BUSINESS AND HUMAN RIGHTS

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **RAJIV NARAYAN**

E-mail: rnarayan@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES

There are no specific prerequisites for this course. A basic knowledge of concepts of human rights, and social responsibilities of business organizations, is welcome.

SUBJECT DESCRIPTION

Human rights are emerging as a significant area for business organizations, be they multinational enterprises or small and medium enterprises or state-run organizations. These organizations make a significant contribution to creating jobs and generating economic growth, raising living standards while playing their different roles in society – as producer, employer, customer, taxpayer and also as neighbour. There are times when business organizations are associated with or linked to human rights violations – even if unwittingly. Noting their important position in society, there is increasing recognition that direct or indirect contributions to violations of human rights could harm the image and increase the risks faced by an organization, whether private or public. On the other hand, better respect and protection of human rights could increase the goodwill of the business organization, including making them attractive as employers. This requires a better awareness and understanding of the international instruments, institutions, agreements that are related to human rights.

The course gives a comprehensive introduction to the sphere of human rights and business. The role and responsibility of business with regards to human rights will be explored and contextualized, within the context and the framework of key human rights legal conventions and the United Nations Guiding Principles on Business and Human Rights (UNGPs). The course links the key civil, political, economic, social human rights violations to the UNGPs´ Protect, Respect and Remedy framework. Key actors in this relationship including the state and civil society and how they influence human rights and business will be highlighted and discussed.

OBJECTIVES AND SKILLS

This course aims at making students aware of the concepts of human rights and how they relate to a powerful and dynamic sector of the economy and society: business organizations. By means of lectures, discussions and presentations, students are expected to gain the capability to understand, to deduce, and to analyze the impact of human rights on business. We will look at the different violations codified in the current international human rights treaties and relate it to the functioning of business organizations, including by the study of case studies. The course will also relate the human rights and business to the Sustainable Development Goals. We will thereby identify the strengths, the weaknesses, the dilemmas, the opportunities and steps achieved so far. We will, in this process, explore the role of key actors including governments, inter-governmental organizations like the UN, the EU, civil society organizations in shaping the system of norms and guidelines. We will also identify the limitations and challenges that exist in the existing regime of human rights and business and the debates and campaigns that are affecting the shape of the future, for instance, will there be a human rights treaty governing business? The discussions will help identify emerging public regulation of business in relation to human rights and its impacts on society.

METHODOLOGY

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	15 hours
Discussions	20.0 %	15 hours
Exercises	20.0 %	15 hours
Group work	20.0 %	15 hours
Other individual studying	20.0 %	15 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1
 INTRODUCTIONS: WHY DO HUMAN RIGHTS MATTER TO BUSINESS?

SESSION 2
 THE INTERNATIONAL HUMAN RIGHTS NORMS RELATING TO BUSINESS

SESSION 3
 THE CONFLUENCE: CIVIL AND POLITICAL RIGHTS and BUSINESS

SESSION 4
 THE CONFLUENCE: DISCRIMINATION and BUSINESS

SESSION 5
 THE CONFLUENCE: FORCED LABOUR AND WORK CONDITIONS AND BUSINESS

SESSION 6
 CONFLICT AND PEOPLE ON THE MOVE AND BUSINESS

SESSION 7
 BUSINESS, HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT GOALS

SESSION 8
 MID-TERM DISCUSSIONS AND PRESENTATIONS

SESSION 9
 BUSINESS AND THE ENVIRONMENT FROM A HUMAN RIGHTS PERSPECTIVE

SESSION 10
 KEY ACTORS - I

SESSION 11

KEY ACTORS - II

SESSION 12
HUMAN RIGHTS AND BUSINESS: WHERE ARE WE TODAY?

SESSION 13
FUTURE OF HUMAN RIGHTS AND BUSINESS: Towards a Treaty?

SESSION 14
PRESENTATIONS: The Final Round.

SESSION 15
FINAL EXAM

BIBLIOGRAPHY

There is one compulsory book for this course, a few recommended books and some important websites which gives important information on human rights and business and optional materials:

5.1. RECOMMENDED BOOKS:

MANDATORY

Title: Just Business: Multinational Corporations and Human Rights
Author: John Ruggie
Publisher / Year: WW Norton, 2015.
ISBN: 978-0-393-93797-8

RECOMMENDED AND OPTIONAL

Title: Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework
Author: UN Office of the High Commissioner for Human Rights
Publisher / Edition / Year: UN, 2011: HR/PUB/11/04.
https://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
Medium: PRINT ELECTRONIC

RECOMMENDED AND OPTIONAL

Title: Business and Human Rights: From Principles to Practice
Author: Dorothée Baumann-Pauly/ Justine Nolan
Publisher / Year: Routledge, 2016.
ISBN: 978-1-138-83356-2

RECOMMENDED WEBSITES

The UN Office of the High Commissioner for Human Rights: https://www.ohchr.org/en/issues/business/pages/businessindex.aspx
Business and Human Rights Resource Centre website: https://www.business-humanrights.org/en
https://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf

EVALUATION CRITERIA

Criteria	Percentage	Comments
Final Exam	50 %	
Individual Presentation	25 %	
Class Participation and contribution during discussions	25 %	

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 70% of the sessions. Students who do not comply with the 70% 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.

Your final grade in the course will be based on both individual and group work of different characteristics that will be weighted in the following way:

- Final Exam (50% of the final grade): Students will take an exam for 75mins where they will be tested for the knowledge they have gained from the course and graded according to their responses.

- Individual Presentation (25% of the final grade): The student will be graded for their analysis, arguments and conclusions as also presentation style.

- Class Participation and Participation in Discussions (25% of the final grade): Each session the students will get a mark. 0 points in case they are not attending the session. 5 points in case they are attending but not participating in the session. 10 points in case they are attending and participating.

PROFESSOR BIO

<div align="center">

Professor: **RAJIV NARAYAN**

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Professor: Rajiv Narayan E-mail: rnarayan@faculty.ie.edu
BIO – Rajiv Narayan

Dr Rajiv Narayan received his PhD from the University of London on Government-Business Relations in India and South Korea. He was a Chevening Scholar during his doctoral studies. He did his MPhil from Jawaharlal Nehru University, New Delhi, on Macro-economic Planning in the Republic of Korea during which time he was a Junior Research Fellow of the University Grants Commission of India.

Dr Rajiv Narayan was a visiting professor at the Graduate School of International Studies at Yonsei University, Seoul where he taught courses on human rights and politics of development in Asia. He has several articles, the most recent article titled, "North Korean human rights advocacy in Europe," in Andrew Yeo and Danielle Chubb (eds.), The Evolution of North Korean Human Rights Discourse and Activism: Domestic and Transnational Dimensions. (Cambridge University Press, August 2018, ISBN 978-1-108-42549-0), pp.109-127. Dr Narayan was lead author for a publication by the International Commission against Death Penalty titled, "How States Abolish the Death Penalty: 29 Case Studies," which was launched in May 2018. The publication has been translated into Spanish, Korean and Russian. Dr Narayan is currently finalising a book of North Korean authors where he has written an introductory chapter in collaboration with civil society organizations in South Korea and Norway.

Dr Rajiv Narayan has work experience in the field of human rights for over 18 years. He was Researcher (East Asia) for Amnesty International for 13 years and currently works as Director of Policy at the International Commission against the Death Penalty, which he joined in 2014.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

BUSINESS AND LAW IN ASIA: CHINA & THE ASIAN COUNTRIES

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **JOSE FELIX DE LUIS LORENZO**

E-mail: jfde@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES

None.

SUBJECT DESCRIPTION

China has become one of the world economic powers. It is not only a key market for European companies but also an increasingly visible player in the global investment market.

Although China is a key country in Asia, there are alternatives in that part of the world. The ASEAN countries –Association of Southeast Asian Nations- with Singapore as a relevant member is one of them.

China is developing a market economy under a socialist regime. Different cultural, social and political dynamics and traits are shaping a unique legal, social, and business environment. The legal and judicial systems undergo continuous changes, dealing with new challenges and realities as well as the ever existent tension between legal certainty and the consideration for the balance of different stake holders' interests.

OBJECTIVES AND SKILLS

In this course of 15 sessions, participants will address the main features of the Chinese business and legal environment, trying to get an insight of the rationale behind the "Chinese style". Also, will face the Chinese initiative "One Belt-One Road" considered to be a network that connects Asia, Europe and Africa, and passes through more than 65 countries and regions, with a population of about 4.4 billion and a third of the global economy. Finally, participants will learn about the main features of the ASEAN countries and Japan.

METHODOLOGY

15 Sessions.

Socratic method.

Students must attend at least 70% of the sessions. Students who not comply with the 70% attendance rule will lose their 1st and 2nd chance, and will go directly to the 3rd one (they will need to enrol again in this course next academic year).

A.- Class participation: 40%

B.- Group work (cases or papers)   30%

C.- Final exam   30%

TOTAL   100%

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	0.0 %	0 hours
Discussions	0.0 %	0 hours
Exercises	0.0 %	0 hours
Group work	0.0 %	0 hours
Other individual studying	0.0 %	0 hours
TOTAL	0.0 %	75 hours

PROGRAM

SESSION 1 (FACE TO FACE)

Session 1: PEOPLE´S REPUBLIC OF CHINA-THE WHOLE PICTURE.

SESSION 2 (FACE TO FACE)

Session 2: CURRENT CHINA.

SESSION 3 (FACE TO FACE)

Session 3: THE INSTITUTIONS (I).

SESSION 4 (FACE TO FACE)

Session 4: THE INSTITUTIONS (II).

a)   Who rules?

SESSION 5 (FACE TO FACE)

Session 5: THE LEGAL SYSTEM.

Civil Law system: Constitution, law and regulations.

SESSION 6 (FACE TO FACE)
Session 6: THE APPLICATION OF LAW (I).

Judicial system:

SESSION 7 (FACE TO FACE)
Session 7: THE APPLICATION OF LAW (II).

Arbitration system:

SESSION 8 (FACE TO FACE)
Session 8: INBOUND INVESTMENT IN CHINA.

SESSION 9 (FACE TO FACE)
Session 9: OUTBOUND INVESTMENT IN CHINA.

SESSION 10 (FACE TO FACE)
Session 10: CASE STUDY:

SESSION 11 (FACE TO FACE)
Session 11: OBOR.

SESSION 12 (FACE TO FACE)
 Session 12: CHINA vs. SPAIN.

SESSION 13 (FACE TO FACE)
 Session 13: ASEAN COUNTRIES.

SESSION 14 (FACE TO FACE)
 Session 14: JAPAN.

SESSION 15 (FACE TO FACE)
 Session 15: CASE STUDY: Students will be separated in two groups and bring to the forum two significant commercial disputes cases to discuss.

BIBLIOGRAPHY

EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS

Each student has two attempts over an academic year to pass this elective course.

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

Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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).

6.2. RETAKE POLICY

In the case of not passing the elective course on the extraordinary call, students must enroll in another course of the same kind (elective) and with the same ECTS. If the student fails the course, the student may either re-enroll (if the subject is again offered) and take it from the third attempt or enroll in a different course and have only two attempts.

Grading for retakes will be subject to the following rules:

o   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.

o   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.

o   The third attempt will require the student to complete:

  -a written assignment
  -a midterm
  -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.

Criteria	Percentage	Comments

PROFESSOR BIO

Professor: **JOSE FELIX DE LUIS LORENZO**

E-mail: jfde@faculty.ie.edu

J. Félix de Luis is a Central Government Attorney (Abogado del Estado) in Spain. Managing Partner of LEGAL 21 ABOGADOS, (www.legal21.es).

He is Advanced Management Program, A.M.P. (HARVARD BUSINESS SCHOOL, HARVARD UNIVERSITY. Boston, EE.UU.); Master in Law, LL.M. (COLUMBIA LAW SCHOOL, COLUMBIA UNIVERSTIY. New York, EE.UU.) and PADE, Programa Alta Dirección Empresas (IESE, UNIVERSIDAD DE NAVARRA, BUSINESS SCHOOL. Madrid).

J. Félix de Luis is an Arbitrator in several arbitration institutions in Asia, including CIETAC; BIAC-BAC; HKIAC; SHIAC; SCIA; Weihai; in CHINA; SIAC, SINGAPORE; KLRCA, MALAYSIA; KCAB, SOUTH KOREA; CAA, TAIWAN; PDRCI, THE PHILIPPINES.

He is also an arbitrator in the principal courts of arbitration in Spain and also at TAS/CAS, SWITZERLAND and LCIA, UK, among others.

J. Félix de Luis organized for the first time, in Hong-Kong in 2.015 a Seminar named "Spanish Arbitration Day", during the "Hong-Kong Arbitration Week".

In 2.016, on occasion of CIETAC 60th anniversary a Seminar named "Spanish Arbitration Day" was organized in Beijing. One year later, in 2.017, and again in Beijing on occasion of CIETAC´s "Arbitration Summit", a Seminar named "Spanish Arbitration Day with LATAM: Brasil, Chile y Mexico" was organized, acting as speakers "Arbitration practitioners" from these three countries. During 2018, again, on occasion of the CIETAC´s "Arbitration Summit" a "Spanish Arbitration Day with LATAM: Latest Developments" was held in Beijing.

In all the occasions, the main topic of the Seminar has been to explain the role that Spain can play, regarding international arbitration, in the conflicts between companies from Asia, mainly China, and the companies from Latino America.

Next year a new Seminar is going to be held in Beijing dealing not only with arbitration but also regarding investments between Asia and Latino America.

J. Félix de Luis is fluent in Spanish, English with basic knowledge of Chinese.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

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Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

21th December 2018

CYBERSECURITY: A LEGAL PERSPECTIVE

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **JAVIER PINILLOS SANCHEZ**

E-mail: jpinillos@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES

There is no specific prerequisites for this course as it will start from the scratch. However, basic IT knowledge and CyberSecurity concerns are welcomed.

SUBJECT DESCRIPTION

On the morning of May 12, 2017, the most disseminated worldwide Cyberattack took place when more than 220,000 systems over more than 150 countries were affected. The day after, every newspaper' front-page covered the Wannacry malware.

It was the first time a Cyberattack was so deeply covered in Media, and helped to made us aware of the importance of Cybersecurity in big Corporations because of the deep impact caused in those. The hidden menace of our Information Technology (IT) dependency appeared.

Frequency and complexity of Cyberattacks is increasing exponentially, and -If current tendency keeps going on- this kind of Cyberattacks will become more and more frequent and convoluted in a near future, and will jump from PC/laptop/server to mobile/Smartphone environment.

This aggressive environment forces us to be alert and ready before any eventuality. Cyberattacks will be in the front page of the newspapers day in day out, and it will become strictly necessary to gather a good-quality knowledge to understand what's happening and how to react.

A common saying in the Cybersecurity environment says IT (and Internet indeed) will never be 100 per cent secure, but with a good awareness and following Best practices, we can manage the inherent risk so that being very close to a secure environment.

OBJECTIVES AND SKILLS

Cybersecurity challenges against oncoming Cyberattacks will show students different types of Cyberattacks and how to react. The course will cover primitive and current Cyberattacks and trends of future intrusions, understanding every stage of the attack and providing the ability to think by themselves the best way to face off.

During the course, several attacks will be examined in depth, understanding Who, Where, When, and How it was developed. Students will learn everything about the methodology of the attack and the original reaction once the attack was public. After each case study, an open discussion will be developed, where students will look for the optimal solution. Several controls (IT tools) will be explained, in preventive, detective and reactive phases, so that a full security lifecycle knowledge could be acquired.

After the Course, and through the Cyberattack cases, students will reach a standard level of Cybersecurity knowledge very useful for their day-to-day abilities. Tips of this course can be used not only in their working environments, but also in their private life.

In addition, Technical and Legal perspectives will be offered for each case, so that a dual thinking could be achieved.

The course is open-profile designed and thus, there is no need of previous knowledge to enrol in this course. Neither IT nor legal vocabulary would be required. However, a basic knowledge of both fields is welcomed.

METHODOLOGY

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	14.67 %	11 hours
Discussions	20.0 %	15 hours
Exercises	20.0 %	15 hours
Group work	20.0 %	15 hours
Other individual studying	25.33 %	19 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1
Cybersecurity 101: Safety and Security. Physical Security. Confidentiality, Integrity and Availability.

SESSION 2
IT Governance. Standard Framework. Comitees. Security policies and best practices. Preventive, Detective and Corrective Controls. Security by Design.

SESSION 3
Compliance & Legal. Cyberlaw. Piracy. Internet Crimes. Overlicensing and underlicensing cases. Dark web. Minority Report challenge.

SESSION 4
Humans: The Weakest Link in Information Security (The human factor) The world at your feet with social engineering. DLP tools. 'Kevin Mitnick' case

SESSION 5
Gambling through Risk Management. Accept, Transfer, Mitigate, or Avoid? Cyberinsurances. Cybereconomics. The Black Swan Theory and cases.

SESSION 6
Asset classification. Ownership and Labelling. IRM tools. Cryptography. Privacy. 'Panama Papers' case.

SESSION 7
Privacy and Security: The eternal dilemma. Spam and Cookies. Data Breach Notification: The 'Snowden' and 'Wikileaks', cases and legal consequences. (Open Discussion)

SESSION 8

A new concept in Cybersecurity: CyberResilence. Disaster Recovery Plan. Incident Management. BIA. Practical Crisis Drill.

SESSION 9

Audits and Ethical Hacking. Hackers and Criminals. Hackers Challenge. The CiberSecurity cicle. Wannacry case and the importance of Patching.

SESSION 10

Perimeter fences and Network Security. Basic Architecture concepts. IP address. Secure communication channels. Firewalls. Segmentation. Network attacks cases. Wargames challenges. DDoS Attack

SESSION 11

Identity and Access Management. MAC Address. CASB. Provisioning lifecycle. MAC Attacks. Dictionary Attacks.

SESSION 12

Security Operations. Technical tools. SOC and SIEM correlation. The future is heuristic. 0-days attacks.

SESSION 13

CSI: Crime Scene Investigation. Forensic tools. How to delete the information. Ransomware cases.

SESSION 14

Cybersecurity in a nearby future: Social Networks, Mobile, Big Data, Cloud and IoT. Security by sector: Health, Transport, Energy... Critical Systems. Industrial Security. Stuxnet case. Blade Runner challenge.

SESSION 15 FINAL EXAM

BIBLIOGRAPHY

There is no mandatory bibliography for this course, but there are some optional materials:

5.1. RECOMMENDED BOOKS

Title: the art of deception: Controlling the human element of security
Author: Kevin D. Mitnick, William L. Simon
Publisher / Edition / Year: Wiley John + Sons; New edition (October 17th 2003)
ISBN / ISSN: ISBN-10: 076454280X. ISBN-13: 978-0764542800
Medium: PRINT   ELECTRONIC

Title: CISSP All-in-One Exam Guide, Seventh Edition (All-in-One Series)
Author: Shon Harris/ Fernando Maymí
Publisher / Edition / Year: McGraw-Hill Education; 7th Edition. (June 1st,2016)
ISBN / ISSN: ISBN-10: 0071849270. ISBN-13: 978-0071849272
Medium: PRINT   ELECTRONIC

Title: CSX Cybersecurity Fundamentals Study Guide, 2nd Edition
Author: ISACA (Various Artist)
Publisher / Edition / Year: ISACA 2017.
ISBN / ISSN: https://www.isaca.org/bookstore/Pages/Product-Detail.aspx?Product_code=CSXG2
https://cybersecurity.isaca.org/csx-resources/cybersecurity-fundamentals-study-guide
Medium: PRINT   ELECTRONIC

Title: CyberSecurity and CyberWar: What Everyone Needs To Know
Author: P.W. Singer, Allan Friedman.
Publisher / Edition / Year: Oxford University Press; 1 edition (January 3, 2014)
ISBN / ISSN: ISBN-10: 0199918112. ISBN-13: 978-0199918119
Medium: PRINT   ELECTRONIC

5.2. RECOMMENDED FILMOGRAPHY.

Some of the concepts included in these movies will be discussed during the course. Watching these movies is not mandatory at all.

Hackers (1995)
PG-13 | 1h 47min | Comedy, Crime, Drama | 15 September 1995 (USA)
Director: Iain Softley

Blade Runner (1982)
R | 1h 57min | Sci-Fi, Thriller | 25 June 1982 (USA)
Director: Ridley Scott

WarGames (1983)

PG | 1h 54min | Sci-Fi, Thriller | 3 June 1983 (USA)

Director: John Badham

Minority Report (2002)

PG-13 | 2h 25min | Action, Adventure, Crime | 21 June 2002 (USA)

Director: Steven Spielberg

EVALUATION CRITERIA

Teaching Methodology	Weighting	Estimated time a student should dedicate to pre
Lectures	15%	11,25 hours
open Discussions	20%	15 hours
Exercises (Case Study)	20%	15 hours
Individual/Group work	20%	15 hours
Individual Studying	25%	18,75 hours
TOTAL	**100%**	**75 HOURS - 3 ECTS - 15 SESSIONS**

Criteria	Percentage	Comments
Final Exam	50 %	
Class Participation and Open Discussions	25 %	
Individual/Group Work	25 %	

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 70% of the sessions. Students who do not comply with the 70% 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.

Your final grade in the course will be based on both individual and group work of different characteristics that will be weighted in the following way:

25th October 2018

- Final Exam (50% of the final grade): Students will take an exam for 75mins where they will put into practice tha achieved knowledge.
- Class Participation (35% of the final grade): Each session the students will get a mark. 0 points in case they are not attending the session. 5 points in case they are attending but not participating in the session. 10 points in case they are attending and participating.
- Individual work(15% of the final work): On Session #7 an open discussion will be held, and their mark will be based in their participation and reasoning.

RETAKE POLICY

Any student whose weighted final grade is below 5 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 exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

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

o   If you do not pass the elective, you may choose enroll in the same course or enroll in a different elective the next academic year.

USE OF ELECTRONIC DEVICES IN CLASS

·   It is recommended the use of a laptop/tablet/smartphone in class, Wi-Fi connection needed. In any case, the use of Wi-Fi for activities not related to this class will hinder your grade on participation.

PROFESSOR BIO

Professor: **JAVIER PINILLOS SANCHEZ**

E-mail: jpinillos@faculty.ie.edu

BIO - Javier Pinillos

Javier Pinillos with more than 15 years' experience in Cybersecurity field with a technical background (Computer engineer) and a Business vision (MBA), he's co-author of two books about Cybersecurity and Compliance IT. He'd also taught tens of seminars to non-IT people, including Judges, Lawyers or Police Dept. employees.

He started working in the Cybersecurity field in 1990. For 12 years he worked for the US Movie majors, securing their IT networks and defending their Intellectual Property Rights. He has developed his career not only in Spain, but also in Latam and Europe, understanding the specific casuistry of Cybersecurity Laws in each country.

Later he developed his career in Spain, working for Consultancy Corporations, achieving a commercial vision that supported to understand Clients' needs to defend network threats.

Finally, working for an IBEX-35 Corporation leaded to integrate real needs of Security as an insider.

You can find further details about Javier in:

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Twitter: @JaviPinillos

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

DIGITAL ETHICS AND PRIVACY IN NEW EMERGING TECHNOLOGIES

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **NORBERTO NUNO GOMES DE ANDRADE**

E-mail: ngomesdeandrade@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES

There are no mandatory prerequisites. However, and in order to acquire a better understanding of the concepts and practices we'll be discussing in the classroom and to more comfortably engage in our debates, I'd recommend reading the following bibliography:

Law and Tech

For an introduction to issues of cyberspace regulation: Code version 2.0 by Lawrence Lessig

- Focus on Part I (Regulability) and Part II (Regulation by Code) [Chapters 1 to 8] + Chapter 7: Privacy

- Description: Lessig's "Code and Other Laws of Cyberspace" was published in 1999. The book quickly began to define a certain vocabulary for thinking about the regulation of cyberspace. More than any other social space, cyberspace would be controlled or not depending upon the architecture, or "code," of that space. And that meant regulators, and those seeking to protect cyberspace from at least some forms of regulation, needed to focus not just upon the work of legislators, but also the work of technologists. Code v2 updates the original work. It is not, as Lessig writes in the preface, a "new work." Written in part collectively, through a Wiki hosted by JotSpot, the aim of the update was to recast the argument in the current context, and to clarify the argument where necessary

Societal Implications of New Tech

For an overview of what Big Data is and its implications (along with ways to address it): Big Data: A Revolution That Will Transform How We Live, Work, and Think , by Viktor Mayer-Schönberger and Kenneth Cukier

- Description: "Whether it is used by the NSA to fight terrorism or by online retailers to predict customers' buying patterns, big data is a revolution occurring around us, in the process of forever changing economics, science, culture, and the very way we think. But it also poses new threats, from the end of privacy as we know it to the prospect of being penalized for things we haven't even done yet, based on big data's ability to predict our future behavior. What we have already seen is just the tip of the iceberg. Big Data is the first major book about this earthshaking subject, with two leading experts explaining what big data is, how it will change our lives, and what we can do to protect ourselves from its hazards."

Privacy

For an introduction to the main concepts, laws and practices of information privacy and data protection: Foundations of Information Privacy and Data Protection: A Survey of Global Concepts, Laws and Practices, by Peter P. Swire and Kenesa Ahmad

- Description: The essential text for any professional working in privacy and data protection or a related field, and serves as the principal text for the Certified Information Privacy Professional (CIPP) Certification Foundation program.

Ethics

For a brief and accessible introduction to ethics, and its main concepts, schools of thought: Ethics 101. From Altruism and Utilitarianism to Bioethics and Political Ethics, An Exploration of the Concepts of Right and Wrong.

- Description: Ethics 101 offers an exciting look into the history of moral principles that dictate human behavior. Unlike traditional textbooks that overwhelm, this easy-to-read guide presents the key concepts of ethics in fun, straightforward lessons and exercises featuring only the most important facts, theories, and ideas. Ethics 101 includes unique, accessible elements such as: -Explanations of the major moral philosophies including utilitarianism, deontology, virtue ethics, and eastern philosophers including Avicenna, Buddha, and Confucius.-Classic thought exercises including the trolley problem, the sorites paradox, and agency theory-Unique profiles of the greatest characters in moral philosophy-An explanation of modern applied ethics in bioethics, business ethics, political ethics, professional ethics, organizational ethics, and social ethics

Tech / Data Ethics

For an overview of tech ethics, check the Ethics in Tech Practice set of resources provided by Santa Clara University's Markkula Center for Applied Ethics.

- Description: This set of resources provide an introduction to key ethical concepts, resources, and tools that have been developed by a team of technology ethicists from Santa Clara University's Markkula Center for Applied Ethics. These training materials were designed to help companies implement ethical reflection, deliberation, and judgment into their product development processes.

For a proposition on how enterprises can examine ethical questions raised by digital technologies, and engage with data practices from an ethical standpoint: Ethics of Big Data: Balancing Risk and Innovation, by Kord Davis

- Description: "What are your organization's policies for generating and using huge datasets full of personal information? This book examines ethical questions raised by the big data phenomenon, and explains why enterprises need to reconsider business decisions concerning privacy and identity. Authors Kord Davis and Doug Patterson provide methods and techniques to help your business engage in a transparent and productive ethical inquiry into your current data practices. With this book, you'll learn how to align your actions with explicit company values and preserve the trust of customers, partners, and stakeholders."

SUBJECT DESCRIPTION

The aim of this interdisciplinary course is to provide you with a set of intellectual and practical tools for addressing privacy and ethical considerations in the development and evaluation of new and emerging technologies. Through interactive case studies and real-world inspired scenarios, you will reflect, discuss and engage in some of the most intricate legal, policy and ethical questions posed by Artificial Intelligence and Machine Learning, Virtual and Augmented Reality, Facial Recognition, Robotics, Internet of Things, Biotech and Self-Driving Cars, amongst others. The course will familiarize you with the existing regulatory, policy and ethical frameworks that govern these technologies. You will learn key legal and ethical concepts and methods of reasoning that will help you address the challenges illustrated in the case studies in a consistent manner. The course will teach you how to think critically and creatively about these technologies, and how to balance competing values and interests that are often involved in their actual building and deployment. Ultimately, you will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

OBJECTIVES AND SKILLS

This course will only be theoretical as strictly needed. At its core, the course will be fundamentally pragmatic and interactive, that is, grounded on recent case studies, events and controversies, while being animated through discussions of current policy documents and proposed governance frameworks for new and emerging technologies. The course will put students in the shoes of corporate legal and policy professionals, as well as legislators and policy makers. Participants will be exposed to and challenged by complex ethical scenarios, where they will be asked to assess risks and benefits with a view to make decisions and stand behind them. As such, and in terms of objectives and skills, the course will:

- improve overall knowledge and familiarity of students with existing and proposed new tech governance frameworks (legal, ethical, regulatory, self-regulatory, etc)
- improve fluency and critical skills of students in the discussion and use of ethical and legal concepts and frameworks in the development and governance of new technologies
- provide students with the necessary legal and ethical-driven skills to not only assess and evaluate the risks and benefits associated with the development and deployment of new technologies, but to map them to existing regulatory and governance frameworks.

METHODOLOGY

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	20 hours
Discussions	20.0 %	15 hours
Exercises	26.67 %	20 hours
Group work	26.67 %	20 hours
Other individual studying	0.0 %	0 hours

TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1 (FACE TO FACE)

This session will provide an overview of the course, set goals and clarify expectations. Introductory readings on the history of automation and on the relationship between ethics, technology and law will be discussed.

SESSION 2 (FACE TO FACE)

This session will engage students in a foresight exercise, asking them to anticipate and re-imagine their present day in 5/10 years in light of a wide array of technological trends shaping the future. These trends will be sourced from magazine articles, science fiction series and published stories, amongst others.

SESSION 3 (FACE TO FACE)

This session will introduce students to key ethical concepts, schools of thoughts, codes and governance frameworks. After that generic overview, we'll focus on computer ethics, data ethics and digital ethics. This session will delve into these various disciplines by introducing and discussing some of the emerging questions and dilemmas proposed by these fields of inquiry.

SESSION 4 (FACE TO FACE)

In this session we'll discuss the foundational concepts and principles of Information Privacy and Data Protection, along with its main laws and regulatory frameworks from both a regional and global perspectives. Particular attention will be given to the historical evolution of privacy laws and to the latest trends observed in this space. By assessing some its most recent developments, we'll also discuss the expansion of privacy and data protection and their increasing interlinkage with ethics.

SESSION 5 (FACE TO FACE)

This session will introduce students to the basics of Artificial Intelligence and Machine Learning, providing a brief overview of its main applications and areas of investment. The focus of this session will be devoted to issues of AI Policy, inviting students to identify and discuss its main legal and policy themes, ranging from opacity, inscrutability and privacy to bias, fairness and societal implications. Our discussion will be based on concrete examples of AI-based products, services and research that raised substantive concerns and controversies.

SESSION 6 (VIDEOCONFERENCING)

This session will discuss a case study related to the development or application of new and emerging technologies that raise important ethical issues. Reliance on formal law will not be sufficient to address or solve such issues, as proper legal guidance may not exist or may not be sufficient. Students will be asked to think critically and creatively about these technologies, and on how to balance competing values and interests that are often involved in their actual building and deployment. At the conclusion of each case study, students will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

20th December 2018

SESSION 7 (VIDEOCONFERENCING)

This session will discuss a case study related to the development or application of new and emerging technologies that raise important ethical issues. Reliance on formal law will not be sufficient to address or solve such issues, as proper legal guidance may not exist or may not be sufficient. Students will be asked to think critically and creatively about these technologies, and on how to balance competing values and interests that are often involved in their actual building and deployment. At the conclusion of each case study, students will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

SESSION 8 (VIDEOCONFERENCING)

This session will discuss a case study related to the development or application of new and emerging technologies that raise important ethical issues. Reliance on formal law will not be sufficient to address or solve such issues, as proper legal guidance may not exist or may not be sufficient. Students will be asked to think critically and creatively about these technologies, and on how to balance competing values and interests that are often involved in their actual building and deployment. At the conclusion of each case study, students will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

SESSION 9 (VIDEOCONFERENCING)

This session will discuss a case study related to the development or application of new and emerging technologies that raise important ethical issues. Reliance on formal law will not be sufficient to address or solve such issues, as proper legal guidance may not exist or may not be sufficient. Students will be asked to think critically and creatively about these technologies, and on how to balance competing values and interests that are often involved in their actual building and deployment. At the conclusion of each case study, students will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

SESSION 10 (VIDEOCONFERENCING)

This session will discuss a case study related to the development or application of new and emerging technologies that raise important ethical issues. Reliance on formal law will not be sufficient to address or solve such issues, as proper legal guidance may not exist or may not be sufficient. Students will be asked to think critically and creatively about these technologies, and on how to balance competing values and interests that are often involved in their actual building and deployment. At the conclusion of each case study, students will be able to formulate and justify privacy sound and ethically defensible positions for tech challenges that do not offer easy or straightforward solutions.

SESSION 11 (FACE TO FACE)

Drawing from existing toolkits, practices, frameworks and training resources, this session will explore different ways to embed ethics into the design, research, development, deployment and governance of technological systems.

SESSION 12 (FACE TO FACE)

SESSION 13 (FACE TO FACE)

This session will address the wide array of different solutions proposed by different stakeholders to the ethical concerns and challenges examined earlier on in the course. This session will focus on the following legal and principle-based solutions:

SESSION 14 (FACE TO FACE)

This session examines the gaps and tensions between existing privacy regulatory frameworks and new tech developments. Students will be asked to use their critical skills and legal creativity to fill these gaps and solve these tensions. Students will also discuss how to apply or change public policy or law regarding AI systems in order to implement important ethical choices.

SESSION 15 (FACE TO FACE)

Written Exam

20th December 2018

BIBLIOGRAPHY

All bibliographical references are listed above.

EVALUATION CRITERIA

Each student has two attempts over an academic year to pass this elective course. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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).

Class participation and Group presentation are fundamental evaluation elements of this course. Students engaged in class discussions and able to connect their arguments with the mandatory readings will be highly valued in the final course grade.

Class participation XX% B. Cases and Essays XX% C. Mid-term exam(s) XX% D. Final Exam XX% TOTAL 100%

Criteria	Percentage	Comments
Class Participation	35 %	
Group Presentation	35 %	
Final Exam	30 %	

6.2. RETAKE POLICY In the case of not passing the elective course on the extraordinary call, students must enroll in another course of the same kind (elective) and with the same ECTS. If the student fails the course, the student may either re-enroll (if the subject is again offered) and take it from the third attempt or enroll in a different course and have only two attempts. Grading for retakes will be subject to the following rules:

o 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.

o 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.

o The third attempt will require the student to complete:

- a written assignment
- a midterm
- a final exam

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

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

PROFESSOR BIO

Professor: **NORBERTO NUNO GOMES DE ANDRADE**

E-mail: ngomesdeandrade@faculty.ie.edu

Professor Norberto Nuno Gomes de Andrade

Norberto Andrade is a Global Public Policy, Privacy and Ethics Expert, and a Legal Scholar, Researcher and Lecturer, with over 15 years of international experience in government, academia, regulatory agency, and corporate positions. Norberto works at the intersection of Privacy, Ethics and Public Policy at Facebook, having previously worked as Global Data Privacy Program Manager at Workday, as Public Policy Contributor at Mozilla, as Scientific Officer at the European Commission, and as Legal Policy and International Relations Manager at the Portuguese Regulatory Authority for Electronic Communications (ANACOM).

Norberto is also an Affiliated Scholar at Stanford Law School - Center for Internet & Society (CIS). Previously, Norberto was a Postdoctoral Research Scholar at UC Berkeley School of Law, where he worked at the Berkeley Center for Law and Technology (BCLT); a Legal Foresight Fellow at the Hague Institute for the Internationalisation of Law (HiiL, The Netherlands) and a Visiting Scholar at the Singapore Internet Research Centre (SiRC) of Nanyang Technological University. He has successfully published numerous academic articles, reports and book chapters in the field of Law & Technology.

Norberto holds a PhD in Law, Policy and Technology and a Master of Research in European, International and Comparative Law from the European University Institute (Italy), an MA in International Relations and European Studies from the Central European University (Hungary), and an LLB from the University of Lisbon.

OTHER INFORMATION
Contact details: nandrade@faculty.ie.edu

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

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4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

EUROPA MOOT COURT COMPETITION

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: CHARLOTTE ELISABETH LESKINEN

E-mail: celeskinen@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 6.0
Language: English

PREREQUISITES
Students must have passed the course "European Union Law" in order to enroll in this elective.

SUBJECT DESCRIPTION
This course will be a simulation of the Europa Moot Court Competition. Students will be asked to solve a hypothetical, complex, topical EU law case and argue it as if they were pleading before the Court of Justice of the European Union. In addition, the four best students will have the opportunity to represent IE University in the 2019 Europa Moot Court Competition in Lisbon.

The aim of the course is to improve the legal research, legal analysis and reasoning skills as well as argumentation skills of all students taking this course and to prepare the students participating in the 2019 Europa Moot Court Competition. Students will also deepen their knowledge of EU law and learn about the working practices of the CJEU.

OBJECTIVES AND SKILLS

- To get an overview of the legal framework and working practices of the CJEU

- To improve skills to conduct legal research and legal analysis, and to understand and interpret statutory provisions and case law

- To improve advocacy skills by applying EU law in practice by solving and arguing a complex case

- To learn to explain, clearly and persuasively, legal rules and their effect

- To acquire deeper knowledge of constitutional and substantive EU law, in particular of topical, legal issues

- To learn to argue a case involving EU law before the CJEU

METHODOLOGY

The first sessions of the course will be dedicated to explaining the rules and objectives of the competition and the research methods and resources, which students are expected to use. Moreover, the relevant rules of procedure of the CJEU will be studied and students will learn how to identify the key legal issues of the hypothetical case, which they are requested to solve. These legal issues will be discussed during the following sessions by the use of key rulings of the Court of Justice. However, students are expected to also conduct further independent research in order to plead the case. They will also learn about oral advocacy and how to plead before the Court of Justice.

At the beginning of the last part of the course each team will present their outline for the pleadings and will have the opportunity to discuss their approach with their professor. Throughout the course, students will be guided in their legal arguments and they will be analyzed in class in order to allow for improvements.

The objective is to follow the rules of the Europa Moot Court Competition. Students will be divided into competing teams, each consisting of four members (at most). Each team must prepare pleadings for both the applicant and the defendant. During the practice moots students will compete against each other regarding one of the questions in the moot problem. Sessions 22-24 will be dedicated to the Preliminary Moots the aim of which is to determine the finalists of the moot course. The Moot Final (covering the whole moot problem) will take place during Sessions 26-27.

Students representing IE University in the 2019 Europa Moot Court Competition will have additional practice moots and both individual and group training. Therefore, <u>the rest of the class will only be required to attend 25 out of 30 sessions</u>.

<u>In order to choose the IEU team, two practice moots will be organized in December and January during which students participating in the elective will compete against each other regarding one of the questions in the moot problem. The selection will, in particular, be based on the knowledge of the substance of the moot case demonstrated in class, performance in the practice moots, capacity for team work, general knowledge of EU law as well as any other factor which will allow to select a team which will best be able to represent IEU</u>.

For each class, students are expected to do the assigned readings and tasks. Throughout the course independent research on EU legal provisions and case law of the CJEU is also required.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	30 hours
Discussions	10.0 %	15 hours
Exercises	10.0 %	15 hours
Group work	30.0 %	45 hours
Other individual studying	30.0 %	45 hours
TOTAL	100.0 %	150 hours

PROGRAM

Please note that the content is provisional and may be adjusted once the moot problem has been published and the number of students taking the elective is confirmed.

SESSION 1

Introduction to the Europa Moot Court Competition and to EU Court Procedure. Legal Research and Resources

Other: Session 1 Materials

SESSION 2

Legal Analysis: Identification of Key Issues (Applicant and Defendant)

SESSION 3

Key Aspects of the EU Legal System. Legal Analysis and the Use of Legal Authorities

B.C.: Legal Skills, 4th Edition

SESSION 4

Introduction to the Main Field(s) of EU Law Included in the Moot Problem (I)

SESSION 5

Introduction to the Main Field(s) of EU Law Included in the Moot Problem (II)

SESSION 6

Legal Analysis: Key Issues (I)

SESSION 7

Oral Advocacy (I)

B.C.: A Practical Guide to Mooting

SESSION 8

Oral Advocacy (II)

B.C.: Mooting and Advocacy Skills

SESSION 9

Practice Moot 1 (A and B)

SESSION 10

19th September 2018

Practice Moot 1 (C and D)

SESSIONS 11 - 12
Practice Moot 2 (A and B)

SESSIONS 13 - 14
Practice Moot 2 (C and D)

SESSION 15
Legal Analysis: Key Issues (II)

SESSION 16
Legal Analysis: Key Issues (III)

SESSION 17
Legal Analysis: Key Issues (IV)

SESSION 18
Practice Moot (only for the Lisbon mooters)

SESSION 19
Development of Legal Argument. Presentation of Research and Discussion of Problematic Issues (I)

SESSION 20
Practice Moot (only for the Lisbon mooters)

SESSION 21
Development of Legal Argument. Presentation of Research and Discussion of Problematic Issues (II)

SESSION 22
Preliminary Moot (A and B)

SESSIONS 23 - 24
Preliminary Moot (C and D)

SESSION 25
Practice Moot (only for the Lisbon mooters)

SESSIONS 26 - 27

 Moot Final

SESSION 28

 Practice Moot (only for the Lisbon mooters)

SESSION 29

 Practice Moot (only for the Lisbon mooters)

SESSION 30

 Ruling of the Court. Critical Assessment and Feedback

BIBLIOGRAPHY

There are no compulsory text books, but electronic copies of readings will be provided. Students are encouraged to consult any of the mooting books listed as recommended. Mooting requires students to consult primary sources of law, i.e. legal texts and case law, and not to rely merely on text books. However, in order to complement their readings of primary sources, students may wish, for example, to consult the texts by Craig and de Búrca and/or Lenaerts and Van Nuffel.

RECOMMENDED

Title: A practical guide to mooting
Author: Hill, J.
Publisher / Edition / Year: Palgrave Macmillan / 2009
ISBN / ISSN: 978-0230220683
Medium: PRINT

Title: How to Moot. A student guide to mooting
Author: Snape, J. and Watt, G.
Publisher / Edition / Year: Oxford University Press / 2nd / 2010
ISBN / ISSN: 978-0199571673
Medium: PRINT

Title: The Devil's Advocate
Author: Morley, I.
Publisher / Edition / Year: Sweet & Maxwell / 3rd / 2015
ISBN / ISSN: 978-0414023222
Medium: PRINT

Title: EU Law: Text, Cases, and Materials
Author: Craig, P. and de Búrca, G.
Publisher / Edition / Year: Oxford University Press / 6th / 2015
ISBN / ISSN: 978-0-19-871492-7
Medium: PRINT

Title: European Union Law
Author: Lenaerts, K. and Van Nuffel, P.
Publisher / Edition / Year: Sweet & Maxwell / 3rd / 2011
ISBN / ISSN: 978-1847037435
Medium: PRINT

Title: EU Procedural Law
Author: Lenaerts, K., Maselis, I. and Gutman, K.
Publisher / Edition / Year: Oxford University Press / 1st / 2014
ISBN / ISSN: 978-0-19-870733
Medium: PRINT

Title: The Substantive Law of the EU. The Four Freedoms
Author: Barnard, C.
Publisher / Edition / Year: Oxford University Press / 5th / 2016
ISBN / ISSN: 978-0198749950
Medium: PRINT

EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS

Each student has <u>four attempts</u> 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 70% of the sessions. Students who do not comply with the 70% attendance rule will <u>receive a 0.0 on their first and second attempts</u> and go directly to the third one (they will need to enroll in this course again or in a different elective the following academic year).

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

6.2. EVALUATION AND WEIGHTING CRITERIA

Criteria	Percentage	Comments
Class Participation	20 %	
Practice Moot 1	10 %	
Practice Moot 2	30 %	
Moot	40 %	

Note that the grade called "Moot" will either be the grade for the Preliminary Moot or the Moot Final, depending on which grade is higher. Students qualifying for the Moot Final will therefore have an opportunity to increase their moot grade.

<u>Students participating in the 2019 Europa Moot Court Competition</u> will be evaluated differently based on Practice Moot 1 (10%), Practice Moot 2 (20%) class participation (20%), the oral arguments presented in the moot (25%) and in the Europa Moot Court Competition in Lisbon (25%).

a.   CLASS PARTICIPATION (20%)

Students are expected to attend and prepare in advance for all class meetings and to participate actively in debates. The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. They must participate in class discussions throughout the course.

b.   ORAL ARGUMENTS IN THE PRACTICE MOOTS AND THE MOOT (10% + 30% + 40%)

Each team is required to argue both as applicant and defendant. The applicant will present its views first. This will be followed by the arguments of the defendant. The arguments of each party may <u>not exceed 20 minutes</u>.

Once the defendant has presented its oral arguments, the claimant may make a rebuttal of 3 minutes. This may be followed by the defendant's 2-minute surrebuttal.

The Court may also ask questions about the case throughout the moot.

The evaluation of the oral arguments will focus on the correctness of the legal analysis and argumentation (general knowledge and understanding of EU law and its principles), the presentation and style, persuasiveness, the capacity to rebut the arguments of the opponent in reply and rejoinder and the ability to answer questions from the judges. The grade will be based on the individual performance of each student in the moot.

6.3. RETAKE POLICY

Any student whose weighted final grade is below 5 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 exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is 8 out of 10.

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

- If you do not pass the elective, you may choose to enroll in the same course or to enroll in a different elective the next academic year.

PROFESSOR BIO

Professor: **CHARLOTTE ELISABETH LESKINEN**

E-mail: celeskinen@faculty.ie.edu

Charlotte Leskinen is Professor of European Union Law at IE University. She holds a LL.M. from University of Helsinki, a M.A. in European Interdisciplinary Studies from College of Europe, Natolin, and a Ph.D. in EU Law from Complutense University of Madrid.

Professor Leskinen specializes in private enforcement of EU competition law. In addition, her research focuses on European and Comparative Competition Law, EU Internal Market Law and fundamental rights. She teaches European Union Law at IE University and coaches the IEU team participating in the Europa Moot Court Competition organized by the Mo.H.A. Research Center and Nova University of Lisbon. She has been visiting professor at the Lisbon School of Law at the Catholic University of Portugal and visiting scholar at the School of Law at Northwestern University. Before joining IE University, she worked as a Senior Research Officer at the Finnish Competition Authority and as a trainee in the DG Competition of the European Commission.

Contact Information: charlotte.elisabeth@ie.edu.

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail to the address indicated above.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

FINANCIAL INDUSTRY FUNCTIONING & REGULATION

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **JORGE FERNANDEZ GARCIA**

E-mail: jfernandezg@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES
There are no mandatory prerequisites in relation with this subjetc.

SUBJECT DESCRIPTION
This subject is aimed at those students who are considering either working directly in a financial entity (e.g. Banks, Brokers, Investment Firms, Insurance Companies) or those who are considering joining any legal, audit or advisory firm since most of these firms' biggest clients are financial entities.

This Subject is also aimed at those students who want to understand, from a practical standpoint the functioning and type of players existing in the financial industry.

Financial Industry has a very complex regulatory and functioning enviroment. Our goal is to provide tools and practical understanding of the key elements of this sector.

OBJECTIVES AND SKILLS
1. Get an overview and general infrastructure of the financial industry and the Key players;

2. Understand the European regulatory operational framework governing cross-border provision of services by financial entities;

3. Learn about the main financial services and products available in the market, their regulation and key issues related with these services and products;

4. Learn about the most relevant regulatory trends which are forcing entities to review their business and operational models.

5. Assess and provide tools to enhance concentration, synthesis and prioritization capabilities of the students to allow a future better understanding of clients' needs and ability to identify the most relevant needs in short time client's meetings.

We will work in several real team practical cases and therefore we will analyze and enhance your technical and teambuilding skills. In particular, we will teach you how to advice clients and present your analysis to finantial entities which are currently facing these challenges.

METHODOLOGY

The methodology for this subject will be specially focused in the resolution of practical cases tailored to the duration and complexity of a Bachelor of Laws degree.

Preliminary theoretical explanations will be provided in the previous sessions to allow students to study and resolve the practical cases to be resolved. Part of the sessions will be dedicated to the resolution and explanation of the practical cases and complemented with the clarification and detailed explanation of the applicable regulatory regime.

None of the theoretical presentations to be displayed during this subject will be subsequently distributed to the students. One of our goals is also to evaluate concentration, synthesis and prioritization capabilities of our students. Therefore, only the practical cases (and support) materials will be distributed and uploaded in the online campus.

Students will also have to complete a final test exam to verify the individual knowledge acquired by each student.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	21.33 %	16 hours
Discussions	0.0 %	0 hours
Exercises	20.0 %	15 hours
Group work	46.67 %	35 hours
Other individual studying	12.0 %	9 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1

Introduction to the subject:

SESSIONS 2 - 3

Financial Industry key players and EU operational framework:

SESSIONS 4 - 5

Banking, investment services and applicable rules of conduct:

SESSION 6

Payment Services & E-money:

SESSIONS 7 - 8

Securities offering (Prospectus Directive):

SESSIONS 9 - 10

Insurance Sector:

SESSION 11

Pension Plans and Pension Funds:

SESSIONS 12 - 13

Antimoney Laundering:

SESSION 14

SESSION 15

Final Exam

BIBLIOGRAPHY

EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS

Each student has two attempts over an academic year to pass this elective course.

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

Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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).

Criteria	Percentage	Comments
Final Exam	30 %	Final individual assessment of knowledge acquired
Class Participation	35 %	Individual participation during the sessions (preparation quality and relevance of the interventions will be assessed)
Workgroups	15 %	Quality and presentation of the materials elaborated by the Workgroups in the resolution of the practical cases.
Group Presentation	20 %	Clarity, depth and accuracy on the explanations provided by the different groups in the resolution of the practical cases

6.2. RETAKE POLICY

In the case of not passing the elective course on the extraordinary call, students must enroll in another course of the same kind (elective) and with the same ECTS. If the student fails the course, the student may either re-enroll (if the subject is again offered) and take it from the third attempt or enroll in a different course and have only two attempts.

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.

o   The third attempt will require the student to complete:

·   a written assignment

·   a midterm

·   a final exam

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

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

PROFESSOR BIO

Professor: **JORGE FERNANDEZ GARCIA**

E-mail: jfernandezg@faculty.ie.edu

Executive Summary

- Law degree @University San Pablo CEU.
- Post Graduate LLM in Corporate Business Law @Instituto de Empresa (IE)
- Member of Madrid BAR Association since 2010.
- Professor of Banking Law and Securities Markets modules of the Post Graduate LLM in Corporate Business Law @Instituto de Empresa (IE).
- Professor of Financial Industry Functioning & Regulation @IE University (IE Law School)

Background:

2008-2010 --> Internship @ABEMP ABOGADOS S. L. (Madrid):

- Research on procedural and criminal Law cases;
- Support in drafting of corporate & legal documents and submission before Spanish Commercial Registry.

2010-April 2015 --> Associate @PwC Tax & Legal Services (Madrid):

- Legal and regulatory advice to Financial Entities concerning compliance with International and EU regulations (MiFID, AML, EMIR, Insurance Mediation, Solvency II Asset Servicing, Settlement and Custody of assets).
- Legal advice in FROB restructuring –selling of entities, asset portfolios, Due Diligence, etc.
- Regulatory advice in inspection and disciplinary procedures vis-a-vis BoS, SEPBLAC, CNMV, DGS.

April 2015 – Present --> Senior Manager @EY Abogados, S.L.P. (Madrid)

- Senior Manager of Legal & Regulatory Department of EY Spain with more than 8 years of experience providing legal & regulatory advice to national and foreign financial entities acting in Spain.

OTHER INFORMATION

For those students passionate about cinema, please find below a list of films which main theme is about some of the topics to be covered in this subject:

- Margin Call (2011) directed by JC Chandor
- Too big to fail (2011) directed by Curtis Hanson
- The big short (2015) directed by Adam McKay
- Inside Job (2010) directed by Charles Ferguson

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

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2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

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HUMAN RIGHTS IN A CHANGING WORLD: LAW AS A TOOL FOR SOCIAL CHANGE

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **VIVIANA WAISMAN FRYDMAN**

E-mail: vwaisman@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES

None

SUBJECT DESCRIPTION

This introduction to human rights law course will provide students an essential understanding of basic human rights principals. In today's legal, political, policy and business worlds, international human rights law affects the way all of us think, live and work, either explicitly or implicitly. Those involved in the legal professions as attorneys, as well as those involved in government, public policy and business, benefit from having an understanding of the breadth and depth of human rights principles. This also applies to persons working in not-for-profit organizations or other civil society work.

OBJECTIVES AND SKILLS

Students who complete the course successfully should acquire:

-A basic understanding of the principles and institutions of international human rights law;
-A basic understanding of how human rights plays a role in the current political context;
-An ability to think analytically about the implementation and development of international human rights law; and
-The ability to participate in legal, political and other debates involving human rights in a knowledgeable and constructive way

METHODOLOGY

The class will be highly participatory and students are expected to have read the assigned materials and participate in discussions. Class discussion will commence with the assumption that everyone is thoroughly familiar with the assigned materials. A student who is unprepared when called upon may be marked absent for that class. Each student will be expected to work on the assigned class project and share the results in class discussions. During the semester students will also draft papers and be expected to be able to give presentations that will help them build the skill sets required in the field of human rights law.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	20 hours
Discussions	6.67 %	5 hours
Exercises	40.0 %	30 hours
Group work	0.0 %	0 hours
Other individual studying	26.67 %	20 hours
TOTAL	100.0 %	75 hours

20th November 2018

PROGRAM

SESSION 1

Introduction to class and to class project
Beginning of History and foundational principles

SESSION 2

History and foundational principles continued

SESSION 3

Normative foundation and the United Nation system

SESSION 4

Normative foundation and the United Nation system

SESSION 5

The regional systems

SESSION 6

The regional systems

SESSION 7

Exploring civil and political rights

SESSION 8

Exploring, social, economic and cultural rights

SESSION 9

Equality and non-discrimination: the human rights of women.

SESSION 10

Equality and non-discrimination: the human rights of women.

SESSION 11

Human rights law and conflict

SESSION 12

Non- state actors: corporate responsibility for human rights.

SESSION 13

Using the courts to advance human rights: a methodology

SESSION 14

A review of main issues & questions

SESSION 15

Final exam

BIBLIOGRAPHY

Title: International Human Rights: The successor to International Human Rights in Context

Author: Philip Alston & Ryan Goodman

Publisher / Edition / Year: Oxford University Press 2012

ISBN / ISSN: ISBN: 9780199578726

Medium: x PRINT   ELECTRONIC

Buy your books here

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 70% of the sessions. Students who do not comply with the 70% 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.

Your final grade in the course will be based on individual work of different characteristics that will be weighted in the following way:

Criteria	Percentage	Comments
Class Participation	20 %	
Individual Work	40 %	Paper (and other assignments)
Final Exam	40 %	

RETAKE POLICY

Any student whose weighted final grade is below 5 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 exam will be designed bearing in mind that the passing grade is 5 and the maximum grade that can be attained is a 10.

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

If you do not pass the elective, you may choose enroll in the same course or enroll in a different elective the next academic year.

PROFESSOR BIO

Professor: **VIVIANA WAISMAN FRYDMAN**

E-mail: vwaisman@faculty.ie.edu

Viviana Waisman is the President, CEO and founder of Women's Link Worldwide. She is an expert in international law, particularly in human rights law, international criminal law and the human rights of women and girls. Viviana has led the litigation strategy in numerous emblematic human rights cases before the European Court of Human Rights, United Nations Committees and the Inter-American System. In Spain, Viviana has led the cases of Ángela González, Beauty Solomón and Rosalind Williams, which have led to historic decisions for the protection and advancement of the rights of women and girls to a life without violence and discrimination.

Viviana has also worked extensively as a researcher. She has led documentation work on trafficking in Europe, especially for Nigerian women, and on discrimination against migrant women in accessing their rights. This documentation includes research on the reality of women victims of trafficking from when they leave their homelands until they arrive in Spain, their destination country.

Some of Viviana's other research includes the design and leadership of the ACODI (Spanish acronym of Costa Rican International Right Association) research project, the first project to document gender and race discrimination in Spain, the first report on the situation of migrant women in detention centers in Spain and the documentation of trafficking routes for women and girls from sub-Saharan Africa to Europe across the Spanish border.

Her contributions in the field of Human Rights include authoring various publications on migration, international protection to trafficking for exploitation, armed conflict and transitional justice, sexual and reproductive rights and the duty of States to protect victims of trafficking. Her notable publications include "Human Trafficking: State Obligations to Protect Victims' Rights. The Current Framework and New Due Diligence Standard" and more recently, the report "Implementation of Directive 2011/36 / EU from a gender perspective in Spain", commissioned by the European Parliament and The Prosecution of Sexual and Gender Crimes in National Courts of Argentina in Human Rights Quarterly (Volume 39, 2017).

She was part of the Third Group of Experts of the European Commission on Trafficking in Human Beings. In recognition of the work and progress made by Women's Link, Viviana was named as an Ashoka Social Entrepreneur in December 2016. Since May of 2017 she serves as Honorary Legal Counsel for International Planned Parenthood Federation.

Viviana is a lawyer, with a Juris Doctor from Hastings College of the Law of the University of California (San Francisco, USA). She also holds a degree in Politics from the University of Berkeley and a Masters in International Human Rights Law from Oxford University.

OTHER INFORMATION

Please note that the order of the topics might vary. Readings will be posted during the semester.

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

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2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

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ISLAMIC LAW AND SOCIETY

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **CELIA DE ANCA RAMOS**

E-mail: cd@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES
There are no mandatory prerequisites just an open mind and an interest to learn

SUBJECT DESCRIPTION
Islamic Law and Society:From 980 Avicenna to the 2014 UK Sovereign Sukuk;

Some of the most controversial issues regarding the Islamic world today refer to the different understandings of the Islamic Law (Shari'a) and its controversial application in certain areas. This course is designed to clarify what it means the Shari'a, its origins and evolution as well as its significance in today's Muslim and Western World.

The interdisciplinary course will bridge past tradition to modern times, with a particular reference two important areas of the Islamic Law of relevant influence in modern times; Islamic Family Law and Islamic Commercial Law.

OBJECTIVES AND SKILLS
The course consist on four parts:

The first part of the course introduces you to Islamic Law, and gives you the context to understand some of the fundamentals elements in the Arab culture and the Islamic civilization.

The second part emphasizes the sources and evolution of Islamic Law (Shari'a), including specific cases of reform in modern times

The third part of the course deal with the practice of Islamic Law in current times. You will work in three real current cases dealing with Islamic Family law, Islamic Banking and Islamic Finance.

The fourth part will consist on a research project. You will be working in groups through the course in an specific Muslim Country, analyzing how their current legal systems cover basic areas of family law and Islamic Commercial laws, as well as their legal challenges ahead.

METHODOLOGY
The teaching methodology will be based on class discussions guided by the professor on the basis of the lectures/cases assigned for each session. Thus, class preparation in advance, including reading the materials as indicated in your syllabus , is essential for an appropriate and fruitful participation in the sessions.

The programme utilises different participatory styles to obtain the highest possible participation, combining:

1.   **Case studies.** should be discussed in groups before the session, in addition to the conclusions achieved in each group; each participant will bring his or her individual opinion to the class discussion.

2.   **Group work and group presentations**. In addition to group work in class, each group will be assigned a specific project on an specific country in which they will have to work during the module, present a final project and perform a class presentation.

3.   **Lectures and Guest Lectures.** the program will have 3 guest lectures, in addition to the assigned professor, from an international contexts, and professionals of the legal practice, to lecture some of the most relevant concepts of the practice of Shari'a in current times.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	20.0 %	15 hours
Discussions	26.67 %	20 hours
Exercises	13.33 %	10 hours
Group work	26.67 %	20 hours
Other individual studying	13.33 %	10 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1

Introduction

Brief introduction to the subject - goals, content, methodology and evaluation system.

SESSIONS 2 - 3

Theme: Islamic Law = Shari'a + Fiqh

SESSIONS 4 - 5

Theme: Islamic Law and reform in modern times

SESSION 6

Topic: Islamic Inheritance Laws, What happens when legal systems meet: Case Study 1:

Group Presentations

SESSIONS 7 - 8

Theme: Islamic Commercial Law:

SESSION 9

Islamic Legal Contracts applied adapted to Modern Financial Transactions: Case Study 2:

SESSION 10

Theme: Islamic Law in modern legislation:

SESSION 11

Theme: The Islamic Bond Market – Sukuk

Topics include:

SESSION 12

Theme: Case Study 3: Islamic Commercial Law :

What happens when legal systems meet?: Shamil Bank of Bahrain v Beximco Pharmaceuticals Ltd and others (2004).

SESSIONS 13 - 14
You will have to handle and present with your group a research project

SESSION 15
Final Individual In class exam

BIBLIOGRAPHY

You do not have to read for class the following materials, they are listed only for reference in case you are interested in further reading on the different areas included in the course.

Society, History and Politics:

Arkoun Mohammad, Rethinking Islam: Common questions Uncommon answers, Boulder, Westview 1994

Esposito John, What Everyone Needs to Know about Islam, Oxford University Press, 2002.

Hourani, Albert, A history of the Arab Peoples, Faber and Faber, London, 1991

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Saba Mahmood, Politics of Piety, the Islamic Revival and the feminist Subject. Princeton, University Press, Njersey 2005.

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desde la perspectiva del Derecho español, Actualidad Jurídica Uría Menéndez, número 23, 2009

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Journal of Financial Services. Vol 1 nº 1. 1-1- 2003

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and Porzio, M. (Eds.). Islamic Banking and Finance in the European Union. . Cheltenham: Edward Elgar Publishing Limited 2010

De Anca, C. "Finanzas islámicas: ¿Cuál es el interés para Europa?". Observatorio de

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Wilson Rodney, Islamic Finance. Financial Times Financial Publishing. London 1997.

24th October 2018

Financial Services Authority: Islamic Finance in the UK: Regulations and Challenges, November 2007, by: Michael Ainley, Ali Mashayekhi, Robert Hicks, Arshadur Rahman, Ali Ravalia. https://www.isfin.net/sites/isfin.com/files/islamic_finance_in_the_uk.pdf

Internet Links:

Islamic Development Bank. http://www.isdb.org/irj/portal/anonymous/idb_faq_ar

Islamic Markets https://islamicmarkets.com/

Scief at IE Business School . http://www.scief.es/

Islamic Law in Harvard Law School. http://ilsp.law.harvard.edu/

Islamic Studies http://www.islamicstudies.harvard.edu/

EVALUATION CRITERIA

6.1. GENERAL OBSERVATIONS:

Each student has two attempts over an academic year to pass this elective course. Dates and location of the final exam will be posted in advance and will not be changed. Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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). EVALUATION AND WEIGHTING CRITERIA A. Class participation 20% B. Cases and Essays in Working Groups 30% C. Final Exam 50% TOTAL 100%

6.2. RETAKE POLICY In the case of not passing the elective course on the extraordinary call, students must enroll in another course of the same kind (elective) and with the same ECTS. If the student fails the course, the student may either re-enroll (if the subject is again offered) and take it from the third attempt or enroll in a different course and have only two attempts. Grading for retakes will be subject to the following rules: o 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. o 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. o The third attempt will require the student to complete: • a written assignment • a midterm • a final exam This is also applicable to students who do not have required attendance, e.g. sickness. o Dates and location of the retakes will be posted in advance and will not be changed

Criteria	Percentage	Comments
Final Exam	50 %	
Class Participation	20 %	
Workgroups	30 %	(70% quality 30% peer evaluation)

Participation: Participation in the sessions entails not only attendance but also an active role in the sessions and the debates proposed. A proper reading of the materials, a systematic legal research and a collective out-of-the-box legal thinking will be highly rated.

Group work: The final grade (30%) will include the final research presentation as well as the group work performance during the 3 case studies. The grade will be divided in 70% quality o fthe group performance and 30% peer evaluation

Final Exam: Individual assignment to be completed during the entire 15th session. It will be composed by a multiple choice question test and one short case

PROFESSOR BIO

Professor: **CELIA DE ANCA RAMOS**

E-mail: cd@faculty.ie.edu

Dr. Celia de Anca is currently the Director of the Center for Diversity in Global Management and professor of Diversity and Islamic Finances at IE Business School. She was previously the Director of Corporate Programmes at the Euro-Arab Management School (EAMS), Granada. She has also worked for the Fundación Cooperación Internacional y Promoción Ibero-América Europa. (CIPIE) and at the International Division of Banco de Santander. She has a master's degree from the Fletcher School of Law and Diplomacy (Boston), and from the Universidad Politécnica de Madrid. She holds a degree and PhD from the Universidad Autónoma de Madrid, with a comparative thesis on Islamic, ethical/ecological investment funds and on the London Market.

She is the Author of Beyond Tribalism, Palgrave McMillan 2012, and co-author of the Managing Diversity in the Global Organization. Macmillan 2007. She had articles published in specialised journals, in addition to regular articles in the press. She was an external advisor of the Merrill Lynch's Diversity & Inclusion Council up to 2009. She has been a member of the Executive Committee of IE Business School from 2006 to 2016. She is a member of the Ethics Committee of InverCaixa' s Ethics Fund, Spain and a member of the International Scientific Committee of the University Euromed in Marseille, France. Member of the FAA Accreditation Panel for Islamic Finance (Malaysia) since 2017. She has received the award of the women executive of the year 2008 by the Business Women Association of Madrid. (ASEME) Ms. de Anca is fluent in Spanish, English, French and Arabic. Her work is regularly cited by the most influential thinkers including Zigmunt Bauman in his last book, Retrotopia 2017 . Prof. Celia de Anca is listed at the 2013 top50 thinkers ranking of global management thinkers http://www.thinkers50.com/biographies/celia-de-anca/.

OTHER INFORMATION

Office hours: I will be available in my office at Pedro de Valdivia 21 2nd floor, every thursday from 13:00h to 14:00h. Yu can also send me an e mail, for arranging a different time to meet, at celia.deanca@ie.edu

For any urgency you can call me at: 609240983.

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than 5 minutes late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

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4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

6. **No cellular phones:** IE University implements a "Phone-free Classroom" policy and, therefore, the use of phones, tablets, etc. is forbidden inside the classroom. Failing to abide by this rule entails expulsion from the room and will be counted as one absence.

7. **Escalation policy: 1/3/5.** Items 4, 5, and 6 above entail expulsion from the classroom and the consequent marking of the student as "Absent." IE University implements an "escalation policy": The first time a student is asked to leave the room for disciplinary reasons (as per items 4, 5, and 6 above), the student will incur one absence, the second time it will count as three absences, and from the third time onward, any expulsion from the classroom due to disciplinary issues will entail 5 absences.

JESSUP INTERNATIONAL LAW MOOT COURT COMPETITION

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **ANTONIOS KOUROUTAKIS**

E-mail: akouroutakis@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 6.0
Language: English

PREREQUISITES

There are no mandatory prerequisites. However, please consider that there will be a take home exam based on the materials of International Law course. The results of the test will be used, among other criteria, to identify those students finally admitted to join the selected team.

SUBJECT DESCRIPTION

The purpose of this course is to prepare students for effective participation in the Jessup International Moot Court Competition. The course is divided into two parts: (1) contribution to the team's written memorials and (2) preparation for oral arguments at the regional Jessup competition. The team members and team adviser will agree upon the division of topics to be covered by each student team member in the memorials and in the oral arguments.

OBJECTIVES AND SKILLS

To get an overview of the legal framework and working practices of the International Court of Justice. To improve skills to conduct legal research and legal analysis, and to understand and interpret statutory provisions and case law
To learn to apply International law in practice by solving and arguing a complex case
To learn to explain, clearly and persuasively, legal rules and their effect
To acquire deeper knowledge on international law issues

METHODOLOGY

The first sessions of the course will be dedicated to explaining the rules and objectives of the competition and the research methods and resources, which students are expected to use.

Students must read all competition materials, including the compromis and documents contained within the First and Second Batch Materials provided by the International Law Students Association (ILSA). Students must also familiarize themselves with the ILSA Guide to International Moot Court Competition and the Official Rules of the Jessup International Law Moot Court Competition. In the course of preparing the team's written memorials, students are expected to effectively utilize both primary and secondary source materials

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	0.0 %	0 hours
Discussions	0.0 %	0 hours
Exercises	0.0 %	0 hours
Group work	0.0 %	0 hours
Other individual studying	0.0 %	0 hours
TOTAL	0.0 %	150 hours

PROGRAM

SESSION 1

Introduction to the competition. Rules and Procedure

14 September 2018 ANTICIPATED RELEASE of the Jessup Problem

SESSION 2

Introduction to International Law

SESSIONS 3 - 4

Legal Analysis: Identification of Key Issues (Applicant and Respondent)

5 October 2018 ANTICIPATED RELEASE of First Batch of Basic Materials.

SESSIONS 5 - 8

Legal Analysis: Key Issues

Preparation of clarifications requests
16 October 2018 DEADLINE for Requests from Teams for Corrections and Clarifications to the Jessup Problem.

SESSIONS 9 - 10

Legal drafting

SESSION 11

Practice Moot

SESSION 12

Legal drafting (II)

SESSION 13

Legal drafting (II)

SESSIONS 14 - 15

Development of Legal Arguments and Discussion of Problematic Issues

SESSIONS 16 - 18

Development of Legal Arguments and Discussion of Problematic Issues (II)

SESSIONS 19 - 20

Finalising the legal drafting of the two written submissions

SESSIONS 21 - 25

Critical Assessment and Feedback- final submission - oral preparation

SESSION 26

SESSION 27

SESSION 28

SESSION 29

SESSION 30

BIBLIOGRAPHY

Title: A practical guide to mooting
Author: Hill, J.
Publisher / Edition / Year: Palgrave Macmillan / 2009

Title: How to Moot. A student guide to mooting
Author: Snape, J. and Watt, G.
Publisher / Edition / Year: Oxford University Press / 2nd / 2010

Title : International Law
Edited by Malcolm Evans

Publisher / Edition / Year: Oxford University Press / 5th / 2018

WINNING THE MOOT COURT ORAL ARGUMENT: A GUIDE FOR INTRA- AND INTERMURAL MOOT COURT COMPETITORS
By Gerald Lebovits, Drew Gewuerz, and Christopher Hunker

http://cisgw3.law.pace.edu/cisg/moot/Winning_the_Moot_Court_Oral_Argument.pdf

EVALUATION CRITERIA

a. CLASS PARTICIPATION (20%)
Students are expected to attend and prepare in advance for all class meetings and to participate actively in debates. The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. They must participate in class discussions throughout the course.

b. WRITTEN ARGUMENTS IN THE APPLICANT AND THE RESPONDENT SUBMISSION (30% + 30%)
Each team is required to argue both as applicant and respondent. Both have to send two written submissions.
The Court may also ask questions about the case throughout the course.
The evaluation of the arguments will focus on the correctness of the legal analysis and argumentation (general knowledge and understanding of International Law), the persuasiveness, and the capacity to conduct independent research. The grade will be based on the individual performance of each student in the final moot, although the winning team will be chosen based on the performance of the whole team. This 30%+30% will be 40%+40% if the grade for the students not chosen to be part of the IE team.

FINAL GROUP PRESENTATION AND SUBMISSIONS (20%)
The students selected to represent the IE University and participating in the final submissions to be sent to the moot will receive an extra 20% in the final evaluation.

RETAKE POLICY
If you do not pass the elective, you will be required to write an international law paper on a topic assigned.

Criteria	Percentage	Comments

PROFESSOR BIO

Professor: **ANTONIOS KOUROUTAKIS**

E-mail: akouroutakis@faculty.ie.edu

Dr. Antonios Kouroutakis is Assistant Professor at IE University in Madrid, Spain and he has taught a variety of law courses and conducted research at the City University of Hong Kong, the Free University of Berlin, FVG Sao Paolo, and Aristotle University of Thessaloniki. Kouroutakis received a DPhil in Law from University of Oxford and an LLM from UCLA School of Law. Dr. Kouroutakis' research interests lie mainly in the field of constitutional engineering, public law and regulation.

In particular, Dr. Kouroutakis is interested in the concept of separation of powers, rule of law, emergency legislation, and the regulation of new technologies; he has published widely on these topics in international and peer reviewed journals, and his work has been cited in numerous reports while his research on the constitutional value of sunset clauses was cited by the British Parliament.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

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LAW WITHOUT WALLS

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **ERIKA CONCETTA PAGANO**

E-mail: epagano@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 1º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES
SUBJECT DESCRIPTION

INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP introduces students to the intersection of law, technology, innovation, and business. Utilizing a blended (part in-person, part virtual) hands-on, project-based approach with team and individual work, INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP equips students with tools and techniques to shape their professional identity and succeed in the future professional services marketplace. INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP is particularly useful for students who are contemplating a global career in law, consulting, entrepreneurship, and other non- traditional uses for their law degree.

Note: This course is a prerequisite to taking part in LawWithoutWalls. The top- performing students will be eligible for participation in LawWithoutWalls.

OBJECTIVES AND SKILLS

INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP is an innovative, interactive exercise in experiential learning that:

•Draws upon students' interests in technology, entrepreneurship, marketing/branding, communication, and the law;

•Builds students' 21st century professional skills including problem solving, project management, cultural competency, teamwork, feedback, and leadership; and

•Enables students to better understand both their role and the opportunities within the changing professional services environment.

In addition to broadening their substantive knowledge and skillset, students will also be challenged to think and work differently. In lieu of a final exam, INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP requires students to, while working in teams, develop a dynamic presentation (including a prototype, business plan, and commercial).

Successful students will come to class prepared, excited, and eager to learn and contribute. This is a dynamic, highly interactive course where we will all learn about new topics, new technologies, each other, and ourselves.

Acknowledgements: Thank you to Michele DeStefano, Patricia White, Soledad Atienza, Eugenia Castrillon, Moray McLaren, our guest speakers, and many others who make this course possible.
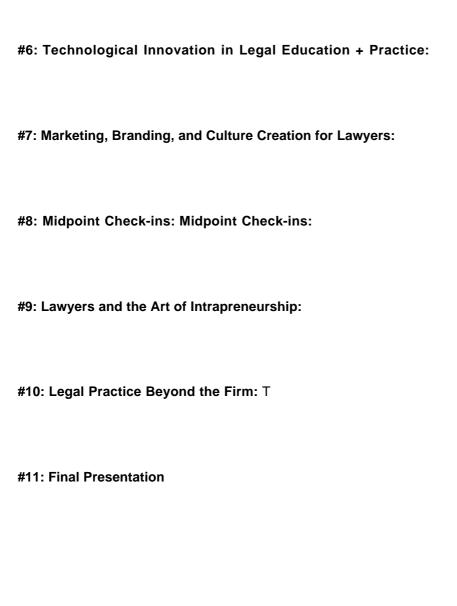
METHODOLOGY

Learning is based on the following methods:

- In-class exercises and participation (in-person and virtual)
- Pre-class preparation (including reading, watching asynchronous content, developing questions for online Thought Leader panelists)
- Development of a final project and presentation (including prototype, business plan, and commercial)

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	20 hours
Discussions	13.33 %	10 hours
Exercises	9.33 %	7 hours
Group work	30.67 %	23 hours
Other individual studying	20.0 %	15 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSIONS 1 - 15
INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP is a blended (part in-person, part virtual) course.

#1: Welcome + Foundation + Who We Are

#2: Introduction to Creative Problem Finding

#3: Teaming, Collaboration, and Communication Techniques I

#4: Teaming, Collaboration, and Communication Techniques II

#5: Communication + Cultural Competency + Crisis in the Digital Era:

#6: Technological Innovation in Legal Education + Practice:

#7: Marketing, Branding, and Culture Creation for Lawyers:

#8: Midpoint Check-ins: Midpoint Check-ins:

#9: Lawyers and the Art of Intrapreneurship:

#10: Legal Practice Beyond the Firm: T

#11: Final Presentation

BIBLIOGRAPHY

Visit lwow.org/pagano for publications, press, and a detailed bibliography.

EVALUATION CRITERIA

Attendance for the final project presentation session is mandatory. Dates and times for the final project presentation session will be posted in advance and will not be changed.

Due to the importance of group interaction and intensive nature, class attendance is mandatory. Any student who misses more than two sessions will risk withdrawal from the course or a lowered or failing grade. Students must notify the professor of absences ahead of time.

Students' final grade in the course will be based on both individual and group work of different characteristics that will be weighted in the following way:

Criteria	Percentage	Comments
Class Participation	30 %	
Final Project	30 %	
Team Panel/Class Contribution	20 %	
Assessment	10 %	
Work Product	10 %	

This is a collaborative course. Students are responsible for their own individual and shared work product. The details of the final project, team panel/class contribution, and self-assessment will be shared at the start of the course.

PROFESSOR BIO

Professor: **ERIKA CONCETTA PAGANO**

E-mail: epagano@faculty.ie.edu

Erika is a lawyer, culture creator, innovator, and educator. Her mission is to explore and develop the future of the legal profession through communication, collaboration, and creativity.

Erika is also a speaker, independent consultant, and facilitator to law firms and corporate legal departments, focusing on problem solving, culture creation, teaming, technology, and cross-border initiatives.

At Miami Law, Erika teaches Innovation, Technology, and the Law with Michele DeStefano. Erika also teaches an Innovation, Technology, and the Law course as Guest Faculty at IE University.

She is a Miami Dean & Trustee for the Awesome Foundation, sits on the National Advisory Council for Law School Transparency, is an active member of the Georgetown University Alumni Admissions Program, co-chair of the Class of 2008 Alumni Committee, and serves as faculty advisor for the Miami Law chapter of the Asian Pacific American Law Students Association.

She received her B.S.F.S. in Science, Technology, and International Affairs from the Edmund A. Walsh School of Foreign Service at Georgetown University, where she served on the boards of GUSA, GIRC, and NAIMUN, and completed coursework at Peking University and East China Normal University. She received her J.D., Magna cum laude, from the University of Miami, where she was Managing Editor of Miami Law Review, Law School representative to the University Board of Trustees, and a James Weldon Johnson/Robert H. Waters Scholar. Erika is also an LWOW alumna (2012).

OTHER INFORMATION

INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP is a blended (part in-person, part virtual) course.

Please visit http://erikapagano.com/ie2018 for the most up-to-date syllabus and other important class resources.

Office hours can be made by appointment by emailing erika@lwow.org or by the Office Hours link on the course website.

Class themes include:

- Collaboration, innovation, leadership, teaming
- Building an understanding of team dynamics, goals, identity, and protocols
- Understanding and applying problem finding techniques
- Practicing The art of the impactful presentation (e.g., ignite style presentations)
- Giving, receiving, and acting upon feedback
- Developing, in mini-hackathon style, an innovation
- Technological innovations in legal education
- Technological innovations in legal practice
- Cultural competency and communication (both in-person and digital)
- Leadership and young lawyers
- Marketing, branding, and storytelling
- Project management tools and theory

Class structure:

•In-person modules: This course features eight in-person modules. Each in-person module lasts 90 minutes, and will be held at IE University (specific location TBD).

•Virtual modules: This course features seven virtual modules. Each virtual module lasts 90 minutes, and will be held via Adobe Connect. Students will receive the URL to the Adobe Connect room and training on how to use Adobe Connect. Students should connect from a quiet place with a strong internet connection. Each virtual module will consist of:
§ Presentation by guest speaker(s) related to the class' topic
§ Class-led contribution on the session's topic (more information below) § Substantive exploration of the session's topic
§ Plenty of interaction! (e.g., Q&A with speakers, exercises, and more)

•Outside class:

§Assigned background material: Students are responsible for thoroughly reviewing the assigned background material for each week.
§Teamwork/Dynamic presentation: In lieu of a written final exam, students will compose and deliver a dynamic presentation. Development of this project and presentation will happen throughout the course. Students should meet (if possible, using virtual tools like Google Hangouts) regularly outside of class hours to collaborate, complete, and rehearse for their final presentation.

Final Presentations: Nearly one-third (30%) of a student's grade will be based on their final presentation. Although the final presentations are done in teams, students will be evaluated on an individual and team basis. Details (timing, technology, and other requirements) will be given at the start of class.

Class Contributions: This class focuses on students' individual and teaming skills. Thus, during the course's virtual sessions, students will contribute to the substantive exploration and discussion of the week's material in both an individual and team format. Teams have 5 minutes to use the session's assigned materials as a starting point for a discussion, recap, presentation, etc. Teams are free to use media and are encouraged to use this opportunity to further hone their presentation skills (e.g., use ignite format). Any materials must be sent to erika@lwow.org at least 12 hours prior to the session.

Electronic Device Policy: For the in-person component, students should bring a laptop or tablet. Note that there will be times when the professor will request all electronics be shut off/put away. For the online component, students are required to have access to a high-speed, stable internet connection and computer (note: not a tablet) with camera and microphone capabilities.

Retake Policy: Students in INNOVATION, TECHNOLOGY, AND THE LAW WORKSHOP will participate in a final project (including a written and presentation component) in lieu of a final exam. Attendance at and participation in the final project presentation session is mandatory. Thus, there is no "retake" opportunity, and any student whose weighted final grade is below 5 will be required to make alternative arrangements with the professor and IE University to pass the course (except those not complying with the attendance rules, whom are banned from this possibility).

Grading for retakes is at the discretion of the professor and IE University.

CODE OF CONDUCT IN CLASS

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2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

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Only students that notify that they have a special reason to leave the session early will be granted an exception (at the discretion of the professor).

4. **Do not engage in side conversation.** As a sign of respect toward the person presenting the lecture (the teacher as well as fellow students), side conversations are not allowed. If you have a question, raise your hand and ask it. It you do not want to ask it during the lecture, feel free to approach your teacher after class.

If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

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MOOT HUMAN RIGHTS

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **IRIA SABELA GONZALEZ LOPEZ**

E-mail: igonzalezl@faculty.ie.edu

Professor: **AMAYA UBEDA DE TORRES**

E-mail: aubeda@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 1º
Category: OPTIONAL
Number of credits: 6.0
Language: English

PREREQUISITES

In general, there are no mandatory prerequisites. However, please consider that in session 1, there will be a test/quiz based on the reading of the recommended materials and on the understanding of the European Court on Human Rights basic elements (see the online pages recommended, mainly on general information documents). The results of the quiz will be used to identify those students finally admitted to take this course.

PREREQUISITES
SUBJECT DESCRIPTION

This course will be a preparation of the European Law Students Association (ELSA) Moot Court Competition (http://ehrmcc.elsa.org). Students will be asked to solve a hypothetical, complex case on European Human Rights Law and argue it as if they were pleading before the European Court of Human Rights. Only 20 teams are selected to go to the second stage, the oral rounds. If the team is selected to go to the final oral round, the best students will have the opportunity to represent IE University in the 2019 ELSA Moot Court Competition in Strasbourg, France.

The aim of the course is to improve the legal research and legal analysis and reasoning skills as well as argumentation skills of all students taking this course and to prepare the students participating in the 2019 ELSA Moot Court Competition. Students will also deepen their knowledge on the European Convention and develop litigation skills at the European Court on Human Rights.

In session 1, there will be a test/quiz based on the reading of the recommended materials and on the understanding of the European Court on Human Rights basic elements (see the online pages recommended, mainly on general information documents). The results of the quiz will be used to identify those students finally admitted to take this course.

SUBJECT DESCRIPTION
OBJECTIVES AND SKILLS

- To get an overview of the legal framework and working practices of the European Court on Human Rights
- To improve skills to conduct legal research and legal analysis, and to understand and interpret statutory provisions and case law
- To learn to apply European Human Rights law in practice by solving and arguing a complex case
- To learn to explain, clearly and persuasively, legal rules and their effect
- To acquire deeper knowledge of the European convention
- Competition is a unique opportunity for students to gain practical experience comparable to real pleading in front of the European Court of Human Rights

OBJECTIVES AND SKILLS

METHODOLOGY

The first sessions of the course will be dedicated to explaining the rules and objectives of the competition and the research methods and resources, which students are expected to use. Moreover, the relevant rules of procedure of the European Court on Human Rights will be studied and students will learn how to identify the key legal issues of the hypothetical case which they are requested to solve through exercises. These legal issues will be discussed during the following sessions by the use of key rulings of the European Court on Human Rights. However, students are expected to also conduct further independent research in order to plead the case and develop their written and oral arguments.

At the beginning of the last part of the course each team will present their outline for the pleadings and will have the opportunity to discuss their approach with their professor. Throughout the course, students will be guided in their legal arguments and they will be analysed in class in order to enable them to make improvements.

The objective is to follow the rules of the ELSA Moot Court Competition. Students will be divided into competing teams, each consisting of four members. Each team must prepare pleadings for both the applicant and the respondent State.

If the IE University is selected to participate in a final oral round in Strasburg, there will be additional practice moots and both individual and group training for the best students selected.

For each class, students are expected to read the assigned readings. For some sessions independent research on European Human Rights law and case law of the European HR Court is also required.

The lectures will account for approximately 20% of the ECTS weighting, the discussions and individual exercises for 20%, while the group work outside class will account for 30% and individual studying outside class for 30%.

METHODOLOGY

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	26.67 %	40 hours
Discussions	23.33 %	35 hours
Exercises	0.0 %	0 hours
Group work	30.0 %	45 hours
Other individual studying	20.0 %	30 hours
TOTAL	100.0 %	150 hours

PROGRAM

SESSION 1

Introduction to the ELSA Moot Court Competition and to the European Court on human Rights Procedure. Legal Research and Resources. Quiz

SESSION 2

Legal Analysis: Identification of Key Issues (Applicant and Respondent)

SESSION 3

Legal Analysis: Key Issues (I)

SESSION 4

Legal Analysis: Key Issues (II)

SESSION 5

Legal Analysis: Key Issues (II)

SESSION 6

Preparation of clarifications requests (deadline in October)

SESSION 7

Legal drafting (I)

SESSION 8

Practice Moot

SESSION 9

Legal drafting (II)

SESSION 10

Practice Moot

SESSION 11

Legal drafting (III)

SESSION 12

Practice Moot

SESSION 13

Development of Legal Arguments and Discussion of Problematic Issues (I)

SESSION 14

Development of Legal Arguments and Discussion of Problematic Issues (II)

SESSION 15

Development of Legal Arguments and Discussion of Problematic Issues (III)

SESSION 16

Finalising the legal drafting of the two written submissions

SESSION 17

Finalising the legal drafting of the two written submissions

SESSION 18

Finalising the legal drafting of the two written submissions

SESSION 19

Finalising the legal drafting of the two written submissions

SESSION 20

Finalising the legal drafting of the two written submissions

SESSION 21

Moot court

SESSION 22

Critical Assessment and Feedback- final submission (November)

SESSION 23

Critical Assessment and Feedback- final submission (November)

SESSION 24

Critical Assessment and Feedback- final submission (November)

SESSION 25

Critical Assessment and Feedback- final submission (November)

SESSION 26

SESSION 27

SESSION 28

SESSION 29

SESSION 30

BIBLIOGRAPHY

RECOMMENDED

ON MOOTS

 Title: A practical guide to mooting

Author: Hill, J.

Publisher / Edition / Year: Palgrave Macmillan / 2009

ISBN / ISSN: 9780230220683

Medium: PRINT   ELECTRONIC

Title: How to Moot. A student guide to mooting

Author: Snape, J. and Watt, G.

Publisher / Edition / Year: Oxford University Press / 2nd / 2010

ISBN / ISSN:

Medium: PRINT   ELECTRONIC

ON GENERAL INTERNATIONAL HUMAN RIGHTS LAW

S. Marks and A. Clapham, International Human Rights Lexicon (2005)
P. Alston and R.Goodman, International Human Rights (2013)
R. K. M. Smith, Texts and Materials on International Human Rights (3rd edn., Routledge 2013)

LINKS TO ONLINE HUMAN RIGHTS MATERIALS AND HUMAN RIGHTS INSTITUTIONS

www.asil.org/resource/humrts1.htm
www.internationalhumanrightslexicon.org
UN High Commissioner for Human Rights   www.unhchr.ch
European Court of Human Rights   www.echr.coe.int/echr
European Court of Human Rights's database: http://hudoc.echr.coe.int/
·   Please use particularly the general information documents on the Court available at the website of the European Court of Human Rights:

https://www.echr.coe.int/Pages/home.aspx?p=court&c=#newComponent_1346149514608_pointer

European Social Charter   https://www.coe.int/en/web/turin-european-social-charter
European Committee on Social Rights database   http://hudoc.esc.coe.int/
Interights   www.interights.org

ON THE EUROPEAN CONVENTION ON HUMAN RIGHTS

 Jacobs, White and Ovey, The European Convention on Human Rights 6th edn (OUP, 2014)

 Harris, O'Boyle and Warbrick, Law of the European Convention on Human Rights 3rd edn (Oxford, 2014).

 Mowbray, Cases and Materials on the European Convention on Human Rights 3rd edn (Oxford, 2012).

 Brems and Gerards (eds), Shaping Rights in the ECHR (Cambridge, 2013)

Follesdal, Peters and Ulfstein (eds), Constituting Europe (Cambridge 2013).

IE Library Permalink

EVALUATION CRITERIA

a.   CLASS PARTICIPATION (20%)

Students are expected to attend and prepare in advance for all class meetings and to participate actively in debates. The evaluation of class participation will depend on the depth and quality of the contribution, its clarity and the frequency of contributions. The contributions should demonstrate understanding and knowledge of the topic, capacity of independent analysis and reflection and ability to see the relationship between theory and practice. The contributions should be well-argued and expressed in clear manner that it is easy to follow. Students must refrain from merely repeating what has already been said by other students. They must participate in class discussions throughout the course.

b.   WRITTEN ARGUMENTS IN THE APPLICANT AND THE RESPONDENT SUBMISSION (30% + 30%)

Each team is required to argue both as applicant and respondent. Both have to send two written submissions.

The Court may also ask questions about the case throughout the course.

The evaluation of the arguments will focus on the correctness of the legal analysis and argumentation (general knowledge and understanding of European human Rights Law), the persuasiveness, and the capacity to conduct independent research. The grade will be based on the individual performance of each student in the final moot, although the winning team will be chosen based on the performance of the whole team. This 30%+30% will be 40%+40% if the grade for the students not chosen to be part of the IE team.

FINAL GROUP PRESENTATION AND SUBMISSIONS (20%)
The students selected to represent the IE University and participating in the final submissions to be sent to the moot will receive an extra 20% in the final evaluation.

RETAKE POLICY

If you do not pass the elective, you will be required to write a human rights paper on a topic assigned.

Criteria	Percentage	Comments

PROFESSOR BIO

Professor: **IRIA SABELA GONZALEZ LOPEZ**

E-mail: igonzalezl@faculty.ie.edu

Professor: **AMAYA UBEDA DE TORRES**

E-mail: aubeda@faculty.ie.edu

AMAYA UBEDA DE TORRES

Academic Background

Ph.D., Universities Robert Schuman of Strasbourg and Complutense of Madrid

Diploma of Advanced Studies, European Studies, Instituto Ortega y Gasset

Diploma of Advanced Studies, International Law, University Robert Schuman, Strasbourg

Law Degree, University Complutense of Madrid

Teaching and research experience

Lecturer and researcher since 2003 in different Universities and Centres, such as Free University of Brussels, London School of Economics, University College of London, Centre for Political and Constitutional Studies of Madrid, etc. She works as Lecturer at IE University since 2012.

Professional Experience

Since 2010, Senior Legal Officer, Council of Europe

Main Publications

Among her books, she has authored, with Professor Burgorgue-Larsen, The Inter-American Court of Human Rights: case-law and commentary (Oxford University Press: 2011, 800p.). She has also published Democracia y derechos Humanos en Europa y en América (Reus: 2007) as well as many articles and chapters in books and specialized Journals in the field of human rights, International Public Law, dialogue of courts and anti-discrimination policies, as well as on social rights and democracy.

E-mail

Amaya.ubeda@coe.int

Office Hours: The professor is available for meeting students following an appointment made in advance by e-mail to the address indicated above.

BIBLIOGRAPHY

CODE OF CONDUCT IN CLASS

1. **Be on time:** : Students arriving more than <u>5 minutes</u> late will be marked as "Absent".

Only students that notify in advance in writing that they will be late for a specific session may be granted an exception (at the discretion of the professor).

2. **If applicable, bring your name card and strictly follow the seating chart.** It helps faculty members and fellow students learn your names.

3. **Do not leave the room during the lecture:** Students are not allowed to leave the room during lectures. If a student leaves the room during lectures, he/she will not be allowed to re-enter and, therefore, will be marked as "Absent".

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If a student is disrupting the flow of the lecture, he/she will be asked to leave the classroom and, consequently, will be marked as "Absent".

5. **Use your laptop for course-related purposes only.** The use of laptops during lectures must be authorized by the professor. The use of Social Media or accessing any type of content not related to the lecture is penalized. The student will be asked to leave the room and, consequently, will be marked as "Absent".

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MOOT MADRID

GRADO EN DERECHO / BACHELOR OF LAWS
Profesor: **OLIVER COJO MANUEL**

Correo electrónico: ocojo@faculty.ie.edu

Profesor: **DÁMASO RIAÑO LÓPEZ**

Correo electrónico: driano@faculty.ie.edu

Año académico: 18-19
Año de curso:
Semestre: 2º
Categoría: OPTATIVA
Nº de créditos (ECTS): 6.0
Idioma: Español

PREREQUISITOS
PREREQUISITOS
DESCRIPCIÓN DE LA ASIGNATURA

En esta asignatura, los alumnos trabajarán un caso que reproduce una disputa hipotética entre empresas internacionales. La asignatura servirá como preparación para los alumnos que deseen participar en la Competición Internacional de Arbitraje y Derecho Mercantil Moot Madrid 2018 (www.mootmadrid.es).

DESCRIPCIÓN DE LA ASIGNATURA

OBJETIVOS Y HABILIDADES

Desde el punto de vista sustantivo, el caso permite al alumno profundizar en el conocimiento del Derecho Uniforme del Comercio Internacional y en especial en la Convención de Viena de 1980 sobre Contratos de Compraventa Internacional de Mercaderías.

Igualmente, dado que el caso simula un arbitraje internacional, el alumno se familiarizará con las principales cuestiones que suscita esta forma de resolución de disputas: competencia del Tribunal Arbitral para resolver una determinada disputa, práctica de prueba, medidas cautelares, etc.

Competencias transversales: Capacidad de análisis y síntesis. Comunicación oral y escrita. Capacidad de investigación en materiales doctrinales y jurisprudenciales. Toma de decisiones y trabajo en equipo. Aplicación del conocimiento a un caso ya determinado. Capacidad de adaptar los conocimientos a las dos posiciones contradictorias que el equipo debe defender.

Conocimientos adquiridos y competencias específicas: Conocimiento de los principales problemas asociados a una disputa contractual con componente internacional. Conocimiento y aplicación a un caso de normas de conflicto de derecho internacional privado. Conocimiento de las principales instituciones del Arbitraje Internacional. Metodología en la redacción de alegaciones.

OBJETIVOS Y HABILIDADES

METODOLOGÍA

El aprendizaje se basa en la combinación de dos métodos:

1. Clases teóricas. Los alumnos preparan cada sesión mediante las lecturas asignadas con antelación.

2. Trabajo en equipo para la preparación de la demanda, contestación a la demanda y audiencias de Moot Madrid.

METODOLOGÍA

Metodología de enseñanza	Peso	Tiempo dedicado por parte del estudiante
Presentaciones	18.0 %	27 horas
Discussions	8.0 %	12 horas
Ejercicios	0.0 %	0 horas
Trabajo en grupo	74.0 %	111 horas
Otros, individual	0.0 %	0 horas
TOTAL	100.0 %	150 horas

PROGRAMA

SESIÓN 1

Qué es el Moot Madrid. Explicación de calendario y metodología de trabajo.

SESIÓN 2

Presentación. Identificación de las claves del caso. Metodología de escritos de demanda en Arbitraje Internacional.

SESIÓN 3

Resumen de posición demandante sobre los puntos clave del caso. Cómo hacer un skeleton de escrito de demanda.

SESIÓN 4

Cuestiones de competencia del Tribunal Arbitral (I): arbitrabilidad de la disputa por su materia.

SESIÓN 5

Cuestiones de competencia del Tribunal Arbitral (II): existencia y validez del convenio arbitral, extensión del convenio.

SESIÓN 6

Cuestiones procesales distintas a la competencia del Tribunal: Medidas cautelares. Árbitro de Emergencia. Medidas de aseguramiento y práctica de prueba.

SESIÓN 7

Cuestiones materiales (I): el incumplimiento contractual y la resolución del contrato.

SESIÓN 8

Cuestiones materiales (II): las consecuencias indemnizatorias.

SESIÓN 9

Resolución de dudas pendientes para la redacción de la demanda.

SESIÓN 10

Lecciones aprendidas en la preparación de la demanda.

SESIÓN 11

Lecciones aprendidas en la preparación de la demanda.

SESIÓN 12

Metodología de escritos de contestación en arbitraje internacional. Análisis de la demanda recibida. Resumen de posición de la demandada y skeleton de contestación.

SESIÓN 13

Cuestiones de competencia del Tribunal Arbitral desde la óptica de la parte demandada (I).

SESIÓN 14

Cuestiones de competencia del Tribunal Arbitral desde la óptica de la parte demandada (II).

SESIÓN 15

Oposición al resto de cuestiones procesales planteadas por la demandante.

SESIÓN 16

Cuestiones materiales desde el punto de vista de la parte demandada (I). Excepciones materiales principales a la prosperabilidad de la acción.

SESIÓN 17

Cuestiones materiales desde el punto de vista de la parte demandada (II). Argumentos complementarios y argumentos subsidiarios. Resolución de dudas pendientes para la redacción de la Contestación.

SESIÓN 18

Resolución de dudas pendientes para la redacción de la contestación.

SESIÓN 19

Lecciones aprendidas en la preparación de la contestación.

SESIÓN 20

La presentación oral del caso.

SESIÓN 21

Preparación de las audiencias.

SESIÓN 22

Preparación de las audiencias.

SESIÓN 23

Preparación de las audiencias.

SESIÓN 24

Preparación de las audiencias.

SESIÓN 25

Preparación de las audiencias.

SESIÓN 26

Preparación de las audiencias.
Preparación de las audiencias.

SESIÓN 27

Preparación de las audiencias.

SESIÓN 28

Preparación de las audiencias.

SESIÓN 29

Preparación de las audiencias.

SESIÓN 30

Preparación de las audiencias.

BIBLIOGRAFÍA

La propia dinámica del Moot requiere que los alumnos encuentren las fuentes de información adecuadas. No obstante, se irán planeando lecturas que serán colgadas en el Campus IE.

SISTEMA DE EVALUACIÓN

6.1- CONSIDERACIONES GENERALES

Cada alumno dispone de cuatro convocatorias en dos años académicos consecutivos para aprobar esta asignatura. Las fechas y el lugar del examen final se publicarán con antelación y no podrán ser cambiados.

Los alumnos deben asistir como mínimo al 70% de las sesiones. Ausencias de más del 30% supondrán una calificación de 0,0 tanto en la convocatoria ordinaria como en la extraordinaria, por lo que tendrán que matricularse en el siguiente año académico y examinarse en 3ª convocatoria.

Los alumnos que estén en tercera y cuarta convocatoria deben contactar con su profesor durante las dos primeras semanas del curso.

La nota final de la asignatura se repartirá del siguiente modo:

Criterio	Porcentaje	Comentarios
Participación en clase	25 %	
Casos prácticos y trabajos escritos	75 %	Aportación a la demanda (25%), contestación (25%) y audiencias (25%)
Examen parcial	0 %	
Examen final	0 %	

6.2- POLITICA DE LOS EXAMENES EXTRAORDINARIOS

Los alumnos que obtengan una nota final por debajo de 5 tendrán que presentarse al examen en la convocatoria extraordinaria para aprobar la asignatura (excepto los alumnos que no cumplen con la política de asistencia, que irán directamente a 3ª convocatoria). Las siguientes reglas aplicarán a los exámenes extraordinarios:

La evaluación de la convocatoria extraordinaria será el resultado del examen: no se tendrá en cuenta la evaluación continua.

La nota máxima que se puede obtener en la segunda y cuarta convocatoria será un 8 sobre 10.

La evaluación de la 3ª convocatoria consistirá en: un trabajo, un examen parcial, un examen final. También se aplicará a los alumnos que están exentos de asistencia, e.g. enfermedad.

Las fechas y el lugar del examen extraordinario se publicarán con antelación y no podrán ser cambiados

PROFESOR BIO

Profesor: **OLIVER COJO MANUEL**

Correo electrónico: ocojo@faculty.ie.edu

Asociado senior, Arias SLP; Profesor, IE Law School

Oliver es asociado senior en Arias SLP. Antes fue becario en el equipo de arbitraje internacional de Wilmer Cutler Pickering Hale and Dorr LLP (Londres) y becario de investigación en el Departamento de Derecho Internacional Privado de la Universidad de Valladolid. Oliver obtuvo su Licenciatura en Derecho y Administración y Dirección de Empresas en la Universidad de Valladolid en 2012. Estudió el cuarto curso de esa licenciatura en ESDES School of Management (Lyon). Más tarde, realizó un LL.M. en Globalization and Law; Corporate and Commercial Law Specialization en la Universidad de Maastricht.

Email: ocojo@faculty.ie.edu; oliver.cojo@ariasslp.com

Profesor: **DÁMASO RIAÑO LÓPEZ**

Correo electrónico: driano@faculty.ie.edu

Secretario General, Corte de Arbitraje de Madrid; Profesor, IE Law School

Dámaso es Secretario General de la Corte de Arbitraje de Madrid desde 2018. Antes fue socio de Arias SLP. Dámaso está especializado en litigación y arbitraje. Ha actuado como árbitro, abogado y secretario administrativo en más de 30 arbitrajes, 22 de ellos internacionales, en jurisdicciones en Europa, América y África. Además, es miembro del Comité de Litigación de Consumo y del Subcomité de Directrices y Reglas de Arbitraje de la IBA, así como del Consejo Editorial del Boletín de Resolución de Disputas de la CCI. Cuenta también con amplia experiencia en derecho mercantil y societario. Dámaso se licenció en Derecho y Ciencias Políticas en la Universidad Autónoma de Madrid en 2006. En 2005 cursó cuarto curso de la licenciatura en la Universidad de Cambridge. Recibió una beca de la Fundación Rafael del Pino para cursar un LL.M. en Corporate and Commercial Law en la London School of Economics and Political Science (LSE) en 2010.

Email: damaso.riano@camaramadrid.es; driano@faculty.ie.edu

BIBLIOGRAFÍA

CÓDIGO DE CONDUCTA EN CLASE

1. **Sea puntual:** Los estudiantes que lleguen más de 5 minutos tarde serán marcados como "Ausente".

Sólo los estudiantes que notifiquen con antelación por escrito que van a llegar tarde a una sesión específica podrían concederse una excepción (a discreción del profesor).

2. **En su caso, lleve su tarjeta de identificación y siga estrictamente el orden de asientos en la sala.** Ayuda a los miembros de la facultad y otros estudiantes a aprender sus nombres.

3. **No abandone el aula durante la clase:** A los estudiantes no se les permite salir del aula durante la clase. Si un estudiante sale del aula durante la clase no se le permitirá volver a entrar y será marcado como "Ausente".

Sólo a los estudiantes que notifiquen una razón especial para abandonar la sesión temprano se les concederá una excepción (a discreción del profesor).

4. **No participe en conversaciones con otros estudiantes.** Como muestra de respeto hacia el profesor o hacia un compañero de estudios, las conversaciones paralelas no están permitidas. Si usted tiene una pregunta, levante la mano y espere a que le concedan la palabra. Si lo prefiere, no dude en acercarse a su profesor después de clase.

Si un estudiante está interrumpiendo el curso de la clase se le pedirá que salga del aula y, en consecuencia, será marcado como "Ausente".

5. **Utilice su ordenador portátil únicamente con fines relacionados con el curso.** El uso de portátiles durante las conferencias debe ser autorizado por el profesor. Se penaliza el uso de Facebook, Twitter, o el acceso a cualquier tipo de contenido no relacionado con la conferencia. Se le pedirá al estudiante salir de la habitación y, en consecuencia, será marcado como "Ausente".

6. **No se permiten teléfonos móviles:** IE Universidad implementa una política de "Aulas sin teléfonos" y, por lo tanto, el uso de móviles, tablets, etc. está prohibido dentro del aula. No cumplir con esta norma conlleva la expulsión del aula y se contará como una ausencia.

7. **Política de Escalada: 1/3/5.** En relación con los puntos 4, 5 y 6 anteriores IE Universidad implementa una "política de escalada": La primera vez que se le pide a los estudiantes que abandone el aula por razones disciplinarias (como por los artículos 4, 5 y 6 de arriba), el estudiante incurrirá en una ausencia, la segunda vez se contará como tres ausencias, y a partir de la tercera vez en adelante, cualquier expulsión del aula debido a un problema de disciplina implicará 5 ausencias.

THE ART OF M&A

GRADO EN DERECHO / BACHELOR OF LAWS
Professor: **CARLOS DAROCA VAZQUEZ**

E-mail: cdaroca@faculty.ie.edu

Academic year: 18-19
Degree course:
Semester: 2º
Category: OPTIONAL
Number of credits: 3.0
Language: English

PREREQUISITES
SUBJECT DESCRIPTION

This course is focused on the practical aspects of M&A deals, widely interpreted. We shall analyze common deal structures, real life agreements and usual issues to be tackled. Particular attention shall be paid familiarizing with the reality of these transactions and to negotiation skills. Students will be asked to step into the shoes of either of the participants in a deal (seller, buyer, financier, manager) and to adopt critical thinking.

Students will read the materials provided by the professor ahead of the classes. Classes are intended to be practical. Professor shall assume that the students have prepared each class and shall spend the time discussing the relevant case from different perspectives. Groups will be formed and real life negotiation scenarios shall be simulated.

Special attention shall be paid to the classic M&A deal and to the share purchase agreement. The course shall also cover other kind of common agreements and types of deals, namely preparatory documents, a shareholders' agreement, an asset deal, a financing deal and the acquisition of a portfolio of credits.

OBJECTIVES AND SKILLS

The objective of this course is to:

(i) familiarize students with the most recurring types of international corporate transactions, including learning common structures and the basic elements of the transaction documents. Real transaction documents shall be used;

(ii) learn the practical reality of these transactions; and

(iii) learn to identify the key elements to be negotiated and to find convincing arguments to defend the points.

In order to achieve this, students will be required to use and develop the following skills:

(i) critical thinking;
(ii) creativity to tackle issues and to find acceptable solutions;
(iii) negotiation skills and capacity to understand the other's needs and objectives;
(iv) legal writing skills.

METHODOLOGY

The course has a practical approach and requires students to analyze, discuss and present solutions to real-life scenarios. This practical methodology is achieved by way of:

(i) Discussing real agreements and cases at classes. The students will read the materials before the classes, which are intended to be participative and practical.

(ii) Main cases, which shall be based on real transactions. We shall discuss the agreements in teams and we shall work not only on learning technical knowledge but also on learning how to negotiate smartly.

Teaching methodology	Weighting	Estimated time a student should dedicate to prepare for and participate in
Lectures	46.67 %	35 hours
Discussions	40.0 %	30 hours
Exercises	0.0 %	0 hours
Group work	13.33 %	10 hours
Other individual studying	0.0 %	0 hours
TOTAL	100.0 %	75 hours

PROGRAM

SESSION 1
Introduction. Designing the deal. Transaction structuring. Auction process and bilateral negotiations. Exclusivity agreements. Introduction of Main Case Nr. 1.

SESSION 2
Preparatory documents. Discussion of a non-disclosure agreement and a letter of intent.

SESSION 3
Share deal: negotiation of a share sale and purchase agreement (I). Basic concepts of company's valuation and usual pricing structures.

SESSION 4
Share deal: negotiation of a share sale and purchase agreement (II). Conditions precedent. Interim period between signing and closing. Prior-to-closing actions. Closing actions. Discussion of these clauses in the context of Main Case Nr. 1.

SESSION 5
Share deal: negotiation of a share sale and purchase agreement (III). Representations and Warranties and Indemnity clauses. Discussion of these clauses in the context of Main Case Nr. 1.

SESSION 6
Share deal: negotiation of a share sale and purchase agreement (IV). Usual liability limitations and how to negotiate them. Discussion of these clauses in the context of Main Case Nr. 1.

SESSION 7

SESSION 8
Overview of share deals. Summary of positions of a seller and a buyer

SESSION 9

SESSION 10

Shareholder's agreement (II): typical aspects and how to negotiate it. Veto rights, information rights, divestment clauses, incentive schemes. Main Case Nr. 2 (negotiation of a real shareholder's agreement).

SESSION 11

Financing the deal: facilities agreements and usual security package. The "debt push-down". Discussion of usual LBO structure.

SESSION 12

Asset deals. Real estate transactions. Special due diligence, structures and specific covenants.

SESSION 13

Buying a portfolio of non-performing loans: practical aspects and particularities.

SESSION 14

Negotiation and drafting skills. Common mistakes. Discussion of practical examples.

SESSION 15

BIBLIOGRAPHY

EVALUATION CRITERIA

Each student has two attempts over an academic year to pass this elective course.

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

Students must attend at least 70% of the sessions. Students who do not comply with the 70% 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).

EVALUATION AND WEIGHTING CRITERIA

A. Class participation 50%

B. Final Exam 50%
TOTAL 100%

Criteria	Percentage	Comments

PROFESSOR BIO

Professor: **CARLOS DAROCA VAZQUEZ**

E-mail: cdaroca@faculty.ie.edu

Prof. Carlos Daroca Vázquez:

- Dual degree in Law and Business Administration at ICADE E-3, Universidad Pontificia Comillas Madrid, Spain (2003).
- Worked at Uría Menéndez (2003 – 2014) – M&A and Private Equity department.
- Partner at White & Case (2014 – current date), focused on M&A and Private Equity deals, including also real estate and finance transactions.

Over the last 14 years, Prof. Daroca has worked in top Madrid law firms. His practice is focused on international mergers and acquisitions, with significant experience on Private Equity, Real Estate and Finance deals.

Prof. Daroca has lectured in different areas of Private Law at Universidad Autónoma (Madrid), Universidad de Navarra and Instituto de Empresa.

Prof. Daroca has been recommended for Private Equity / M&A in legal directories and was nominated to Iberian Lawyer's "Best 40 under 40" awards.

He is a fluent Spanish and English speaker and he is currently a member of the Madrid Bar Association.

OTHER INFORMATION

CODE OF CONDUCT IN CLASS

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