

Course syllabus: Comparative civil procedure



Higher education degree - bachelor
Field of knowledge - 29 International relations
Specialty - 293 International law
Educational and professional program – «International law»

Year of study: 3, semester: 6

Number of credits ECTS: 5

Language of study: English

Course leader:

PhD, Associate Professor, Associate Professor of the Department of International Law and Migration Policy
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Description of the discipline

«Comparative Civil Procedure» is an educational discipline that contributes to the training of specialists in the field of international law. Future international lawyers acquire theoretical knowledge and practical skills in the application of acts of civil procedural law to specific situations, the ability to perform a comparative legal analysis of procedural law norms of different countries and independently generalize and analyze judicial practice. Students acquire knowledge of the peculiarities of the participation of participants in civil proceedings in court, master the peculiarities of conducting discussions and negotiations, study the peculiarities of preparing procedural documents, examine the content and procedural form of a claim, injunctive and separate proceedings. They study the peculiarities of court proceedings in the countries of Europe, the USA and England.

Course structure

Hours (lect. / prakt.cl.)	Topic	Results of the study	Tasks
2 / 2	1 Comparative Civil Procedure: general provisions	To know the concepts and types of modern civil process. To know the types and systems of civil process sources. Analyze the main principles of modern civil process	questions, tests, essay
2 / 2	2 Comparative legal analysis of modern judicial systems	Analyze types of judicial systems. To know the peculiarities of the construction and functioning of individual judicial systems	questions, tests, essay
2 / 2	3 Jurisdiction and jurisdiction of civil cases under the laws of different countries	Investigate the peculiarities of civil court jurisdiction. To be able to distinguish cases subject to general courts. Understand the specifics of the jurisdiction of civil cases in Ukraine and in foreign countries	questions, tests, case, essay
4 / 2	4 Participants in civil proceedings under	To analyze the parties to the civil process, their rights and obligations. To determine the status of	questions, tests, case,

	the laws of different countries	third parties in civil proceedings. To know the peculiarities of representation in court. To know the legal status of other bodies and persons who have the right to participate in the civil process	essay
4 / 2	5 Evidence and evidence in civil proceedings according to the legislation of Ukraine and some other countries	Be able to analyze evidence in civil proceedings. To know the features of evidence in civil proceedings. Be able to determine the subject of proof and facts that do not require proof. Understand the essence of individual means of proof	questions, tests, case, essay
2 / 2	6 Separate conditions of procedural activity in the legislation of Ukraine and some foreign countries	To know and analyze procedural terms and their types. Be able to calculate court costs. Understand the essence of procedural coercion measures	questions, tests, case, essay
4 / 2	7 Procedures for consideration of civil cases under the legislation of Ukraine and some other countries	To analyze the peculiarities of the consideration of cases in the states of different judicial systems. To know the features of the right to sue and to file a lawsuit. To know the essence of the proceedings in the case before the trial, consideration of the case on the merits, rendering of the court decision. To know the peculiarities of consideration of civil cases by a jury. Understand the essence of absentee consideration of civil cases	questions, tests, case, essay
4 / 2	8 Separate types of court proceedings in civil cases according to the legislation of different countries	To be aware of the peculiarities of legal proceedings, separate proceedings and subpoena proceedings. To analyze the types of simplified and accelerated procedures in civil proceedings	questions, tests, case, essay
4 / 2	9 Stages of the civil process under the legislation of Ukraine and some other countries	To know the procedure for filing a lawsuit and the consequences of not complying with it. To know the details of a claim, the procedure for correcting the deficiencies of a claim and the procedure for its acceptance. To know the grounds, procedure and consequences of returning a claim and the consequences of leaving a claim without movement. Understand the procedure for opening proceedings in a case and the grounds for refusing to open proceedings in a case	questions, tests, case, essay
2 / 2	10 Comparative legal characteristics of the modern understanding of the concept, types and requirements for the content of court decisions under the legislation of	Understand the essence of the requirements set forth by the legislation of Ukraine and other countries to a court decision. To understand the content of legality and reasonableness of a court decision, its content and constituent parts. Know the peculiarities of eliminating the shortcomings of a court decision. Know the essence of the legal force of a court decision	questions, tests, case, essay

	Ukraine and some other countries		
4 / 2	11 Procedures for reviewing court decisions under the laws of different countries	To be aware of the peculiarities of modern models of review of court decisions. Know the essence of appeal, cassation, their forms. Understand the essence of other types of reviews of court decisions	questions, tests, case, essay
2 / 2	12 Procedures for execution of court decisions according to the legislation of different countries	To know the models of executive proceedings. Understand the features of the means of enforcement. Analyze separate procedures of executive proceedings. Understand the specifics of enforcement under various requirements	questions, tests, case, essay
4 / 2	13 Modern alternative forms of solving civil cases	Understand the essence of alternative methods of dispute resolution, in particular, such as negotiations, mediation, conciliation, arbitration, judicial arbitration, mini-court, independent examination to establish the factual circumstances of the case, ombudsman, "private justice"	questions, tests, essay
2 / 2	14 Electronic justice in the civil process of different countries and trends in the development of modern civil process	Understand the essence and features of electronic justice. To know the peculiarities of the use of certain forms of information technologies in the civil process. To know the peculiarities of the directions of development and improvement of the legal mechanisms of the modern civil process in foreign countries	questions, tests, essay

Bibliography:

1. Joseph W. Glannon. Civil Procedure: Rules, Statutes, and Other Materials, 2019.
2. European Rules of Civil Procedure. A Commentary on the ELI/UNIDROIT Model Rules. 2023. 784 pp.
3. Pamela K. Bookman & Colleen F. Shanahan, A Tale of Two Civil Procedures, 122 COLUM. L. REV. 1183 (2022). https://scholarship.law.columbia.edu/faculty_scholarship/3839
4. The Future of the European Law of Civil Procedure. Coordination or Harmonisation? Intersentia. 2020. 292 p.
5. Comparative Civil Procedure Joachim Zekoll The Oxford Handbook of Comparative Law (2nd edn) Edited by Mathias Reimann and Reinhard Zimmermann. 2019.
6. Comparative Civil Procedure: A Guide to Primary and Secondary Sources. 2023. https://www.nyulawglobal.org/globalex/Comparative_Civil_Procedure1.html
7. Civil Procedure: A Coursebook, 3rd Edition (2017) Aspen Casebook Series: Glannon, J. Perlman, A., & Raven-Hansen.
8. Civil Procedure: Examples & Explanations, 8th Edition (2018) by Glannon. Wolters Kluwer / Aspen.
9. Olivo, L. M.; Kelly, M. A. *Civil Litigation*, Revised fourth edition.; Emond Montgomery Publications: Toronto, ON, 2022.
10. Noel Semple, An Introduction to Civil Procedure: Readings, University of Windsor, Faculty of Law, 2021 CanLIIDocs 82, <<https://canlii.ca/t/t0xd>>, retrieved on 2024-02-03
11. Uhrynovska O. Novelization of Civil Procedural Legislation of Ukraine in Cassation Review: Panacea or Illusion? Access to Justice in Eastern Europe, 2020. №4(8). P. 209-225
12. Drakokhrust T., Martsenko N. Artificial Intelligence in the Modern Judicial System. Journal of Modern Educational Research, 2022; 1: 5.

Information resources:

1. The official web portal of the Verkhovna Rada of Ukraine. URL: <http://portal.rada.gov.ua/>
2. Official online representation of the President of Ukraine. URL: <http://www.president.gov.ua/>
3. The single web portal of executive authorities of Ukraine. URL: <http://www.kmu.gov.ua/>
4. Official web portal of the judicial authorities of Ukraine. URL: <http://court.gov.ua/>
5. Unified State Register of Court Decisions URL: <https://reyestr.court.gov.ua/>
6. Federal Rules of Civil Procedure. URL: <https://www.law.cornell.edu/rules/frcp>
7. Federal Rules of Evidence. URL: <https://www.law.cornell.edu/rules/fre>

Evaluation policy

- **Deadline and retake policy:** Modules are retaken with the permission of the dean's office if there are good reasons (for example, sick leave).
- **Academic Integrity Policy:** cheating during tests and exams is prohibited (including using mobile devices).
- **Visiting policy:** Attending classes is a mandatory component of the assessment. For objective reasons (for example, illness, international internship, and other reasons), training can take place online with the permission of the university administration.

Evaluation

The final score for the course is calculated as follows:

Credit module 1	Credit module 2	Credit module 3	Credit module 4	Total
20%	20%	20%	40%	100%
Oral survey during classes (1-6 topics) - 5 points per topic - max . - 30 points. Modular control work - max . 70 points.	Oral survey during classes (7-14 topics) - 5 points per topic - max . 40 points. Modular control work - max . 60 points.	Preparation of CPIT - max . 40 points. Protection of CPIT - max . 40 points Participation in trainings - max . 20 points .	Test tasks (10 tests) 2 points each – max . 20 points Theoretical questions (2 questions) - 20 points each max . 40 points Case (1 case) – max . 40 points	100

Student evaluation scale

According to the scale of the University	On a national scale	According to the ECTS scale
90-100	perfectly	A (excellent)
85-89	fine	B (very good)
75-84		C (good)
65-74	satisfactorily	D (satisfactory)
60-64		E (enough)
35-59	unsatisfactorily	FX (unsatisfactory with possibility of reassembly)
1-34		F (unsatisfactory with mandatory repeat course)