



IBSU

Agreed on Quality Assurance Department

Decision №2, 1st of February, 2018

Head of the department – Assoc. Prof. Dr. Diana Mtchedlishvili

Discussed at the faculty board meeting

Decision №4, 5th of February, 2018

Dean of the faculty – Assoc. Prof. Dr. Ekaterine Bakaradze

Approved at the academic board meeting

Decision №2, 5th of February, 2018

Rector – Assoc. Prof. Dr. Ilias Chiloghlu

MA Educational Program
In
Comparative Commercial Law

Tbilisi
2018

Direction: 06 Law

Field/Specialty: 0603 Private/Business Law

Name of the educational program: Comparative Commercial Law

Faculty: Law

Program coordinator:

Assoc. Prof. Dr. Vakhtang Zaalishvili

Cycle of education: MA (II stage of higher education)

Type of the educational program: Academic

Qualification to მისანიჭებელი კვალიფიკაცია: Master of Law

Qualification to be granted: 06

Study language: Georgian with English components

Volume of the program in credits: 120 ECTS

Structure of the program: the program consists of 120 ECTS, which are broken down as follows:

- 42 ECTS – obligatory courses of the specialty;
- 24 ECTS – professional practice (students choose two of the offered 3 clinics (Legal Clinic - 12 ECTS, Mediation Clinic - 12 ECTS, Arbitration Clinic - 12 ECTS));
- 24 ECTS – elective components, including elective learning courses of the specialty;
- 30 ECTS – preparing and defending MA thesis.

From the elective components of 24 ECTS, students can take 6 ECTS as free credits. Students are allowed to choose the course of their wish from any MA program.

Prerequisites:

- Academic degree of Bachelor of Law;
- Unified MA Exams;
- Professional and English Language (B2) exam at university (Entrants, who have been awarded with the BA degree upon completion of a BA program in Law in English or hold a language certificate (TOEFL IBT, IELTS or FCE) proving the level - B2, are free from the exam.

Purpose of the program: The main goal of the Master program is to provide post graduated professionals, to develop skills for practical activities and independent research. Specifically, the aim of MA program of Comparative Commercial Law is to provide student with the following qualifications and abilities:

- To deliver knowledge regarding the principles of Comparative Commercial Law which are largely used by companies and consumers who are engaged in this field;
- To provide graduate students theoretical and practical knowledge of EU legislation with main focus on private law, harmonization and improvement of the current trends in legislation;
- To develop sufficient skills to analyze legal issues of Commercial law within the EU which will allow MA student to combine theoretical knowledge with practice and contribute to their career development;
- To provide with the knowledge and expertise allowing students to represent and consult people interested in the domain of Commercial law, in accordance with national standards as well as the EU countries' legislation;
- To develop ability of the graduates to represent a company in relations with third parties. Particularly, an ability to identify legal offences (If applicable), shape appropriate position and make a right decision through strategic planning;
- To give a profound and systemic knowledge of major legal systems, including features of continental and common law and regarding practical aspects of private relations and specifically with respect to Commercial (Business) law ;
- To develop an ability to critically assess international legal principles and polish supplementary skills , while deciding comprehensive issues of law;
- To provide with the profound and comprehensive knowledge of legal analysis and writing skills; to train for reviewing and drafting of professional legal correspondence in Georgian and English followed by overall analysis and critical evaluation of legal documents prepared by themselves as well as others;
- To deliver practical knowledge and expertise of proceeding in courts of different instances on international arena, representation advocacy, drafting procedural documents with main focus on private law. Ability of deep understanding of professional ethics principles of an attorney, prosecutor, judge considering Georgian, European as well as American standards.
- To learn professional principles of legal ethics based on international acts as well as on experience accumulated in European and American legal systems which will be compared with Georgian legislation and best practices of ethics commission under Georgian Bar Association;
- To learn the major branches of Comparative Commercial Law: Comparative Contract Law, Comparative Commercial Law, Comparative Banking Law, Comparative Property Law, Comparative Competition Law, International Business Transactions based on comparative Georgian, German, French, American law (if the courses are selected by students);

- Having three functioning clinics of law, clinics of arbitration, clinics of mediation, by application regulations of Comparative Commercial Law, the program is focused on combining theoretical knowledge with practice which will enable students to get introduced to international standards and remain competitive not only in Georgia but abroad;
- Student will be able to legally analyze

Learning outcomes: After accomplishing the program, alumni possesses the following general and field related competences:

Knowledge and Understanding	Has deep and complex knowledge of the field, which allows him/her to form an innovative vision to solve a problem. Has acknowledged the solutions to the problems attached to the relevant field.	<ul style="list-style-type: none"> • Awareness of principles widely used in Georgian and International commercial law which will assist the students in analyzing main contracts and norms in the field of commercial law; • Complex knowledge in Comparative Commercial Law, allowing its graduates to collaborate new, original ideas, identify and solve problems in the field of law; • Awareness of main principles, professional standards and ethics which are widely used by judges, attorneys and prosecutors; • Knowledge of European legislation and court practice in the field of commercial law; • Comprehensive knowledge of fundamental principles and institutions in the field of comparative commercial law; • Understanding of fundamental principles of law and their importance of entire legal system.
Ability to Use Knowledge in Practice:	Through the description method, can make complex assessments about the problem and is capable of finding creative solutions.	<ul style="list-style-type: none"> • Ability to use theoretical knowledge in practice and perform an independent research, through up to date methods and approaches; • Ability to provide clients with legal verbal and written consultations, as well as represent them when needed in the field of commercial law in accordance with the standards determined by Georgian and European law;

		<ul style="list-style-type: none"> • Ability to represent a company in Georgia as well as on international arena, solve internal complex legal issues for local and multi-national companies; • Ability to communicate with the clients, courts and draft procedural documents in Georgian and English; • Ability to represent clients on both national and international levels; • Ability to participate in court proceedings at common courts and international commercial arbitration; • Ability to identify legal problems and use legal sources in order to resolve the problems.
Ability to make conclusions	In terms of innovative legislative order, court practice or scientific approaches can analyze alterations and make conclusions deriving from these changes.	<p>Student will have:</p> <ul style="list-style-type: none"> • Ability to make critical analysis, synthesis, coherent judgments and persuasive points of views; • Ability to form substantiated conclusions • Ability to make innovative synthesis of information received ; • Ability to analyze the incoming information and to understand the findings, developed skills of constructive criticism; • Ability to solve legal problems and formulate/develop a thesis through a comprehensive view and coherent analysis, as well as ability to provide a tangible explanation of the means of solution <p>Will be able:</p> <ul style="list-style-type: none"> • To express and defend own ideas and approaches which correspond to contemporary legal trends; • To critically understand issues of the professional ethics, evaluate certain cases and draw capable conclusions using an appropriate normative sources as well as reasonable judgments/arguments; • To identify the role of International Business Environment through a comprehensive analysis of an experience accumulated in various countries; • To acknowledge the role of international organizations and institutions in shaping International Business, formulate and defend their own decisions.
Communication skills	Can pass his/her own legal conclusions and arguments to the academic and professional society, verbally and in	<p>Will have:</p> <ul style="list-style-type: none"> • Skills to communicate with colleagues, society and interested persons on professional level;

	writing in native and foreign languages.	<ul style="list-style-type: none"> • Ability to direct professional activities, to hold communications orally and in writing, in Georgian and English; • Ability to communicate, draft procedural documents based on procedural forms and skills of procedural communications according to professional standards; • Ability to find information in Georgian and English and send it orally and in writing by using legal terminology; • Ability to participate in debates and skills of operating by using arguments and counterarguments; • Ability to present own legal opinions and arguments in Georgian and English.
Ability to learn	Is capable to determine the synthesis of theoretical components and practical experience, broaden knowledge through the latest methods of the relevant field, based on generalized analysis of sources, scientific articles and court rulings.	<p>Will have:</p> <ul style="list-style-type: none"> • Ability to direct study independently and understand better features of study process; • Ability to determine independently the synthesis of theoretical components and practical experience and based on this, estimate own academic profile, make decision of further knowledge acquisition in theoretical and practical aspects; • Ability to develop knowledge according to up-to-date methods of the Comparative Commercial Law, by using analysis of primary authority, scientific supplies, court decisions; • Ability to look after legislative amendments, court practices, science innovations and update knowledge constantly;
Values	In order to ensure fair balance of parties' interests, analyses existing legal values and if necessary, takes part in formation of new values.	<p>Will be able:</p> <ul style="list-style-type: none"> • To analyze the values and problems specified in different fields of law; • To understand the role of advocates as participants of justice and analyze the obligations of advocate as the best defender of client's interests according to the interests of justice; • To share professional obligations based on the values of democracy in concrete environment; • To protect principles of academic and professional honesty and take professional and social liability; • To be provided, to promote implementation of individual's rights and act according to justice, person's right, values of democracy and society.

Map of learning outcomes:

Course / clinic/ research component	List of components					
	Knowledge and understanding	Ability to Use Knowledge in Practice	Ability to make conclusions	Communication skills	Ability to learn	Values
I. Obligatory components						
Comparative Private Law, Main Concepts	X	X	X	X		X
Legal Writing and Scholarly Research Methods	X	X	X	X	X	X
Professional Skills	X	X	X	X	X	X
Legal Argumentation and Reasoning	X	X	X		X	X
International Standards of Professional Ethics	X	X	X		X	X
Comparative International Commercial Dispute Resolution	X	X	X	X	X	X
English for Specific Purposes - Legal (B2+)	X	X		X	X	
II. Elective components						
Private International Law	X	X	X	X		X
Comparative Property Law	X	X	X	X		

Comparative Corporate Law	X	X	X	X		
Comparative Contract Law	X	X		X	X	
Statutory Obligations, Comparative Analysis of Georgian and European Legislation	X	X	X			
Comparative Banking Law	X	X	X	X	X	X
Law of Secured Transactions	X	X	X		X	
EU Business Law	X	X	X	X	X	X
EU Competition Law	X	X	X			
International Sales Law	X	X	X	X	X	X
EU Commercial Law	X	X	X	X	X	X
Corporate Governance	X	X	X			X
Mediation, Negotiation and Management	X	X	X	X		
III. Practical component (2 obligatory clinic)						
Legal Clinic	X	X	X	X	X	X
Mediation Clinic	X	X	X	X	X	X
Arbitration Clinic	X	X	X	X	X	X
IV. Research component						
Master Thesis	X	X	X	X	X	X

Methods to achieve learning outcomes: The format of the educational process includes the following: lectures, seminars, practical individual and group works, homework, presentations, study practice (moot courts, case analysis, simulations, etc.), master-classes of practicing lawyers, legal and mediation clinics.

Following methods are used in educational process:

- **Role play** – spontaneous, creative and close to reality strategy of teaching, which means that the participants fit and play different roles. It is a very effective since the students have to well realize the role of an individual they are going to be in. at the same time, the process requires students' direct involvement and assimilating the situation to the real one. Role play games are well used in context of legal education, where it usually means imitating a real court trial. Being in an unusual role helps students to see the situation from a different perspective. Role play games are interesting in the approaches of critical thinking, decision making and proving skills development;
- **Classroom simulations for teaching law** – includes the following: trials, moot courts; alternative dispute resolution: mediation, arbitration, negotiations; client consultation; passing a law; parliamentary debates; legislative work (preparing a bill). Steps of classroom simulations: determination of the educational purpose, which is going to become a basis for the simulation; assessment of the simulation; re-producing the simulation;
- **Legislative simulation** – this activity can be used while working on any topic, which can be heard in city councils or legislative body of the country. It is important that part of the students represent legislators and another part represents society or an interested group. Students will be divided according to the following roles: a) legislators and members of committees – up to 5-9 legislators (depending on the total amount of students in the class). One of the legislators will be a chairperson of the committee; b) witnesses – amount depends on a certain case which is the basis for the simulation. The witnesses must present different opinions;
- **Court-practice study** – requires students to analyze certain problems in cases and make conclusions. There are different forms of studying courts' practice: cases based on court precedents; presumable cases which includes solving disputes and dilemmas; real cases from journals, newspapers, books and other sources of information. Court practice study is majorly based on written form; it is also possible to present it with audio-visual means such as watching a movie and listening to an audio record. Practice mainly includes the following elements: description of facts; solution to problem; indication to arguments and different problems; basis for the solution made;
- **Moot courts** – is a role play game, which includes Supreme Court's and courts of appeals' trials. The court, consisting of a jury, tries a case discussed in lower courts. Witnesses are not called upon. Basic facts are not controversial. Arguments prepared and presented and justifiable by the court (e.g.: constitutionality of a law). As moot courts are not based on reliability of a witness, they present an effective strategy for the students to focus on basic principles and concepts of law.
- **Studying examples** – allows students to connect laws with real cases and situations. Examples must be prepared beforehand and should fit the purpose of teaching. It is desirable to unite the method with the ones such as discussions in small groups, role play games, idea exchange, etc.
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- **Case study** – case is a legal question made up by a lecturer, which needs to be solved. During this process, students imagine that they create a detective story. They start the process with writing down a list of facts, which are going to discuss one by one. It is desirable if a case has got: introduction, descriptions of facts and pre-stories, legal norms to use and legal question to solve.
- **Case analysis** – professor along with the students discusses a specific real or hypothetical cases, to completely understand them. The purpose of the method is to analyze the existing solution to an issue, as well as assess the possibility generalizing specificity.

- **Dialogue through Socrates' method** – the purpose of the method is to find out preliminary rulings or incorrectly understood decisions and through this, to help students develop their research and critical thinking skills. The most effective types of the Socrates' methods to use with law students are the following: a) knowledge – the rule of the mentioned type of the dialogue includes identification of the concept of knowledge, which the lecturer wants the student to understand through the questions, which will lead them to knowledge; b) analogy – a case will be selected, along with the proper questions, facts of which shall be altered throughout the discussion. Correctly asked questions lead students to the conclusions; c) critical thinking – uses questions, in order to check students' values and principles. Emphasis is put on thinking beyond ideas, not on knowing ideas. Requires the environment, which is characterized with so called “productive discomfort” and is mostly used in order to show the complexity and vagueness, rather than displaying the facts.
- **Practice based teaching** – helps students fit and master the professional role. This method develops students' problem solving, communication and professional skills; Also, in understanding how to learn from experience. Practice based teaching responds to student's true needs and interests;
- **Continuum (tightly connected chain of events)** – the purpose of the method is to promote students' desire to express their ideas about the topic. It is necessary to assess knowledge before and after lectures. This method helps even the least active students to get involved in the process.
- **Classifying arguments** – is one of the varieties of getting to know court practice. Throughout the process of this activity, students study cases and then are provided the set of arguments. This set must include the arguments of both parties. Students read and assess the arguments, then decide whether these arguments are provided by claimants or defendants. This activity is the first step to make students get to know Supreme Court's arguments on existing cases. On the one hand, student have got arguments, on the other hand they can discover own arguments through getting to know background information;
- **Verbal/oral method** – passing on the knowledge orally and throughout this process use different methods according to the content of the topic. This allows them to shape the theoretical basis necessary for the study course.
- **Working in textbooks** – ensures gaining knowledge envisaged by the course through using relevant literature and different sources. Promotes understanding, so that students won't have trouble with accomplishing an independent work.
- **Demonstration methods** – teaching method, which means visually presenting the information. It is a quite effective method in the approach of achieving the result. Students, as well as lecturers shall demonstrate the materials to learn. This method promotes better perception of each step of study materials, also helps us being more precise about what has to be done independently by the students. At the same time, this strategy visually demonstrates the notion of the issue/topic.
- **Discussions** – one of the most wide-spread methods of intellectual teaching. Develops students' skills of presenting the arguments and defending their positions. This process is not limited with the questions asked by the lecturer. It makes students capable of accepting critical comments and reacting to them in stressful situations;
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- **Group work** – lecturer divides the class into groups and gives them different types of work. Group-mates work on these issues individually and at the same time, they share their ideas with the rest of them. Depending on the purpose of the work, group-mates may fit different roles. This ensures the maximum activity of each student.
- **Cooperative learning** – such strategy of teaching, which obliges each member of the group not only to learn the material himself/herself but also, help the co-members in this process, until all of them know the material.

- **Induction, deduction, analysis and synthesis** – induction means generalizing information based on specific examples, whereas deduction promotes creating new knowledge based on general information – discussion flows from general to certain direction. Analysis helps dividing the whole material into parts, which simplifies discussing the details of one material. On the other hand, synthesis means joining separate parts, which allows students to perceive the material as a whole.
- **Action-oriented teaching** – requires students' and lecturers' active engagement in the study process, where emphasis is put on practical interpretation of theoretical knowledge.

Study Courses and practical component of the program is assessed by a 100 grade system. 5 types of positive assessment will be considered:

- Excellent –maximum assessment 91% and higher;
- Very good- maximum assessment 81-90%;
- Good - maximum assessment 71-80%;
- Satisfactory- maximum assessment 61-70%;
- Enough - maximum assessment 51-60%;

Negative assessments will be considered:

(FX) failure - maximum assessment 41-50%, which means that student has to work more to pass the course, is given additional independent work hours and is admitted to the exam one more time.

(F) Failure - maximum assessment 40% and lower, which means that work hours for the student in this course is not enough and he should retake this course.

Student may be assessed orally and in written. At the end of the course a final exam is held which involves the material under study and corresponds thematically to the syllabus. The assessment of student's knowledge and skills is carried out by a 100 grade system. It includes one or two midterms and final assessment, individual and group presentations, participation in discussions during seminars, a course project, moot court, etc.

The student will obtain credits for the course if he gets 51-100 points, also, s/he has to get at least 40 points at the final exam.

The assessment of the student's knowledge and skills involves the following components: midterm assessment (totally maximum 100 points), which may embrace one or two midterm exams, activities at the seminar, an individual or group presentation, quizzes, a course project prepared individually or in pairs, and a final exam (maximum 100 points).

Student's knowledgewill be evaluated in accordance with the following components: midterm evaluation and final exam. Maximum evaluation for each component is 100 points and the lowest boundary for receiving credits is 51 points and in final exam. MA student should get 41 points for receiving credits. The passing grade will be calculated out of 100% as the sum of Midterm assessment (60%) and Final exam (40%)

The system of assessment (format, method and number of points given in each component of the total score) is determined according to the syllabus of each learning course and a student is informed about it in the beginning of the semester.

The midterm and final evaluation criteria will be determined by each course / research component of the syllabus, according to their specific needs.

Format of Evolution:

- Midterm Exam;
- Activity on seminars / Group work
- Presentation;
- Homework;
- Performance of practical work
- Presentation of prepared material;
- Paper;
- Discussion /Debates;
- Role /Situational games;
- Presentation and defense of work;
- Moot Court;
- Preparation of legislative initiatives and participation in simulations;
- Fulfilment of clinical components;
- Final Exam (orally or in writing).

Master thesis is assessed by a 100 grade system, according to the following:

- Excellent (summa cum laude) (91% and higher) – Excellent work;
- Very Good (magna cum laude) (81-90%) - result, which is higher in all its aspects than requirements;
- Good (cum laude) (71-80%) - result, which is higher, than requirements;
- Average (bene) (61-70%) – result, which satisfies requirements in all its aspects;
- Satisfactory (rite) (51-60%) – result, which satisfies requirements, in spite of blemishes;
- Unsatisfactory (insufficienter) (41-50%) – result, which don't satisfies requirements because of blemishes;
- Completely Unsatisfactory (sub omni canone) (40% and less) –result, which totally don't satisfies requirements.

If MA students will get grades mentioned in “a”-“e” paragraphs, they will get qualification - Master Of Law, if MA students get grades mentioned in paragraph “f” they will have an opportunity to present re-worked Master’s Thesis during the month, but if they get grades mentioned in paragraph “g” they will lose the possibility to present the thesis on the same topic.

№	Criterion	The maximum score according to criterions	Given score
1	Actuality	10	
2	Practical importance of research	10	

3	Theoretical importance of research	10	
4	Novelty	10	
5	Intensity of research problem analysis and originality of decisions	15	
6	Cogency of research results (statistic analyzing of facts, discussion)	5	
7	Cogency while defending material (logical decision, structure of presentation, speech clarity, presentation of main statute of work)	15	
8	Adequate answer on questions while defending, substantiation of own position, possess of terminology	15	
9	Effectiveness of visual methods while presenting	10	
All		100	
Final Grade			

Peculiarities of study organisation:

120 ECTS (3000 hours) credits prescribed in the program are divided throughout 2 academic years, 4 semesters with the amount of 30 credits each. The basis for calculating credits is European Credit Transfer System (ECTS): 1 credit = 25 hrs., which covers both – classroom activity and independent work. From 24 credits of the elective component of the specialty, student is allowed to take 6 credits in the limit of free credits. Students are allowed to select any course from MA program.

Students will master methods of academic writing and scientific research, professional English language for lawyers.

The program envisages students' professional practice in the 2nd and the 3rd semesters, at two of the offered three clinics: legal, arbitration and mediation clinics. The university has concluded memoradums of understanding with the mentioned clinics.

Students dedicate the entire 4th semester to preparing Master thesis, followed by its defense according to university regulations.

During the study process, student has to take 18 credits equal of courses in English. Students are given opportunity to write a Master thesis in Georgian and in English as well. Pre-requisites for a Master thesis to be written in English, are accomplishin the course of Legal Writing and Scholarly Research Methods in English.

After receiving master's degree the graduate will have an opportunity to get employed in:

- Local and International Legal Companies;
- Non-Governmental organizations (NGO) and Business companies;
- Public Sector;
- Advisory companies;
- Other organizations, where the qualification of lawyer is needed.

After obtaining the MA degree, graduates will have opportunities to continue their PhD in the respective field.

Information about material resources necessary for the program:

The mission of IBSU is to ensure the base material resources of the highest quality for the students and academic staff, which will promote forming flexible and co-operative atmosphere and progressive academic work, more precisely:

- Auditoriums are equipped with basic collection of study instruments;
- Computer center equipped with ninterrupted access to the internet;
- Library equipped with modern technologies, internet and books (along with electronic versions);
- The courtroom at IBSU makes it possible to hold moot courts;
- Other resources available at IBSU;
- Material-technical resources of the organizations, with which the university or the faculties have concluded memorandums of understanding.

Information about human resources necessary for implementing educational process: Resumes and other documents proving the qualification of the program coordinator and other staff participating in the program are available at the chancellery of IBSU.