in Germany and at Columbia Law School in New York, specializing in international business law. Since 2002, Christof Fritzen has been a visiting professor at the Law School of the University of Virginia, Charlottesville, teaching courses in international banking law and comparative constitutional law. He serves as a member of the supervisory board of REpower Systems AG, Hamburg. Furthermore, the Sovereign Military and Hospitaller Order of Malta has appointed Christof Fritzen as its ambassador to Bosnia and Herzegovina.

INTERNATIONAL COMMERCIAL CONTRACTS BY PROF. PETRA BUTLER

Credits: 2 ABA / 4 ECTS

Course Description: The rapid growth of international commercial contract activity permits companies to penetrate foreign markets with greater success. To maximize market share and continued commercial growth, business owners and company executives need well-drafted international commercial contracts. Such contracts cover diverse topics, such as simple purchase orders, but also international distribution agreements.

This course focuses on the different issues which need to be taken into account when drafting an international commercial contract or when one is faced with enforcing one. The beginning of the course will outline the different alternative dispute resolution possibilities (negotiation, mediation, international arbitration) before discussing international civil procedure relevant to international commercial contracts (including enforcement). The second part of the course focuses on private international law rules concerning international commercial contracts and on substantive laws that might be applicable to contracts, such as the Covenant on the International Sale of Goods or the UNIDROIT Principles, and will also discuss particular topics such as payment and bill of lading and documents of title.

CV: Petra Butler is a senior lecturer at Victoria University of Wellington and associate director of the New

Zealand Centre for Public Law. She studied law in Würzburg and Göttingen before obtaining an LLM from Victoria University and a PhD from the Georg-August University of Göttingen. She is a fully qualified German and New Zealand lawyer and has practiced in both countries. Petra Butler's research interests lie in human rights law, international private law and comparative law (public and private). She has authored, together with her husband, the main text on the New Zealand Bill of Rights Act 1990 and a book on the Convention on the International Sale of Goods with Professor Peter Schlechtriem. Furthermore, she has published numerous articles in her areas of research. She regularly advises the New Zealand Government and other agencies on matters of human rights and private international law.

THE LAW OF THE EU BY N.N.

Credits: 1 ABA / 2 ECTS

Course Description: Will be available soon.

CV: Will be available soon.

TRANSNATIONAL MERGERS & ACQUISITIONS BY LAURENT COHEN-TANUGI

Credits: 2 ABA / 4 ECTS

Course Description: The course will explore the complexity of cross-border transactions, with a specific focus on transatlantic mergers and acquisitions. The subject-matter provides an opportunity to tie together different bodies of law (corporate, contracts, securities, antitrust and other regulatory fields) and to confront the US and European legal and business environments in a real-life, practice-oriented context, including case studies of major transactions.

The course will cover:

- The business and legal framework of transatlantic M&A
- Transaction structures / Key deal considerations
- Exploring a cross-border M&A agreement
- Public transactions / Regulatory matters
- Deal risk management / Hostile takeovers
- Post merger matters / Transatlantic convergence and divergence

The course aims to provide students with a broad understanding of the legal aspects of major transactions. This is US-style interactive course with a deal-oriented approach and real-life case studies.

CV: Laurent Cohen-Tanugi is a Paris-based international lawyer and policy adviser. A member of the Paris and New York Bars, he specializes in cross-border mergers and acquisitions, international arbitration and policy advisory work. He was previously a partner of Skadden, Arps, Slate, Meagher & Flom LLP (2005-2007), Senior Vice President and general counsel of Sanofi-Synthelabo, a European pharmaceutical group (2004), and a partner of Cleary, Gottlieb, Steen & Hamilton (1991-2003). Laurent Cohen-Tanugi is an alumnus of the Ecole Normale Supérieure and holds an agrégation in French literature from the University of Paris and a degree from the Institute of Political Studies of Paris. He graduated from the University of Paris Law School in 1981 and received an LL.M. degree from the Harvard Law School in 1982. He is the author of numerous influential books, including *Le Droit sans l'Etat* (PUF, 1985; réed. 2007), a comparative essay on the French and American legal and political traditions, prefaced by Professor Stanley Hoffmann of Harvard University. His latest English-language works include *An Alliance At Risk, The United States And Europe After September 11* (Johns Hopkins University Press, 2003) and *The Shape of the World to Come, on the geopolitics of globalization* (Columbia University Press, 2008). Laurent Cohen-Tanugi taught a course on Transatlantic Mergers & Acquisitions as visiting lecturer at the Harvard Law School in the spring of 2009. He will be teaching the course at Sciences Po and HEC in the fall term of 2011.

COURSES SPANNING BOTH SESSIONS (SEPT. 5 - DEC. 16, 2011)

GERMAN LAW SURVEY COURSE BY DR. LUTZ EIDAM, PROF. DR. F. FAUST, DR. ANNA MIRIA FUERST, DR. CARSTEN JUNGMANN, PROF. DR. H. PÜNDER, PROF. DR. K. SCHMIDT, PROF. DR. K. THORN AND PROF. DR. B. WEITEMEYER

Credits: 2 ABA / 4 ECTS

Please note that this course is mandatory for all exchange students.

Course Description: The course commences with an introduction of the basic features of the German Legal System and covers all major aspects of German law over the course of the semester. This year's topics include: German Constitutional Law - historical background, basic principles, fundamental rights and constitutional complaint; German Administrative Law - general principles, administrative act and other types of administrative action; administrative and judicial review; as well as criminal law, contract law, tort law, company law and corporate taxation.

CV: For the professors' biographies, please visit http://www.law-school.de/lehrstuehle_lehre.html.

COMMUNICATION SKILLS FOR LAWYERS BY DR. JO ASCHENBRENNER, MICHAEL FRIEDMAN AND N.N.

Credits: 2 ABA / 4 ECTS

Course Description: Will be available soon.

CV: Will be available soon.