

CONFLICTS AND BUSINESS LAW

Bachelor of Laws LLB [2504110] SEP-2023 CBL-NLL.3.M.A

Area Private and Business Law

Number of sessions: 20

Academic year: 23-24

Degree course: THIRD

Number of credits: 3.0

Semester: 2º

Category: COMPULSORY

Language: English

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Assistant Professor, IE LawSchool.

PhD in Law (Universidad Autónoma of Madrid), awarded with Cum Laude, LL.M. in EU Law (Universidad Autónoma of Madrid), LL.B. in Law and Business Administration (Universidad Autónoma of Madrid).

Sara has been teaching and researching at Universidad Rey Juan Carlos and Universidad Autónoma of Madrid from 2008 to 2013. From 2014 and until 2016, she has been in practice as a lawyer at the law firm Uría Menéndez, specialised in IPOs. Together with this, she worked as corporate governance and company law counsel for Spanish listed companies.

Office Hours

Office hours will be on request. Please contact at:

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SUBJECT DESCRIPTION

This course will deal with Private International Law (PIL), particularly from a business and commercial law perspective. It will offer a basic and general approach to PIL, while focusing at the same time on selected and current topics in the areas of international business and commercial law. Particular attention will be provided to the PIL of the European Union (EU) and to a comparative perspective of PIL, particularly in relation to PIL in common law systems.

LEARNING OBJECTIVES

1. Awareness of the relevance of PIL in a globalized world.
2. Identification of issues to be resolved with the application of PIL.
3. Mastering of PIL's concept, characteristics, sources and techniques.
4. Application of PIL rules to problems affecting international business and commerce (contracts).
5. Special understanding of EU PIL and of a comparative approach to PIL.

TEACHING METHODOLOGY

IE University teaching method is defined by its collaborative, active, and applied nature. Students actively participate in the whole process to build their knowledge and sharpen their skills. Professor's main role is to lead and guide students to achieve the learning objectives of the course. This is done by engaging in a diverse range of teaching techniques and different types of learning activities such as the following:

Learning Activity	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	40.0 %	30.0 hours
Discussions	29.33 %	22.0 hours
Group work	30.67 %	23.0 hours
TOTAL	100.0 %	75.0 hours

PROGRAM

SESSION 1 (LIVE IN-PERSON)

Introduction
General PIL issues

PART I: INTERNATIONAL LITIGATION

SESSION 2 (LIVE IN-PERSON)

International Litigation
General issues

SESSIONS 3 - 4 (LIVE IN-PERSON)

International Litigation. International jurisdiction (I and II)

SESSION 5 (LIVE IN-PERSON)

International Litigation
International jurisdiction (III)

SESSION 6 (LIVE IN-PERSON)

International Litigation
International jurisdiction (IV)

SESSIONS 7 - 8 (LIVE IN-PERSON)

International Litigation
International jurisdiction (V and VI)

SESSION 9 (LIVE IN-PERSON)

International Litigation
Recognition and enforcement

SESSION 10 (LIVE IN-PERSON)

International Litigation
Case resolution.

PART II: INTERNATIONAL COMMERCIAL LAW

SESSION 11 (LIVE IN-PERSON)

International Commercial Law
General issues

SESSIONS 12 - 13 (LIVE IN-PERSON)

International Commercial Law
Contractual obligations (I and II)

SESSION 14 (LIVE IN-PERSON)

International Commercial Law
Contractual obligations (III)

SESSION 15 (LIVE IN-PERSON)

International Commercial Law
Contractual obligations (IV)

SESSION 16 (LIVE IN-PERSON)

International Commercial Law
Non contractual obligations

SESSION 17 (LIVE IN-PERSON)

International Commercial Law
Rights in rem

SESSION 18 (LIVE IN-PERSON)

International Commercial Law
Case resolution.

SESSION 19 (LIVE IN-PERSON)

International commercial law
Course recapitulation

SESSION 20 (LIVE IN-PERSON)

Exam

EVALUATION CRITERIA

Each student has four attempts over two consecutive academic years to pass this course.

Dates and location of the final exam will be posted in advance and will not be changed.

Students must attend at least 80% of the sessions. Students who do not comply with the 80% attendance rule will receive a 0.0 on their first and second attempts and go directly to the third one (they will need to enroll in this course again the following academic year).

Students who are in the third or fourth attempt should contact the professor during the first two weeks of the course.

Student's final grade will be based on both individual and group work of different characteristics.

WARNING 1: In order to pass the Conflicts & Business Law course you need to obtain at least a grade of 4.5 out of 10 in each of the categories:

- Class participation
- Assignments
- Exam

WARNING 2: The professor, depending on the group performance, is free to replace part of the assignments grade (15%), with a midterm exam.

CLASS PARTICIPATION

Three main criteria will be used in reaching judgment about your class participation:

- Depth and Quality of Contribution: The most important dimension of participation concerns what it is that you are saying. A high quality comment reveals depth of insight, rigorous use of case evidence, consistency of argument, and realism.
- Moving Your Peers' Understanding Forward: Great ideas can be lost through poor presentation. A high quality presentation of ideas must consider the relevance and timing of comments, and the flow and content of the ensuing class discussion. It demands comments that are concise and clear, and that are conveyed with a spirit of involvement in the discussion at hand.
- Frequency: Frequency refers to the attainment of a threshold quantity of contributions that is

sufficient for making a reliable assessment of comment quality. The logic is simple: if contributions are too few, one cannot reliably assess the quality of your remarks. As a consequence, please note that absences will have an impact on your class participation grade. However, once threshold quantity has been achieved, simply increasing the number of times you talk does not automatically improve your evaluation. Beyond the threshold, it is the quality of your comments that must improve. In particular, one must be especially careful that in claiming more than a fair share of “airtime”, quality is not sacrificed for quantity. Finally, your attempts at participation should not be such that the instructor has to “go looking for you”. You should be attempting to get into the debate on a regular basis.

ASSIGNMENTS AND DEBATES

Students will be requested to perform assignments in the form of reading cases, solving problems etc. linked to the contents included in the program. These activities will be debated afterwards in the classroom. The assignments will be graded taking into account both formal and material criteria and, specifically, the accuracy of the results obtained in the tasks entrusted.

FINAL EXAM

This will be an exam with a maximum assigned time. Questions will cover only topics included in the program and will consist of short problems/questions requiring short and/or medium size answers.

criteria	percentage	Learning Objectives	Comments
Final Exam	40 %		
Class Participation	20 %		
Workgroups	40 %		

RE-SIT / RE-TAKE POLICY

OTHER RELEVANT INFORMATION

Any student whose weighted final grade is below 5 (although see Warning 1) will be required to sit for the retake exam to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes will be subject to the following rules:

The retakes will consist of a comprehensive exam. The grade will depend only on the performance on this exam; continuous evaluation over the semester will not be taken into account.

The exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained on the second and fourth attempts is 8 out of 10.

The third attempt will require the student to complete:

- a written assignment
- a final exam

This is also applicable to students who do not have required attendance, e.g. sickness.

Dates and location of the retakes will be posted in advance and will not be changed.

BIBLIOGRAPHY

Compulsory

- Michael Bogdan, Marta Pertegás. (2019). *Concise Introduction to EU Private International Law*. 4th edition. Europa Law Publishing. ISBN 9789089522085
(Printed)

Recommended

- Hay, Peter. (2018). *Advanced Introduction to Private International Law and Procedure*. Edward Elgar. ISBN 9781786436 (Printed)
- Gilles Cuniberti. (2017). *Conflict of Laws: A Comparative Approach*. Edward Elgar. ISBN 9781785365 (Printed)
- Andrew Dickinson and Eva Lein. (2015). *The Brussels I Regulation Recast*. Oxford University Press. ISBN 9780198714 (Printed)
- Franco Ferrari and Stefan Leible. (2010). *Rome I Regulation: The Law Applicable to Contractual Obligations in Europe*. Sellier. ISBN 9783866531 (Printed)

BEHAVIOR RULES

Please, check the University's Code of Conduct [here](#). The Program Director may provide further indications.

ATTENDANCE POLICY

Please, check the University's Attendance Policy [here](#). The Program Director may provide further indications.

ETHICAL POLICY

Please, check the University's Ethics Code [here](#). The Program Director may provide further indications.

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