GUÍA DOCENTE
2026 - 2027

FICHA TÉCNICA DE LA ASIGNATURA

Datos de la asignatura	
Nombre completo	International Conflicts of Laws in Litigation and Arbitration
Código	E000013121
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	Katharine Menéndez de la Cuesta Lamas / Pablo Martínez Llorente
Horario de tutorías	Upon request from students. Preferably via email.
Descriptor	p.martinez@whitewell-legal.com / pmllorente@comillas.edu Katharine.Menendez@hklaw.com

Datos del profesorado	
Profesor	
Nombre	Katharine Menéndez de la Cuesta Lamas
Departamento / Área	Facultad de Derecho (ICADE)
Correo electrónico	kmenendezcuesta@icade.comillas.edu
Profesor	
Nombre	Pablo Martínez Llorente
Departamento / Área	Departamento de Disciplinas Comunes
Correo electrónico	pmllorente@icade.comillas.edu

DATOS ESPECÍFICOS DE LA ASIGNATURA

Contextualización de la asignatura

Aportación al perfil profesional de la titulación

Contribution of the degree to the professional profile

In today's globalized world, legal disputes are often based on facts connected to multiple jurisdictions. As a result, legal practitioners regularly need to determine which law applies to an issue or matter and which courts or bodies have jurisdiction to resolve a dispute. In addition, each jurisdiction may govern the same issue differently, and it may be necessary to research whether litigating in, or applying the laws of, a particular jurisdiction may be advantageous. Here, some jurisdictions ban forum shopping, while others welcome specific sorts of disputes (even if there is no connection to the forum), provided some requisites are met. On occasions, there is no material difference in the outcome regardless of the laws that are applied to an issue, while in other cases the difference is critical.

We will cover international jurisdiction and conflicts of law issues as applied to a wide range of areas of law. While the first half of the course will focus (although not exclusively) on the treatment of conflicts of laws and jurisdiction under the laws of Spain (as modified by EU law), the second half of the course will delve into comparative law, with special attention to U.S. law, and conflict of law issues arising in international arbitration proceedings.

Prerrequisitos

Framework of the subject

Pre-requisites

Basic understanding of the concept of jurisdiction, some knowledge of private international law, and familiarity with the main features of arbitration as a dispute resolution mechanism.

Competencias - Objetivos

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

COURSE SYLLABUS AND CONTENT

Content

First Session. General Overview over the Concept of International Jurisdiction

1. Definition

2. Applicable Spanish legislation

3. Relevant cases

Second Session. Special Situations involving the Courts' Jurisdiction over International Disputes and the Enforcement of Foreign Judgments

1. Special situations

2. Enforcement of Foreign Judgments

Third Session. Law Governing the Merits

1. Law governing contracts

2. Other cases

Fourth Session. Applicable Law (cont'd) / Midterm Test
1. Other relevant laws that may have an impact to your case 2. Midterm test
Fifth Session. The U.S. Perspective
1. U.S. courts' jurisdiction to resolve international disputes 2. Introduction to U.S. conflict of laws rules (choice of law analysis)
Sixth Session. Conflict of Laws Issues in International Arbitration
1. Arbitral Jurisdiction 1.1 Anti arbitration injunction 2. Governing Law 2.1 Arbitration Agreement. 2.2 Proceedings 2.3 Merits 2.4 Arbitrability Issues 2.5 Non signatory issues (assignment, agency, etc.)
Seventh Session. Conflict of Laws Issues Involving the Recognition of Arbitration Awards and Foreign Judgments in the U.S.
1. Recognition of arbitration awards 2. Recognition of foreign judgments (U.S. perspective)
Eighth Session. Insolvency Proceedings
1. Insolvency proceedings 2. Insolvency proceedings in international arbitration
Ninth Session. Final Exam (Proctored) (one hour)

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

General methodology of the subject

Contact hours methodology : Activities
Each class will include a lecture where the instructor will cover the topic of the session, followed by an open discussion on real cases. The last session will be dedicated to the final closed-book exam. Class attendance is mandatory.

Outside class methodology : Activities
Every student is required to attend the teaching sessions and read the materials. A syllabus identifying the materials for each session will be provided to the students.

RESUMEN HORAS DE TRABAJO DEL ALUMNO

SUMMARY OF STUDENT WORK HOURS

NUMBER OF CONTACT HOURS	
Master classes and solving practical cases/class discussions	Short papers and final exam
18	2
NUMBER OF INDEPENDENT WORK HOURS	
Lecture of recommended readings and study of master classes	Preparing short papers and final exam
20	10
ECTS CREDITS : 2 (50,00 hours)	

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Indicators	Evaluation weighting

Attendance	Regular attendance to class	10%
Midterm: Client briefing on a legal development	During the fourth session, a legal development will be presented to the students. The development will involve some of the issues discussed up to then in class. The students will need to prepare a short memo for a client, addressing the legal development and how it will impact the client's case.	30 %
Evaluation: closed-book exam (final)	The exam will test whether the student understood the topics and materials discussed in class. It will include 10 essay questions with equal weight in the final score. Students will have an hour to complete the test during the last session.	60%

Calificaciones

The use of AI to produce entire assignments, or substantial parts of them, without citing the source or tool, or without explicit authorization in the assignment instructions, will be considered plagiarism under the University's General Regulations.

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography and Resources

- Francisco J. Garcimartín Alférez, Derecho Internacional Privado, Aranzadi, Navarra, 2023
- Alfonso Luis Calvo Caravaca y Javier Carrascosa, Derecho Internacional Privado, Comares, Madrid, 2017.
- Rafael Arenas García, Casos Básicos de Derecho Internacional Privado, Atelier, Barcelona, 2023.
- David Carrizo Aguado y Laura García Álvarez, Derecho Internacional Privado: Casos Prácticos Resueltos y Razonados, Dykinson, Madrid, 2021