

CABINET D'AVOCATS

Max AMADO
AVOCAT HONORAIRE
FONDATEUR DU CABINET

Paris, May 2nd 2018

Michaël AMADO
AVOCAT A LA COUR (PARIS)
AVOCAT AU BARREAU DE MONTREAL (QUEBEC)
GSM : 06. 85. 22. 00. 57 - PALAIS E 448

Charlotte GUY
AVOCAT A LA COUR
GSM : 06. 80. 70. 37. 24 - PALAIS A 760

Fabrice AMOUYAL
AVOCAT A LA COUR
GSM : 06. 03. 84. 72. 50 - PALAIS D 1653

Nadia HOUAM
AVOCAT A LA COUR
GSM : 06. 25. 33. 77. 79 - PALAIS E 448

Benjamin CHABERNAUD
AVOCAT A LA COUR
GSM : 06. 17. 49. 57. 40 - PALAIS E 448

Tiffany VACHERESSE
AVOCAT A LA COUR
GSM : 06. 29. 44. 33. 51 - PALAIS E 448

INTRODUCTION TO FRENCH LAW

Professor Michaël Amado
Paris & Arcachon, France
Summer 2018

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 Paris Courts, the Ecole of Magistrature National (ENM), the National Judge School in Bordeaux, and possibly the Conseil d'Etat.

TEXT

- French Law: duplicated course material: "French legal system and French Law", Michaël Amado.

COURSE EVALUATION

There will be a two hour final exam at the end of the course. Oral participation in class will also be evaluated. The course grading will be on the lowa curve. Students who need accommodations should consult Director Wing.

Cabinet principal : 77, rue de l'Assomption - 75016 PARIS
Téléphone : +33 (0)1 42 15 14 49 - Télécopie : +33 (0)1 42 30 86 73

Cabinets secondaires : MONTPELLIER et EVREUX
Site : www.Avocats-Amado.net - E mail : Office@Avocats-Amado.net

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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 and see all the pages of the following website: https://e-justice.europa.eu/content_member_state_law-6-fr-en.do?member=1.

CONTENT OF THE COURSE

(Subject to change)

PRINCIPLES OF FRENCH LAW

French view & discussion with guest speakers.
(hours subject to change)

Hour 1, 2, 3, 4, 5:

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")

2. COURT INSTITUTIONS AND PROCEDURE

- 2.1. Civil Court system
- 2.2. Criminal Court system
- 2.3. Administrative Court system (will be detailed by guest speaker in a further lecture)
- 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:

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

4. FAMILY LAW (by guest speakers)

- 4.1. Marriage, matrimonial property, PACS, cohabitantes
- 4.2. Divorce (grounds & effects)

Hour 9, 10, 11:

Administrative Court system (by guest speaker)
Visit of the Conseil d'Etat, Paris

Hour 12, 13, 14:

5. THE LAW OF CONTRACT

- 5.1. The creation & effects of Contracts (between and beyond the parties)
- 5.2. 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"
- 5.2. How to draft a contract under French Law

Hour 15, 16, 17:

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

Hour 18, 19:

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 20, 21, 22:

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 23:

8. CRIMINAL LAW

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

Hour 24, 25, 26:

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 27:

Review

French Law Exam