

Syllabus

Workshop "International Litigation: challenges and opportunities"

Author	Sergey L'vovich Budilin
Credits Earned	4
Lectures and Seminars (hrs.)	32
Individual Work (hrs.)	120
Academic Year	2
Studying Format	Non-blended

I. Course Description

a) Title of a Course

Workshop "International Litigation: challenges and opportunities"

b) Pre-requisites

International litigation, whatever its form, is fundamentally different from internal litigation. International litigation is litigation between two or more States, between a State and an international intergovernmental organization, between international intergovernmental organizations, or between a State and some other entity, especially something like a privatized State enterprise or a corporation, particularly a multinational. Litigation and pleading are acts of State.

c) Course Type

Compulsory

d) Abstract

Globalization and the growth of international commerce have created an unprecedented need to efficiently resolve cross-border disputes. With the evolution of effective and efficient arbitration systems, complex issues relating to enforcement of foreign arbitration awards and judgments are constantly being deliberated upon. For arbitration to gain prominence as the preferred mode of dispute resolution an in-depth analysis of the various legal issues arising therein is required. Mediation is also gaining popularity as a form of dispute resolution.

II. Learning Objectives

The course aims to develop the students' knowledge and understanding of the legal instruments applicable to the determination of civil and commercial jurisdiction, applicable law in contract and delict, the nuances of multi-party disputes in the international civil and commercial context, and the ingenuity of international legal practice in different jurisdictions to manage the challenges posed by legal diversity in this context. Additionally, the course aims to raise the students' awareness of the increasing internationalization of legal practice and when appropriate consider alternative approaches to these matters from different jurisdictions.

III. Learning Outcomes

This course offers a concise introduction to the legal challenges relating to the international dimension of litigating commercial disputes, both before state courts and in arbitration.

IV. Course Plan

- Legal disputes from international commercial relations
- International Arbitration

- Features of the Anglo-American procedural law
- Judicial Intervention in Arbitrability of International Claims
- Dispute Resolution Opportunities for Foreign Investors
- General Principles of International Commercial Law

V. Reading List

a) Required

International commercial litigation: text, cases and materials on private international law / T. C. Hartley. – Cambridge: Cambridge University Press, 2009. – 892 c. – ISBN 978-0-521-68748-5.

b) Optional

- Litigation Issues in the Distribution of Securities: An International Perspective / Ed. by W.G. Horton, G. Wegen. – London: Kluwer Law International, International Bar Association, 1997. – 623 c. – (International Bar Association series) . – ISBN 90-411-0950-1.
- Developments in litigation economics / Ed. by P. A. Gaughan, R. J. Thornton. – Amsterdam [etc.]: Elsevier, 2005. – 325 c. – (Contemporary studies in economics and financial analysis; Vol.87) . – ISBN 0-7623-1270-X.

VI. Grading System

From 1 to 10 where under 4 is failed to complete the course, 4-5 satisfactory, 6-7 good, 8-10 excellent mark.

VII. Guidelines for Knowledge Assessment

- 1) How is the competence of national courts and applicable law determined?
- 2) What is a propagation clause and clause on applicable law?
- 3) What is needed for the recognition and enforcement of foreign court decisions?
- 4) What is sovereign immunity? Can one refuse it?
- 5) What is an arbitration clause? What does the resolution of disputes in the arbitration order mean?

VIII. Methods of Instruction

IX. Special Equipment and Software Support

PC and video screen