



Course and Examination Fact Sheet: Autumn Semester 2020

7,492: Management of Transnational Litigation

ECTS credits: 4

Overview examination/s

(binding regulations see below)

Decentral - examination paper written at home (individual) (100%)

Examination time: term time

Attached courses

Timetable -- Language -- Lecturer

[7,492,1.00 Management of Transnational Litigation](#) -- Englisch -- [Gassmann Richard A.](#)

Course information

Course prerequisites

No specific prerequisites. A general understanding of principles of conflict of laws and the specific issues arising in cross-border litigation scenarios is helpful.

Learning objectives

Enable the students to analyze the interests of all parties involved in complex litigation, to understand both the pitfalls and the opportunities that cross-border disputes afford and generally to recognize what it takes to manage such cases in the best interest of the respective parties involved.

Course content

Particularly in commercial disputes with significant amounts at stake there are frequently cross-border issues to be taken into account. Based on the analysis of specific cases and typical cross-border constellations, the fundamental problems arising in cross-border litigation will be discussed with a view of allowing the students to understand the need to plan for and actively manage transnational litigation.

The course will, inter alia, cover the following topics:

- analysis of the varying interests of the parties involved in cross-border litigation, incl. the need to manage the interests and expectation of the own client
- rules regarding jurisdiction of the national courts and strategies to take advantage of such principles and forum shopping
- enforcement of civil and commercial judgments in view of planning ahead to either protect assets of the defendant or to ensure that the litigation effort of the claimants are ultimately successful
- understanding the conflict of law issues arising in transnational litigation and how to interact with the court regarding foreign law issues
- how to obtain evidence in cross-border constellations, taking advantage not only of specific civil procedure laws but also criminal or administrative proceedings
- the costs of transnational litigation and potential means to mitigate the risks
- litigation tactics

Course structure

Six four-hour courses, mainly consisting of lectures and discussions of specific cases but also requiring contributions of students to specific problems and issues.



Course literature

Cases and reading materials will be posted on Canvas throughout the course.

Additional course information

In the case of the President's Board having to implement new directives due to the SARS-CoV-2 pandemic in AS2020, the course information listed above will be changed as follows:

- The course is conducted online via the platform Zoom;
- The recordings of the course are available for 30 day;
- The lecturer informs via StudyNet/e-mail/ on the changed implementation modalities of the course;
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The examination information listed below would be changed as follows:

- There are no changes necessary to the examination information.

Examination information

Examination sub part/s

1. Examination sub part (1/1)

Examination time and form

Decentral - examination paper written at home (individual) (100%)

Examination time: term time

Remark

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Examination-aid rule

Term papers

Term papers must be written without anyone else's help and in accordance with the known quotation standards, and they must contain a declaration of authorship which is a published template in StudentWeb.

The documentation of sources (quotations, bibliography) has to be done throughout and consistently in accordance with the chosen citation standard such as APA or MLA.

For papers in law, the legal standard is recommended (by way of example, cf. FORSTMOSER, P., OGOREK R. et SCHINDLER B., Juristisches Arbeiten: Eine Anleitung für Studierende, newest edition respectively, or according to the recommendations of the Law School).

The indications of the sources of information taken over verbatim or in paraphrase (quotations) must be integrated into texts in accordance with the precepts of the applicable quotation standard, while informative and bibliographical notes must be added as footnotes (recommendations and standards can be found, for example, in METZGER, C., Lern- und Arbeitsstrategien, newest edition respectively).

For any work written at the HSG, the indication of the page numbers is mandatory independent of the chosen citation standard. Where there are no page numbers in sources, precise references must be provided in a different way: titles of chapters or sections, section numbers, acts, scenes, verses, etc.

Supplementary aids

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Examination languages

Question language: English

Answer language: English



Examination content

Decentral - examination paper written at home (individual)

The paper is to address issues arising out of a defined set of facts of a case specifically taking into account the law of the home jurisdiction of the student.

Examination relevant literature

Cases and reading materials will be posted on Canvas throughout the course.

Please note

Please note that only this fact sheet and the examination schedule published at the time of bidding are binding and takes precedence over other information, such as information on StudyNet (Canvas), on lecturers' websites and information in lectures etc.

Any references and links to third-party content within the fact sheet are only of a supplementary, informative nature and lie outside the area of responsibility of the University of St.Gallen.

Documents and materials are only relevant for central examinations if they are available by the end of the lecture period (CW51) at the latest. In the case of centrally organised mid-term examinations, the documents and materials up to CW 42 are relevant for testing.

Binding nature of the fact sheets:

- Course information as well as examination date (organised centrally/decentrally) and form of examination: from bidding start in CW 34 (Thursday, 20 August 2020);
- Examination information (regulations on aids, examination contents, examination literature) for decentralised examinations: in CW 42 (Monday, 12 October 2020);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised mid-term examinations: in CW 42 (Monday, 12 October 2020);
- Examination information (regulations on aids, examination contents, examination literature) for centrally organised examinations: two weeks before the end of the registration period in CW 44 (Thursday, 29 October 2020).