

## International Litigation

UGRA\_016624

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Departments	Department of International, European Union and Comparative Law
Teaching Languages	English
ECTS	6
Teacher responsible	Cristian Gual Grau - cristian.gual@esade.edu

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### Course Goals

This course aims to equip students with the basic knowledge and practical skills required for making strategic and critically informed decisions when navigating international disputes. The course will analyse examples of strategies employed in past international litigation.

### Previous knowledge

Students intending to enrol on this course should have completed previously studies in procedural law, contract law, and tort law in their own legal jurisdiction.

### Teaching methodology

The course will consist of both theoretical and practical lessons. For the practical lessons, the students may be required to review materials shared with them in advance, either to comment on them or to present them in class. Some practical lessons may involve a guest sharing their experience with us.

### Description

#### Short description

Globalisation has transformed commercial relationships by increasingly introducing international elements, which in turn has affected the nature of litigation. Despite the current wave of protectionism, which could seem as moving in the opposite direction, we believe that the international elements of the disputes and the intertwining of different rules will increase in the future. This course is based on this understanding.

Familiarity with the different key procedural and substantive principles and rules of various legal cultures and jurisdictions is essential for devising effective litigation strategies in the context of international disputes and, ultimately, for succeeding in international business.

The course examines the complex landscape of cross-border litigation, including jurisdictional issues, choice of law, enforcement of judgments and alternative dispute resolution mechanisms. Students will develop the practical skills required to navigate the challenges of litigating disputes

## Content

#	Topic
1	1. Introduction to international litigation
2	2. Private International Law. General notions
3	3. Alternative dispute resolution mechanisms
4	4. International cooperation mechanisms
5	5. Main features of the legal proceedings in the common law and civil law traditions
6	6. Advocacy: different approaches across jurisdictions
7	7. Comparative law: common law and civil law remedies
8	8. International sales contracts and international instruments
9	9. Tort claims with cross-border elements
10	10. Multi-jurisdictional cases. Follow-on actions in competition law

## Assessment

Tool	Assessment tool	Category	Weight %
Attendance and punctuality	Class participation	Retake and ordinary round	35.00%
Group project	Group Assignment	Retake and ordinary round	35.00%
Written and/or oral exams	Final Exam	Retake and ordinary round	30.00%

### PROGRAMS

- 113-Law Exchange Program (Undergraduates: Law)
  - 113 Year 1 (Optative)
- DD05-Double Degree Program (exchange) (Undergraduates: Law)
  - DD05 Year 1 (Optative)
- GBD20-Double Degree in Business Administration and Law (Undergraduates: Law)
  - GBD20 Year 5 (Optative)
  - GBD20 Year 1 (Optative)
- GDL20-Double Degree in Law and Global Governance, Economics and Legal Order (Undergraduates: Law)
  - GDL20 Year 5 (Optative)
- GED20-Bachelor in Law (Undergraduates: Law)
  - GED20 Year 4 (Optative)
  - GED20 Year 1 (Optative)