Institute for International Commercial Law – The Undisputed Leader

IN A WORLD PRIOR TO the UN Convention on Contracts for the International Sale of Goods (CISG), a transaction between a business in China and one in the U.S. would typically put one party at a disadvantage to the other if a dispute arose as the law of one country would apply to the exclusion of another. The CISG evened the playing field by providing an overarching international sales law which could be uniformly applied, enabling more predictability in these outcomes.

At this time a visionary from Pace Law School named Albert H. Kritzer conceived of the CISG Database, which would become, in his lifetime, the foremost repository of citations, cases, and texts on international sales law. The CISG Database and its home institute, the Institute for International Commercial Law (IICL) were founded at Pace Law School and are now in the hands of director Vikki Rogers. In addition to managing IICL’s outreach programs, Rogers is overseeing a database upgrade to improve functionality and increase its usage. According to Rogers, practitioners and judges statewide need greater awareness of the applicability of the CISG in resolving disputes. To that end, Rogers was asked by the American Society of International Law (ASIL) to write a chapter on international sales law and the Database for ASIL’s bench book, which serves as a resource for federal judges on international law.

As a natural outgrowth of the CISG Database, the IICL, in partnership with other academic institutions and intergovernmental organizations, founded programs and started initiatives whose primary focus is the teaching of and scholarship in international commercial law and international commercial arbitration. These include:

- Clive M. Schmitthoff International Essay Competition
- CISG Advisory Council

“Getting involved with the Institute was something I wanted to do even before orientation started. It was an opportunity for me to become more familiar with private international law. I speak Chinese fluently, both Mandarin and Cantonese, so I wanted to explore the international legal arena while in law school. Working with Vikki Rogers, I was exposed to emerging issues in commercial arbitration and online dispute resolution. Through working at the Institute, I received more than a classroom education. I researched the history of international treaties and explored issues (in preparation for conferences) that would shape the future of private international law.”

~ Kaon Lai '12

Willem C. Vis International Commercial Arbitration Moot

The IICL is probably best well-known domestically and internationally for its creation of the Willem C. Vis International Commercial Arbitration Moot. Organized by Pace Professor Emeritus Eric Bergsten, it is held annually in Vienna and attracts hundreds of teams from around the globe. This year’s team:

- Advanced to the Top 16 (out of 285 teams)
- Genavieve Shingle ’12 won third best oralist

2012 Pace Law School Vis Moot Team (L-R): Tim Bott, Courtney Chenette, Evan Grove, Genavieve Shingle, Andrew Cassady
Vikki Rogers ’99
A Central Figure in ODR

NICD DIRECTOR VIKKI ROGERS ’99 came to Pace Law School for environmental law, but her participation in the Vis Moot hooked her on international commercial law and arbitration. Throughout her career, Rogers has had the opportunity to see these areas of law from all angles, working in academia, private practice, and for a nonprofit arbitral institute.

It is her current research that will prove to be the most exciting of all – using the concept of online dispute resolution (ODR) to provide a framework for the resolution of e-commerce disputes.

“At the Institute, we came up with the idea for the creation of a set of global principles for international consumers contracts (GPICC) as nothing existed for B2C disputes that corresponded to the CISG. But given the likely value of these cross-border disputes, we realized that they could not practically be resolved in court and needed an alternative resolution platform. That is when we explored the option of ODR,” said Rogers.

Rogers became more involved in the ODR community, and provided input to the State Department and the Federal Trade Commission on the creation of an ODR framework to be proposed at the Organization of American States. Soon, it became evident that this framework didn’t only have purpose on a regional scale, but also would have value internationally. She worked with UNCITRAL to organize a conference on the subject and her efforts paid off when ODR became adopted at an UNCITRAL Working Group.

This type of work directly affects consumers who otherwise don’t have practical redress in the online marketplace. In recent years, Cyber Monday has seen more sales than Black Friday, and individual consumers need help in case their online transactions go awry. PayPal sees 60 million of these cases annually, and a platform for resolution is needed so both sides are heard and interests are being protected. Moreover, at a time when consumer rights as relates to arbitration agreements are being so hotly debated, ODR becomes an increasingly relevant and intriguing option.

“I see tremendous potential for the use of ODR in new online payment mechanisms and mobile banking,” she said.

• International Law Project
• CISG Case Translation Program
• Texts on International Commercial Law published under the auspices of the Institute
• International Commercial Law Lectures (with the Pace International Law Society)
• Guided research projects and summer externship program

These programs “enable us to build the most current and comprehensive repository in the world on the CISG. Having all these relationships and doing this work for the community help us to not only get the information to keep the database up to date, but enable us to make the international community and the U.S. more aware of the convention and its applications,” said Rogers.

The IICL also stays actively engaged in international arbitration, through its observer status at Working Groups II (arbitration) and III (ODR) at the UN Commission on International Trade Law (UNCITRAL) and submitting conference papers to the Working Group III meetings – the only NGO to consistently do so.