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| <b>Course title: BUSINESS LAW CLINIC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                                                                                                                       |                               |                    |
| <b>Subject code</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Case status</b> | <b>Semester</b>                                                                                                       | <b>Number of ECTS credits</b> | <b>Lesson fund</b> |
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| <b>Study programs for which it is organized:</b><br>MASTER'S STUDIES - Business Law                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                                                                                                                       |                               |                    |
| <b>Objectives of studying the subject:</b> Acquisition of theoretical and practical knowledge and skills in the field of business law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                                                                                                                       |                               |                    |
| <b>Learning outcomes:</b><br>After passing this course, the student will have basic practical knowledge and skills in the field of business law and will be able to: <ol style="list-style-type: none"> <li>1) Analyzes (prepares the case, offers a preliminary legal identification of the problem, chronologically examines the disputed issue, determines its legal nature) and provides a solution to the specific problem - a case from court practice;</li> <li>2) Prepare arguments for the role of prosecutor and defendant in a simulated case, demonstrating the skills of dialogue, active listening and opposing arguments;</li> <li>3) Understands the role and competence of institutions, active and passive carriers of business activities;</li> <li>4) Prepare the text of the contract and in connection with that, to provide information on the elements of individual contractual relationships and other legal instruments;</li> <li>5) Provides basic consultations in the field of business law with an international component, such as: International sales, Foreign investment law, Concessions. BOT, International Arbitration Law.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                                                                                                                       |                               |                    |
| <b>Comparability:</b><br><br>Queen Mary University of London Law School:<br><a href="http://www.ilincnetwork.eu/wp-content/uploads/2015/09/QM15-0011-88_15-iLINC-Brochure-Update-QMUL-Logo-No-Crops.pdf">http://www.ilincnetwork.eu/wp-content/uploads/2015/09/QM15-0011-88_15-iLINC-Brochure-Update-QMUL-Logo-No-Crops.pdf</a><br>KU Leuven:<br><a href="https://www.law.kuleuven.be/education/clinics-1516/international-and-european-jurisprudence">https://www.law.kuleuven.be/education/clinics-1516/international-and-european-jurisprudence</a><br>Palacký University Faculty of Law:<br><a href="http://www.pf.upol.cz/en/groups/studying/law-clinic-centre/">http://www.pf.upol.cz/en/groups/studying/law-clinic-centre/</a><br>Faculty of Law of the University of Belgrade:<br><a href="http://www.ius.bg.ac.rs/Pravna%20klinika/PRAVNA%20KLINIKA.htm">http://www.ius.bg.ac.rs/Pravna%20klinika/PRAVNA%20KLINIKA.htm</a><br>New York University School of Law:<br><a href="http://www.law.nyu.edu/academics/clinics/semester/business">http://www.law.nyu.edu/academics/clinics/semester/business</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                                                                                                                       |                               |                    |
| <b>Practical classes:</b> Business legal clinic<br>is dominantly, through the teaching process at the faculty and during the stay at the institutions, organized through the practical dimension of acquiring professional knowledge - <i>case method</i> and trial simulations. The subject is designed as a more advanced and practical version of professional subjects in the field of commercial law from basic academic studies, and the analysis and simulation of preparation of arguments and defense of the case is the basic method of work.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                    |                                                                                                                       |                               |                    |
| <b>Method of teaching and mastering the material:</b> As a compulsory course (valued with 8 ECTS credits and with a structure of hours (4+1)) in the Master's/Master's studies in the Business and Law fieldat the Faculty of Law of the University of Montenegro,in addition to classical theory, it also includes practical teaching that includes direct contact of our students with professionals in the field of Business Law. Teaching methods include visits and trainings at the Commercial Court, the Chamber of Commerce of Montenegro, the Mediation Center of Montenegro, Delta Insurance, the Karanović - Nikolić Law Firm.<br>The work plan at the Business Law Clinics is implemented through two phases. <b>Phase I</b> is the most innovative because it involves the introduction of teaching units with the aforementioned techniques of case methods and trial simulation. It enables students to apply theoretical knowledge and develop analytical skills necessary for solving specific legal problems: reading and solving cases from court practice. This method also develops a practical way of thinking and learning through the application of theoretical knowledge to cases from court practice. Also, in this phase, students will be introduced to the techniques and skills of trial simulation as a new learning method, which, through the simulation of case preparation, develops the ability to dialogue, actively listen and oppose arguments, in the preparation of the arguments of both sides - the plaintiff and the defendant. Through simulation, students are given the opportunity to practice their application by solving specific legal problems. Simulation as a method affirms mentoring work with small groups with the use of extensive bibliographic material. This introduces students to the world of case preparation, case processing, preliminary problem identification, chronological overview of the problem, determination of the legal nature of the problem, summarization and preliminary legal qualification.<br>In the last part of this phase, and immediately before the stay in institutions - actors of business law in Montenegro, students will be shown the content and importance of ethical codes of judges and lawyers, as practical actors. II phase of work at Business Legal Clinics, which refers to stays in institutions - active and passive carriers of business activity in Montenegro. |                    |                                                                                                                       |                               |                    |
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| <b>I</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>P/V</b>         | The role and importance of legal clinics.<br><br>Inaugurating case methods and trial simulations                      |                               |                    |
| <b>II</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>P/V</b>         | <b>Ex cathedra lecture with analysis of examples from judicial practice on the topic INTERNATIONAL SALE OF GOODS.</b> |                               |                    |

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|          |     | Familiarization with the framework of the definition of international sale of goods and placement of this transaction in the legislative framework of the Vienna Convention (CISG), with a detailed overview of rights and obligations, responsibility, transfer of risk, significant breach of contract, and legal remedies. Acquaintance with the content of INCOTERMS as well as the Convention on the Limitation of Claims. A significant part of the processing of this topic will also refer to the analysis of court cases from the jurisprudence of Montenegrin and other court instances that are included in the electronic database of court judgments that rely on the application of the CISG, such as CLOUT UNCITRAL, PACE Law School, as well as of UNILEX.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| III      | P/V | <p><b>Ex cathedra lecture with analysis of examples from court practice on the subject of FOREIGN INVESTMENTS AND CONCESSIONS AND FINANCING PROJECTS WITHIN THIS FRAMEWORK.</b></p> <p>This topic will be dealt with, first of all, from the aspect of analyzing the solutions of the legal texts of the "Law on Foreign Investments" and the "Law on Concessions", with a focus on specific forms of foreign investment BOT, BOOT, etc. The preparation of current subjects of privatization and investment, through the case method and simulations, will also be represented in this teaching unit. Also, the specifics of a special type of financing project will be processed - identification, analysis, quantification, and location of risks, through the stages of construction, operationalization of the project, in order to reduce them, and thereby ensure the generation of sufficient funds to repay the debt, pay operating costs and provided an attractive profit to the investors themselves.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| IV       | P/V | <p><b>Ex cathedra lecture with analysis of examples from court practice on the topic of resolving disputes from business law (ARBITRATION and other methods)</b></p> <p>For business law, arbitration is a specific form of resolving business disputes. Relevant legislative sources of an international and national nature will be presented here, as well as the advantages of arbitration as non-state courts established to resolve international business disputes. The issue of types of arbitrations, jurisdiction, compromise, compromise clause, competence-competenz clause, governing law, recognition and enforcement of foreign arbitral awards will be studied within this unit. Finally, current cases resolved before arbitration courts are the subject of this teaching unit.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| V        | P/V | <p><b>Ex cathedra lecture with analysis of examples from court practice on the subject of BANKRUPTCY LAW</b></p> <p>Adoption of new legal solutions, changes compared to old ones, branches of bankruptcy proceedings - jurisdiction, specifics, choice, UPPR and examples/problems in practice, payment orders with a comparative analysis of other solutions in surrounding jurisdictions. At the end, the analysis of the current judicial practice in this area will be started.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| VI       | P/V | <p>Elaboration of the code of professional ethics, principles of judicial and lawyer ethics.</p> <p>Introduction to the practical part of teaching</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| VIII-XIV | P/V | <p><b>Implementation of the II phase of work at Business and Legal Clinics</b></p> <p><b>II PHASE</b> As part of this part of the case institutional cooperation was established between the Faculty of Law of the University of Montenegro and courts, business entities and professional associations in this positive-law discipline. In this sense, in the past three-year period, cooperation was realized with the following institutions: Commercial Court, Chamber of Commerce of Montenegro, Mediation Center of Montenegro, Delta Insurance, Karanović - Nikolić Law Office, and Bojović-Dašić- Kojović Law Office.</p> <p><b>Commercial court.</b> The cooperation with the Commercial Court, in the communication so far, was based on a theoretical set of lectures by judges on the issues of registration of various forms of publication of economic activities, as well as current issues from bankruptcy proceedings. After the introductory theoretical part, students were given the opportunity to work as a team on the hypothetical procedure of registering one of the forms of economic activity.</p> <p>A specific type of cooperation with the Commercial Court also refers to the analysis and preparation of abstracts of final judgments in which the relevant international instrument was applied for substantive law. Furthermore, these abstracts are submitted to UNCITRAL's electronic file CLOUT, and are published as such.</p> <p><b>Law office Karanović-Nikolić.</b> As part of the workshop, this office organizes a set of lectures every year on the way of functioning, the communication technique between the office and the client, as well as the specific due diligence procedure. The lecturers are renowned lawyers from Belgrade, who after the lectures deliver questions to the students as potential lawyers who are asked for an expert opinion, based on a normative and comparative analysis of the problem.</p> <p>The best of them are recruited for the staff of this office.</p> <p><b>Foreign trade arbitration at the Chamber of Commerce of Montenegro.</b> Staying in this institution gives students the chance to, from several aspects, become familiar with the out-of-court protection of commercial disputes, which is realized through the work of the Foreign Trade Arbitration and the Permanent Selected Court at the Chamber of Commerce of Montenegro. Bearing in mind that Montenegro does not have a special law on arbitration, but that the provisions on internal arbitration are found in the Civil Code, students are faced with hypothetical and comparative legal concepts, the analysis of which is the subject of their report. One of the main goals of PKCG through this project is the promotion</p> |

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|                                                               | <p>of the work of the Foreign Trade Arbitration and the Permanent Selected Court, as well as familiarizing the professional public and future lawyers and businessmen with the advantages of arbitration.</p> <p><b>Mediation Center of Montenegro</b> at the Business Law Clinic, it involves student training and his training in the aspect of mastering the basic knowledge and skills of a mediator in the mediation process. The specific aspect of this training, first of all, refers to the mediation of commercial disputes, especially insurance, construction, bankruptcy, and franchise.</p> <p><b>DELTA insurance.</b> The participation of this business actor in the performance of practical and theoretical classes of the Business and Legal Clinic aims to introduce the national and European concept, types, elements of the definition of the insurance business, with a special emphasis on the analysis of the insurance policy, mathematical formulas for calculating damages as well as special types of insurance .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>XV</b>                                                     | <b>Presentation and defense of papers, papers, reports.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Load student</b>                                           | <p><u>In the semester</u></p> <p>Teaching, independent work and final exam: (8 hours) x 16 = 128 hours</p> <p>Necessary preparations before the beginning of the semester (administration, registration, certification) 2 x (8 hours) = 16 hours</p> <p>Total workload for the course 6x30 = 180 hours</p> <p>Supplementary work for exam preparation in the make-up exam period, including taking the make-up exam from 0 to 36 hours (remaining time from the first two items to the total workload for the course 180 hours)</p> <p>Load structure:</p> <p>128 hours. (Teaching and independent work)+16 hours (Preparation)+36 hours (Supplementary work)</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Students are required to:</b>                              | <p>1) to stay in partner institutions and to report on the activities carried out to the teacher and other course participants; 2) to prepare a case and defend a paper at the end of the course, and 3) to participate in discussions after the presentation of the work of each of the course participants.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Forms of knowledge testing and assessment:</b>             | <ul style="list-style-type: none"> <li>- Interactivity in practical teaching (up to 50 points);</li> <li>- Preparation of the case and defense report (up to 50 points).</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Literature:</b>                                            | <ol style="list-style-type: none"> <li>1. Carić, S., Vilus, J., Šogorov, S: International Commercial Law, Novi Sad, 2000;</li> <li>2. Draškić, M., Stanivuković, M: Contract law of international trade, Belgrade, 2005;</li> <li>3. Draškić, M: International commercial contract law, Belgrade, 1990;</li> <li>4. Đurović, R., Čirić A: International trade law - General part, Niš, 2005;</li> <li>5. Đurović, R.: International Commercial Law, Belgrade, 2004;</li> <li>6. Folsom, RH, Gordon, MW, Van Alstine, MP, Ramsey, MD: International Business Transactions: A Problem-Oriented Coursebook, 12th and Documents Supplement for International Business Transactions, 2015;</li> <li>7. Graic-Stepanović, S: Praktikum for international business-legal transactions and integrations, Belgrade, 2007;</li> <li>8. Jankovec, I: Commercial law, Belgrade, 1999;</li> <li>9. Jovanović, N: Practice in commercial law, Belgrade, 1999;</li> <li>10. Ljutić, B: Banking and stock market business, Belgrade, 2004;</li> <li>11. Mlikotin-Tomić, D: International Trade Law, Zagreb, 1999;</li> <li>12. Stojiljković, V: International Commercial Law, Belgrade, 2001;</li> <li>13. Subotić-Konstantinović, N: Introduction to international commercial law, Belgrade, 1999;</li> <li>14. Šulejić, P: Insurance Law, Belgrade, 1997;</li> <li>15. Varadi, T: International private law, Belgrade, 2000.</li> <li>16. Vasiljević, M.: Trade Law, Belgrade, 2014;</li> <li>17. Vukadinović, R: International Business Law – General and Special Part, Kragujevac, 2012.</li> </ol> |
| <b>Name and surname of the teacher who prepared the data:</b> | Prof. Dr. Aneta Spaić                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Consultations:</b>                                         | --- Email contact: <a href="mailto:aspaic@yahoo.com">aspaic@yahoo.com</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |