




Teacher(s)	Van Drooghenbroeck Jean-François ;
Language :	French
Place of the course	Bruxelles Saint-Louis
Prerequisites	<i>The prerequisite(s) for this Teaching Unit (Unité d'enseignement – UE) for the programmes/courses that offer this Teaching Unit are specified at the end of this sheet.</i>
Learning outcomes	<p><b>At the end of this learning unit, the student is able to :</b></p> <p>This course helps students acquire knowledge of the essential notions, institutions and mechanisms to understand how justice and civil procedure work. Throughout this course, students will gain more insight into the legal liability and stakes of the state judicial function, easily distinguishable from alternative methods of conflict resolution. By the end of the course, students should be able to apply the theory to the practice using critical reflection in their approach.</p>
Evaluation methods	<p>The exam is written and lasts 2 hours.</p> <p>It consists of :</p> <ul style="list-style-type: none"> <li>- three quarters of the mark, 15 to 20 true/false questions to be justified in three lines by stating, in particular, the applicable legal bases and relevant case law,</li> <li>- up to one quarter of the mark, a practical case to be solved.</li> </ul> <p>Each student is given the opportunity to consult his or her copy, and to discuss his or her mistakes with the professor.</p> <p>After the Easter vacations, a dispensatory test is organized, which allows students, depending on the performance obtained by the participants, to obtain a subject dispensation, or even a bonus point added to their exam mark of the month of the June session (for more details on the modalities of this test: <a href="https://moodleuslb.uclouvain.be/mod/forum/discuss.php?d=26595">https://moodleuslb.uclouvain.be/mod/forum/discuss.php?d=26595</a>)</p>
Teaching methods	The lecture offers pedagogical supports to reach the objectives mentioned above. It is completed by examples taken from practice, the analysis of case-law and questions addressed to the students.
Content	<p>This course is divided into three main parts:</p> <ol style="list-style-type: none"> <li>1. Exploration of the general principles applicable to judicial procedure, alternative conflict resolution methods and some rules of the judicial organization.</li> <li>2. Study of the competences of the different jurisdictions which share the attributions of judicial power adjudicating civil matters.</li> <li>3. Topics from the first three books of the fourth part of the judicial Code, which cover civil procedure. Specific procedures, protective attachment and enforcement procedures will not be studied during the third year of the bachelor degree; these subjects will be addressed later.</li> </ol> <p>The course is outlined as follows:</p> <p>A. General principles</p> <ul style="list-style-type: none"> <li>- procedural law and judicial Code;</li> <li>- the general principles of civil procedure (right to a fair trial, publicity of hearings, the respective roles of the judge and the litigants in the course of a trial, written and oral proceedings, adversarial principle and respect of the rights of the defence and equality of arms, procedural loyalty/fairness, celerity and procedural efficiency);</li> <li>- preliminary rules of the judicial Code;</li> <li>- legal action;</li> <li>- the purpose of the action (petition and defence);</li> <li>- nullities;</li> <li>- timeframes;</li> <li>- alternative conflict resolution methods;</li> <li>- judicial professions;</li> </ul> <p>B. The jurisdiction</p> <ul style="list-style-type: none"> <li>- Notions and general provisions (subject matter jurisdiction, territorial jurisdiction, prorogation, listispendens and connexity);</li> <li>- Regulation of jurisdiction conflicts (by the district court, by the trial judge) and the attributions within the same jurisdiction;</li> <li>- Competences of the court of first instance (ordinary and specific competence);</li> </ul>

	<ul style="list-style-type: none"> <li>- Presidential competences (provisional and on the merit);</li> <li>- Competences of the appellate jurisdictions (determining jurisdiction, resolution of competence conflicts and jurisdiction);</li> <li>- Competences of the Supreme Court (normal and specific competences).</li> </ul> <p>C. The procedure</p> <ul style="list-style-type: none"> <li>- Action and claims (conditions of the action, classification and forms of the claims);</li> <li>- Court papers and timeframes (Court papers: notion, classification, communication and nullity - Procedural timeframe: notion, classification, fixation, computation and sanctions);</li> <li>- Instance and judgment (general principles and conduct of the proceedings; the judgment: categories and authority);</li> <li>- Incidents of the proceedings and evidence (general overview of the incidents, investigation measures)</li> <li>- Right of appeal (notion, classification, ordinary and extraordinary right of appeal).</li> </ul>
Bibliography	G. DE LEVAL (dir.), Droit judiciaire, t. 2, Procédure civile (3 volumes), Bruxelles, Larcier, 2021.
Other infos	A comprehensive syllabus as well as the Powerpoint presentations used during the class are made available for students.
Faculty or entity in charge	DRTB

<b>Programmes containing this learning unit (UE)</b>				
Program title	Acronym	Credits	Prerequisite	Learning outcomes
Bachelor in Law	<a href="#">DROB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">BDROI1214</a>	
Bachelor in Law French-English (and French-English-Dutch)	<a href="#">DRAB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">BDROI1214</a>	
Bachelor in Law French-Dutch (and French-Dutch-English)	<a href="#">DRNB1BA</a>	5	<a href="#">BDROI1211</a> AND <a href="#">BDROI1214</a>	
Bachelor in Droit - Rechten - Laws	<a href="#">DREB1BA</a>	5		