UCL SUMMER SCHOOL

INTERNATIONAL COMMERCIAL LITIGATION

Key Information

Module code: ISSU0064
Taught during: Session Two: Monday 22 July - Friday 9 August 2019
Module workload: 45 teaching hours plus approximately 100 study hours
Module leader: Dr Murilo Lubambo
Department: Faculty of Laws
Credit: 15 UCL credits, 7.5 ECTS, 4 US Level
Level: Level 1, first year undergraduate
Pre-requisites: Standard entry requirements
Assessment: Group presentation (25%), Final examination (75%)

Module Overview

Does the court have the power to hear and decide a dispute arising out of an international commercial transaction? Will that power be exercised? Which law will be applied to resolve an international contractual, tortious or property dispute? Once the court gives a judgment, will that judgment have any effect outside the territory of the court?

This module introduces students to the legal regulation of commercial relationships having strong connections with more than one legal system. Although the focus is on litigation before English courts, an international perspective will be adopted. The traditional English principles and rules concerning international commercial litigation form the basis of the law in many, primarily common law, jurisdictions. Since much of the law in this field in England has now been Europeanised, special emphasis will be placed on the relevant principles and rules of European Union law applicable before the courts across Europe.

Week One
- Introduction to international commercial litigation
- Introduction to adjudicatory jurisdiction
- Jurisdiction under the Brussels I Regulation
- Jurisdiction under the common law

Week Two
- Parallel proceedings
- Anti-suit injunctions
- Recognition and enforcement of foreign judgments under the Brussels I Regulation
- Recognition and enforcement of foreign judgments under the common law

Please note that this module description is indicative and may be subject to change.
Week Three

- Introduction to choice of law
- Choice of law in property
- Choice of law in contract
- Choice of law in tort

Module Aims
The overarching goal of the module is to introduce students to the fundamentals of the law concerning international commercial litigation. There are several more specific goals: 1) to introduce students to the European Union and common law regimes governing international commercial litigation which co-exist in English law, and to the diverse ways in which these two regimes interact; 2) to introduce students to the theory and practice of the fundamental principles and rules governing international commercial litigation in English courts; 3) to introduce students to the basics of the management of complex international commercial litigations and some of the tactics that international commercial litigators employ to achieve litigation in the forum and the application of the law most favourable for their client. The teaching and learning activities on the module will be designed to hone the students’ analytical, case- and statute-reading, problem-solving and written and oral communication skills.

Teaching Methods
Interactive lectures and seminars. Seminars will focus on real-world case applications, through class and small group discussions, group work and group presentations. Private study and reading outside of class. Reading lists and real-world cases will be available online via the UCL library site and Moodle. Students will be directed towards class materials, further support and discussion forums on Moodle.

Learning Outcomes
Upon successful completion of this module, students will:
- be able to differentiate between, and delineate the scope of application of, the European Union and common law regimes governing international commercial litigation before English courts
- have acquired the practical skills and knowledge necessary to determine the circumstances in which an English court will hear and decide an international commercial dispute
- have acquired the practical skills and knowledge necessary to determine the effects of a foreign judgment in England
- have acquired the practical skills and knowledge necessary to determine the law governing an international commercial dispute
- have acquired the practical skills and knowledge necessary to manage complex international litigations, draft jurisdiction and choice of law agreements, and analyse and argue legal issues

Assessment Methods
- Group presentation (25%)
- Final examination (75%)

Module Leader
Dr Murilo Lubambo is a Teaching Fellow at the UCL Faculty of Laws, where he is tutor of the LLB Conflict of Laws module, and teaches on the International Law of Foreign Investments (LLM) module. He is also a Lecturer at the New College of the Humanities and tutor for Private International Law in the Notarial Practice Course. He was an Exchange Scholar at Yale University and a Research Fellow in the World Trade Organisation. Prior to UCL,
where he concluded both his LLM and PhD, he worked in the Ministries of Finance and Justice in Brazil and in the European Commission. He has published extensively in international economic law issues. Murilo won the Valentine Korah Prize of Excellence and was the recipient of the Joseph Hume Scholarship, among other awards.

Key Texts


