

- Faculté de droit
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Comparative and European Private Law (4DR2117)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
Master bilingue en droit	Cours: 3 ph	Voir ci-dessous	6
Master en droit	Cours: 3 ph	Voir ci-dessous	6

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

Période d'enseignement:

- Semestre Printemps

Equipe enseignante

MÜLLER Christoph, Professeur ordinaire. PEARSON-WENGER Sabrina, Collaboratrice scientifique. GLUCKSMANN Eloïse, Assistante doctorante.

Contenu

The lecture is divided into four parts: the first part consists in an introduction to Comparative Law (functions, goals, methods, overview of the principal legal systems). The second part is dedicated to the analysis of a specific legal figure (e.g. medical liability for the birth of an undesired child) in different legal systems. The third part studies different aspects of U.S. Law (Common Law), such as torts, negligence, products liability, punitive damages, class actions, lawyer's fees and jury trials. The subject of the fourth part is European Private Law and its influence on Swiss Private Law, with regard to legislation, case law and doctrine.

The lecture is designed for students who are interested in the international dimension of Private Law. It is highly recommended for students following the orientations « Business and Tax Law », « Avocature (professions judiciaires) » and « Droit international et européen ».

As this lecture is taught in English, a fair mastering of the language of Shakespeare is indispensable, even though it will of course be taken into account that most students are not English native speakers.

The lecture normally includes a half-day extra muros at the Swiss Institute of Comparative Law (ISDC) in Lausanne.

Forme de l'évaluation

Open book (personal notes and other materials, classbook excluded) oral exam of 15 minutes in English, with preparation time; active participation in class discussions is required and taken into account for the final grade.

Documentation

The lecture is based on the following book : Müller-Chen Markus/Müller Christoph/Widmer Lüchinger Corinne, Comparative Private Law, Zurich/St. Gall 2015.

Forme de l'enseignement

Socratic method combined with practical exercises.

Objectifs d'apprentissage

Au terme de la formation l'étudiant-e doit être capable de :

- Recognise the influence of cultural background on law
- Compare legal systems in a systematic way
- Discover foreign legal systems
- Present the results of a research in foreign law

Compétences transférables

- Question choices of legal policy
- Develop critical thinking skills
- Assimilate English legal vocabulary