

CURRICULUM VITAE

HARRY M. FLECHTNER

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Spouse: Joan Kammer Flechtner

Children: Emily (born 1983) and Andrew (born 1985)

Birth Date: April 8, 1951

Bar Admission: D.C., 1981

Current Employment

University of Pittsburgh School of Law, Professor of Law since September, 1994. Associate Professor, 1988-94. Assistant Professor, 1984-88. Specializing in domestic and international contract and commercial law.

Courses Taught Contracts, 1984-present (required first year course; currently 1 semester, 4 credits; 1984-95, 2 semesters, six credits). Average enrollment: 88.

Commercial Transactions in Goods/Sales (domestic and international sales and leases), 1985-present (elective upper-level course, three credits). Average enrollment: 90.

International Sales Seminar, 1996-present (elective upper-level limited enrollment research course, 2 credits). Average enrollment: 11.

Advanced Bankruptcy, 2000-2005 (elective upper-level course, three credits). Average enrollment: 10.

Bankruptcy, 1986-1995, 1997-1999 (elective upper-level course; three credits). Average enrollment: 70.

Commercial Transactions (commercial paper and sales), Spring, 1985 (elective upper-level course; four credits). Enrollment: 100.

Teaching Abroad Faculty Member, the Institute in International Commercial Law and Dispute Resolution (taught the week-long component focusing on the United Nations Convention on Contracts for the Sale of Goods ("CISG")), Zadar, Croatia, July 2011 and July 2010.

Planned and taught 2-credit courses on Comparative International Sales Law for students at the Summer Institute on European and International Economic Law at the University of Augsburg, Germany, June 20-July 8, 2011 and July 20-August 7, 2009.

With Professor Beate Gsell of the University of Augsburg, organized and conducted seminars for advanced students on Delivery of Non-Conforming Goods under the U.N. Sales Convention and German Law (July 2, 2011) and on Comparative and International Sales Law Remedies (July 31-August 1, 2009) at the Summer Institute on European and International Economic Law at the University of Augsburg, Germany.

With Professor Ronald Brand of the University of Pittsburgh, planned and conducted a 25-hour training simulation on International Commercial Transactions for U.S. Steel Lawyers from Slovakia, Serbia, and the United States at the facilities of U.S. Steel Košice in Medzev, Slovakia, September 21-26, 2008.

With Professor Ronald Brand of the University of Pittsburgh, presented a 30-hour course on International Commercial Law and International Business Transactions to a group of U.S. Steel lawyers from Slovakia, Serbia, and the United States at the facilities of U.S. Steel Košice in Medzev, Slovakia, November 5-9, 2007.

Guest lecture at the University of Bologna (Italy), March 24, 2007 in Professor Marco Torsello's International Commercial Law course for LL.M. students. Topic: Uniform International Commercial Law in U.S. Courts.

Faculty member and Law Faculty Administrator, Semester-at-Sea, Summer 2005. Taught International Sales Law (for law students) and Business Law (for undergraduates) on voyage that called on ports in Iceland, Norway, Russia, Poland, Belgium, France, Ireland and Spain.

Visiting Research Fellow, University of Bologna, May 2005. Research on comparative and international commercial law.

Guest lectures at the University of Gent (Belgium), March 1-March 21, 1999, in courses on Private International Law (conducted three classes on the United Nations Convention on Contracts for the International Sale of Goods ("CISG")), Financial Law (panelist in a comparative analysis of fact situation under U.S. and Belgian corporate reorganization statute) and Law and Economics (lecture on the economic rationale for the CISG).

Seminar on the United Nations Convention on Contracts for the International Sale of Goods, for the University of Augsburg (Germany) Faculty of Law, June 6-13, 1993 at the Kurt Bösch Center, Sion, Switzerland (co-taught with Professor Dr. Volker Behr of the University of Augsburg).

Other Academic Responsibilities Supervised an average of 3 independent studies in commercial law per year. Conducted sections of first-year legal writing/moot court program, 1986-88. Served as faculty adviser to the *Journal of Law and Commerce*, a student-run journal, since 1986. Coached the Law School's student team in the Willem Vis International Commercial Arbitration Moot competition, including oral arguments each year in Vienna, Austria, since 1997. Served as a "core faculty affiliate" of the University of Pittsburgh Global Studies Program since 2002.

Served as Acting Director of the University of Pittsburgh Center for International Legal Education, Spring, 1998. Overall responsibility for Center activities and for the Center's Masters of Laws program for foreign law graduates.

International Service In 2010-11, by appointment of the United Nations Commission on International Trade Law ("UNCITRAL"), served as Coordinator for the project to update the UNCITRAL Digest of Case Law on the United Nations Convention on the International Sale of Goods; at the July 7, 2011, meeting of the UNCITRAL National Correspondents in Vienna, I presented the completed draft of the update (the work of nine Digest Editors), and the draft update was approved.

Created and delivered lectures and materials covering the United Nations Convention on Contracts for the International Sale of Goods ("CISG") for the United Nations Audiovisual Library of International Law, <http://www.un.org/law/avl/> (see individual entries under "Online Publications" below).

Appointed by the United States Department of State as a “National Correspondent” for the United States at the United Nations Commission on International Trade Law (“UNCITRAL”). Duties include tracking decisions in the United States on the United Nations Convention on Contracts for the International Sale of Goods (CISG) and preparing abstracts of those decisions for publication through UNCITRAL’s “CLOUT” (Case Law on UNCITRAL Texts) system. Participated as the U.S. National Correspondent at biannual meetings of the UNCITRAL National Correspondents at the U.N. International Centre in Vienna, July 7, 2011 and July 5, 2007.

Invited participant in an UNCITRAL workshop on the development of standardized materials for teaching international uniform commercial law, at the Juridicum (Law School) of the University of Vienna, April 1, 2007.

Guest Lecturer at Meiji Gakuin University, Tokyo (Japan) on Legal Education in the United States, sponsored by the Institute for Jurisprudence, Meiji Gakuin University, Tokyo (Japan) March 1-March 10, 2001.

Visitor under Faculty Exchange program with the University of Gent (Belgium) March 1-March 21, 1999.

Visiting Lecturer, University of Augsburg (Germany), May-June, 1993 (visit funded by grant from United States Information Agency).

Conferences/
Symposia
Organized

(Co-organizer with Professor Ronald Brand). “The CISG and the Business Lawyer: The UNCITRAL Digest as a Contract Drafting Tool,” a symposium sponsored by the United Nations Commission on International Trade Law (“UNCITRAL”) and the University of Pittsburgh Center for International Legal Education, Pittsburgh, Pennsylvania, November 4 and 5, 2005.

(Co-organizer with Professor Ronald Brand). “Beyond the UNCITRAL Digest Cases, Analysis and Unresolved Issues in the U.N. Sales Convention,” a symposium sponsored by the Center for International Legal Education, the *Journal of Law and Commerce*, and the International and Comparative Law Section of the Pennsylvania Bar Association, Pittsburgh, Pennsylvania, February 7, 2003.

(Co-organizer with Professor Ronald Brand). “Ten Years of the United Nations Sales Convention,” a symposium sponsored by the Center for International Legal Education, the *Journal of Law and Commerce*, and the Private International Law Interest Group of the American Society of International Law, October 17, 1997.

Honors

- First multiple winner of University of Pittsburgh Student Bar Assoc. Award for Excellence in Teaching (received awards in 1989, 1995, 1997, 2003 and 2010).
- Recipient of the Chancellor’s Award for Excellence in Teaching from the University of Pittsburgh, 1997.
- Cited by the Solicitor General of the United States as “one of the leading academic authorities on the [United Nations Sales] Convention” (Brief for the United States as Amicus Curiae on Petition for Certiorari to the United States Supreme Court in *Zapata Hermanos Sucesores, S.A. v. Hearthside Baking Co.*, October 2003, at 5).

University
Service

Member, University of Pittsburgh Advisory Council on Instructional Excellence, 1998–2000. University of Pittsburgh Senate Standing Committee on Organization & Procedures, 1993-96 (Committee Secretary, 1994-96); Elected to University Faculty Assembly for 1987-90 term.

- Law School Service Chaired the following law school committees: Law School Steering Committee (2000-2001), International Programs Committee (1999-2000, 2002-03), Teaching Committee (2009-10), Committee on Petitions & Academic Standards (1998), Admissions Committee (1997-98), Appointments Committee (1993-94, 2001-02, 2003-04), Writing Awards Committee (2007-08), and Library Committee (1989-90). Served on the following committees: Steering, Appointments, Teaching Curriculum, Admissions, International Programs, Petitions & Academic Standards, Honor Board, and Continuing Education.
- Professional Service Member of the Council of the Bankruptcy and Commercial Law Section of the Allegheny County Bar Association.
Member of the American Bankruptcy Institute, 1996-2006.
- Member of the Contracts Section and Creditor Rights Section of the American Association of Law Schools.
Member of the Advisory Council for the *American Bankruptcy Institute Law Review*, 1996-2001.
Served as neutral arbitrator in contract dispute between physician and hospital, 1990.

Prior Employment

- 1981-84 Wilmer, Cutler & Pickering, Washington, D.C. Associate with responsibility for litigation, corporate, international, commercial, communications and banking law assignments.
- Term-time, 79-81 Harvard Law School (part time). Instructor in legal research raining program and adviser for first-year moot court program.
- Summer, 1980 Davis Polk & Wardwell, New York, New York. Summer associate with responsibility for corporate, litigation and commercial assignments.
- 1974-79 Department of English and American Language and Literature, Harvard University (part time). Teaching Fellow serving as section instructor and grader in undergraduate literature courses, and as instructor in honors tutorial program (supervising senior honors theses, junior-year individual reading courses, and sophomore group tutorials).
- 1976-78 Harvard College, Supervisor of Leverett House Library. Hired and supervised 15-30 member student staff; administered \$12,000/year budget; planned and supervised installation of 2,000 volume special collection.

Legal Education

Harvard Law School, 1978-81; J.D. (1981) *cum laude*.

Course: As prescribed, with emphasis on commercial and international law.

Activities: Jessup International Law Moot Court Competition; Board of Student Advisers (Chairman of Legal Research Training Committee); International Law Society.

Other Graduate Education

Harvard University Graduate School of Arts & Sciences, 1973-78; M.A. (1975); completed course and oral examination requirements of Ph.D. program (dissertation unfinished).

Course: As prescribed by Department of English and American Language and Literature, with emphasis on nineteenth-century intellectual prose.

Activities: Non-resident tutor, Leverett House, Harvard College; co-sponsor of literature discussion table at Leverett House; member of “Harvard Victorians,” a faculty/graduate student discussion group.

Dissertation: Epistemology and the History of Style in the Works of Thomas Carlyle (unfinished).

Undergraduate Education

Harvard College, 1969-73; A.B. (1973) *magna cum laude*; Phi Beta Kappa.

Course: Liberal Arts. Concentration: English and American Language and Literature.

Activities: Assistant General Editor, *Harvard Independent* (student-run weekly newspaper).

Publications

BOOKS AND CHAPTERS:

The Future of the Sales Convention: In Defense of Diversity (Some Non-Uniformity) in Interpreting the CISG, in FESTSCHRIFT IN HONOR OF PROFESSOR INGEBORG SCHWENZER [forthcoming 2011].

Excluding CISG Article 35(2) Quality Obligations: The “Default Rule” View vs. the “Cumulation” View, in INTERNATIONAL ARBITRATION AND INTERNATIONAL COMMERCIAL LAW: SYNERGY, CONVERGENCE AND EVOLUTION (LIBER AMICORUM IN HONOR OF PROFESSOR ERIC BERGSTEN) 571-84 (Kluwer Law International, 2011).

Service Contracts in the United States (and from an Economic Perspective): A Comparative View of the DCFR’s Service Contract Provisions and Their Application to Hawkins v. McGee, in RECHTSVERGLEICHUNG UND RECHTSVEREINHEITLICHUNG 149 (Mohr Siebeck Publishers).

HONNOLD, JOHN O., EDITED AND UPDATED BY FLECHTNER, HARRY M., UNIFORM LAW FOR INTERNATIONAL SALES UNDER THE 1980 UNITED NATIONS CONVENTION (4th ed., Kluwer Law International, 2009).

MURRAY, JOHN E. AND FLECHTNER, HARRY M., SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (3d ed., West Group, 2009) (accompanied by 192 page Teacher’s Manual).

The Globalization of Law as Documented in the Law on International Sales of Goods, in NIEUW INTERNATIONAAL PRIVAATRECHT: MEER EUROPEES, MEER GLOBAAL 541 (XXXVe Postuniversitaire Cyclus Willy Delva 2008-09) (J. Erauw & P. Taelman, eds.) (Kluwer, 2009), available at SSRN: <http://ssrn.com/abstract=1572917>.

DRAFTING CONTRACTS UNDER THE CISG (Harry M. Flechtner, Ronald A. Brand and Mark S. Walter, eds., Oxford University Press, 2008); authored the chapter entitled *Addressing Parol Evidence Issues in Contracts Governed by the CISG*.

‘The CISG Song’, the ‘Mootie Blues’ and a Dedication to a CISG Entrepreneur, in SHARING INTERNATIONAL COMMERCIAL LAW ACROSS NATIONAL BOUNDARIES: FESTSCHRIFT FOR ALBERT H. KRITZER ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY (Camilla B. Andersen & Ulrich G. Schroeter, eds., Wildy, Simmonds & Hill Publishing, 2008).

BOOKS AND CHAPTERS cont'd

Malların Sözleşmeye Uygunluğu, Üçüncü Kişilerin Talepleri ve Alicinin İhlal Bildirimi ("Conformity of Goods, Third Party Claims, and Buyer's Notice of Breach"), in MİLLETLERARASI SATIM HUKUKU (Yeşim M. Atamer, ed., 2008) (paper delivered at November 2006 conference on "The United Nations Convention on Contracts for the International Sale of Goods: What Challenges for Turkish Sales Law," at Istanbul Bilgi University, translated into and published in Turkish).

Moving Through Tradition Towards Universalism under the U.N. Sales Convention (CISG): Notice of Lack of Conformity (Article 39) and Burden of Proof in the Bundesgerichtshof Opinion of 30 June 2004, in LIBER MEMORIALIS PROFESSOR PETAR ŠARČEVIĆ (J. Erauw, V. Tomljenović & P. Volken, eds., 2006). *The CISG in U.S. Courts: The Evolution (and Devolution) of the Methodology of Interpretation*, in *QUO VADIS CISG: CELEBRATING THE 25TH ANNIVERSARY OF THE UNITED NATIONS CONVENTION ON CONTRACTS FOR THE INTERNATIONAL SALE OF GOODS* (Franco Ferrari, ed., Sellier European Law Publishers, 2005).

THE DRAFT UNCITRAL DIGEST AND BEYOND: CASES, ANALYSIS AND UNRESOLVED ISSUES IN THE U.N. SALES CONVENTION (Franco Ferrari, Harry Flechtner and Ronald A. Brand, eds., Sellier European Law Publishers, 2004); also authored the chapter entitled *Buyer's Obligation to Give Notice of Lack of Conformity (Articles 38, 39, 40 and 44)*.

The CISG's Impact on International Unification Efforts: The UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law, in THE 1980 UNIFORM SALES LAW: OLD ISSUES REVISITED IN THE LIGHT OF RECENT EXPERIENCES (Franco Ferrari, ed., Sellier European Law Publishers, 2003).

MURRAY, JOHN E. AND FLECHTNER, HARRY M., SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (2nd ed., West Group, 2003) (accompanied by 225 page Teacher's Manual).

Remedies under the CISG and Limits to their Uniform Character, Chapter 2 of THE INTERNATIONAL SALE OF GOODS REVISITED (Peter Šarčević and Paul Volken, eds.; Kluwer, 2001) (with Johan Erauw).

MURRAY, JOHN E. AND FLECHTNER, HARRY M., SALES, LEASES AND ELECTRONIC COMMERCE: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (West Group, 2000) (accompanied by 200 page Teacher's Manual).

MURRAY, JOHN E. AND FLECHTNER, HARRY M., SALES AND LEASES: PROBLEMS AND MATERIALS ON NATIONAL AND INTERNATIONAL TRANSACTIONS (West Publishing Company, 1994) (accompanied by 200 page Teacher's Manual).

Commentary on "Bankruptcy" in TRADE & COMMERCIAL LAWS OF THE RUSSIAN FEDERATION: OFFICIAL CODIFICATION & COMMENTARY (Oceana Pubs., 1993).

ARTICLES:

The Exemption Provisions of the Sales Convention, Including Comments on "Hardship" Doctrine and the 19 June 2009 Decision of the Belgian Cassation Court, 59 ANNALS OF THE FACULTY OF LAW IN BELGRADE: BELGRADE LAW REVIEW 84-101 (2011), available online in SSRN as University of Pittsburgh Legal Studies Research Paper No. 2011-09, <http://ssrn.com/abstract=1785545>, and available at <http://www.ius.bg.ac.rs/Anali/Annals%202011/Annals%202011%20p%20084-101.pdf>.

Selected Issues Relating to the CISG's Scope of Application, 13 THE VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW AND ARBITRATION 91 (2009), available online in SSRN as University of Pittsburgh Legal Studies Research Paper No. 2009-29, <http://ssrn.com/abstract=1487678>.

ARTICLES cont'd

Funky Mussels, a Stolen Car, and Decrepit Used Shoes: Non-Conforming Goods and Notice Thereof under the United Nations Sales Convention ("CISG"), 26 B.U. INT'L L.J. 1 (2008), draft available online in SSRN as University of Pittsburgh Legal Studies Research Paper No. 2008-21, <http://ssrn.com/abstract=1144182>.

Article 79 of the United Nations Convention on Contracts for the International Sale of Goods ("CISG") as Rorschach Test: The Homeward Trend and Exemptions for Delivering Non-Conforming Goods, 19 PACE INT'L L. REV. 29 (2007) (contribution to Gedenkschrift in Honor of E. Allen Farnsworth).

Zapata Retold: Attorneys' Fees Are (Still) Not Governed by the CISG, 26 J.L. & COM. 1 (2006-07) (with J. Lookofsky), available at SSRN: <http://ssrn.com/abstract=1334299>.

The Lyrical Side of International Commercial Law, 6 INTERNATIONALES HANDELSRECHT (IHR) 265 (2006).

Buyers' Remedies in General and Buyers' Performance-Oriented Remedies, 25 J.L. & COM. 339 (2005), available at SSRN: <http://ssrn.com/abstract=1334298>.

Nominating Manfred Forberich: The Worst CISG Decision in 25 Years?, 9 THE VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW AND ARBITRATION 199 (2005) (with J. Lookofsky), available at SSRN: <http://ssrn.com/abstract=1311459>.

Substantial Revisions to U.S. Domestic Sales Law (Article 2 UCC), 4 INTERNATIONALES HANDELSRECHT/INT'L COMM. L.: ZEITSCHRIFT FÜR DES INTERNATIONALEN WARENKAUFS UND-VERTRIEBS 222 (2004).

Viva Zapata! American Procedure and CISG Substance in a U.S. Circuit Court of Appeal, 7 THE VINDOBONA JOURNAL OF INTERNATIONAL COMMERCIAL LAW AND ARBITRATION 93 (2003) (with J. Lookofsky), available at SSRN: <http://ssrn.com/abstract=1311456>.

Recovering Attorneys' Fees as Damages under the U.N. Sales Convention (CISG): The Role of Case Law in the New International Commercial Practice, with Comments on Zapata Hermanos v. Hearthside Baking, 22 NORTHWESTERN J. INT'L L. & BUS. 121 (2002), available on the web at <http://www.cisg.law.pace.edu/cisg/biblio/flechtner4.html#87>.

Comparing the General Good Faith Provisions of the PECL and the UCC: Appearance and Reality, 13 PACE INT'L L. REV. 295 (2001), available at SSRN: <http://ssrn.com/abstract=1346498>.

The Summer 1999 Draft of Revised Article 2 of the Uniform Commercial Code: What Hath NCCUSL Rejected?, 19 J.L. & COM. 1 (1999) (with John E. Murray).

The U.N. Sales Convention (CISG) and MCC-Marble Ceramic Center Inc. v. Ceramica Nuova D'Agostino, S.p.A.: The Eleventh Circuit Weighs in on Interpretation, Subjective Intent, Procedural Limits to the Convention's Scope, and the Parol Evidence Rule, 19 J.L. & COM. 259 (1999).

Breach of Remote Sellers' Warranties—Revocation, Refund and Remedy, 31 U.C.C.L.J.L 131 (1998).

The Several Texts of the CISG in a Decentralized System: Observations on the Uniformity Principle in Article 7(1) of the U.N. Sales Convention, 17 J.L. & COM. 187 (1998).

Enforcing Manufacturers' Warranties, "Pass Through" Warranties, and the Like: Can the Buyer Get a Refund?, 50 RUTGERS L. REV. 397 (1998).

Another CISG Case in the U.S. Courts: Pitfalls for the Practitioner and the Potential for Regionalized Interpretations, 15 J.L. & COM. 127 (1995).

ARTICLES cont'd

More U.S. Decisions on the U.N. Sales Convention: Scope, Parol Evidence, "Validity" and Reduction of Price under Article 50, 14 J.L. & COM. 153-76 (1995) (excerpted in JOHN A. SPANOGLE & PETER WINSHIP, INTERNATIONAL SALES LAW: A PROBLEM-ORIENTED COURSEBOOK (West Group, 2000)).

Arbitration and Contract Formation in International Trade: First Interpretations of the U.N. Sales Convention (with R. Brand), 12 J.L. & COM. 239-260 (1993), reprinted in 6 INT'L Q. 1 ((1994).

Remedies Under the International Sale of Goods Convention: The Perspective From Article 2 of the U.C.C., 8 J.L. & COM. 53-108 (1988) (contribution to symposium issue on the United Nations Convention On Contracts for the International Sale of Goods) (excerpted twice in JOHN A. SPANOGLE & PETER WINSHIP, INTERNATIONAL SALES LAW: A PROBLEM-ORIENTED COURSEBOOK (West Group, 2000)).

Preferences, Post-Petition Transfers, and Transactions Involving a Debtor's Downstream Affiliate, 5 BANKR. DEV. J. 1-61 (1987).

Inflatable Liens and Like Phenomena: Converting Unsecured Obligations Into Secured Debt Under U.C.C. Article 9 and the Bankruptcy Code, 72 CORNELL L. REV. 696-741 (1987).

ONLINE PUBLICATIONS:

Introductory Note on the United Nations Convention on Contracts for the International Sale of Goods ("CISG") for the United Nations Audiovisual Library of International Law (see <http://www.un.org/law/avl>, Historical Archives, International Economic Law).

Two 45-minute lectures on the United Nations Convention on Contracts for the International Sale of Goods posted in the United Nations Audiovisual Library of International Law (see <http://untreaty.un.org/cod/avl/faculty/Flechtner.html>).

Outline of Lectures on the CISG in the United Nations Audiovisual Library of International Law, available at <http://www.un.org/law/avl> (Lecture I available at http://untreaty.un.org/cod/avl/pdf/ls/Flechtner_outlineI.pdf; Lecture II available at http://untreaty.un.org/cod/avl/pdf/ls/Flechtner_outlineI.pdf).

Recommended Readings on the CISG for the United Nations Audiovisual Library of International Law, available at <http://www.un.org/law/avl>.

Abstracts of U.S. decisions applying the CISG, submitted in my role as National Correspondent for the United States to the U.N. Commission on International Trade Law ("UNCITRAL"), in "CLOUT" ("Case Law on UNCITRAL Texts" – see http://www.uncitral.org/uncitral/en/case_law/abstracts.html).

E-interview concerning the CISG for the "Barnes Green Book," materials assembled by Prof. Stephen Barnes of the China University of Political Science and Law (Beijing) for teaching English in the context of legal studies, available at <http://www.bgbenglish.com/lessons/contract.pdf> (pp. 21 ff.).

Issues Relating to the Applicability of the United Nations Convention on Contracts for the International Sale of Goods (CISG), U. of Pittsburgh Legal Studies Research Paper No. 2008-07 available at SSRN: <http://ssrn.com/abstract=1118118>.

Issues Relating to Exemption ('Force Majeure') Under Article 79 of the United Nations Convention on Contracts for the International Sale of Goods ('CISG'), U. of Pittsburgh Legal Studies Research Paper No. 2008-08 available at SSRN: <http://ssrn.com/abstract=1118124>.

ONLINE PUBLICATIONS cont'd

Changing the Opt-out Tradition in the United States, paper presented to the Congress Marking the 40th Anniversary of the United Nations Commission on International Trade Law, UNCITRAL, Vienna, Austria, July 11, 2007, available on the UNCITRAL website at <http://www.uncitral.org/pdf/english/congress/Flechtner.pdf> and at SSRN: <http://ssrn.com/abstract=1572919>.

Conformity of Goods, Third Party Claims, and Buyer's Notice of Breach under the United Nations Sales Convention ("CISG"), with Comments on the "Mussels Case," the "Stolen Automobile Case," and the "Ugandan Used Shoes Case," U. of Pittsburgh Working Papers Series, BEpress Legal.

As an expert appointed by the United Nations Commission on International Trade Law ("UNCITRAL"), in 2010-11 I served as project coordinator and final editor of the update of the UNCITRAL Digest of Case Law on the United Nations Convention on the International Sale of Goods, and I updated the Chapters on Article 35-44 of the Convention; the completed draft of the update was approved by the National Correspondents to UNCITRAL at their July, 2011 meeting and, when the English text is translated into the other five U.N. languages, the updated Digest will replace the current version.

As an expert appointed by UNCITRAL, in 2006-07 I revised, expanded and updated the "UNCITRAL Digest of Case Law on the United Nations Convention on the International Sale of Goods"; the English text of the revision was approved by the National Correspondents to UNCITRAL at their July, 2007 meeting.

As an expert appointed by UNCITRAL I drafted the Chapters on Articles 35-44 and 79-88 of the "UNCITRAL Digest of Case Law on the United Nations Convention on the International Sale of Goods" (2003), http://www.uncitral.org/uncitral/en/case_law/digests.html.

OTHER WRITINGS:

In Memoriam: Professor Kathryn R. Heidt, 67 U. PITT. L. REV. 493 (2006).

Accommodating Special Interests While Maintaining Competency: Of Specialization, Practica, and the "Core Curriculum" in Legal Education (lecture outline), 17 ANNUAL REPORT OF THE INSTITUTE FOR JURISPRUDENCE OF MEIJI GAKUIN UNIVERSITY, TOKYO, JAPAN 181 (2001).

Contributor, *The Gateway Thread—The AALS Listserv*, 16 TOURO L. REV. 1145 (2000), reprinting an email discussion among Contracts teachers on *Hill v. Gateway 2000, Inc.*, 105 F.3d 1147 (7th Cir. 1997). My contributions appear at pp. 1156 & 1169.

Editor and Transcriber, *Transcript of a Workshop on the Sales Convention: Leading CISG Scholars Discuss Contract Formation, Validity, Excuse for Hardship, Avoidance, Nachfrist, Interpretation, Parol Evidence, Analogical Application, and Much More*, 18 J.L. & COM. 191 (1999).

"Introduction," 17 J.L. & COM. Issue 2 (1998) (Symposium Issue on the United Nations Convention on Contracts for the International Sale of Goods).

"How Legal Education Meets the Increasing Demand for International Legal Services" (A Description of International Legal Education at the University of Pittsburgh School of Law) in *Strategies: The Journal of Legal Marketing*, Vol. 1, No. 3, pp. 1, 8 (June, 1998).

"What's New in Bankruptcy Law? Update on Consumer & Bankruptcy Issues—Recent Supreme Court Cases," Chap. 2 of materials for *Bankruptcy Update*, a CLE course sponsored by the Pennsylvania Bar Institute, August, 1996.

Dean Mark A. Nordenberg: Leadership Through Service (Tribute to Dean Mark A. Nordenberg of the University of Pittsburgh School of Law), 54 U. PITT. L. REV. 961 (1993).

LECTURES AND PRESENTATIONS:

Lecturer, sponsored by the German-American Bar Association (Deutsch-Amerikanische Juristen-Vereinigung), University of Freiburg (Germany), June 29, 2011. Topic: Recent U.S. Decisions on the U.N. Sales Convention and What They Tell Us about the State of the Convention in the United States.

Speaker, Conference on the United Nations Convention on Contracts for the International Sale of Goods, November 12-13, 2010, Belgrade, Serbia. Topic: Exemption for Non-Performance under CISG Article 79 and 80.

Speaker, Annual Meeting of the Civil Law Section (Zivilrechtsvergleichung) of the German Society of Comparative Law (Gesellschaft für Rechtsvergleichung), September 18, 2009, Cologne, Germany. Topic: Comparing the Service Contract Provisions of the Draft Common Frame of Reference and U.S. Service Contract Law.

Speaker, Conference on the United Nations Convention on Contracts for the International Sale of Goods in honor of Professor Peter Schlechtriem, April 2, 2009, Vienna, Austria, organized by the Willem Vis Mott Alumni Association. Topic: Selected Issues Relating to the Convention's Scope of Application.

Lecturer, the Willy Delva Lecture Series on New Private International Law organized by the Gandaius Center for Continuing Legal Education, April 30, 2009, Ghent, Belgium. Topic: The Globalization of Law as Documented in the Law on International Sales of Goods.

Keynote Speaker, "Conference on the United Nations Convention on Contracts for the International Sale of Goods," Touro Law Center, Islip, New York, April 11, 2008. Topic: The CISG in U.S. Courts: The Undead Dicta and Other Issues.

Moderator, "Getting on Top of International Commercial Law and Arbitration: A Roundtable Discussion," University of Pittsburgh, March 28, 2008.

Speaker, "Congress Marking the 40th Anniversary of the United Nations Commission on International Trade Law," UNCITRAL, Vienna, Austria, July 9-12, 2007. Topic: Changing the Opt-out Tradition in the United States (delivered address on July 11, 2007).

Speaker, American Corporate Council Association, Pittsburgh Chapter, Pittsburgh, Pennsylvania, February 5, 2007. Topic: Opting Out (or Not) of the United Nations Convention on Contracts for the International Sale of Goods (CISG).

Speaker, "The United Nations Convention on Contracts for the International Sale of Goods: What Challenges for Turkish Sales Law," a conference at Istanbul Bilgi University, November 15-16, 2006. Topic: Conformity of Goods, Third Party Claims, and Buyer's Notice of Breach: Articles 35-44 of the United Nations Convention on Contracts for the International Sale of Goods (CISG) (delivered November 16, 2006).

Discussion Moderator, The Current Case for the Corporation: A Century's Lessons, in "The Incorporation of United States Steel," Continuing Legal Education Program, Pittsburgh, Pennsylvania, November 17, 2005 (part of the Pittsburgh Legal History Series).

Speaker and Panel Moderator, "The CISG and the Business Lawyer: The UNCITRAL Digest as a Contract Drafting Tool," a symposium sponsored by the United Nations Commission on International Trade Law ("UNCITRAL") and the University of Pittsburgh Center for International Legal Education, Pittsburgh, Pennsylvania, November 4 and 5, 2005. Topic: The Parol Evidence Question and Merger Clauses under the United Nations Convention on Contracts for the International Sale of Goods (CISG).

LECTURES AND PRESENTATIONS cont'd

Panelist, "Recent Developments in International Commercial Law" at the International Law Weekend of the American Branch of the International Law Association, New York, New York, October 22, 2005. Topic: Challenges to Uniform International Sales Law in Recent Decisions Applying Article 79 of the United Nations Convention on Contracts for the International Sale of Goods ("CISG").

Panelist, "International Law and the Federal Courts" at the 8th Circuit Judicial Conference, Rapid City, South Dakota, July 15, 2004. Topic: The United Nations Convention on Contracts for the International Sale of Goods ("CISG").

Program Leader, Fifteenth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 31, 2004. Topic: Consumer Bankruptcy Issues.

Speaker "Beyond the UNCITRAL Digest Cases, Analysis and Unresolved Issues in the U.N. Sales Convention," a symposium sponsored by the Center for International Legal Education, the *Journal of Law and Commerce*, and the International and Comparative Law Section of the Pennsylvania Bar Association, Pittsburgh, Pennsylvania, February 7, 2003. Topic: Articles 35-44 and 79-88 of the United Nations Convention on Contracts for the International Sale of Goods ("CISG").

Speaker, American Corporate Council Association, Pittsburgh Chapter, Pittsburgh, Pennsylvania, November 3, 2003. Topic: Recent Developments in Domestic and International Sales Law (including amendments to Article 2 of the UCC).

Presenter, Panel organized by the American Society of International Law on "Treaties at Work in Civil Litigation" at the Federal Judicial Center Workshop for Federal Judges in the 11th Circuit, Sea Island, Georgia, October 1, 2003. Topic: The United Nations Convention on Contracts for the International Sale of Goods ("CISG").

Presenter, Conference entitled "The 1980 Uniform Sales Law: Old Issues Revisited in the Light of Recent Experience," sponsored by and held at the University of Verona (Italy) on April 17-19, 2003. Topic: The CISG's Impact on International Unification Efforts—the Convention's Influence on the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law.

Panelist, Fifteenth Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, December 6, 2002. Topic: Issues Relating to Administrative Insolvency.

Program Leader, Thirteenth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, January 26, 2002. Topic: Confirmation of New Value Plans in Chapter 11 after *LaSalle*.

Presenter, Third Circuit Review for the Federal Courts Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October 16, 2001. Topic: Recent Decision on the Contractual Obligations of Good Faith.

Program Leader, Twelfth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, January 27, 2001. Topic: Revised Article 9 of the Uniform Commercial.

Panelist, Thirteenth Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, November 17, 2000. Topic: Administrative Expense Priorities in Bankruptcy.

LECTURES AND PRESENTATIONS cont'd

Co-Presenter (with Professor Ronald Brand) at the Teleconference on Global Sales Powered by the Internet organized by the U.S. Department of Commerce, the University of Pittsburgh International Business Center, U.S. Commercial Service, and the Software & Information Industry Association, Pittsburgh, Pennsylvania, September 27, 2000. Topic: Legal and Regulatory Issues in International and Domestic Sales over the Internet.

Program Leader, Eleventh Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Philadelphia, Pennsylvania, January 29, 2000. Topic: Intellectual Property Licenses in Bankruptcy.

Panelist, Twelfth Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, December 3, 1999. Topic: Chapter 11 Plan Issues.

Program Leader, Tenth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 30, 1999. Topic: Franchisor/Franchisee Issues in Bankruptcy.
Panelist, Eleventh Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, December 3, 1998. Topic: Executory Contract Issues.

Co-organizer and Co-Chair (with Professor Hajime Yoshino, Meiji Gakuin University (Japan) Faculty of Law), Workshop on the United Nations Convention on Contracts for the International Sale of Goods, University of Pennsylvania Law School, Philadelphia, Pennsylvania, November 13, 1998. Proceedings published as *Transcript of a Workshop on the Sales Convention: Leading CISG Scholars Discuss Contract Formation, Validity, Excuse for Hardship, Avoidance, Nachfrist, Interpretation, Parol Evidence, Analogical Application, and Much More*, 18 J.L. & COM. 191 (1999).

Panelist, Plenary Session of Third Annual Bankruptcy Institute of the Pennsylvania Bar Institute, Pittsburgh, Pennsylvania, August 28, 1998. Topic: The Year in Review—Fifteen Consumer and Business Bankruptcy Cases You Need to Know About.

Panelist, Tenth Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, November 7, 1997. Topic: Consumer Bankruptcy Issues.

Presenter, “Ten Years of the United Nations Sales Convention,” a symposium sponsored by the Center for International Legal Education, the *Journal of Law and Commerce*, and the Private International Law Interest Group of the American Society of International Law, October 17, 1997. Topic: A Federalist Vision of the Uniformity Principle in the U.N. Sales Convention.

Program Leader, Eighth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 25, 1997. Topic: The Healthcare Facility in Bankruptcy.

Panel Co-Chair, Ninth Annual Tri-State Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, November 11, 1996. Topic: Bankruptcy Sales and Successor Liability.

Presenter, Plenary Session of the First Annual Bankruptcy Update of the Pennsylvania Bar Institute, Pittsburgh, Pennsylvania, August 16, 1996. Topic: Update on Consumer and Business Issues in Bankruptcy.

Address to the Third International Workshop on a Legal Expert System for the U.N. Convention on Contracts for the International Sale of Goods (CISG), Washington, D.C., May 20, 1995. Title: Textual Non-Uniformity in the U.N. Sales Convention: The Several CISG's.

Program Leader, Sixth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 28, 1995. Topic: Substantive Consolidation and Fraudulent Transfer Attacks on Leveraged Buy-Outs.

LECTURES AND PRESENTATIONS cont'd

Panelist, Seventh Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, November 11, 1994. Topic: Joint and Several Liability in Bankruptcy.

Co-presenter (with P. Beard, Esq.) at Continuing Legal Education Program sponsored by University of Pittsburgh School of Law, July 9, 1994 and October 19, 1994. Topic: Current Issues in Bankruptcy Law.

Program Leader, Fifth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 29, 1994. Topic: Administrative and Priority Claims, Recovery of Payments Received During Bankruptcy Proceedings.

Panelist, Sixth Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, November 11, 1993. Topic: Executory Contracts and Unexpired Leases.

Public Lecture for the University of Augsburg Faculty of Law, Augsburg, Germany, June 22, 1993: "Enforcing Environmental Regulations Against Insolvent Corporations under the Bankruptcy Laws of the United States."

Speaker and Panelist, Environmental Law Seminar sponsored by Dickie, McCamey & Chilcote, Pittsburgh, Pennsylvania, April 27, 1993. Topic: Interaction of Bankruptcy and Environmental Laws.

Program Leader, Fourth Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, January 31, 1993. Topic: Commercial Landlord-Tenant Issues in Bankruptcy.

Panelist, Fifth Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October, 1992. Topic: Enforcement of Environmental Obligations in Bankruptcy.

Program Leader, Third Annual Bankruptcy Forum of the Bankruptcy Conference for the Eastern District of Pennsylvania, Princeton, New Jersey, February 1, 1992. Topic: Environmental Issues in Bankruptcy.

Panelist, Fourth Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October 14, 1991. Topic: Constructive Trusts in Bankruptcy.

Panelist, Third Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October 8, 1990. Topic: Issues Involving Related Parties—Indirect Preferences, Substantive Consolidation, Recharacterization of Loans.

Panelist, Second Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October 9, 1989. Topic: Preferences and Other Voidable Transfers.

Panelist, First Annual Advanced Bankruptcy Symposium of the Commercial Law Section of the Allegheny County Bar Association, Pittsburgh, Pennsylvania, October 10, 1988. Topic: Issues in Partnership Bankruptcies.

Presenter, University of Pittsburgh Law School Symposium on "International Sales Contracts Under the United Nations Convention on Contracts for the International Sale of Goods," Pittsburgh, Pennsylvania, October 23, 1987. Topic: Breach and Remedies Under the U.N. Sales Convention.

LECTURES AND PRESENTATIONS cont'd

Panelist, "Recent Developments in Bankruptcy Law Affecting Labor Relations" at the University of Pittsburgh Law School Conference on "Labor Relations in a Post-Industrial Economy," Pittsburgh, Pennsylvania, October 24, 1986. Topic: Treatment of Retirees' Welfare Benefits in an Employer's Bankruptcy Proceedings.

LAW-RELATED MUSICAL ACTIVITIES:

Composed and performed law-related songs at the Willem Vis International Arbitration Moot, Vienna, Austria. See Harry M. Flechtner, *The Lyrical Side of International Commercial Law*, 6 INTERNATIONALES HANDELSRECHT (IHR) 265 (2006); Harry M. Flechtner, *The CISG 'Song', the 'Mootie Blues' and a Dedication to a CISG Entrepreneur*, in SHARING INTERNATIONAL COMMERCIAL LAW ACROSS NATIONAL BOUNDARIES: *FESTSCHRIFT FOR ALBERT H. KRITZER ON THE OCCASION OF HIS EIGHTIETH BIRTHDAY* (Camilla B. Andersen & Ulrich G. Schroeter, eds., Wildy, Simmonds & Hill Publishing, 2008). For recordings of two of these songs see <http://www.law.pitt.edu/academics/cile/cisgsongpage> and <http://www.law.pitt.edu/academics/cile/jdprogram/moots/mootieblues>; see also the audio files on the CD containing the Archiv der Jahrgänge 1999-2006 for the journal *Internationales Handelsrecht (IHR)*.
