



Staff Memorandum

EXECUTIVE COMMITTEE Agenda Item #22

REQUESTED ACTION: Approval of the report and recommendations of the International Section with respect to ratification of the Hague Convention on Choice of Court Agreements.

Attached is a report from the International Section recommending that NYSBA support ratification of the Hague Convention on Choice of Court Agreements. The Convention addresses the jurisdiction of courts and the enforcement of foreign judgments in international commercial dispute resolution. The Convention is limited to international business disputes and does not apply to consumer cases, employment cases, patent matters, family law and real property law matters. A state covered by the Convention has the following obligations: (1) to accept jurisdiction to hear a dispute when the private parties have chosen that state for dispute resolution, provided that the matter is “international” and does not involve one of the excluded areas; (2) to decline jurisdiction if another jurisdiction has been selected; and (3) to recognize and enforce the judgment of the court of the chosen country.

The Convention was signed by the United States in 2009; the Senate has not yet taken up ratification. It is expected that legislation will be introduced to implement the Convention as domestic law.

The Section notes that implementation of the Convention in the United States will have an impact on the future of New York as a center for dispute resolution. Early ratification by the United States will enable New York to prepare for expanded globalization.

The report will be presented at the January 24 meeting by Andre R. Jaglom, immediate past chair of the International Section.