International mercantile uses and practices

Academic Year: (2019 / 2020) **Review date: 05-05-2020**

Department assigned to the subject: Private Law Department

Coordinating teacher: RAMOS MUÑOZ, DAVID

Type: Electives ECTS Credits : 6.0

Year : Semester :

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

It is recommended to have sufficient notions of Private Law, especially regarding Contract Law, as well as on International Law, though none of this can by itself exclude a candidate. Nevertheless, since the course consists on the preparation for an international moot court competition, it is compulsory to have been selected to participate as a member of one of the teams at Universidad Carlos III de Madrid.

OBJECTIVES

The student will learn to do proper legal research and the proper management of sources, literature and cases in several languages, to discuss and refine ideas, to draft legal documents, and plead a case befre a tribunal in a convincing way. Depending on the competition such competences will be acquired in English or Spanish language.

DESCRIPTION OF CONTENTS: PROGRAMME

Preparation of several groups of students, previously selected, to participate on international moot court competitions ¿Willem C. Vis Internacional Comercial Arbitration Moot¿, FIA Moot and Moot Madrid.

The Moots where Universidad Carlos III de Madrid participates encompass time frames that are partially coincident, but different. They also are run by different organizations, cover different legal topics, and their language also varies, thus:

- The ¿Willem C. Vis International Commercial Arbitration Moot¿ takes place between the months of October and March/April (depending on the dates of Eastern vacation), and is organized by Pace University, New York, with the support of the United Nations Commission on International Trade Law (UNCITRAL). The final stage takes place in Vienna. The topics are International Arbitration and International Sales Law. Its language is English. Information on this competition can be found in: http://www.cisg.law.pace.edu/vis.html

- Moot Madrid takes place between the months of January and May/June (though the calendar may change in the future), and it is organized by Universidad Carlos III de Madrid, with the support of the United Nations Commission on International Trade Law (UNCITRAL). The final stage takes place in Madrid. The topics are International Arbitration and International Uniform Law for International Transactions. Its language is Spanish. Information on this competition can be found in: http://www.mootmadrid.es/

- FIA Moot takes place between the months of September and March, and is organized by the Merton Zentrum für Europäische Integration und Internationale Wirschaftsordnung. The final stage takes place in Frankfurt. The topics are Investment Arbitration. Its language is English. Information on this competition can be found in: http://www.merton-zentrum.uni-frankfurt.de/Startseite/FIAC_International_Student_Moot_Court/index.html

The structure of the different competitions is similar. They begin with the publication of a "problem" or "case", fictitious yet credible, which involves the legal issues that the drafters have considered appropriate as a basis for learning for the students that form part of the different participating teams. From the case, the students must work on the arguments for the Claimant's position and the arguments for the respondent's position. In the Willem C Vis Moot and y Moot Madrid that implies the drafting of both memoranda, for the Claimant and the Respondent. In the FIA Moot, that implies the drafting of a table of contents, or ¿skeleton arguments¿.

The oral part of each competition is sub-divided into two stages. In the first stage, general rounds,

each team must face four other teams, arguing twice the Claimant's and twice the Respondent's position. Depending on the level exhibited it will be marked by a panel (generally of three members). The scores obtained are added up, and the sum determines which teams go through to the next stage, the ellimination rounds. In this stage, as it name indicates, the team must get through each round by eliminating another team.

-Program:

-Selection of the team; which will be done before the end of the semester prior to the formal beginning of each competition. The candidates must be students of Universidad Carlos III de Madrid;

-Solving of problems and practical exercises on the topics involved in the competition;

-Beginning of the competition with the release of the problem;

-Drafting of the Memorandum for Claimant (except FIA students);

-Drafting of the Memorandum for Respondent (except FIA students);

-Oral preparation. Varying with the years and the competition, sometimes the preparation may require participating in pre-moots; that is, simulations of oral sessions with other teams.

-Oral pleading of the case (in Vienna, Madrid or Frankfurt).

-Requirements: in addition to choosing this course it is necessary to be selected to form part of a team that represents Universidad Carlos III de Madrid in one of the competitions.

LEARNING ACTIVITIES AND METHODOLOGY

The course will be taught exclusively by a system of collective tutorials.

- In the written stage tutorials will be targeted at orienting:

  - First, the students' research, and to clarify concepts and the understanding of issues.
  - In a second stage, the students' writing, by discussing depth and sophistication of arguments, logical order and formal aspects.

- In the oral stage tutorials will be targeted at reinforcing the students' effort in shaping the contents of the message and the manner in which they are conveyed, simulating the different points of "legal" speech.

ASSESSMENT SYSTEM

Assessment criteria: the tasks undertaken by the students of Universidad Carlos III de Madrid who are chosen will always be coached, supervised, and assessed by a professor of Commercial Law at Universidad Carlos III de Madrid, who will specifically appraise the students' performance in their research, drafting, discussion and oral defence.

The assessment of the student will be performed on an overall basis, by considering the final result, interms of quality of the memoranda and the oral pleading; yet it will encompass the previous supervision of the research and study, understanding and discussion, follow-up of the issues, etc

% end-of-term-examination:	0
% of continuous assessment (assigments, laboratory, practicals…):	100

BASIC BIBLIOGRAPHY

- Stefan Kröll; Loukas Mistelis; María del Pilar Perales Viscasillas UN Convention on Contracts for the International Sale of Goods (CISG), Beck, 2011