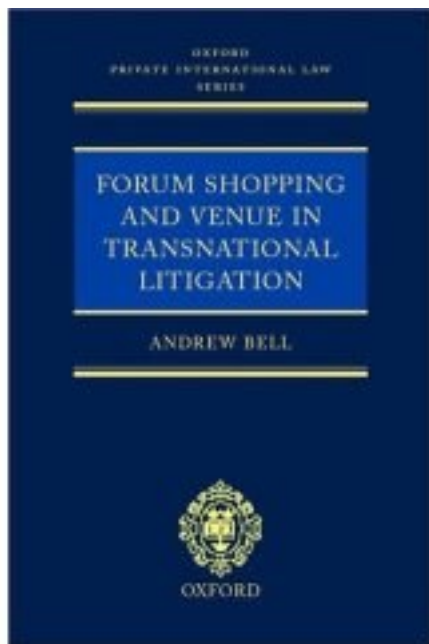


Forum Shopping and Venue in Transnational Litigation



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The rules by which a venue is selected and settled upon for the resolution of any given transnational dispute have fostered a complex, fascinating and burgeoning body of law of great commercial significance. As courts and legislatures seek to fashion sophisticated yet practical jurisdictional responses to this issue, practitioners strive to maximize their clients' prospects of success by securing their own preferred venue. For so long as different forums yield the prospect of different outcomes in the resolution of any given dispute, litigation about where to litigate is inevitable. Forum shopping is the province of plaintiffs and defendants alike. This book examines the fascinating competition to win the battle for venue in transnational litigation. It first identifies and

analyses the pre-conditions and incentives for forum shopping. These serve to explain not only the frequent intensity of interlocutory litigation relating to questions of venue but also the reason why much transnational litigation settles once the issue of venue is resolved, in turn underlining the practical significance of the subject. The guiding principle of the 'natural forum' - the common law's conceptual response to disputed questions of venue - is subjected to detailed analysis and compared with the more orderly response of jurisdiction-regulating conventions, most successfully effected in EU Regulation 44/2001 and its progenitor, the Brussels Convention. Then the various techniques of what can be called 'reverse forum shopping' including the evolving law relating to anti-suit injunctions and its interplay with the concept of international judicial comity are considered in detail. Finally, the book examines the role of, and the law relating to, jurisdiction and arbitration agreements in transnational litigation, including the manifold techniques by which parties seek to (and frequently do) extricate themselves from these forum-selection arrangements.

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