

MODULE DESCRIPTOR

MODULE TITLE	INTERNATIONAL COMMERCIAL LITIGATION		
MODULE CODE	LA4929 (L7)	CREDIT VALUE	20 UK CREDITS / <u>10 ECTS</u>
SCHOOL	SCHOOL OF LAW		

MODULE AIMS

The module aims to give students a thorough understanding of the transnational issues that arise in court based dispute settlement – with a particular emphasis on litigation in Europe. Different approaches to civil procedure and the allocation of jurisdiction within Europe have historically inhibited judicial co-operation in cross-border disputes. EU legislation has been introduced with a view to resolving these differences and ensuring the “free movement of judgments”. After introducing the fundamental concepts and relevant international and European instruments, the seminars will encourage students to analyse the strategies adopted by litigants, and to critique the process of harmonisation in Europe. Students will obtain a thorough understanding of both national and EU rules, and will at the same time gain an appreciation of the differences in legal culture that continue to frustrate harmonisation.

This module cannot be taken by students who have studied, or are studying, LA4926 Private International Law in Business.

MODULE CONTENT

Indicative syllabus content:

- Putting international litigation in context: history, objectives, stakeholders
- The international framework: traditional rules, EU legislation; Hague Conventions and other international instruments
- The Brussels I Regulation: scope, general and specific rules of jurisdiction, recognition and enforcement of judgments
- Traditional rules of jurisdiction and recognition
- Jurisdiction agreements, Forum non conveniens and anti-suit injunctions: tensions between civil law and common law jurisdictions
- Service of documents
- Provisional and protective measures
- Obtaining evidence: judicial-cooperation
- Free movement of judgments

INTENDED LEARNING OUTCOMES

On successful completion of this module a student will be able to:

1. Understand the interests of states and litigants in the regulation of international litigation.
2. Understand and critically assess the process of harmonisation of civil procedure within the European Union.
3. Critically analyse the law and practice relating to jurisdiction disputes and appreciate the significance of interlocutory measures in international litigation.
4. Appreciate the comparative law dimension to international litigation and the tensions between different legal systems and critically assess the extent to which the goal of free movement of judgments has been achieved within the European Union.
5. Research, critically evaluate and present well-structured arguments in written and oral work.

TEACHING METHODS

Preparation for the online workshops will involve extensive research and reading, to consider and critically analyse the set topics and the discussion questions, set in advance, arising from those topics. Students are expected to prepare answers to the discussion questions and present these to, and discuss with, the workshop tutor and group in the context of synchronous and / or asynchronous discussions. In addition to the skills of analysis and research, students are expected to develop and apply skills of analytical discussion, oral expression and writing. Students will engage with other students and staff in online activities, and synchronous and asynchronous workshops, to consider and critically analyse particular sources and engage in discussion leading to development of these skills.

The synchronous and asynchronous workshops also give students the opportunity to synthesise in a more dynamic way the independent learning already undertaken and apply principles from various themes covered in the workshop activity sheets. The final workshop will take place two-weeks before the submission deadline for coursework and run as a revision session.

ASSESSMENT METHODS

This module is assessed through one Written Assessment and one Written Exam.