The publication of the contributions to the Fourteenth Sokol Colloquium is overshadowed by the untimely death of Richard B. Lillich on August 4, 1996. One of the world’s leading authorities on international claims law and international human rights law, Richard has been the guiding light of the Sokol series since its inception in 1977. Richard possessed extraordinary intellectual range and was a prolific and influential scholar. The University of Virginia School of Law and the international law community will miss him greatly.

In recent years there has been an explosion of academic interest in international dispute resolution—litigation, arbitration, mediation, or conciliation—among parties located in different countries. This increase in academic interest reflects an increase in the practice of international dispute resolution, which in turn is a byproduct of the globalization of trade and communication. The Fourteenth Sokol Colloquium focuses on a relatively neglected but important piece of the international dispute resolution puzzle: the legal regime that guides and regulates a party’s selection of forum. Parties involved in an international dispute face a number of forum selection choices. One choice is the form of dispute resolution; primarily, this is a choice between litigation or arbitration. Another choice involves the timing of the forum selection: should the parties agree to resolve a dispute before or after it arises? If the parties to an international contract agree ex ante (usually in the contract itself) to resolve any subsequent disputes in a particular forum, a complaining party faces the additional choice whether to pursue arbitration or litigation in the agreed-upon forum, or to initiate a dispute resolution process in a more favorable forum. After the complainant’s initial forum selection, the responding party must decide whether to acquiesce in the
choice or initiate a counter-process in a more favorable forum. Even after disputes over the initial forum selection are resolved, parties often retain the option to seek provisional and protective measures in alternate forums.

This year’s Colloquium is devoted to the complex and overlapping mixture of local, national, and international law that regulates these choices. The first section addresses the relative advantages and disadvantages of the two major forms of ex ante party choice of forum: an arbitration agreement or a judicial forum selection clause. The next section is devoted to the scope and validity of transnational provisional and protective measures. The final section focuses on the judicial responses to exorbitant forum selections, and primarily on antisuit injunctions and the doctrine of forum non conveniens. The contributors to the colloquium represent many of the leading authorities on these issues from the United States and Europe; most of their papers involve comparative analyses of various European and American approaches to these problems.

Thanks as always are due to Maria White, the Administrative Director of the Gustave Sokol Program. Maria’s planning, organization, and execution of the Fourteenth Colloquium were indispensable. Maria is retiring from her association with the Sokol program this year in order to pursue her studies full time. Everyone involved in the Sokol program, as well as future Sokol participants, will be the poorer for her absence. Thanks are also due to my research assistants, Ingrid Beiso, Michelle DeBortoli, and Peter Lefkowitz for their superb assistance in the preparation of this volume. I also thank Dean Robert Scott, whose support through a summer research grant enabled me to complete my editorial chores. And finally, I thank Ronald Sokol, Esq., whose establishment of the Gustave Sokol Fund has made the Fourteenth Sokol Colloquium and its predecessors possible.

Jack Goldsmith

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