

# SYLLABUS & COURSE SCHEDULE

## Module LC4S033

<b>Module Title:</b>	Private International Law		
<b>Module Team:</b>	Corbett Spurin (Module Leader), Faculty of Humanities and Social Science		
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<b>Credits:</b>	20		
<b>Pre-requisite(s):</b>	None specified		
<b>Co-requisite(s):</b>	None specified		

### Aims of the module:

To provide a practical and legal background to the nature and function of the Conflict of Laws and the international institutional and convention rules and regulations of dispute resolution to enable graduates to apply these principles in a professional and competent manner in international dispute resolution processes.

### Synopsis of module content:

- The nature and functions of the conflict of laws, determination of jurisdiction, choice of law, recognition and enforcement of foreign judgements.
- Sources of the principles of Conflict of Laws.
- Arbitral proceedings, arbitral jurisdiction, choice of law clauses, applicable law.
- Law of Obligations in private international law.
- Rules governing international arbitral proceedings and arbitral jurisdiction.

### Teaching methods:

2 hours per week involving directed reading, lectures and workshops. Lectures will reinforce substantive institutional and legal knowledge. Workshops will facilitate critical analysis and application of substantive and procedural law.

### Learning outcomes:

Students will be able to:

1. Demonstrate a critical understanding of the respective merits of institutional and convention rules and regulations for international dispute settlement demonstrating the ability to make sound judgements on private international obligations, 'choice of law provisions', procedural aspects of claims governed by pre-existing choices of rules, law and jurisdiction;
2. Advise and represent parties seeking to enforce or resist international ADR settlements, decisions and awards in a professional and competent manner.

## LECTURE ONE

### Assessment requirements:

Coursework: 40% (approximately 1,600 words) The writing of an award involving critical analysis of a hypothetical situation involving the law of obligations, choice of law and jurisdiction provisions within the European Union.

Examination: 60% - Three hours – requiring candidates to engage in critical analysis of various aspects of conflicts of laws and the respective merits of global dispute settlement laws, institutional dispute settlement rules and regulations and the provisions of International Conventions governing dispute settlement and the enforcement of ADR decisions, settlements and awards and the solving of hypothetical international disputes.

Both learning outcomes are assessed in both assessments.

Rationale (for departure from the norm of 4,000 words): to comply with CI Arb accreditation requirements

### Concise indicative reading list:

#### Textbooks - current editions of:

Car I. Statutes and Conventions on International Trade Law. Cavendish

David R. Major Legal Systems in the World Today. Stevens.

Fletcher I. Foundations & Perspectives of International Trade Law. S&M.

McClellan D. Morris : The Conflict of Laws. Sweet and Maxwell

Merkin R. Arbitration Law. LLP. Ltd

Merriles J. International Dispute Settlement. Grotius.

Redfern A, Hunter M. Law and Practice of International Commercial Arbitration. Student ed. Thomson, S&M.

Tovey G. Cracknell's Law Students' Companion: Conflicts of Law. Old Bailey Press.

Tweedledale K & A. Arbitration Law. Blackstone

Wilner G.M. Dompke on Commercial Arbitration. Clark, Boardman & Callaghan.

#### Journals

Arbitration. Chartered Institute of Arbitrators.

Arbitration and Dispute Resolution Law. LLP Ltd

Common Market Law Review.

European Law Review.

#### Websites

ASIL – American Society of International Law –[www.asil.org](http://www.asil.org)

Nationwide Academy of Dispute Resolution - [www.nadr.co.uk](http://www.nadr.co.uk)

### Key skills delivered by this module:

D1 Practical & professional skills

D2 Communication & presentation skills

D4 Interpersonal / teamwork

**PRIVATE INTERNATIONAL LAW**

**LECTURE AND WORKSHOP SCHEDULE 2008-2009**

<b>Week Starting</b>		<b>LECTURES</b>	<b>WORKSHOP TOPIC</b>
29.09.08	1	<b>Sources &amp; Nature of PIL : State Immunity</b>	
06.10.08	2	<b>International Sale of Goods Law</b>	
13.10.08	3	<b>Vienna &amp; SOGA Contract Formation</b>	
20.10.08	4	<b>Vienna &amp; SOGA Rights &amp; Duties</b>	
27.10.08	5	<b>Vienna &amp; SOGA Breach &amp; Remedies</b>	
03.11.08	6	<b>Vienna – filling the gaps</b>	
10.11.08		READING WEEK	READING WEEK
17.11.08	7	<b>Conflicts 1 : Nature &amp; Scope</b>	
24.11.08	8	<b>Conflicts 2 : Jurisdiction – traditional rules</b>	
01.12.08	9	<b>Conflicts 3: Jurisdiction - stay</b>	
08.12.08	10	<b>Conflicts 4 : Brussels :</b>	
15.12.08		Vacation	Vacation
22.12.08		Vacation	Vacation
29.12.08		Vacation	Vacation
05.01.09	11	<b>Conflicts 5 : Choice of law – common law</b>	
12.01.09	12	<b>Conflicts 6 : Choice of law – Rome - tort</b>	
19.01.09	13	<b>Conflicts 7 : Choice of law – Rome - contract</b>	
26.01.09	14	<b>Institutional arbitration – arbitral laws &amp; rules</b>	
02.02.09	15	<b>UNCITRAL Arbitration Rules</b>	
09.02.09	16	<b>MODEL LAW : Submission</b>	
16.02.09		READING WEEK	READING WEEK
23.02.09	17	<b>MODEL LAW : Arbitrator’s powers</b>	
02.03.09	18	<b>MODEL LAW : Arbitrator’s duties</b>	
09.03.09	19	<b>MODEL LAW : Parties rights and obligations</b>	
16.03.09	20	<b>Enforcing the award : New York Convention</b>	
23.03.09	21	<b>Dispute Review Boards : US Practice</b>	
30.03.09		Vacation	Vacation
06.04.09		Vacation	Vacation
13.04.09		Vacation	Vacation
20.04.09	22	<b>Dispute Review Boards FIDIC / World Bank</b>	
27.04.09		Revision week	Revision week
04.05.09		Examinations begin	Examinations begin
11.05.09		Examinations	Examinations
28.05.09		Examinations end Friday	Examination end Friday