INTRODUCTION TO FRENCH LAW

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Arcachon, France
Summer 2014

The two unit course will introduce the students to the laws of France, its characteristic features, and the role of its main institutions. The subjects will include Civil Law, Contracts, Tort, Family Law, Commercial Law, Criminal Law and Labor Law.

As part of the course we will visit a French law school, Paris court, and the Ecole of Magistrature National (ENM), the National Judge School in Bordeaux.

TEXT


COURSE EVALUATION

There will be an open book two hour final exam distributed at the end of the course. Oral participation in class will also be evaluated. The course grading will be on the Iowa curve. Students who need accommodations should consult associate Dean Crain and Director Wing.
ASSIGNMENT

Ideally, it would be good to review the course materials prior to the start of class. For the first assignment, please read the material listed under hours 1-5.

CONTENT OF THE COURSE
(Subject to change)

PRINCIPLES OF FRENCH LAW

Hour 1 & 2: (hours subject to change)

1 - SOURCES OF LAW
1.1. Written sources of Law:
   - Constitutional norms,
   - Treaties and E.U. Law,
   - The domain of Statutes and the domain of Decrees and regulations
   - Codification
   - Custom
1.2. Unwritten sources of Law:
   - Case law ("jurisprudence")
   - General principles of law
   - Legal writing ("Doctrine")

Hour 3, 4, 5:

2. COURT INSTITUTIONS AND PROCEDURE

2.1. Civil Court system
2.2. Criminal Court system
2.3. Administrative Court system
2.4. The right of Appeal - Court of Appeal
2.5. The "Cour de Cassation" and the "Conseil d'Etat"
2.6. Evidence (civil & criminal law)

3. PEOPLE ADMINISTERING JUSTICE

3.1. Professional & non professional Judges
3.2. Attorneys ("Avocats")
3.3. Other Professions: Sheriffs : "Huissiers", "Notaires", "Avocats aux Conseils", Clerks : "Greffiers"
3.4. Legal Aid

Hour 6, 7, 8, 9:

4. THE LAW OF CONTRACT

4.1. The creation & effects of Contracts (between and beyond the parties)
4.2. Contractual fault, non performance, excuses and remedies:
   - Latent defects ("vices du consentement")
   - Conformity / Compliance with plans/estimate (Non-conformité)
   - Hidden defects ("vices cachés")
   - "force majeure"
4.2. How to draft a contract under French Law
Hour 10:

Tour of the Palais de Justice and Court of Appeal (Paris) (hours for visits may be subject to change)

Hour 11, 12, 13:

Guest speakers: Judges and lawyers

5. FAMILY LAW (by guest speakers)

5.1. Marriage, matrimonial property, PACS, cohabitees
5.2. Divorce (grounds & effects)

Hour 14, 15:

6. TORT LAW

6.1. Liability for Personal Fault (negligence, breach of duty.)
6.2. Liability for the "Deeds of Things" and special reform for motor vehicle accidents
6.3. Liability for another Person's Action
6.4. Causation & harm

Hour 16, 17, 18:

7. COMMERCIAL LAW

7.1. Commercial persons:
   . Individuals (French, European, Foreigner)
   . Organizations. Companies. Limited liability
7.2. Commercial property:
   . The components of the "fonds de commerce"
   . The lease
7.3. Businesses in difficulty:
   . Prevention of insolvency
   . Insolvency proceedings ("Redressement et liquidation judiciaire")

Hour 19:

8. CRIMINAL LAW

8.1 Individual responsibility. Actus reus ("Elément matériel"), mental element. Corporations
8.2. Categories of offences ("crimes", "délits", "contraventions")

Hour 20, 21, 22:

9. EMPLOYMENT LAW

9.1. The special sources of norms:
   . Norm-making powers of the social partners
   . Collective bargaining : "Conventions collectives", "Accords collectifs"
   . Unilateral decisions : "Usages et accords unilatéraux", "Règlement intérieur"
9.2. The creation and termination of the Employment relationship:
   . Contract of employment
   . Minimum wages and working conditions
   . Economic and non-economic dismissals
   . Unfair dismissal, Discrimination & harassment in employment.

9.3. Industrial relations:
   . Trade unionism in France
   . Rights to collective bargaining & to workplace representation.
   . "Délégués du personnel", "Comité d'entreprise", "CHSCT"

9.4. Disputes and settlements

**Hour 23, 24, 25:**

Visit of the ENM: Judge School in Bordeaux
Guest speakers: Judges
Visit of the Court (Tribunal) in Bordeaux (upon agreement of the Court)

**Hour 26:**

Review

French Law Exam