

60764 - Private International Practice

Syllabus Information

Academic year: 2024/25

Subject: 60764 - Private International Practice

Faculty / School: 102 - Facultad de Derecho

Degree: 642 - Master's in Legal Practice

ECTS: 3.0

Year: 2

Semester: First semester

Subject type: Optional

Module:

1. General information

Objective: Knowledge and management of the necessary tools to successfully face international litigation.

Globalization causes international elements to penetrate into legal relations resulting in the immediate attraction of litigation to the orb of Private International Law. This requires lawyers to have an advanced knowledge of the international privatization practice and its procurement strategies. It also addresses the resolution of internal law conflicts.

2. Learning results

In order to pass this subject, the students shall demonstrate they has acquired the following results:

- Identifies the situations of Private International Law, understanding the assumptions of plurality and legal heterogeneity in which the discipline is framed.
- Knows and knows how to use the fundamental legal terms and concepts of Private International Law, as well as how to interrelate the different sectors that make up the content of the discipline and how to identify its different dimensions.
- Distinguishes legal issues specific to Private International Law and identifies the basic rules to solve the application problems generated by international litigation in this discipline.
- Projects the rules and normative techniques of Private International Law to private international relations that generate conflicts of laws.
- Acquires tools to access fundamental legal information, using technological support resources that allow them to develop skills in the field of European Union Private International Law, Spanish Private International Law and Interregional Law.
- They is able to interpret and integrate the rules of Private International Law and to carry out a critical analysis of national, European Union and ECtHR jurisprudence, searching for, extracting and applying the jurisprudential solutions to a specific legal problem in the field of this specialization.
- Has the ability to propose reasonable solutions in specific cases of practice in the field of conflicts of laws.
- Provides a legal basis for the response to real and current problems through the application of specific knowledge of the topics that are being studied.

3. Syllabus

I. Rights and freedoms of non-nationals in Spain: international privatist perspective 1.- General regime 2 Special regime for citizens of the European Union

II. Nationality as a criterion of attribution of international jurisdiction and as a point of connection of the different rules of conflict 1.- Pathological cases of plurality of nationalities

III. Judicial dimension of Private International Law: 1.-International judicial competence 2.-Effectiveness of decisions 3.- International legal assistance

IV. Applicable law dimension: 1.-Person, family and inheritance 2.-Property law

V. Resolution of internal conflict of laws

4. Academic activities

In accordance with section 5.5.1.6 TRAINING ACTIVITIES, of the Master's Report, the activities of the subject consist of dynamic activities of teacher and students, through the resolution of practical cases proposed in class. This includes the preparation and resolution of the cases, their presentation in class, analysis and defence of the proposed solutions and participation in the debates among the different possible solutions that the students who support them will have to argue.

Jurisprudential analysis, drafting of legal documents and other activities aimed at consolidating international privatist reasoning and a critical spirit of law are also carried out.

5. Assessment system

Continuous assessment system Resolution of practical cases and oral presentation and, if necessary, elaboration of other legal documents throughout the term, of increasing difficulty. The final grade takes into account the individual evolution of the student and the international legal reasoning for the resolution of the problems that arise. In order to pass it, students must attend at least 80% of the sessions.

Global test system (in case of not opting for continuous evaluation or not passing it):

Single test: written resolution of practical cases and, where appropriate, the preparation of legal documents. To pass the subject, it is necessary to pass all the cases subject to evaluation, there can be no compensation between them for the purpose of passing. The final grade will be the weighted average of the grades obtained in each of the assumptions of the test.

In all the activities and exercises, in addition to the technical correctness in the solution of the argumentative capacity and critical reflection, the expository clarity, the argumentative coherence and the linguistic correctness will be taken into account.

6. Sustainable Development Goals

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