



DRT

DPRI2367 Judicial law seminar

[30h] 9 credits

Teacher(s): Gilberte Marchal
Language: french
Level: 2nd cycle course

Aims

The aim of this seminar is to help students undertake an in-depth study of specific topics in the branch of law covered by each seminar, the theoretical basics of which have been taught in previous years. The seminar programme is different every year. Its scope is sufficiently wide to allow a subdivision into about fifteen subjects closely linked by a common theme.

Main themes

The method used requires students to complete two assignments. First, an oral presentation, to be given during the year, of the results of their research on an assigned topic; second, a written paper in which students can systematise and synthesise the problems involved in their topic and make use of the results of the discussions and debates following their own presentation, as well as those of the other seminar participants. The seminars start at the beginning of the academic year. The first oral presentations do not take place until the second term. During the first term, each student works on the various themes to be analysed. At regular intervals, however, each participant must report on the progress of his or her research and raise any questions or difficulties encountered. This particular task is carried out in teams to ensure co-ordination of the various assignments. During the first term, some of the seminar sessions are devoted to lectures on a subject closely related to the theme of the seminar. The specialist lecturer may be a member of the Faculty, or a guest speaker from outside the establishment. Each student is graded individually on the seminar. The grade takes into account the work done during the year, active participation in the assignments and discussion groups, the quality of the oral presentation and the written paper submitted at the end of the year.

Content and teaching methods

Theme: Sanctions in the field of private judicial law.

Private judicial law regulations may be public, imperative or only additional. With regard to the first two categories, non-observance is generally subject to sanctions, but the range of sanctions is particularly wide. The first example that comes to mind is nullity, either relative (involving a matter of a private nature) or absolute (involving a matter of a public nature), which can affect a writ containing in its mentions, an omission or an irregularity.

Failure to respect some procedural time limits can also lead to nullity of a writ subject to a time limit or to the loss of rights. The time limits for loss of rights are not only those required to appeal against a judicial decision, but also the numerous time limits that punctuate some procedures (notably seizures).

Some procedural time limits are prescribed under penalty of exclusion of the documents they concern. This is the case with time limits to file submissions.

Finally, some time limits are said to be sanctionless because the law has not attached a sanction to them. Indirect sanctions, which may be deontological, can sometimes be applied.

In a completely different connection, inadmissibility of the action is often pronounced. What does it consist of, what is its legal system and what are the causes of inadmissibility? Besides traditional causes (default of interest and of quality), "procedural inadmissibilities" are now appearing. Indeed, the Cour de Cassation rules inadmissible any claims that have been filed in the absence of compulsory attempted conciliation (Article 1345 of the Judicial Code), in violation of any judicial organisational rules (Article 700 of the Judicial Code) or in breach of any procedural time limits, despite being sanctionless (Article 921 of the Judicial Code).

The study of each of these sanctions form the subject of this seminar: hypotheses, legal systems, effects. Ideally, it should be possible to propose a methodical classification on completion of the seminar.

Other credits in programs

DROI23

Troisième licence en droit

(9 credits)