

Publications

Dr Brooke Marshall

Books

Asymmetric Jurisdiction Clauses (Oxford University Press, 2023)

Reviewed in:

- . (2023) 9 *UNSW Law Journal Forum* 1
- . (2023) 2 *ICC Dispute Resolution Bulletin* 87

Edited books

Choice of Law in International Commercial Contracts: Global Perspectives on the Hague Principles (Regional Editor with D Girsberger, T Kadner Graziano, and J L. Neels as Managing Editors) (Oxford University Press, 2021)

Reviewed in:

- . (2021) *Netherlands International Law Review* 501
- . (2022) 22(1) *Internationales Handelsrecht* 43
- . (2022) 37(2) *Banking and Finance Law Review* 391

Journal articles

‘Asymmetric Jurisdiction Clauses and the Anomaly Created by Article 31(2) of the Brussels I Recast Regulation’

(2022) 71 *International and Comparative Law Quarterly* 297-321

‘The Hague Choice of Law Principles, CISG and PICC: A Hard Look at a Choice of Soft Law’

(2018) 66 *American Journal of Comparative Law* 175-217

‘Australia’s Accession to the Hague Convention on Choice of Court Agreements’

(2017) 41 *Melbourne University Law Review* 246-283 (with Mary Keyes)

‘Jurisdiction Agreements: Exclusive, Optional and Asymmetrical’

(2015) 11(3) *Journal of Private International Law* 345-378 (with Mary Keyes)

‘Party Autonomy and its Limits: Convergence through the New Hague Principles on Choice of Law in International Commercial Contracts’

(2014) 39(3) *Brooklyn Journal of International Law* 975-1003 (with Marta Pertegás)

‘Intra-regional Reform in East Asia and the New Hague Principles on Choice of Law in International Commercial Contracts’

(2014) 20(1) *Korea Private International Law Association Journal* 391-428 (with Marta Pertegás)

‘Reconsidering the Proper Law of the Contract’

(2012) 13(1) *Melbourne Journal of International Law* 505-539

Case notes

‘Dernier état de la jurisprudence sur les clauses attributives de juridiction asymétriques’ (Cass. Civ. 1ère 28 septembre 2022, n° 21-13.686) [2023 in press] *Revue critique de droit international privé*

‘Imbalanced Jurisdiction Clauses under the Lugano Convention’ (Cass. civ., 1ère 25 mars 2015, n°13-27264) [2016] *Zeitschrift für Europäisches Privatrecht* 515-527

Book chapters

‘Taking of Evidence’, in Paul Beaumont and Jayne Holliday (eds), *A Guide to Global Private International Law* (Hart Publishing 2022) 175 (with Nadia de Araujo)

‘Australia: Australian Perspectives on the Hague Principles’, in D Girsberger and others, *Choice of Law in International Commercial Contracts: Global Perspectives on the Hague Principles* (Oxford University Press, 2021)

‘Australia: Inconsistencies in the Treatment of Optional Choice of Court Agreements’, in M Keyes (ed), *Optional Choice of Court Agreements in Private International Law* (Springer, Ius Comparatum – Global Studies in Comparative Law, 2020)

‘The 2005 Hague Convention: A Panacea for Non-Exclusive and Asymmetric Jurisdiction Agreements Too?’, in M Douglas, V Bath, A Dickinson, and M Keyes (eds), *Commercial Issues in Private International Law: A Common Law Perspective* (Hart Publishing, 2019) 91

Academic translations

Institute of International Law - Commission no. 4, *Human Rights and Private International Law*, Working document of Rapporteur, Jürgen Basedow, no. 9 (January 2017), ‘Draft Resolution’, translated from French: Institut de droit international – Commission no. 4, *Droits de l’homme et droit international privé*, Document de travail du Rapporteur Jürgen Basedow, no. 9 (janvier 2017), ‘Avant-Projet de Résolution’

Policy papers and reports

Report of the Members’ Consultative Committee to the Working Group on Reforming the Brussels Ibis Regulation (September 2022)

Submission to the Commonwealth Attorney-General’s Department: Submission on the United Nations Convention on International Settlement Agreements Resulting from Mediation (2020) (with M Keyes, M Douglas, and S McKibbin)

Submission to the Joint Standing Committee on Treaties: Inquiry on Australia’s Accession to the Hague Convention on Choice of Court Agreements (April 2016) (with M Keyes)

Book reviews

‘Discretion Meets Due Process in International Commercial Arbitration’ (Review of Due Process as a Limit to Discretion in International Commercial Arbitration) [2022] *ICC Dispute Resolution Bulletin* (with W Doralt) 78

International Law Association (Australian Branch) and UNSW Sydney, Early Career Seminar on Private International Law, Commentator, (Sydney, 17 August 2023)

University of Oxford, ‘Comparative and Interdisciplinary Perspectives on Doctrinal Questions: from Agreements to Conflict of Laws “and” ...’ (St Edmund Hall, Oxford, 15 May 2023)

International Chamber of Commerce, ICC Institute Jurisprudential Debate ‘Asymmetric Jurisdiction Clauses – Developments before the French Cour de cassation’ (Paris, 8 December 2022)

University of Oxford, Conflict of Laws Discussion Group, ‘Asymmetric jurisdiction agreements – Où sommes-nous ?’ (St Catherine’s College, Oxford, 2 December 2022)

Université Paris 1 Panthéon-Sorbonne, Centre de recherche de droit international privé et du commerce international (CRDI), Université Paris Panthéon-Assas et Sorbonne Étude des Relations Privées Internationales (SERPI), Conférence en Salle 102, ‘Clauses attributives de juridiction asymétriques : quo vadis ?’ (Paris, 18 October 2022)

Max Planck Institute, Conflicts Reading Group, ‘Perspectives from Law & Economics on Party Autonomy in Jurisdiction’ (Hamburg, Germany, 23 August 2022)

Institute of European and Comparative Law (IECL), Lunchtime Seminar Series, ‘The substantive validity of jurisdiction agreements – a question of their ‘nature’?’ (IECL, Oxford, 11 October 2022)

ICC Institute of World Business Law, Annual Conference: Rethinking the Paradigms of International Arbitration, ‘Enforceability and Effects of Asymmetric Jurisdiction Clauses’ (Paris, 29 November 2021)

University of Lucerne, *Choice of Law in International Commercial Contracts* Launch, ‘*Epic Games, Inc v Apple Inc* [2021] FCA 338: a role for art 11(1) of the Hague Principles’, (online from Sydney, Australia to Lucerne, Switzerland, 4 May 2021)

University of New South Wales Law School, Law and Economics Group, ‘Economic Efficiency and *ex ante* Forum Selection’ (Sydney, Australia, 7 November 2019)

Ludwig Maximilian University Munich, 8th **Journal of Private International Law Conference**, ‘Justifications for Party Autonomy in the Context of Exclusive Jurisdiction Agreements’ (Munich, Germany, 12 September 2019)

East China University of Political Science and Law, ‘Reforming Contract Choice of Law in Australia’ (Shanghai, People’s Republic of China, 17-18 July 2019)

Faculty of Law, University of Hamburg, ‘Asymmetric Jurisdiction Clauses’ (Hamburg, Germany, 24 April 2019)

Max Planck Institute for Comparative and International Private Law, ‘*Asymmetrische Gerichtsstandsvereinbarungen und prozessuale Grundrechte*’ (Hamburg, Germany, 9 November 2018)

University of New South Wales Law School, ‘Australia, her Trading Partners and Why the 2005 Hague Convention on Choice of Court Agreements Matters to Both’ (Sydney, Australia, 21 June 2018)

The University of Sydney Law School, Commercial Issues in Private International Law Conference, ‘Recognition of Judgments based on Non-exclusive Jurisdiction Agreements’ (Sydney, Australia, 16 February 2018)

Victoria University of Wellington Law School, Cross-Border Issues in Australasian Courts Conference, ‘The Hague Choice of Courts Convention and Non-exclusivity’ (Wellington, New Zealand, 13-14 February 2018)

Sciences Po, ‘The CISG or the PICC as the Governing Law: Normative Ambiguities, *dépeçage* and the Purportedly Chosen Law’ (Paris, France, 25 November 2016)

University of Cambridge, Private Law Centre, ‘A Hard Look at a Choice of Soft Law’ (Cambridge, England, 2 November 2016)

Max Planck Institute for Comparative and International Private Law, ‘A Dash of Pragmatism in the Non-State Law Pudding?’ (Hamburg, Germany, 8 December 2014)

New York Bar Association/UNCITRAL, ‘Lawyers as Lobbyists before International Organisations’ (Vienna, Austria, 16 October 2014)

UNIDROIT/The Protection Project, ‘The UNIDROIT Principles as the Chosen Law and the New Hague Principles on Choice of Law in International Contracts’ (Muscat, Oman, 23-23 March 2014)

Hague Conference on Private International Law, ‘*La Conférence de La Haye de droit international privé : un aperçu*’ (The Hague, Netherlands, 3 March 2014)