

**COMILLAS**

UNIVERSIDAD PONTIFICIA

ICAI

ICADE

CIHS

GUÍA DOCENTE
2026 - 2027**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]
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	
Profesor	
Nombre	Fernando Giménez-Alvear Gutiérrez-Maturana
Departamento / Área	Facultad de Derecho (ICADE)
Correo electrónico	fgimenezalvear@icade.comillas.edu

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. International business disputes and dispute resolution mechanisms

1. Typical cross-border business disputes: M&A/SPA disputes, distribution and agency, investment disputes, construction and infrastructure disputes
2. Court litigation v. arbitration: advantages, disadvantages and strategic choice of forum
3. Institutional arbitration v. ad hoc arbitration (UNCITRAL Arbitration Rules); investment arbitration (ICSID)
4. Parallel proceedings before national courts and arbitral tribunals; anti-suit injunctions and lis pendens in an international context

Topic 2. Commencing the arbitration: jurisdiction, applicable rules and case strategy

1. The arbitration agreement: drafting, pathological clauses and scope
2. ICC, LCIA, ICDR and SIAC Rules: constitution of the tribunal, Request for Arbitration and Answer, Terms of Reference
3. UNCITRAL Model Law on International Commercial Arbitration; seat of arbitration and its consequences
4. New York Convention 1958: recognition and enforcement of foreign arbitral awards
5. Jurisdictional objections and incidental issues: challenges to jurisdiction and to the tribunal's competence (kompetenz-kompetenz)
6. Court support for arbitration: interim measures, anti-suit injunctions and enforcement proceedings before national courts
7. Spanish Arbitration Act; role of Spanish courts in support of and control over arbitration
8. ICSID Convention and Rules; PCA Rules; overview of investment treaty arbitration
9. Applicable law to the merits and to the arbitration agreement; choice-of-law strategy in the request and the answer
10. Leading arbitration doctrine and practice guides (Gary Born, Redfern and Hunter)

Topic 3. Written pleadings and case theory



1. Building a persuasive case theory from a complex factual matrix
2. Drafting the Statement of Claim / Request for Arbitration
3. Drafting the Statement of Defence (and, where relevant, Counterclaim)
4. Incidental applications: jurisdictional objections, requests for interim measures, procedural orders
5. Document production: the Redfern Schedule and the IBA Rules on the Taking of Evidence in International Arbitration
6. Legal research: case law, arbitral precedents and persuasive authority in support of pleadings

Topic 4. Evidence: witnesses and experts

1. Preparing witness statements: structure, admissible content and common pitfalls
2. Expert reports: instructing experts, independence duties and quantification of damages
3. Direct and cross-examination technique; preparing witnesses and experts for hearing
4. The evidentiary hearing: procedural orders, oral opening and closing submissions (pleadings), and post-hearing briefs; drafting an arbitral award

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

TEACHING METHODOLOGY

General methodology of the subject

Contact hours methodology : Activities

The course is built around the simulation of one or two realistic cross-border business disputes (e.g. M&A, distribution, investment or construction), taken through the full standard procedure of an international arbitration. Students are divided into two teams, each representing one party, with or without rotation depending on whether one or two cases are run during the semester. Students will reproduce the real work of counsel handling the case: analysing the facts and evidence, framing the case theory, taking strategic decisions on jurisdiction and applicable law, researching case law and arbitral precedent, drafting written submissions (Statement of Claim, Statement of Defence, incidental applications), preparing witnesses and experts, and appearing at hearings to argue jurisdictional or merits issues, examine and cross-examine witnesses and experts, and present oral opening and closing submissions. The professor will act as the arbitrator throughout the simulated proceedings.

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 and the relevant case file materials beforehand, and to have completed any assigned drafting or research task.

RESUMEN HORAS DE TRABAJO DEL ALUMNO

SUMMARY OF STUDENT WORK HOURS



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NUMBER OF CONTACT HOURS	
Master classes, case analysis and simulated hearings (jurisdictional incidents, witness/expert examination, oral pleadings)	Practical drafting and advocacy workshops
10	10
NUMBER OF INDEPENDENT WORK HOURS	
Reading of recommended materials and case file documents	Preparing written submissions, witness/expert preparation and hearing advocacy
15	15
ECTS CREDITS : 2 (50,00hours)	

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%
Written submissions	Students will be required to produce written submissions in the simulated arbitration (e.g. Statement of Claim, Statement of Defence, or an incidental application). The quality of writing, the degree of persuasiveness and the legal rigour of the submissions will be assessed.	20%
Oral participation in hearings	Students' oral performance in the simulated hearings will be assessed, including examination and cross-examination of witnesses/experts and oral opening and closing submissions, in terms of technique, persuasiveness and command of the facts and the law.	20%



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Final assessment (written and oral)	Individual final assessment based on a practical case connected to the matter worked on during the course. It will include a written component (e.g. a short brief on a jurisdictional incident or on newly admitted evidence) and an oral component (e.g. a short hearing, closing submissions, or a mini-arbitration). The legal rigour, persuasiveness and quality of both the written and oral components will be assessed.	50%
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Calificaciones

The use of AI to create entire assignments or substantial parts thereof, without citing the source or tool, or without explicit authorization in the assignment instructions, will be considered plagiarism and governed by the University's General Regulations.

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

BIBLIOGRAPHY AND RESOURCES

BasicBibliography and Resources



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

Gary B. Born, *International Commercial Arbitration*, Kluwer Law International (latest edition)

Nigel Blackaby, Constantine Partasides et al., *Redfern and Hunter on International Arbitration*, Oxford University Press (latest edition)

ICC Rules of Arbitration (International Chamber of Commerce)

LCIA Arbitration Rules (London Court of International Arbitration)

ICDR International Arbitration Rules (International Centre for Dispute Resolution)

SIAC Rules (Singapore International Arbitration Centre)

UNCITRAL Model Law on International Commercial Arbitration (1985, as amended in 2006)

UNCITRAL Arbitration Rules

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York Convention, 1958)

ICSID Convention, Regulations and Rules (International Centre for Settlement of Investment Disputes)

Permanent Court of Arbitration (PCA) Arbitration Rules

IBA Rules on the Taking of Evidence in International Arbitration (International Bar Association)

Spanish Arbitration Act (Ley 60/2003, de Arbitraje, as amended)