

Common Law in Perspective (I)

Academic Year: (2024 / 2025)

Review date: 18-07-2024

Department assigned to the subject: Private Law Department

Coordinating teacher: REDONDO APARICIO, AGUSTIN

Type: Compulsory ECTS Credits : 4.0

Year : 1 Semester : 1

REQUIREMENTS (SUBJECTS THAT ARE ASSUMED TO BE KNOWN)

Degree in Law.

DESCRIPTION OF CONTENTS: PROGRAMME

Common law in perspective (I)

1.- Contracts under common law and civil law comparisons

- a) Sources of law
- b) Preliminary dealings, offer, acceptance and agreement. Pathologies of consent: mistake and misrepresentation.
- c) Intention and consideration, estoppel and form (public and private certification). Pathologies of validity: illegality and invalidity.
- d) Contents of the contract. Good faith, express and implied terms, representations, warranties and conditions.
- e) Breach of contract. What amounts to breach, failure to perform, rescission, the doctrine of frustration.
- f) Remedies for breach of contract. Damages, action for an agreed sum, specific performance in equity, restitution.
- g) Multi-party issues. Plurality of parties, third parties, assignment, agency.

2.- Civil procedure in common law countries and civil law comparisons

- a) Court systems (United States and England). Jurisdiction and concept of domicile.
- b) Rule of law and fair trial. The doctrine of precedent.
- c) Starting a case. Individual and collective redress (class action). Adversarial litigation, case management, and sanctions for non-compliance with rules or orders.
- d) Interim remedies
- e) Summary adjudication
- f) Disclosure of information and exceptions
- g) Evidence
- h) Appeals and finality of litigation
- i) Costs

LEARNING ACTIVITIES AND METHODOLOGY

LEARNING ACTIVITIES

- AF1 Theory lectures
- AF2 Practical lectures
- AF3 Theorico-practical lectures
- AF6 Group project
- AF7 Individual project

METHODOLOGY

MD1: Lectures by the teacher with the support of audiovisual and computerized means in which the basic concepts of the subject shall be explained and the basic bibliography shall be recommended to complete the students knowledge.

MD2: Critical Reading of texts recommended by the teacher: newspapers articles, reports, handbooks and/or academic papers, for their discussion in class or to consolidate the knowledge on the subject.

MD3: Solving cases, problems, etc. posed by the teacher individually or in groups.

MD4: Briefing and discussion in class, moderated by the teacher, of matters related to the content of the subject, as well as practical cases.

MD5: Preparation of individual or group papers and briefings.

TUTORING: Students will have access to tutorials with the person responsible for coordinating the subject. With the tutoring it is intended to organize the teaching and learning processes that are based on the interaction between the student and the teacher in order to: (i) Guide the autonomous and group work of the students (ii) Deepen in different aspects of the subject (iii) Guide the academic and comprehensive training of the student. The tutorials will take place at the time and under the conditions determined by the teacher in Aula Global.

ASSESSMENT SYSTEM

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|---|----|
| % end-of-term-examination: | 40 |
| % of continuous assessment (assignments, laboratory, practicals...): | 60 |

EVALUATION SYSTEMS BY MATTER

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

| Evaluation systems | weigh (%) |
|--------------------|-----------|
| SE1 | 10% |
| SE2 | 50% |
| SE3 | 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: 60% and continuous evaluation: 40%.

BASIC BIBLIOGRAPHY

- CARTWRIGHT, JOHN Contract Law. An introduction to the English Law of Contract for the Civil Lawyer, Hart , 2024
- Stuart Sime A Practical Approach to Civil Procedure, Oxford University , 2015
- null Chitty on Contracts, Sweet & Maxwell, 2015
- Edwin Peel Treitel on the Law of Contract, Sweet & Maxwell, 2015
- JANET O SULLIVAN THE LAW OF CONTRACT, OXFORD UNIVERSITY, 2022

