
Jurisdictional Standards in New York Convention Cases and Actions Against Foreign States

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The Second Circuit Court of Appeals recently broke new ground by holding that courts must first determine whether they have jurisdiction over the party (or the party's property) against whom the enforcement of an international arbitral award is sought before they can consider the exclusive grounds for refusing confirmation under the New York Convention. Perhaps even more significant, the court reversed nearly 30 years of precedent in holding that neither foreign states nor their agents are entitled to the jurisdictional protections of the Due Process Clause of the Fifth Amendment to the US Constitution.

In an article originally published in the *New York Law Journal*, WilmerHale Partner [John V.H. Pierce](#) and Counsel Matthew E. Draper, both members of the firm's International Arbitration and International Litigation Practice Groups, discuss the recent ruling of the Second Circuit in *Frontera Resources Azerbaijan Corp. v. State Oil Co. of Azerbaijan Republic*, and explain the ruling's implications for enforcing international arbitral awards and bringing suits against foreign states and state-owned entities in the courts of the Second Circuit.

Read the full text of the article: [New York Convention Awards In the](#)

Second Circuit: ‘Frontera’ Provides Guidance on Jurisdiction and Foreign States.

Lawyers in WilmerHale’s **International Arbitration** and **International Litigation** Practice Groups have significant experience litigating disputes involving foreign states and state-owned entities in both international arbitration and US federal courts.