

Faculty of Law



DPRI2253 Judicial law

[30h+45h exercises]

Teacher(s): Gilberte Marchal
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

1. The study of competence :

- general notions (material competence and jurisdiction of a court *ratione loci*)
- criteria for establishing competence
- time extension and junction mechanisms
- settlement of competence disputes
- competence of first-degree jurisdictions and of appellate jurisdictions

2. The study of procedure

- action and claim (types of claims)
- theory of deeds and procedural time limits
- study of the progress of the action from the filing of the claim onwards until the pronouncement of the judgment, including points of law (notably of evidence)
- study of the main legal remedies

Teaching is in the form of lectures, largely putting forward doctrinal and precedential controversy.