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MEMBRES D'UNE ASSOCIATION  
AGREEE, LE REGLEMENT DES  
HONORAIRES PAR CHEQUE EST  
ACCEPTÉ

TVA intra-communautaire  
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Paris, April 24th, 2023

**INTRODUCTION TO FRENCH LAW I**

**Professor Michaël Amado**

**Summer 2023**

The one credit 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, and Commercial Law. There may be guest lecturers.

**UNIVERSITY REQUIREMENTS**

The link provides the university requirements for all syllabi:  
<https://provost.uiowa.edu/student-course-policies>

**TEXTS**

"French legal system and French Law," Michaël Amado ("course pack");  
various articles available online or on ICON

**COURSE EVALUATION**

There will be an oral exam at the end of the course. Separate instructions will be handed out for the exam. Oral participation in class will also be evaluated. The course grading will NOT be on the Iowa curve.

## REACHING ME/OFFICE HOURS

The best time to reach me, if needed, will be in the hour before class. You can email me at [michael.amado@avocats-amado.net](mailto:michael.amado@avocats-amado.net) or call me on WhatsApp at +33 6 85 22 00 57

## ASSIGNMENTS

You will find the assignments as separate readings on ICON or in the course pack on ICON. Classes will take place at the Dauphine University Law School. On Tuesday and Thursday, class will meet 9:00am-9:50am (50 minutes), then 10 minute break, 10:00am-10:50am (50 minutes), 10 minute break, 11:00am-11:50am (50 minutes), and 12noon-12:50pm (50 minutes). On Wednesday, we will do two legal visits, one to the trial courts, and one to the appellate courts for a total of approximately four hours.

On Friday, there will be a 90 minute review period 9:00am-10:30am approximately. If questions finish earlier, then the review will be shorter. If the review goes longer, then the course evaluation period will start later. Approximately thirty minutes will be set aside to do course evaluations, i.e. 10:30-11:00am. When the course evaluations are finished, the final will begin, i.e. approximately 11:00am. I will be available via email or phone if you have any questions during the exam.

For class preparation, please note that the reading material is not evenly split between the days. For the first assignment, please read the material listed under hours 1-4.

## ADDITIONAL INFORMATION

**Recording:** The classes will not be recorded.

**Free Speech and Expression:** The University of Iowa supports and upholds the First Amendment protection of freedom of speech and the principles of academic and artistic freedom. We are committed to open inquiry, vigorous debate, and creative expression inside and outside of the classroom. For information on the university's policies on free speech and academic freedom, see <https://freespeech.uiowa.edu>. We will abide by these principles to the extent possible in France, which has different rules regarding these issues.

**Accommodations for students with disabilities:** Please contact Dean Carin Crain for any accommodation requests you may need in advance of leaving for France. She can be reached at [carin-crain@uiowa.edu](mailto:carin-crain@uiowa.edu), or +1-319-335-9648. The University is committed to providing an educational experience that is accessible to all students. We will comply with the university rules to the extent possible in France, which has different rules.

## LEARNING OUTCOMES

We aim for our students to be able to:

- Learn the basic French method of law-making and the role of the different norms (especially statutes compared to case-law);
- Understand the basic structure and institutions of the French legal system;
- Be able to compare the basic structure and institutions of French system to similar aspects of the American system;
- Be able to engage in oral legal discussion.

All French Codes can be found at: <https://www.legifrance.gouv.fr/initRechCodeArticle.do>

And the best free translator French/English, if needed, can be found at: <https://www.deepl.com/translator>

It may be difficult to find French Law materials written in English. The French Constitution and some texts in English can be found on the Parliament's website: <https://www2.assemblee-nationale.fr/langues/welcome-to-the-english-website-of-the-french-national-assembly> and on the Senate's website: <https://www.senat.fr/lng/en/index.html> but best is to translate texts in French directly from the Legifrance website.

## **CONTENT OF THE COURSE**

(Subject to change)

### **PRINCIPLES OF FRENCH LAW**

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

**\*TUESDAY MAY 16**

#### **Introduction to France & French Legal Profession**

##### **Hours 1-3:**

##### **Readings:**

Introduction to France (24 pp.)

The French Legal System – Ministère de la Justice (15 pp.)

French constitution (44 pp.)

***Course pack pp. 2-14***

#### **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
- 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 4**

##### **Readings:**

Extracts of the French Civil Code – Contracts (42 pp.)

**Course pack pp. 15-17**

#### **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

**\*WEDNESDAY MAY 17**

#### **VISIT TO THE TRIAL COURTS AND APPELLATE COURTS (HOURS 5-8)**

**\*THURSDAY MAY 18**

#### **Continuing French Civil Contract Law**

#### **Hour 9**

##### **Readings:**

Extracts of the French Civil Code – Contracts (42 pp.)

**Course pack pp. 15-17**

#### **Hours 10, 11, 12**

#### **10. TORT LAW**

##### **Readings:**

Extracts of the French Civil Code – Tort Law (12 pp.)

**Course pack pp. 18-19**

10.1. Liability for Personal Fault (negligence, breach of duty)

10.2. Liability for the "Deeds of Things" and special reform for motor vehicle accidents

10.3. Liability for another Person's Action

10.4. Causation & harm

#### **11. FAMILY LAW** (guest speaker Nadia Houman-Pirbay)

##### **Readings:**

**Course pack. pp. 20**

- 11.1. Marriage, matrimonial property, PACS, cohabitants
- 11.2. Divorce (grounds & effects)

## **12. COMMERCIAL LAW**

### **Readings:**

Extracts of the French Commercial Code – Commercial leases (31 pp.)

**Course pack pp. 21-30**

#### 12.1. Commercial persons:

- . Individuals (French, European, Foreigner)
- . Organizations. Companies. Limited liability

#### 12.2. Commercial property:

- . The components of the "fonds de commerce"
- . The commercial lease

#### 12.3. Businesses in difficulty:

- . Prevention of insolvency
- . Insolvency proceedings ("Receivership and liquidation")

**\*FRIDAY MAY 20**

**Review, course evaluations, and Final Exam**

### **Hour 13, 14, 15:**

Review of the course (approximately 1.5 hours)

Course evaluations (approximately 30 minutes)

Open book Examination (separate instructions will be given)



Michaël AMADO