Master Thesis

Academic Year: (2019 / 2020) **Review date: 08-05-2020**

Department assigned to the subject: Private Law Department

Coordinating teacher: ARROYO VENDRELL, TATIANA

Type: Master Final Project ECTS Credits : 8.0

Year : 1 Semester : 0

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Bachelor's Degree Studies.

OBJECTIVES

BASIC SKILLS

CB6 Possess and acquire knowledge that provides a basis or opportunity to be original in the development and/or application of ideas, often in a research context.

CB7 Make the students able to apply the knowledge acquired, and their ability to solve problems in environments that are new or little known within broader contexts (or multidisciplinary) related to their field of study.

CB8 Make the students able to integrate knowledge and face the complexity of exercising judgment from information that, being incomplete or limited, includes reflections over the social and ethical responsibilities linked to the application of their knowledge and judgments.

CB9 Make the students capable to communicate their conclusions and the knowledge and ultimate reasons that support those conclusions, to a public that may be specialized or non-specialized in a clear and unambiguous manner.

CB10 Make the students possess the learning skills that allow them to continue studying in a way that will, to a great extent, have to be self-directed and autonomous.

GENERAL SKILLS

CG1 Understand the multidisciplinary nature of the legal order and the necessarily interdisciplinary approach to legal problems, especially from an international perspective.

CG2 To integrate, manage, identify, organize and analyze information of a legal nature.

CG3 To formulate critical judgments, evaluate them, and communicate their conclusions in a clear and orderly manner.

CG4 To evaluate the development of personal and collective actions, identifying rigorous and well-finished work, as well as mistakes, making arguments, and proposing alternative solutions to improve processes and outcomes.

CG5 To acknowledge the growing importance of teamwork and show initiative, creativity and sense of responsibility, maintaining a lively interest during the whole process.

CG6 To adapt and blend into different working groups, keeping fluid relationships and communication, respecting ideas and solutions proposed by others with an attitude of cooperation and tolerance, sharing responsibilities and issuing and receiving instructions.

CG7 To develop professional works in interdisciplinary and international teams, with the ability to integrate diverse contributions in diverse and multicultural legal environments, all towards a common goal.

CG9 Ability to understand the advisory role in the broader transnational environment.

CG10 Ability to apply in new and multidisciplinary environments the concepts, principles, theories or models related to the globalization and internationalization of the law.

SPECIAL SKILLS

CE1 To be able to draft legal documents in Spanish and English in the context of contract negotiation, the execution of transnational transactions, as well as in international conflictual contexts.

CE3 To negotiate to resolve and/or avoid situations of legal conflict, which will permit the lawyer to improve the efficiency of its work.

CE 4 To be able to deliver a satisfactory outcome for the client when the project requires coordinating schedules and teams in different time zones, cultures and expectations, in order to finish a project consisting in closing a deal, or carrying forward a dispute before different venues.
CE5 To understand and adapt to the legal environment the different stages of a project in a contractual as well as a procedural context: beginning and planning, decision-making, conflict management, and monitoring and control of execution
CE6 Designing an advisory program for measures of international legal compliance, as a result of the identification, planning, and mitigation of risks arising from the undertaking of legal affairs.
CE8 To learn the key legal principles and institutions in Transnational Law and Public International Law, and to understand the channels through which the interests protected by the different branches of the law can be interwoven and interrelated, either through the transfer of principles or lessons learned, or through the conflict between them, and the need to achieve complex equilibria.
CE10 Capacity to understand commercial companies in terms of the diversity of interests that are present in them, their points of confluence, and of conflict, as well as the diversity of agency problems that can arise, and the mechanisms, arising from the law or from party autonomy, for their solution.
CE11 Capacity to extrapolate the interests at stake in business transactions to a cross-border environment, where the preferences of the different parties may vary, and the legal mechanisms to solve the conflicts may be different, so that it becomes possible to understand each party¿s priorities in each context.
CE12 Capacity to put together the contractual perspective, which is subject to party autonomy, and bilateral negotiation, with the multi-lateral perspective, and the public interest perspective, as reflective of a different agency, and to reconcile the interests not present in the negotiating process, and the limits to party autonomy.
CE13 Capacity to understand the main tax aspects that need to be taken into account in the context of a cross-border activity, particularly those that arise from international treaties and international tax planning.
CE15 To know the steps that form the different arbitral and judicial proceedings at an international level.
CE16 Capacity to integrate the understanding of the different stages of international proceedings in a sequential perspective, where the different scenarios are anticipated, in order to prepare the best strategy for the proceedings.
CE17 Advanced skills for the transnational execution and coordination of actions for the practice of evidence, especially the production of documents, witness testimonies and expert evidence in complex situations.
CE18 To know and be able to integrate the defence of the interest of the client within the framework of international protection systems.
CE19 Capacity of critical analysis of contractual and procedural documents and legal texts with an international origin for their correct interpretation and execution.
CE20 Capacity to draw common criteria from diverse sources from different legal traditions, and to formulate proposals and positions not based on arguments of authority, but of consistency.
CE21 To advice in matters of legal compliance, or corporate law, contract law, procedural law, labour law, administrative law or tax law from the perspective of international advocacy.
CE 23 Be able to prepare, present and adequately defend in public a Master's Final Project, original and rigorous, related to one or some of the subject matter of the degree, individually and before a commission.

LEARNING OUTCOMES BY MATTER
After finishing this course the student will be capable to:
-Dominate an adequate written and oral expression, especially in English, applied both to the writing of contractual and procedural legal writings, and oral defense of the client.
-Dominate the oral and written techniques that are most appropriate according to the type of situation in an international environment: negotiation of contractual documents and their drafting, drafting of pleadings, negotiation of agreements, or defense before judicial or arbitral tribunals.
-Dominate the various positions and interests that converge in an international negotiation, with special attention to the diverse cultural and juridical aspects that come together in transnational operations.
- Knowing to evaluate the risks and to plan the strategies that meet in the negotiation or in a judicial or arbitral procedure.
-Develop teamwork and ability to plan and organize work.
-Dominate an own subject within the subject areas related to the Master.
-It will practice the theoretical, methodological and legal knowledge, as well as the instrumental skills acquired in the Master.
-Use intensive research methods, as well as sources and resources recognized in the academic and scientific community.
-To learn to argue, defend the positions of the parties, and submit reports, contractual documents and proceedings, properly in writing, as well as to defend and present it orally before a court.
-The student will acquire capacity for analysis and synthesis.

DESCRIPTION OF CONTENTS: PROGRAMME

A-MOOT COURT (path Dispute resolution)
In order to obtain the Master's degree in International Law, students must complete the Master's Final Project that, in the path of Dispute Resolution, will consist of participation in MOOT COURT (TFM Moot or TFM Award).

A very practical methodology that will allow students to acquire the necessary skills and abilities, both substantive and procedural for the transnational practice of the Bar is articulated as Master's Final Project. It also takes advantage of the background and experience of the Carlos III University of Madrid in this type of international competitions, since the UC3M has not only been a pioneer in the participation of this type of competitions since 1998, but it is also organizer of an International Moot, the Moot Madrid, having achieved important international successes. Thus, the Carlos III University of Madrid was ABSOLUTE VICTOR at the Frédéric Eisemann Award prevailing team in orals. On that occasion, the Carlos III University achieved the first place in the most prestigious category of the competition against 203 Universities from around the world.

The TFM Moot consists of participation in a moot. The Moot Courts are international legal competitions where students must test their written and oral skills. This is a simulation of international arbitration or international litigation where students will develop the full defense of their client's interests both from the side of the plaintiff and from the side of the defendant, usually at least four times compared to other teams and courts of law. three referees or judges.

Students must perform a process of prior selection by the coaches to determine their incorporation to the TFM in the corresponding modality. The participation in the competition does not grant the right to be a speaker during the oral phase of the competition, being left to the decision of the coaches. The cost of registration in the competition will be assumed by the MAI, plus an economic bag that will cover all or part of the trip and accommodation of each student who participates in the oral phase.

Among the Moot courts in which students could potentially participate, subjecting participation to a selection process, to the criteria of the master's organization and the preference of the students, are:
1.- Willem C Vis International Commercial Arbitration Moot (Vis Moot). English language.
2.- Investment Arbitration Moot (FIA, FDI or Investment Arbitration Competition).
Investment Arbitration Moot (FIA Moot): English language. Under the rules of the competition Master students need prior approval of the organization to participate so the selection process is open only to students of the Master who are recent graduates without previous work experience.
FDI Moot: English language
Investment arbitration competition: Spanish language
3.- Moot Madrid: Spanish language.
4. International Moot of Negotiation and Civil and Commercial Mediation. Spanish Language. In accordance with the rules of the competition, students can not have more than 25 years in any case.
5.- International Maritime Law Arbitration Moot Court. English language.
The Moot teams will be mixed as a rule, that is, they will be formed by undergraduate and master students and their number varies between 2-6 students. The defense of the TFM will always be individual.

The arbitration proceedings are not exhausted with the preparation of the writs of claim and defense, nor with the defense during the hearings, but it culminates with the Award, the decision adopted by the arbitrator or arbitral tribunal. In order to promote a comprehensive training of future international lawyers, the TFM Award modality is also offered, consisting of the elaboration of the most relevant moot Award of Commercial Law and arbitration, as well as its defense before a court.

The modality of TFM Award is foreseen (exclusively) for the Moots mentioned above: Moot Madrid (Spanish language); Willem Vis International Commercial Arbitration Moot (Moot Vis, English language), Moot Maritime (English language) and FIA Moot or FDI Moot (English language).

In the modality TFM Award, for the elaboration of the award, the student will have a writing of demand and another one of answer of the edition in course of the indicated competitions. The wording of the award and its defense will be made in English, except in the case of Moot Madrid, which will be in Spanish. The students of TFM Laudo del Moot Madrid have the possibility, if they so wish (voluntarily), to participate in the award for the Best Award of the Moot Madrid, according to the bases of said competition.

The Award can be made either individually or by teams formed by a maximum of 2 students, although the defense will always be individual. The teams will not be mixed and, therefore, only MAI students can

participate. The TFM Award schedule is established at the end of the oral phase of the respective Moot Court and will end with the delivery date of the award in September.

B.- Business Transaction Lab (BTL) or Case studies (transaction path)

The BTL is an initiative consisting of the development of a transnational operation in which the students must structure the various businesses that compose it, study the legal difficulties derived from the local ordinances of the various jurisdictions involved, negotiate and defend the position of the respective parties, and seek creative solutions to protect those interests. It is especially suitable for the transactional intensification module.

1.- BTL with Latin American extension
The project has already been successfully undertaken by several teachers from the Carlos III University of Madrid, and will be integrated in an organized and structured manner in the proposed Master's program. For example, it could be the elaboration of a project to acquire various interests in the energy sector, in several jurisdictions, including hydroelectric and wind power.

2.- BTL with European countries
In this case, the Case Study would consist of the development of a series of transnational operations whose subject matter would be Securities Market Law. Over a period of several months, students should perform the tasks for the achievement of securities placement transactions privately, as well as among the public.

3.- BTL study with Asian countries
In this case, the Case Study would consist of one or several operations involving the taking of financial and real estate assets by two multinational groups.

C.- Research work
As a special possibility, and evaluating case by case, you can contemplate the possibility of completing a Master's Thesis in a research mode.

For these purposes, students may participate in the so-called "Challenge. In this third option for the Final Master's Project, the student will be able to develop a research project on a topic proposed by an NGO, or another institution of civil society, and agreed upon with the Master. It will be a relevant issue for the activity of the NGO or institution, in which it needs technical-legal basis to develop its activity, lobby or expand social awareness. The student will work under the supervision of an academic or professional tutor, linked to the Carlos III University of Madrid and / or the NGO or institution. The work will be done in English, although the characteristics of the problem analyzed, and the target audience of the report may require its development in Spanish. The development will be adjusted according to the schedule agreed with the NGO or institution.

The Final Master's Project will be defended in public and individual session before a Court designated by the University.

LEARNING ACTIVITIES AND METHODOLOGY

TEACHING ACTIVITIES BY MATTER

AF2	Practice/Case
AF3	Lecture-plus-practice
AF6	Group work
AF7	Students¿ individual work

Activity code	Nº Total hours	Nº Presential hours	% Presential students
AF2	24	24	100%
AF3	16	16	100%
AF6	72	24	33%
AF7	88	0	0%
TOTAL COURSE	200	64	32%

TEACHING METHODOLOGIES BY MATTER

MD2: Critical reading of the texts recommended by the course¿s professor: press articles, reports,

manuals and/or academic articles, for their discussion in class, or to expand and consolidate the lessons of the course.
MD3: Resolution of cases, problems, etc, provided by the professor, individually or in group.
MD4: Exposition and discussion in class, moderated by the professor, on topics regarding the contents of the course, as well as practical cases.
MD5: Making of Works and reports individually or in group.

Specific rules Master´s Thesis:
http://www.uc3m.es/ss/Satellite?blobcol=urldata&blobheader=application%2Fpdf&blobheadername1=Content-Disposition&blobheadername2=Cache-Control&blobheadervalue1=attachment%3B+filename%3D%22NORMA_TFM_GENERAL.pdf%22&blobheadervalue2=private&blobkey=id&blobtable=MungoBlobs&blobwhere=1371547511386&ssbinary=true

ASSESSMENT SYSTEM

EVALUATION SYSTEMS BY MATTER

SE2 Individual or group Works done during the course
SE4 Presentation and public discussion of End of Studies Project

Evaluation systems	Minimum weigh (%)	Maximum weigh (%)
SE2	0%	50%
SE4	50%	100%

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BASIC BIBLIOGRAPHY

- S.Kröll/ L.A.Mistelis/ P.Perales Viscasillas/ V.Rogers (Editors) International Arbitration and International Commercial Law: Synergy, Convergence and Evolution. Liber Amicorum Eric Bergsten. Part III, Legal Education, , Kluwer Law International, 2011
- VVAA The Vis Book, A Participant's Guide to the Willem C. Vis International Commercial Arbitration Moot, , Juris Publishing, Inc.,, 2008

ADDITIONAL BIBLIOGRAPHY

- Pilar Perales Viscasillas/David Ramos Muñoz Alternative Dispute Resolution and Career Education: Mooting its Way Through The Study Plans, , Spain Arbitration Review. Revista del Club Español del Arbitraje., 2008, nº2, pp.67-73

- null The Complete but Unofficial Guide to the Willem C. Vis International Commercial Arbitration Moot. , C.H.Beck-Hart-Nomos, 2013

BASIC ELECTRONIC RESOURCES

- . Willem C Vis International Commercial Arbitration Moot. : https://vismoot.pace.edu/
- . Investment Arbitration Moot (FDI). : http://www.fdimoot.org/
- . MOOTS Carlos III: http://www.cisgspanish.com