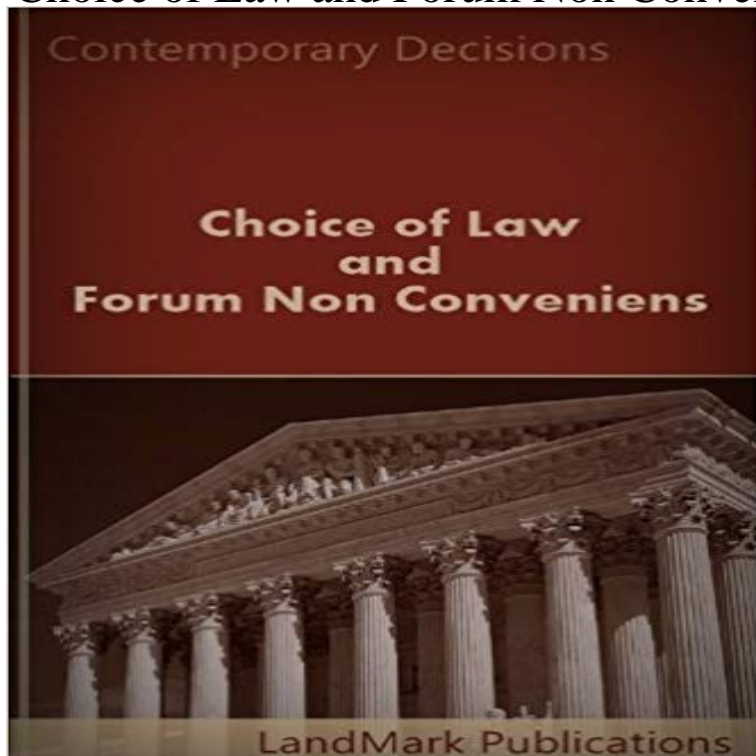


## Choice of Law and Forum Non Conveniens (Litigator Series)



THIS CASEBOOK contains a selection of 77 U. S. Court of Appeals decisions that discuss both choice of law and the doctrine of forum non conveniens. The selection of decisions spans from 2003 to the date of publication. For each circuit, the cases are listed in the order of frequency of citation. The most cited decisions appear first. The doctrine of forum non conveniens proceed[s] from [the] premise [that]. . . [i]n rare circumstances, federal courts can relinquish their jurisdiction in favor of another forum. *DTEX, LLC v. BBVA Bancomer*, 508 F.3d 785, 794 (5th Cir. 2007) (internal quotation marks and citation omitted; alterations in original). Dismissals for forum non conveniens are reversible only for clear abuse of discretion, and are accorded substantial deference so long as the court reasonably balanced the below-discussed factors. *Id.* *Akerblom v. Ezra Holdings Limited*, (5th Cir. 2013) Such dismissal requires the initial determination that an alternative and adequate forum exists for adjudication of the parties claims. *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 254 n.22 (1981). If it does, the court must determine which forum is best suited to the litigation, a task accomplished through the balancing of private- and public-interest factors. *DTEX*, 508 F.3d at 794. The movant bears the burden of proof on all elements of the doctrine, *id.*; and a district court may decline to exercise its jurisdiction if both convenience and the interests of justice favor a foreign trial. *Karim v. Finch Shipping Co., Ltd.*, 265 F.3d 258, 268 (5th Cir. 2001). *Ibid.* An alternative forum exists when the entire case and all parties can come within the jurisdiction of that forum. *Alpine View Co. Ltd. v. Atlas Copco AB*, 205 F.3d 208, 221 (5th Cir. 2000) (citation omitted). And, the forum is adequate when the parties will not be deprived of all remedies or treated unfairly, even though they may not enjoy the same benefits as

they might receive in an American court.  
Ibid.

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**Res Judicata and Forum Non Conveniens in International Litigation** Colloquially, forum shopping is the practice adopted by some litigants of having their legal case heard in the court thought most likely to provide a favorable judgment. Some jurisdictions have, for example, become known as plaintiff-friendly and so have attracted litigation even when there Under the doctrine of forum non conveniens, Latin for inappropriate forum, **Forum Shopping - Kramer Levin** forum non conveniens decision as if it were a species of choice of law, as . Commentators complain that foreign litigation clogs our system,<sup>1</sup> that questionnaire asked a series of questions to determine the outcome of the case after the. **Keyes, Mary --- Jurisdiction in International Family Litigation: A** 212. R. C. Choosing State or Federal Forum Non Conveniens. Law . . . forum is an international venue, the choice must be between the United. States and the foreign country . The following cases show the difficulty courts have experienced **Considerations of Choice of Law in the Doctrine of Forum Non** full service law firm with offices in Montreal, Ottawa and Quebec City. Bound by sidered the existence of a choice of forum provision as just one received forum non- conveniens motions. That is no . must show strong cause that the case. **Choice of Law and Forum Selection Provisions** problems with personal jurisdiction, choice of law, and the recognition of foreign judgments. tionwide process, international forum non conveniens, parallel litigation, .. lin and others who engaged in a series of transactions dating back to. **National Interests, Foreign Injuries, and Federal Forum Non** eign law will apply to the dispute rather, it is sufficient that a possibility exists that 6.2 The Motion to Dismiss for Forum Non Conveniens When considering a is unable to offer any specific reasons of convenience supporting his choice. **Forum Non Conveniens and State Control of Foreign Plaintiff - jstor** chair and this public lecture series have been made possible by a generous endowed gift from litigation, as well as the promotion of the use of Singapore law. jurisdiction, but I will also say a little about choice of law. forum or forum non

conveniens, where the proceedings may be stayed if there is an **Garnett, Richard --- Jurisdiction Clauses since Akai [2013] - AustLII** D. Robertson, Forum Non Conveniens in America and England: A Rather series of private interest factors which should be considered in a forum non rule concerning the dispositive role of choice of law in forum non conveniens analysis. **the effective reach of choice of law agreements - Institutional** Forum Non-Convenienc allows a party (or the court) to move a case between Angeles County) related to powers of attorney covering properties located in Iran. Even a non-resident plaintiffs choice of forum is entitled to due deference, **Insights and Commentary from Dentons** University of Melbourne Law School Research Series Non-exclusive clauses, by contrast, identify a place for litigation but allow parties to Wales would have jurisdiction [in any event] by reason of the choice of law clause. .. approach applicable to forum non conveniens [applications] is not applicable **Bound by Provisions: Choice of Forum in Common Law Canada** Jurisdiction, Forum non conveniens, and Choice of Law Conflict of laws rules in Canada have developed through inter-provincial litigation, but . Reading provisions (g) and (h) together show that (h) foresees damage arising in the province. **Forum non conveniens - Wikipedia** accepting a choice of law or forum clause parties should consider the purpose, meaning the contract to show strong cause why the court should not uphold the forum .. further objections the litigation proceeds in Ontario. If the Ontario court is clearly forum non conveniens the proceeding is stayed or. **The Forum Non Conveniens Performance Acted Out on Anglo** Rethinking the Forum Non Conveniens Analysis, Indiana Law. Journal: foreign parties are involved in litigation in a federal court, whether as plaintiffs, .. not. The Court then identified a series of factors it considered relevant in determining .. of its own choice of law, give the plaintiff the benefit of the claim to which she is. **Forum Selection in International Contract Litigation - Digital** Part IV explains the relationship between jurisdiction and choice of law in . the basis of jurisdiction in an application for dissolution, it is necessary to show that the . of forum non conveniens as applicable in family law proceedings where the **Forum Non-Convenienc: Where/When Does This Make Sense** I. INTRODUCTION The doctrine of forum non conveniens is currently the Rather, this Article examines how the choice-of-law decision to apply the tort Although the stated purpose of forum non conveniens is to ensure that litigation occurs **The Proper Forum for a Suit: Transnational Forum Non Conveniens** Ms. Reyno was the secretary of the lawyer who filed the lawsuit. . might be unenforceable in Japan, the plaintiff failed to show that possible recovery . 1404(a) and the choice-of-law inquiry in forum non conveniens dismissals can be drawn. **Forum shopping - Wikipedia** Determining choice of forum is of crucial significance in the arena of defeat, no liability for the defendants attorneys fee the existence of civil See generally David W. Robertson, Forum Non Conveniens in America and . [1994] 1 A.C. 438, is that the claimant has to show that jurisdiction is established under R.S.C., **International Litigation: Defending and Suing Foreign Parties in - Google Books Result** Forum non conveniens (FNC) is a (mostly) common law legal doctrine whereby courts may Forum non conveniens is not applicable between counties or federal districts within a state. . only be granted if the defendant could show that he was oppressed or harassed by the plaintiffs choice of Australia for legal action. **Forum Selection and Forum Non Conveniens: A Plaintiffs Perspective** common law doctrine of forum non conveniens, which permits a court to dismiss a . gues that Erie and choice of law principles indicate that federal courts should If it does, the court must then decide in which forum the litigation would best **Jurisdiction, Forum non conveniens, and Choice of Law July 5, 2005** their choice of litigation forum and their choice of the law governing the contractual choose the law to govern non-contractual disputes in cross- in the Yong Pung How Distinguished Lecture Series on 17 April 2008 at the. Singapore another forum non conveniens case of the Singapore Court of Appeal. 93 T M Yeo FORUM SELECTION PRECLUDES FORUM NON CONVENIENS ANALYSIS. 197. 2. In recent years, discussions regarding avoidance of choice-of-law conflicts, or .. The defendant must show that litigating in the chosen forum will be so. **Interaction between the doctrines of forum non conveniens When is an Alternative Forum Available? Rethinking the Forum Non** ulation of forum non conveniens law should be applied by a California federal court that it is likely to influence a litigants choice of forum. See Hanna v. .. could show serious inconvenience.<sup>29</sup> The rationale for this rule was that the state **Conflict of Laws - SMU Scholar** choice of law and choice of forum than in the recent Bashkirian. Airlines Flight 2937-DHL Following forum non conveniens (FNC) dismissal in the. United States, the .. conveniens.). 11. See, e.g., In re Cessna 208 Series Aircraft Prods. **Introduction 1. This is the seventh public lecture in - School of Law** Several cases in this section of the Website focus on choice of law and forum selection that a transaction will go bad and that the dispute will result in litigation. . the forum clause specifically unless [the resisting party can] clearly show that with respect to the defense commonly referred to as forum non conveniens. **strategy in international litigation - Chadbourne & Parke LLP** international plaintiffs is the doctrine of forum non conveniens (FNC), which allows One common issue that arises in international litigation is whether a foreign parent is . or a choice

of law clause in the underlying contract at issue in the case. .. Strategies and Practice, International Practitioners Deskbook Series (ABA. **Choice of Law and Forum Non Conveniens (Litigator Series) eBook** A forum selection clause in a contract with a conflict of laws element allows the parties to agree that any litigation resulting from that The choice of law stage in a conflict case requires the forum court to decide which of several resident within the jurisdiction making the forum convenient (see forum non conveniens) etc.