
Comparative Legal Systems Training Course: Common Law and Civil Law in Cross-Border Business

23 – 27 November 2026
Casablanca





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Programme Summary

Comparative legal systems are the subject of this one-week training course for in-house counsel, commercial directors and contracts managers at managerial level, ending in a cross-border agreement playbook for one deal. Parties from common law and civil law backgrounds read the same clause differently, and the gap shows only when a dispute arises. The programme moves from how each system finds and ranks rules to contract interpretation, remedies, evidence, governing law and forum, using cases from trading, construction and financial services. Mars Training Centre UK delivers this programme on comparative legal systems to mixed-organisation cohorts.

The Business Case

A clause that is routine in one system can be unenforceable, redundant or read differently in another. Where drafting follows a single home template, parties discover differences in duties of good faith, available remedies and disclosure only after a dispute starts. A shared comparison method lets leaders anticipate those differences, draft around them and choose a law and forum on purpose.

- Contract Disputes: Fall as differences in interpretation and remedies are addressed before signature.
- Negotiation Cycle Time: Shortens as counterparties' legal assumptions are identified early.
- Enforcement Risk: Reduces as governing law and forum are chosen with enforcement in mind.

Principles and Evidence Base

- UNIDROIT Principles of International Commercial Contracts: Provide a neutral reference for formation, good faith, interpretation and remedies, applied in Sessions 2 and 3.
- Hague Principles on Choice of Law in International Commercial Contracts: Guide how parties select the law that governs a contract, applied in Session 4.
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: Frames how arbitral awards are enforced across borders, applied in Session 4.

Intended Participants

- In-house counsel who review and negotiate agreements with counterparties from other legal systems.
- Commercial directors who sign cross-border contracts.
- Contracts managers who administer agreements and manage claims under them.
- Legal and compliance leaders who brief boards on foreign exposure.
- Dispute managers who recommend a forum and instruct external counsel.

Typical settings include trading companies, construction groups, banks and manufacturers.



Learning Outcomes

1. Participants will be able to compare how common law and civil law systems find, rank and apply rules.
2. Participants will be able to evaluate how a clause is likely to be interpreted under each system.
3. Participants will be able to diagnose differences in remedies, limits on liability and evidence rules.
4. Participants will be able to construct a governing law and forum clause for a stated transaction.
5. Participants will be able to prioritise drafting changes that reduce risk across systems.
6. Participants will be able to justify a negotiating position on legal grounds shared by both parties.

Programme Structure

Day 1: Comparative Legal Systems: Common Law and Civil Law Foundations

How do common law and civil law systems create and rank rules?

- Legal Family Map
- Source and Hierarchy Chart
- Precedent and Code Reasoning Comparison
- Court Structure Diagram
- Judicial Role Profile

Day 2: Contract Formation and Interpretation

How is a contract made and read in each system?

- Offer, Acceptance and Consideration Test
- Cause and Consent Comparison
- Good Faith Duty Scale
- Interpretation Rules Matrix
- Entire Agreement and Boilerplate Review

Day 3: Remedies, Liability and Evidence

What can a party recover, and how is it proved?

- Damages and Specific Performance Table
- Penalty and Agreed Sum Test
- Limitation of Liability Check
- Disclosure and Document Production Comparison
- Witness and Expert Evidence Plan



Day 4: Governing Law, Forum and Enforcement

Which law and forum should the contract choose?

- Governing Law Selection Grid
- Court and Arbitration Matrix
- Arbitration Clause Drafting Sheet
- Enforcement Route Map
- Mandatory Rules and Public Policy Screen

Day 5: Cross-Border Agreement Playbook for One Deal

Do the earlier records form one playbook that negotiators can use?

- Applying the Session 1 Source and Hierarchy Chart
- Testing the Session 2 Interpretation Rules Matrix
- Reviewing the Session 3 Damages and Specific Performance Table
- Checking the Session 4 Governing Law Selection Grid
- Completing the Cross-Border Agreement Playbook

Methodology

The programme uses case analysis built on one shared cross-border supply and services agreement between a common law party and a civil law party. Participants compare prepared clauses, judgment summaries and correspondence, then revise each artefact for a transaction from their own organisation.

- Suggested activity: Redrafting an entire agreement clause for a counterparty from the other system.
- Suggested activity: Mapping a disclosure request against the evidence rules of each system.
- Suggested activity: Debating court against arbitration for a payment dispute.

Capstone Output

Each participant completes a cross-border agreement playbook for one deal. It holds a system comparison, a clause interpretation table, a remedies and evidence note, a governing law and forum recommendation and a list of negotiation positions. The playbook is used at work to brief a negotiating team, instruct external counsel and review a counterparty's draft.

Frequently Asked Questions

Is comparative legal systems training suitable for managers without a law degree?

Yes. Comparative legal systems are taught through cases and templates. The programme assumes experience in contracts, commercial negotiation or legal advice, but not a law degree.



Which sources does comparative legal systems training rest on?

Comparative legal systems training rests on the UNIDROIT Principles of International Commercial Contracts, the Hague Principles on Choice of Law and the New York Convention on arbitral awards.

How is the playbook from comparative legal systems training used at work?

You use the playbook to brief a negotiating team, instruct external counsel, review a counterparty's draft and explain a choice of governing law to a board.

How does comparative legal systems training differ from general contract law training?

Comparative legal systems training contrasts how common law and civil law systems treat contracts, remedies and evidence, while general contract law training teaches the rules of a single system.