Transnational Cases of Civil and Criminal Liability

Academic Year: (2019 / 2020) **Review date: 21-04-2020**

Department assigned to the subject: Social and Private International Law Department

Coordinating teacher: ANTON JUAREZ, ISABEL

Type: Compulsory ECTS Credits : 3.0

Year : 1 Semester : 2

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.
CG8 To acquire an adequate and correct attitude at an international level, especially in the context of legal compliance and the management of conflicts of interest in the negotiation of contracts and their performance, as well as in the dispute resolution stage.
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.
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.
CE7 To learn the key legal concepts and institutions in other jurisdictions, especially those coming from a common law system, and their comparison and contrast with the main legal institutions of civil

law.
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.
CE9 Capacity to understand the economic implications of legal decisions, and the financial perspective when evaluating a client or a project.
CE14 Capacity to reconcile perspectives of legal interpretation with economic and accounting perspectives to design the transactions and structures that reconcile tax optimization with the most scrupulous compliance with legality.
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.

LEARNING OUTCOMES OF THE SUBJECT

After taking this course the student will be able to:
-Describe the basic institucions of common law
-Explain the essential differences between the different institutions of common law against civil law
-Determining the basic principles governing transnational law and Public International Law that are linked to the transnational practice of the law
-To draw a global view of the transnational general principles that may have an impacto n cross-border scenarios, and to apply them to specific situations
-To describe the organization and workings of the essential concepts of financial accounting and valuation techniques from an international perspective
-To apply the analysis of accounting information in different situations
-To design, plan, and put in practice the legal strategy according to compliance rules at an international level

DESCRIPTION OF CONTENTS: PROGRAMME

Transnational cases of Civil and Criminal Liability

1.- Liability for Human Trafficking and Exploitation, and Harmful Work Conditions

2.- Environmental liability

3.- Liability for accidents.

4.- Product liability.

5.- Liability for economic and corporate crime: corruption, market manipulation and money laundering.

6.- Liability for cybercrime

LEARNING ACTIVITIES AND METHODOLOGY

TEACHING ACTIVITIES BY MATTER

AF1 Lecture
AF2 Practice/Case
AF3 Lecture-plus-practice
AF6 Group work
AF7 Students¿ individual work

TEACHING METHODOLOGIES BY MATTER

MD1: Lecture in class by the professor aided by computer and audiovisual tools, in which the course¿s main concepts will be developed, and the main literature will be provided.
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.

ASSESSMENT SYSTEM

EVALUATION SYSTEMS BY MATTER

SE1 Participation and engagement in class
SE2 Individual or group Works done during the course
SE3 Final exam

Evaluation systems	Minimum weigh (%)	Maximum weigh (%)
SE1	20%	30%
SE2	40%	50%
SE3	20%	40%

The master in International advocacy is a master's degree that is taught in person. Therefore, students are required to attend all the theoretical and practical classes that the master has programmed. A student may only be absent for no reason from a maximum of 15 per cent of the classroom hours (i.e. not the sessions or days) in each subject. In case of excused absences, the total maximum will be 25%. If the student hold an absence greater than those indicated, a "0" will be computed on the continuous evaluation rating. Likewise, the absences lower than those percentages may be taken into account when it comes to modulate downward the qualification of the continuous evaluation, especially if it includes a participation note.
In the extraordinary call the weight will be: Final examination: 40% and continuous evaluation: 60%.The final exam will be a take home exam.

% end-of-term-examination:	40
% of continuous assessment (assigments, laboratory, practicals…):	60

BASIC BIBLIOGRAPHY

- AHERN, J The Rome II Regulation on the Law Applicable to Non-Contractual Obligations : A New International Litigation Regime, Martinus Nijhoff Publishers, 2009
- GIMPEL-HINTEREGGER M Environmental liability and ecological damage in European law, Cambridge University Press.
- GIMPEL-HINTEREGGER M Environmental liability and ecological damage in European law, Cambridge University Press, 2008
- GRUNER, R. Corporate Criminal Liability and Prevention, Law Journal Press, 2017
- PIETH, R y IVORY, R Corporate Criminal Liability. Emergence, Convergence, and Risk, Springer, 2011
- VILLEGAS, M.A. La responsabilidad criminal de las personas jurídicas. La experiencia de EE.UU, Aranzadi, 2016

ADDITIONAL BIBLIOGRAPHY

- GOBERT, J. y PASCAL, A.M European Developments in Corporate Criminal Liability, Routledge, 2011
- LAFUENTE SÁNCHEZ, R. ¿Road traffic accidents and the escape clause under the Rome II Regulation. Marshall v. MIB¿, Nº. 4, Lloyd's Maritime and Commercial Law Quarterly, 2016
- MAGNUS U Brussels Ibis Regulation: Commentary,, Otto Schmidt, 2016