

Forum Selection... Choice of Law... and a Tale of Stipulations



Sun Tzu, *The Art of War*



“And therefore
those skilled in war
bring the enemy to
the field of battle
and are not brought
there by him.”

Miyamoto Musashi, *Book of Five Rings*

"If you do not control
the enemy, the
enemy will control
you."



William J. Miller

Napoleon Bonaparte

"The fate of a Nation
may sometimes
depend upon the
position of a
fortress."



General George S. Patton



“Never let the enemy pick the battle site.”

“Good tactics can save even the worst strategy. Bad tactics will destroy even the best strategy.”

Forum Selection Clauses

- Majority Rule
 - The common understanding is that these provisions are prima facie valid and should be enforced unless unreasonable under the circumstances. See *Bremen v. Zapata Off-Shore Co.*, 407 U.S. 1 (1972).
- Texas Rule
 - Conspicuous Clauses are generally upheld, unless fraud, overreaching, or unreasonable and unjust. *In re AIU Ins. Co.*, 148 S.W.3d 109 (Tex. 2004).



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First appeared as part of the conference materials for the
2015 Non-Compete Camp session

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