



<b>Course number</b>	<b>RMJ126</b>					
<b>Course title</b>	<b>Comparative Contract &amp; Commercial Law</b>					
<b>Credit points</b>	3 ECTS					
<b>Total hours</b>	75					
<b>Contact hours</b>	14					
<b>Independent studies</b>	10					
<b>Course level</b>	51					
<b>Prerequisites</b>	Master					
<b>Category</b>	Mandatory	<b>X</b>	Restricted elective	<b>X</b>	Free elective	

#### **COURSE RESPONSIBLE**

<b>Name</b>	<b>Academic degree</b>	<b>Academic position</b>
Carlos Llorente	LL.M (Hons), PhD (Hons)	Professor of Law

#### **COURSE TEACHERS**

<b>Name</b>	<b>Academic degree</b>	<b>Academic position</b>
Carlos Llorente	LL.M (Hons), PhD	Carlos Llorente

#### **COURSE ABSTRACT**

This course focuses on the analysis of selected issues related to commercial transactions from a comparative law (common law v civil law) perspective, which is set up naturally in international practice (see below Course Plan-Main Subjects). It is not based on the legal sources/rules applicable to commercial transactions in one specific jurisdiction (domestic law), as this is more appropriate of nationally oriented LLB (or LLM) studies, but on the

principle that learning the law is not just about learning legal rules but also, and more importantly, about learning to think as a lawyer. Consequently, this is a course with a strong methodological component where participants, in addition to having the chance to work with legal sources/rules (mostly at a supranational level), will be given ample opportunities to learn about the legal problem-solving method at comparative and international levels.

From this perspective, this course is intensively more practical than theoretical and does not follow a structured academic program but a random, although well-thought of, course of action which will move participants into a learning environment composed of materials of many different kinds and purposes. Participants will have to read, analyze and discuss, first individually and later in the classroom, a number of problems, cases and court decisions representative of conflictive situations arising in the field of international commercial transactions (see below Course Plan-Sessions) and will be provided with materials uploaded in the course intranet (more details on Course Plan-Sessions below) and will also receive, when needed, recommendations on suggested readings and supplementary materials (see below Course Plan-Sessions and Course Literature). The course is designed for candidates with postgraduate credentials and who aim at increasing their awareness of potential legal risks arising out of international business transactions. Many materials come from the common-law legal family as this is a course originated in the civil law family and some of them are curiously related to the shipping world (although this is not by any means a shipping law course). This is not a coincidence, nevertheless, as many well-settled rules in the law of commercial transactions in common-law jurisdictions have originated in connection with disputes related to shipping contracts.

#### **GRADING CRITERIA**

<b><i>Criteria</i></b>	<b><i>Weighting</i></b>
Final Take-Home Exam	80%
Class Debates: Participation	20%

## **COURSE REQUIREMENTS**

Students are encouraged to participate in class and do the pre-reading.

## **COURSE PLAN – MAIN SUBJECTS**

<b>No.</b>	<b><i>Main subjects</i></b>	<b><i>Planned hours</i></b>
1	An Introduction to Relevant Issues in the Field of Int'l Commercial Transactions	2
2	A Comparative Approach to Int'l Commercial Litigation Issues	6
3	A Comparative Approach to Int'l Commercial Conflict-of-Laws Issues	6
4	A Comparative Approach to Selected Commercial Contracts Issues	10