

FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	International Court Litigation
Código	E000013119
Impartido en	M.U. en Acceso a la Abogacía y la Procura y Máster de Formación Permanente en Abogacía Internacional [Primer Curso] Máster en Formación Permanente en Abogacía Internacional [Primer Curso]
Nivel	Master
Cuatrimestre	Semestral
Créditos	2,0 ECTS
Carácter	Obligatoria
Departamento / Área	Área de Derecho Internacional Privado
Responsable	Fernando Giménez-Alvear
Horario de tutorías	Upon request from students. Preferably via email.
Descriptor	Fernando.gimenez-alvear@cliffordchance.com

Datos del profesorado

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura

Aportación al perfil profesional de la titulación

SPECIFIC DATA ON THE SUBJECT

Framework of the subject

Pre-requisites

Basic awareness and understanding of contract law, competition law, private international law, and the main features of court proceedings as a dispute resolution mechanism.

Contribution of the degree to the professional profile

This subject is anticipated to contribute to the professional development of students, equipping them with the necessary skills to excel as legal practitioners in the field of cross-border commercial litigation.

This subject will provide students with an in-depth exploration of international jurisdiction, the choice of applicable law, its tactical considerations, the strategic process of referrals to the European Court of Justice, and a comprehensive understanding of the Rome I, Rome II, Brussels, and Lugano Conventions, alongside other international instruments and treaties relating to private international law.

The focus of the course will be entirely practical, through the analysis and development of real-life cases. This will enable students to develop the skills necessary for professional practice in the field of cross-border commercial litigation.



Competencias - Objetivos

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

COURSE SYLLABUS AND CONTENT

Content

Topic 1. Cross-border disputes

1. The concept of cross-border disputes
2. Key elements of a cross-border dispute
3. Mechanisms for resolving cross-border disputes
4. The role of national courts in resolving cross-border disputes

Topic 2. International Jurisdiction on cross-border disputes

1. Forum shopping and international court litigation
2. Civil Law jurisdictions v. Common Law jurisdictions
3. Brussels Regulation I bis
4. Lugano Convention
5. The Hague Convention on Choice of Court Agreements
6. Bilateral international agreements
7. New York Convention
8. European Court of Justice role on cross-border disputes
9. Spanish Organic Law of the Judiciary
10. Spanish Arbitration Act

Topic 3. Law applicable to cross-border disputes

1. Choice of law in international litigation
2. Civil Law v. Common Law
3. European Union Law
4. Rome I
5. Rome II
6. Spanish Civil Code

Topic 4. Recognition and enforcement of foreign judgments

1. The importance of enforcement in international litigation
2. Brussels Regulation I bis
3. New York Convention
4. International Legal Cooperation Act



METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

TEACHING METHODOLOGY

General methodology of the subject

Contact hours methodology : Activities

In class, we will analyse cases based on real international disputes. Students will have to reproduce what would be the real work lawyer entrusted with defending the client's interests in the cases presented. These tasks will include analysing the case, selecting appropriate jurisdiction and the applicable law most favourable to the client's interests, researching relevant case law, drafting pleadings, presenting conclusions to the client and orally defending the client's position in court.

Outside class methodology : Activities

Every student is required to attend the teaching sessions and read the suggested materials. In order to follow the class, it is necessary to have examined the suggested readings beforehand.

RESUMEN HORAS DE TRABAJO DEL ALUMNO

SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS	
Master classes and solving practical cases/class discussions	Practical tasks
10	10
NUMBER OF INDEPENDENT WORK HOURS	
Lecture of recommended readings	Preparing legal pleadings
15	15
ECTS CREDITS : 2 (50,00 h)	

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

GRADE EVALUATION AND CRITERIA



Evaluation Activities	Indicators	Evaluation weighting
Attendance	Regular attendance to class. Attendance will be monitored through signature sheets.	10%
Analysis of the relevant cases	In class, students will have to give their opinion on the different cases presented to them. Their active participation and the quality of their interventions will be assessed.	10%
Search for relevant case law	One of the tasks students will be assigned is to search for relevant case law. The accuracy of the search results will be assessed.	20%
Draft of legal pleadings	Students will be required to produce two written pleadings. The quality of writing, the degree of persuasiveness and the legal rigor of the pleadings will be the parameters used to assess the students' work.	30%
Oral hearings	The quality of the oral interventions and the persuasiveness of the arguments will be assessed.	30%

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

We will make use of *Derecho procesal Civil internacional. Litigación Internacional*, Francisco J. Garcimartín Alférez and Miguel Virgos Soriano, Aranzadi (2007)