

## **COURSE SPECIFICATION DOCUMENT**

<b>Academic School / Department:</b>	Richmond Business School
<b>Programme:</b>	MA International Business Law
<b>FHEQ Level:</b>	7
<b>Course Title:</b>	Conflicts of Business Law
<b>Course Code:</b>	MBL 7104
<b>Course Leader:</b>	Adrian Wilkins
<b>Student Engagement Hours:</b>	200 (standard 4 credit MA course)
Lectures:	39
Seminar / Tutorials:	6
Independent / Guided Learning:	155
<b>Semester:</b>	Fall
<b>Credits:</b>	20 UK CATS credits 10 ECTS credits 4 US credits

### **Course Description:**

This course covers conflict of laws or what is also known as 'private international law' and examines the ways in which individual States or group of States - notably the UK, the EU and the US - endeavour to deal with the types of conflict of laws problems that arise in international commerce. Therefore, the course covers claims and transactions in business and commerce that involve a foreign element. In particular, the module covers the issues of jurisdiction, choice of laws and enforcement of foreign judgements in relation to contractual and tortious litigation. This module will also include how to avoid the potential conflicts of laws pitfalls. Both the English common law and European conflict law rules are examined and comparative perspectives are added.

### **Prerequisites:**

N/A

### **Aims and Objectives:**

- To assess critically the ways in which States have tried to deal with conflict of laws problems such as jurisdiction, enforcement and applicable law.

- To examine international conventions and selected EU/UK and national legislation or case law in the area of international private law to enable alternative approaches to issues such as jurisdiction to be compared.
- Examine methods of conflict avoidance in the fields of contract, tort and domicile of companies.
- To examine international civil procedure relevant to transnational commercial litigation from both an EU/UK and comparative perspective.

**Programme Outcomes:**

A2, A3, A5

B1, B2, B4, B5

C2, C3, C5

D1, D2, D4, D5

A detailed list of the programme outcomes are found in the Programme Specification.

This is located at the archive maintained by the Academic Registry and found at:

<http://www.richmond.ac.uk/admitted-students/programme-and-course-specifications/>

**Learning Outcomes:**

By the end of this course, successful students should be able to:

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**Knowledge and Understanding**

- Critically understand the different types of conflict of law issues in a given international commercial transaction.
- Show an in-depth knowledge on the application of the national and international rules of conflict of law and the relevant case law.
- Examine critically the current rules of conflict of laws and evaluate to what extent they are effective in providing certainty in the context of international commercial situations.
- Demonstrate a capacity of analysis of current literature on the subject and suggest adaptations of it to the foreseeable developments in the area of conflicts of law resolution.

**Cognitive Skills**

- Develop the ability to critically understand the main issues underlying the development of a harmonised law within private international law.

- Engage in argument in order to prevent conflicts that could rise in the context of legal risks in international financial contracts.
- Form an independent view on the desirability and viability of harmonisation of private international law in Europe.
- Anticipate future development issues and apply current knowledge to them including the impact of recent harmonisation attempts and how they are reflected in the reality of international commerce.

#### **Subject specific, practical and professional skill**

- Present analysis and discussion maximizing the use of modern communication methods and resources.
- Understand the conflict of interests arising from a transactional contract or business situation and the importance of the choice of governing law beforehand together with the submission to an agreed jurisdiction tribunal or court.
- Examine practical aspects regarding the enforcement of foreign judgement by third party courts evaluating their divergences
- Become familiar with the standard drafting of choice of law and jurisdiction clauses and their applicability according to the type of contract including tort situations.

#### **General/transferable skills**

- Analyse choice of law and effectiveness of foreign court resolutions in contract and tort defending it both orally and in writing.
- Develop capacity to work in a group either as a leader or as part of the team in a time efficient manner to accomplish the task in hand.
- Understand differences in interpretation and application of conflict resolution clauses that could raise from a within multicultural context and find means of resolving them.

#### **Indicative Content:**

- Concept of jurisdiction and its bases
- Jurisdiction under the Brussels I Regulation
- Introduction to choice of law theoretical concepts
- The choice of law in contract: The Rome Convention and the Rome I Regulation
- The choice of law in tort: the Rome II regulation
- Recognition and enforcements of foreign judgements

#### **Assessment:**

This course conforms to the Richmond University Standard Assessment Norms approved at Academic Board (formerly Learning & Teaching Policy Committee) and located at: <http://www.richmond.ac.uk/admitted-students/>

**Teaching Methodology:**

The course will be taught through lectures, seminars, tutorials, workshops and practical sessions. Guest speakers will complement the course providing a practical approach.

**Bibliography:**

Rogerson P (2013) Collier's Conflict of Laws. Cambridge University Press  
Calster, V G (2016) European Private International Law. Hart Publishing  
Harley T.C. (2015) International commercial Litigation. Cambridge University Press  
Mapesbury, C., Harris, J. Dickinson A, McClean D & 4 more (2015) Dicey, Morris & Collins on the Conflict of Laws. Sweet & Maxwell.  
Symeonides C D S (2014) Codifying Choice of Law Around the World: An international comparative analysis (2014). Oxford University Press.

See syllabus for complete reading list

**Indicative Text(s):**

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**Journals**

Journal of Private International Law  
Law and Practise of International Courts and Tribunals

*Business Lawyer*  
*Business Law International*  
*Harvard International Law Journal*

**Web Sites**

[www.ft.com](http://www.ft.com)  
[www.theeconomist.co.uk](http://www.theeconomist.co.uk)

**Change Log for this CSD:**

