

Faculty of Law



DPRI2109 Judicial law

[60h+16h exercises] 7.5 credits

This course is taught in the 1st and 2nd semester

Teacher(s): Gilberte Marchal, Jean-François Van Drooghenbroeck
Language: French
Level: Second cycle

Aims

The judicial law course is taught in the third year (BAC 3). It is assumed that students have completed the general introduction to judicial law given as part of the "Introduction to private law" course that is taught in the second year (BAC 2).

Main themes

Content

The judicial law course is in two main parts: first, a study of the competence of the various jurisdictions sharing the attributions of judicial power to settle civil disputes; second, a study of the topics included in the first three books of the fourth book of the Judicial Code, i.e. the part devoted to civil proceedings. To these two parts - which are developed in more or less equal measure - are added the matter of arbitration regulated by the sixth part of the Judicial Code.

Particular proceedings and attachments, as well as the tools of enforcement, are not examined in this third-year course; these are dealt with in a later course (DPRI 2320).

This course envisages 60 hours of teaching. It is taken in the students' 3rd year and is taught during the whole academic year.

Method

Lecturing. Practical exercises in accordance with the related regulations as set down by the "Bureau".

Content and teaching methods

The course is in two main parts :

1. The study of competence :

- notions and general provisions (material competence, jurisdiction of a court *ratione loci*, time extension techniques, pendency and relatedness)
- settlement of competence disputes (by the district tribunal, by the trial judge deciding on the merits of the case) and of attributions within a jurisdiction.
- competence of the first instance court (ordinary competence and specific competence)
- presidential competence (in provisional judgments and when deciding on the merits of the case)
- competence of appellate jurisdictions (determination of competence, settlement of competence disputes and monetary jurisdiction (minimum values in dispute for the right to appeal)
- competence of the Cour de Cassation (ordinary competence and specific competence)

2. The study of procedure :

- action and claim (conditions of the action, classification and types of claims)
- deeds and time limits (notion, classification, transmission and nullity; procedural time limits: notion, classification, fixing, computation and sanctions)
- action and judgment (general principles and progress of the action; the judgment: categories and authority)
- points of law of the case and evidence (general survey of the points of law, measures to establish a fact)
- remedies at law (notion, classification, ordinary remedies at law and extraordinary remedies at law).

Teaching is in the form of lectures and includes analysis of a number of case-law decisions. If need be, the subject of the lecture is examined in greater detail, with practical exercises aiming to develop the more technical aspects of the themes dealt with during the lectures.

Other credits in programs

DROI21	Première licence en droit	(7 credits)	Mandatory
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