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HALLMARKS OF LLM IN COMPARATIVE AND INTERNATIONAL DISPUTE RESOLUTION AT QUEEN MARY UNIVERSITY OF LONDON

Abstract. Master's degree (LLM) in "Comparative and International Dispute Resolution" at Queen Mary University of London (QMUL) can lead its graduates to a promising career in the field of international arbitration which today is considered a modern and dynamic dispute resolution tool applicable for both domestic and international business affairs. The aim of the article is to analyze hallmarks of this LLM programme. The method of analysis and synthesis of legal and scientific-methodical sources was used to assess the level of the research problem topicality. The method of generalization was applied to formulate the conclusions of the article. The School of International Arbitration (SIA) was established in 1985 at Queen Mary University of London. The School has been constantly increasing its impact over the years, both in terms of research and teaching, and now it is considered a leading contributor to the science of international arbitration and litigation. Among other options the School proposes the LLM programme in Comparative and International Dispute Resolution which aims to provide a new generation of lawyers with a deep understanding of the special characteristics and needs of international arbitration, help them rethink traditional approaches to conflict resolution what is achieved by a solid theoretical grounding, broad interdisciplinary training, practice-oriented approach to the teaching of arbitration, enshrining such personal traits as individual commitment, determination and willingness to work, development of cognitive and transferable skills which help to prepare for the transition to working life.

The hallmarks of LLM in Comparative and International Dispute Resolution Queen Mary enable a graduate to become a valuable asset of any organization or institution which activity is connected with international arbitration.

Key words: Master degree programme, Comparative and International Dispute Resolution, international arbitration, arbitrator, Queen Mary University of London, School of International Arbitration.

Introduction. Arbitration is a modern and dynamic dispute resolution tool applicable for both domestic and international business affairs. International arbitration often interacts with national laws but it is controlled by the desire of the parties, rules of non-national institutions, and international practice. The important features in international arbitration are based on comparative and private international law what demands a broad vision and deep knowledge beyond the normal limits of national law and the procedures in national courts.

Master's degree (LLM) in "Comparative and International Dispute Resolution" in Queen Mary University of London (QMUL) can satisfy such strict requirements and lead its graduates to a promising career in the field of international arbitration.

Theoretical framework. In spite of the existence of many works by foreign and domestic scientists devoted to international arbitration (O.Brylev, F.Davidson, A.Furrer, K.Kokota, J.Knoll, J.Lew, M.Moses, I.Pobirchenko, T.Slipachuk, and others) the question of professional training and education of arbitrators is left free-answered, what necessitates analysis of the chosen topic. Thus, general standards of professional education of arbitration lawyers are not developed, there is no general system of their training, professional criteria are not correlated, theoretical and methodical literature on the problem is deficient, etc.

The **aim of the article** is to analyse hallmarks of the Queen Mary University of London LLM programme in Comparative and International Dispute Resolution as a guarantee of a successful career in the field of international arbitration.

The **method** of analysis and synthesis of legal and scientific-methodical sources was used to assess the level of the research problem topicality. The **method** of generalisation was applied to formulate the conclusions of the article.

Discussion and Results. The School of International Arbitration (SIA) is a centre of excellence in research and teaching of international arbitration and is part of the

Centre for Commercial Law Studies (CCLS) at Queen Mary University of London. It was established in 1985 to promote advanced teaching and research in the law and practice affecting international arbitration [1].

The impact of the School, both in terms of research and teaching, has been constantly increasing over the years, and it is now considered a leading contributor to the science of international arbitration and litigation. Now it proposes a number of international arbitration options: LLM, postgraduate diplomas, professional training and one of the largest specialist PhD programme in the world. Students can attend full-time and part-time courses (1 year Full-time / 2 years Part-time). The staff of the School also offers consulting services and advice to governments and non-governmental agencies that wish to develop a non-judicial settlement of dispute mechanism, as well as training for lawyers in private practice, in-house lawyers, judges, arbitrators and mediators, both nationally and internationally [1].

More than 3,000 students have studied the LLM in Comparative and International Dispute Resolution Queen Mary since the programme started in 1985 [1]. This LLM programme aims to provide a new generation of lawyers with a deep understanding of the special characteristics and needs of international arbitration, help them rethink traditional approaches to conflict resolution what is achieved by a solid theoretical grounding, broad interdisciplinary training, practice-oriented approach to the teaching of arbitration.

The usual qualification for entry to the LLM programme is a degree in law, or a degree with a substantial law content, of at least 2.1 honours (or equivalent). Law graduates with 2.2 honours who also have other legal qualifications and/or substantial professional legal experience may also qualify [1].

Non-law graduates with a minimum second class honours degree, that have also obtained a Merit (or 60 per cent) in the Common Professional Examination (CPE) or Graduate Diploma in Law (GDL) recognised by the UK professional bodies, may also qualify. Non-

law graduates may also be considered on the basis of exceptional professional experience (of at least five years) in a legal area or an area directly related to their programme of study [1].

In order to assess applicants fairly and to make a correct decision potential students send their documents fully online. All applications prepare a detailed CV where they outline their professional experience if there is any.

International applicants are welcome at Queen Mary LLM programme in Comparative and International Dispute Resolution. If their first language is not English, they must certify the level of their English language proficiency. Providing that an applicant does not meet requirements he can receive additional preparatory training at pre-session programmes.

LLM programme in Comparative and International Dispute Resolution follows a common format: students should take 135 credits worth of taught modules divided equally across the two semesters which may be assessed by essays or examinations and prepare a 15,000-word dissertation worth 45 credits (submitted mid August) [1].

A two-week induction period includes an overview of the programme when students have the opportunity to communicate with LLM and Research Directors, professors, learn the details of different modules, and receive tips on module selection as well as a range of other important information. Close cooperation between academic staff and students contributes to programme success.

Full-time students are supposed to attend lectures and seminars, contact the tutors and module convenors, work independently, and complete a research project in order progress at the required level. The purpose of seminars is to generate open discussion around set topics, and stimulate student presentations and group exercises.

Part-time LLM is essentially aimed at legal practitioners working full-time in the UK. Attendance of the same modules and following the same teaching timetable as full-time students is necessary, but the programme is spread over two academic years. In year one, a student will normally complete 90 credits of taught modules. In year two, a further 45 credits of taught modules are normally taken and the compulsory 15,000-word dissertation (45 credits) is submitted. This can be altered in case of necessity, as the dissertation can actually be done in either year. Submission of two 45 credit dissertations – one per year – can be allowed for part-time students, who have problems with their work timetable. This would then enable a student to take only 45 credits of taught modules each year, one per semester [1].

If the module is not confirmed by a teaching academic, then it is not available [1]:

- QLLM150 Strategic Decision Making for Lawyers (Sem 1)
- QLLM151 Negotiation Theory and Practice (Sem 2)
- QLLM153 International Arbitration and Energy (Sem 2)
- QLLM187 International Investment Law (Sem 1)
- QLLM188 Regulation of International Investment and Public Policy (Sem 2)
- QLLM301 / QLLG003 Maritime Arbitration (Sem 2)
- QLLM314 Transnational Law and Governance (Sem 1)
- QLLM315 Transnational Law and Governance in Practice (Sem 2)
- QLLM350 Electronic Disclosure in Legal Disputes (Sem 1)
- QLLM358 Cyberspace Law: Internet Jurisdiction and Dispute Resolution (Sem 1)

- QLLM370 WTO Law: Market Access and Non-Discrimination (Sem 1)
- QLLM371 WTO Law: Trade Remedies and Regulatory Issues (Sem 2)
- QLLM385 Alternative Dispute Resolution: Theory and Context (Sem 1)
- QLLM286 Alternative Dispute Resolution: Selected Issues (Sem 2)
- QLLM391 International Construction Contracts and Dispute Resolution (Sem 1)
- QLLM393 International Arbitration Law and Practice I: Theory and Context (Sem 1)
- QLLM394 International Arbitration Law and Practice II: Theory and Context (Sem 2)
- QLLM395 International Commercial Litigation (Sem 1)
- QLLM396 Commercial Conflicts of Laws (Sem 2)
- QLLM397 Investment Treaty Arbitration (Sem 1)
- QLLM398 Investment Arbitration: Substantive Protection (Sem 2)
- QLLM406 Art Disputes and their Resolution (Sem 2)
- QLLM419 International Commercial Law (Sem 1)
- QLLM420 Ethics in International Arbitration (Sem 1)
- QLLM493 Intellectual Property Dispute Resolution (Sem 2).

A Critical Thinking and Writing module is also offered to improve students' writing and research in law skills.

For every hour spent in classes a student is expected to commit further independent study when preparing for seminars, sessions; reading; writing essays, presentations; completing projects; and revising for examinations.

The direction of the individual study is guided by the formal study sessions a student attends, along with reading lists and assignments [1]. However, a student should expand knowledge, understanding and critical ability individually, be ready for self-development, read extensively and so on.

Independent study fosters in students the ability to identify one's own learning needs and determine which areas it is necessary to focus on to become proficient in the subject area. This is an important transferable skill which helps to prepare for the transition to working life [1].

Research projects, conducted by students, are devoted to important issues in international arbitration: settlement of disputes, the use of transnational rules and *lex mercatoria* for the settlement of disputes, enforcement of arbitral awards, investment arbitration, oil and energy disputes, the increasing harmonisation and internationalisation of international arbitration procedure, arbitration and third parties, arbitrability of disputes, the interface between arbitration and litigation, conflict of jurisdictions, business mediation and ADR, and regional systems of international arbitration [1]. The School also conducts unique empirical studies with the financial support of PriceWaterhouseCoopers [2] and White & Case [5].

Cooperation with major arbitration institutions and international organizations (Freshfields Bruckhaus Deringer [3], ICC Court, London Court of International Arbitration [4]) benefits positive image of the School.

Guest arbitration experts from both the UK and overseas (Audley Sheppard, Dr Laurence Shore, Christopher Newmark, etc.) are invited to lecture on different issues relevant to arbitration. The SIA's students are encouraged to take part in the Willem C Vis International Commercial Arbitration Moot and the Frankfurt Investment Arbitration Moot. It should be mentioned that the best students can be awarded a scholarship.

A high rate of employment of LLM graduates can be explained by an active support of law career advisers who help choose internship opportunities with top UK and international law firms, state bodies, NGOs, etc.

The graduates are invited to join the Queen Mary Alumni Association, which gives a person a possibility even after graduation not only to be involved in the university activities, learn the current news, but what is even more important – to stay in touch with fellow students and former teachers which benefits professional networking.

Conclusions. LLM in Comparative and International Dispute Resolution Queen Mary combines teaching

excellence with practice and research facilities of the highest standard, enabling taught Master's students to benefit from the knowledge and expertise of some of the world's most acclaimed specialists. The programme gives its graduates crucial preferences in a modern labour market as it provides future arbitrators with profound theoretical knowledge complemented by work experience, and emphasis on individual commitment, determination and willingness to work, developed cognitive and transferable skills which help to prepare for the transition to working life. Further investigation **perspective** is the analysis of the research problem in Ukraine.

References

1. Comparative and International Dispute Resolution Retrieved from: <http://www.law.qmul.ac.uk/postgraduate/courses/items/138020.html> (accessed 6 April 2018).
2. Company Overview of PricewaterhouseCoopers International Limited Retrieved from: <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=23466175> (accessed 9 April 2018).
3. International arbitration: the top trends in 2018 Retrieved from: <https://www.freshfields.us/our-thinking/campaigns/international-arbitration/> (accessed 13 April 2018).
4. The London Court of International Arbitration (LCIA) Retrieved from: <http://www.lcia.org/> (accessed 13 April 2018).
5. White & Case. Supporting our clients around the globe Retrieved from: <https://www.whitecase.com/firm/our-firm> (accessed 13 April 2018).

Список використаної літератури

1. Comparative and International Dispute Resolution. URL: <http://www.law.qmul.ac.uk/postgraduate/courses/items/138020.html> (last accessed 6 April 2018).
2. Company Overview of Pricewaterhouse Coopers International Limited. URL <https://www.bloomberg.com/research/stocks/private/snapshot.asp?privcapId=23466175> (last accessed 9 April 2018).
3. International arbitration: the top trends in 2018. URL: <https://www.freshfields.us/our-thinking/campaigns/international-arbitration/> (last accessed 13 April 2018).
4. The London Court of International Arbitration (LCIA). URL: <http://www.lcia.org/> (last accessed 13 April 2018).
5. White & Case. Supporting our clients around the globe. URL: <https://www.whitecase.com/firm/our-firm> (last accessed 13 April 2018).

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ПОЛОЖИТЕЛЬНЫЕ ХАРАКТЕРИСТИКИ МАГИСТЕРСКОЙ ПРОГРАММЫ «СРАВНИТЕЛЬНОЕ И МЕЖДУНАРОДНОЕ РАЗРЕШЕНИЕ СПОРОВ» В ЛОНДОНСКОМ УНИВЕРСИТЕТЕ КОРОЛЕВЫ МАРИИ

Аннотация. Магистерская программа «Сравнительное и международное разрешение споров» в Лондонском университете Королевы Марии обеспечивает своих выпускников необходимыми знаниями, умениями и навыками для реализации успешной карьеры в области международного арбитража, который является современным и динамичным инструментом урегулирования как внутренних, так и международных коммерческих, торговых, строительных, инвестиционных и других конфликтов. Цель статьи – проанализировать отличительные положительные черты этой программы. Метод анализа и синтеза юридических и научно-методических источников был использован для оценки уровня актуальности проблемы исследования. Метод обобщения был применен для формулирования выводов статьи. Следовательно, эффективная организация рассматриваемой магистерской программы позволяют выпускнику стать ценным активом любой организации или учреждения, деятельность которой связана с международным арбитражем.

Ключевые слова: магистерская программа, сравнительное и международное разрешение споров, международный арбитраж, арбитражный юрист, Лондонский университет королевы Марии, школа международного арбитража.

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**ПОЗИТИВНІ ХАРАКТЕРИСТИКИ МАГІСТЕРСЬКОЇ ПРОГРАМИ «ПОРІВНЯЛЬНЕ ТА
МІЖНАРОДНЕ ВИРІШЕННЯ СПОРІВ»
В ЛОНДОНСЬКОМУ УНІВЕРСИТЕТІ КОРОЛЕВИ МАРІЇ**

Анотація. Магістерська програма «Порівняльне та міжнародне вирішення спорів» в Лондонському університеті Королеви Марії забезпечує своїх випускників необхідними знаннями, уміннями та навичками для реалізації успішної кар'єри у галузі міжнародного арбітражу, який є сучасним та динамічним інструментом врегулювання як внутрішніх, так і міжнародних комерційних, торгових, будівельних, інвестиційних та інших конфліктів. Мета статті – проаналізувати відмітні позитивні риси цієї програми. Метод аналізу та синтезу юридичних та науково-методичних джерел був використаний для оцінки рівня актуальності проблеми дослідження. Метод узагальнення був застосований для формулювання висновків статті. Відтак, ефективна організація аналізованої магістерської програми дозволяють випускнику стати цінним активом будь-якої організації чи установи, діяльність якої пов'язана з міжнародним арбітражем.

Ключові слова: магістерська програма, порівняльне та міжнародне вирішення спорів, міжнародний арбітраж, арбітражний юрист, Лондонський університет королеви Марії, школа міжнародного арбітражу.