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Testimony of Houston Putnam Lowry, Chair  
International Law Section of the Connecticut Bar Association  
**Concerning Senate Bill No. 362**  
**An Act Concerning International Jurisdiction and Choice of Law**  
March 3, 2006

Senator McDonald, Representative Lawlor, members of the Judiciary Committee, thank you for the opportunity to comment on **Senate Bill 362, An Act Concerning International Jurisdiction and Choice of Law.**

My name is Houston Putnam Lowry. I am an attorney, a member and shareholder in the law firm Brown & Welch, and Chair of the CBA International Law Section. The section's members have a great interest in legislation concerning international jurisdiction and procedures, and the section supports enactment of SB 362 because it will correct a number of injustices and promote international trade. **On behalf of the International Law Section of the CBA, I respectfully request that the Judiciary Committee favorably report SB 362.**

Section 1 closely tracks the federal Alien Tort Claims Act, which was enacted as part of the Judicature Act of 1789. This bill allows all people, not just aliens, a right of recovery. It is inappropriate to allow only aliens access to the courts under these circumstances.

The original Alien Tort Claims Act arose out of the inability of the Continental Congress to deal with violations of the Law of Nations. The Continental Congress passed a resolution calling upon the states to "provide expeditious, exemplary, and adequate punishment" for "the violation of safe conducts or passports, . . . of hostility against such as are in amity, . . . with the United States, . . . infractions of the immunities of ambassadors and other public ministers . . . [and] "infractions of treaties and conventions to which the United States are a party." 21 Journals of the Continental Congress 1136-1137 (G. Hunt ed. 1912).

6. International Law confers universal jurisdiction to adjudicate the act in question; or
7. One or more defendant owns property located within the State of Connecticut.

Even if one or more of these connections exist, the court still may decline to hear the matter on *forum non-conveniens* grounds. This act is not intended to repeal or otherwise affect the doctrine of *forum non-conveniens*.

These requirements are intended to limit the jurisdiction of Connecticut courts to the constitutionally permissible standard of minimum contacts. Cases that have absolutely no connection with Connecticut should not be heard in Connecticut.

Section 2 tracks New York general obligation §5-1401. The predictability of contractual provisions is very important in international trade. A commercial contractual provision between parties of equal bargaining position should mean what it says. Currently under Connecticut law, such a provision might not be enforced because the transaction has no reasonable relationship to Connecticut.

For the past twenty years, the Connecticut legislature has worked hard to modernize its law to face the challenges of modern international trade. Parties can recognize this and elect to choose Connecticut law to govern their relationship, even though Connecticut has no other role in the transaction. Connecticut should not thwart the power of commercial parties to choose a modern system of laws to govern their transaction.

Thank you, again, for the opportunity to comment on Senate Bill 362. **On behalf of the CBA International Law Section, I wish to thank you for considering Senate Bill 362 and I respectfully request that the committee favorably report the bill.**

I would be pleased to answer any questions you might have.