



Common Law and Civil Law for Cross-Border Business Course

10 – 14 October 2027
Cape town



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Ref: 505_139956 **Date:** 10 – 14 October 2027 **Location:** Cape town **Fees:** 4500 Euro

Overview

Common Law and Civil Law for Cross-Border Business Course is a five-day advanced programme for international lawyers, in-house counsel, contract managers, procurement professionals, commercial managers, compliance officers, and cross-border project leaders. Participants compare legal sources, precedent, codification, judicial roles, procedure, contract interpretation, remedies, evidence, governing law, jurisdiction, and arbitration interfaces, leaving with a Cross-Border Legal System and Contract Risk Map. Agile Leaders Training Center turns comparative law into disciplined transaction questions and drafting controls.

Who Should Attend

- International and in-house counsel supporting multi-jurisdiction transactions
- Contract and procurement managers negotiating cross-border agreements
- Commercial and project leaders allocating legal and performance risk
- Compliance and governance teams coordinating local-law input
- Claims and dispute professionals managing evidence and forum choices

The course assumes contract or commercial experience. It is educational training, not legal advice, admission to practice, or a substitute for advice from qualified counsel in each applicable jurisdiction.

Departments and Industries

The course supports organisations operating across legal systems or contracting with foreign counterparties.

- Legal, compliance, governance, and corporate-secretariat functions
- Procurement, supply chain, projects, and commercial management
- Banking, finance, insurance, technology, and professional services
- Construction, energy, transport, manufacturing, and infrastructure
- Government entities, investors, joint ventures, and multinational groups

Learning Objectives

By the end of this course, participants will be able to:



- Distinguish sources and reasoning patterns across common-law and civil-law systems
- Map precedent, codification, judicial roles, and procedural expectations
- Compare contract formation, interpretation, good faith, and remedies
- Anticipate evidence, disclosure, expert, and hearing differences
- Evaluate governing-law, jurisdiction, and arbitration clauses
- Build a Cross-Border Legal System and Contract Risk Map

Course Agenda

Day 1: Legal Families Sources and Reasoning

- Common-law, civil-law, mixed, religious, and customary influences
- Constitutions, codes, statutes, regulations, cases, and legal scholarship
- Binding precedent, persuasive authority, and codified rules
- Judicial interpretation and institutional hierarchy
- Legal-system source and authority map

Day 2: Courts Procedure Evidence and Proof

- Adversarial and court-directed procedural tendencies
- Pleadings, case management, interim relief, and hearings
- Disclosure, document production, witness evidence, and experts
- Burden and standard of proof awareness
- Procedural assumption and evidence-readiness register

Day 3: Contract Formation Interpretation and Good Faith

- Offer, acceptance, consideration, cause, and form requirements
- Pre-contractual duties and negotiation conduct
- Text, intention, context, usage, and interpretation methods
- Good faith, fair dealing, estoppel, and inconsistent conduct
- Bilingual contracts, standard terms, and hierarchy clauses

Day 4: Performance Breach and Remedies

- Performance obligations, conditions, warranties, and classifications
- Non-performance, force majeure, hardship, and change of circumstances
- Damages, mitigation, penalties, agreed sums, and limitation clauses
- Specific performance, termination, rescission, and restitution awareness
- Remedy and enforceability comparison matrix



Day 5: Cross-Border Drafting Forum and Risk Control

- Governing law, jurisdiction, service, and enforcement questions
- Arbitration agreements and court-support interfaces
- Local mandatory rules and counsel coordination
- Suggested Exercise: Comparative Clause and Remedy Review
- Capstone Exercise: Cross-Border Legal System and Contract Risk Map

Practical Exercises

The course uses suggested exercises to expose assumptions and improve referral questions without issuing jurisdiction-specific opinions.

- Suggested activity: compare the authority and weight of codes, statutes, and cases.
- Suggested activity: map procedural and evidence expectations for a dispute scenario.
- Suggested activity: test contract language under alternative interpretation and remedy approaches.
- Suggested activity: prepare a governing-law, forum, enforcement, and local-counsel checklist.

FAQs

What is the main difference between common law and civil law?

Common-law systems traditionally give judicial precedent a prominent role, while civil-law systems traditionally organise much private law through codes. Actual systems vary, overlap, and often combine influences.

Do civil-law courts ignore earlier decisions?

No. Prior decisions may still guide consistency and interpretation even where formal precedent rules differ. The weight of authority must be checked within the specific jurisdiction.

Why do contract clauses behave differently across jurisdictions?

Differences can arise from mandatory rules, interpretation methods, good-faith duties, classifications, procedure, evidence, available remedies, and public policy.

Can parties solve every difference with a governing-law clause?

No. A governing-law clause is important, but forum rules, mandatory provisions, regulatory requirements, public policy, enforcement, and third-party issues can remain relevant.

Is this course legal advice?

No. It provides a comparative framework for identifying questions and coordinating qualified counsel, not an opinion on any jurisdiction, contract, or dispute.



Conclusion

Participants return with a Cross-Border Legal System and Contract Risk Map linking sources, authority, procedure, evidence, interpretation, good faith, performance, remedies, governing law, forum, enforcement, and referral questions. It supports clearer drafting and better coordination across legal traditions.