Association
Henri Capitant

A SHORT METHODOLOGICAL GUIDE TO FRENCH LAW EXERCISES FOR FOREIGN STUDENTS

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Written by Claire Séjean-Chazal – Full Professor of Private Law and Assistant Secretary General of Association Henri Capitant

Translated into English by ISIT Legal Clinic's students: Arnaud Arvis, Raphaël Belvo, Célia Kerbrat and Sarah Rollet, under the supervision of Robert Fletcher

INTRODUCTION

Foreign students who come to study in France often encounter serious difficulties when confronted with the French law methodology. French law methodology is generally explained in first-year student handbooks, and is (too?) quickly deemed to have been assimilated. After the initial presentation, it is never explained again in itself, but only recalled in general terms, when an exercise is corrected.

Foreign students are also ill-at-ease with the binary structure often imposed on the mind of the French lawyer, which they can only adopt with frustration.

If you recognize yourself in one or the other of these experiences, or if you wish to continue your law studies in France, these few pages are intended to guide you in learning the methodology "*à la française*".

During the course of law studies at a French university, students will come across various exercises, used both for tutorial classes and for examinations. Mastering them is an indispensable condition for a student's success, since a paper that does not strictly respect the methodology cannot be awarded a passing grade. In other words, following the methodology to the letter is the first key to success.

The main exercises are:

- the essay
- the commentary on a text or a legal provision
- the case law sheet (prior to the commentary on a court decision)
- the commentary on a court decision
- the case study

These exercises cater to different objectives in the student's learning process: to identify the stakes of a legal problem, to combine one's knowledge to answer a question that touches on multiple areas, to assess the scope of a legal decision, to find the solution to a practical problem... and always to ask the right questions, and thus to appreciate that law is not an exact science.

The expectations for each exercise will be detailed in separate chapters.

However, there are some compulsory steps for any good assignment, so we will begin with some general advice.

GENERAL ADVICE

First of all, as all legal professionals working in France require a good command of the French language, writing skills are a prized asset in future lawyers from university onwards. The quality of your French spelling and expression is therefore fundamental. Some exam papers have a special box to identify non-French speaking students: if so, do not hesitate to tick it!

Your presentation must be meticulous, as the paper is the only impression you are able to give to the examiner. You must ensure that your handwriting is legible and regular. Crossings-out should be avoided. Asterisks and footnotes should be avoided: they often reflect a problem in the construction of your reasoning, and unnecessarily complicate the task of reading your paper for your examiner. Take the time to organise your argument in draft form, and lose the habit of inserting one point within another (the "cut and paste" function does not exist on an exam paper).

Introduction

The introduction to your paper should begin with *a "headline" sentence*, designed to engage and hold the reader's attention. It should also show your examiner, from the very first sentence, that you have understood the question. You can use a quotation, a development (legislative, technological, moral, etc.), a current event (a high-profile trial, reform, etc.). On the other hand, banal statements should be avoided (e.g.: "Since time immemorial...", "It is well known that...", "This subject has undergone a remarkable evolution...").

The introduction should continue with *a presentation of the subject* (an initial definition of the terms of the question for an essay; a presentation of the article or the decision commented on for a commentary, etc.).

Next, the *context* of the subject should be presented. To do this, it is useful to situate it both in time (history, legislative developments, etc.) and in space (comparative law, European or Community influences).

These elements lead to the presentation of *the issue at stake*: why is the subject important? What is the latest news about it?

Finally, you must end your introduction by *outlining the structure* your essay will follow. This outline will normally comprise two parts, which must be labelled "(I)" and "(II)" in your introduction. A good technique for outlining the structure is to first write one or two sentences explaining the two main ideas, and then to derive your outline from those sentences, using the exact words that will be used for the headings of parts I and II. At this stage, you should not be afraid of repetition, which is any teacher's best friend!

Body of the assignment

The paper's content must have a **visible structure ("plan")**. After the outline at the end of the introduction, the heading of the first section should therefore be stated. Then, each section will begin with an outline of the sub-sections to follow (**A** and **B**) in a sentence or two that will further guide the reader. This section is known in French as the "chapeau" (headnote).

As surprising as it may be to the uninitiated student, making sure this structure is clearly visible is vital. It is a standard feature of French lawyers' work. Open any law review and you will see that the articles or commentaries are almost all structured in this way: with a visible outline, as taught at university. This gives the reader a quick initial overview of the ideas developed by the author, before engaging in an in-depth reading.
The same applies to the requirement of a structured plan, most often in a "binary" form, i.e., in two sections and two sub-sections. In French law, structures with more than two sections are rare, although it is difficult to find a justification for this rule. Some of the reasons invoked include the dichotomous nature of legal distinctions (principle-exception, person-property, movable-immovable assets etc.), the need for clarity, and the fact that any debate can be reduced to a binary form. The bipartite structure is not so much a justified rule as a practice rooted in French legal customs, which should be adhered to, if only to train your mind to express yourself in a clear, concise, and digestible fashion. In fact, what is really frowned upon in the French methodology is providing a "point by point" reasoning. On the contrary, students are required to develop an analysis built around key ideas that can bring together all the elements needed to deal with the subject. Thus, it is quite possible (unless a teacher expressly stipulates otherwise) to develop a plan around three ideas. However, it would not be justified to retain more: four ideas can often be reduced to two, and a division into five (or more) sections would no longer meet the requirement to build the reasoning around the main ideas of the subject.

Therefore, the chosen outline should be as clear as possible: reading the outline alone should allow the examiner to check that the student is not off topic and is writing a respectable paper, with a logical and dynamic structure.

Wondering how to **write your outline ("plan")?** Here are some tips.

Headings must meet several requirements:

-They should be short. One line should be enough.

-They should not contain conjugated verbs. Instead, you can use infinitives and present or past participles (e.g., aggravating, facilitating, improving, etc.). For example, do not write « *Le droit de la responsabilité a évolué* » ("Tort law has evolved") but rather « *L'évolution du droit de la responsabilité* » ("The evolution of tort law").

-They should express an idea specific to the topic, and not be "fungible", i.e. they are not meant to be used for a paper on a completely different topic. Consider whether your heading could be applied to any other topic: if the answer is yes, then the heading is not specific enough.

Each heading should express one idea and one idea only. The headings of the sub-sections should provide further details on the general idea set out in the heading above. Thus, As and Bs should be a development of the idea expressed in I or II. This ensures that the reader can follow your reasoning only by reading the outline.

In the body of the assignment, use transitions to move from one sub-section to the next, reiterating the logic of your reasoning. This is important in order to make your reasoning clearly understandable.

Finally, make sure that the sections are balanced from a quantitative standpoint. Failure to do so may reveal a problem in the structure of the plan.

Conclusion

A conclusion is not usually necessary in legal exercises. However, this does not exclude ending with a very brief summary of the two main ideas which justified the plan, linking the topic to a wider subject, or finding a final sentence echoing the opening sentence, which creates a "full-circle" effect and can elegantly indicate that the reasoning is complete.

On the other hand, two things should be avoided at all costs:

-redundantly repeating what the paper has already stated;

-starting to deal with the subject in the conclusion because you have belatedly realized that you have forgotten something fundamental in the body of the text (it is better to rely on the marker's distraction - which is unlikely - than to point out yourself that you have forgotten an essential point in your arguments).

Example of an assignment's structure

[*Fin de l'introduction*]. La définition de la responsabilité fondée sur la faute, parce qu'elle est large, est de nature à entraîner une responsabilité générale et abstraite. Mais en réalité, on observe que le domaine de la responsabilité pour faute est aujourd'hui concurrencé par les régimes spéciaux. Nous verrons d'abord que le domaine de la responsabilité pour faute continue d'avoir une vocation générale (**I**), mais qu'en pratique, son application est aujourd'hui concurrencée (**II**).

I Une vocation générale

L'hégémonie traditionnelle de la faute était telle que non seulement elle constituait le fait générateur principal de responsabilité (**A**), mais qu'elle a également servie de fondement aux faits générateurs (**B**).

A- La faute : un fait générateur de principe

[*Contenu du A*]
Transition

B- La faute : un fondement pour les faits générateurs spéciaux

[*Contenu du B*]
Transition

II Une application concurrencée

La responsabilité pour faute n'a plus de vocation de principe aujourd'hui, dans les faits, pour deux raisons. Non seulement, le domaine de la faute lui-même a diminué, au profit d'une conception plus objective de la responsabilité, mais les règlementations véritablement spéciales ont proliféré en droit de la responsabilité. Nous envisagerons donc d'abord le développement de responsabilités objectives (**A**) puis la diversification des responsabilités spéciales (**B**).

A- Le développement de responsabilités objectives

[*Contenu du A*]
Transition

B- La diversification des responsabilités spéciales

[*Contenu du B*]

[*End of introduction*]. The broad definition of fault-based liability is likely to lead to general and abstract liability. In reality, however, we observe that the field of fault-based liability is now being challenged by special regimes. We will begin by noting that the field of fault liability continues to have a general purpose (**I),** but that in practice, its application is now being challenged (**II**).

I A general purpose

The traditional dominance of fault was such that it not only constituted the main cause of liability (**A**), but also served as grounds for the operative events (**B**).

A- Fault: a primary operative event

[*Content of A]*
Transition

B- Fault: grounds for special operative events

[*Content of B*]
Transition

II A challenged application

There are two reasons why fault-based liability is no longer a matter of principle today. Not only has the scope of fault itself diminished, in favor of a more objective conception of liability, but special regulations have proliferated in tort law. We will thus examine first the development of objective liability (**A**) and then the diversification of special liability (**B**).

A- The development of objective liability

[*Content of A]*
Transition

B- The diversification of special liability

[*Content of B*]

ESSAY

"DISSERTATION"

The **essay** is an exercise in which the student is asked to establish a solid, structured, and, if possible, critical reflection on a given subject. It is a way of evaluating not only the student's knowledge, but their ability to make a clear, logical and compelling argument.

The **key to success** in an essay is to identify the issue that lies behind the question and provide a relevant answer. The essay therefore involves gathering one's knowledge (lectures, tutorials, personal reading) on the subject. However, the goal is never simply to recite material covered in class, because this would not be a demonstration. This means that the course material must not only be known, it must above all be understood. A good essay is one where the marker can tell that the student has thought carefully about the question.

An essay is produced in several steps.

The preparatory phase

Step 1: Understand the topic.

The question is often brief, consisting of one sentence and a maximum of two lines. Everything is there. The question must never be lost sight of; it must be present at every moment of the essay-writing process.

Understanding the meaning of the question begins with *understanding each of the words* that compose it. All terms must be carefully studied.
Start by looking for definitions. Each term in the question has a literal meaning, but it may also have a legal meaning that is different from its common meaning. Both a French-language dictionary and a dictionary of legal terms will therefore prove useful. It is also a good idea to study opposites or synonyms.

Then, analyse the general wording of the question, asking yourself:

-Plural or singular?

-What coordinating conjunction is used: and, or...?

For example, if the question includes the wording "*The Judge AND the Contract*", you should never simply study one and then the other; the point of the question is precisely to look at the two aspects together, to compare them, and to examine how they relate to one another.

-What is the meaning of the verb used in the question?

For example: "*Can we rectify…?*" and "*Must we rectify…?*" do not mean the same thing. Similarly, "*can we strengthen…?*" and "*what are the ways to strengthen…?*" are two different questions requiring different answers.

After this detailed analysis work, you can take a broader view and think about the title in more general terms. In what ways is it interesting or relevant, especially with regard to the news? What difficulties can you identify?

Step 2: Gather and sort your knowledge.

This step requires a perfect command of the material covered in lectures and tutorials. With this in mind, it may be useful, during your revision, to note the major subjects covered in your classes and their major sub-points. However, we must not fall into the classic trap of simply writing down everything you know. The essay is not an exercise in recitation; it is about harnessing your knowledge to answer the specific question posed. The knowledge gained during lectures and tutorials should only serve as a basis for the personal reflection of the student. Remember that you are being asked to engage in an analysis that combines various aspects of your in-class learnings, and sometimes even several different subjects. Be methodical, reflecting on one subject at a time. Briefly summarize in draft the key concepts you have identified as relevant to the topic.

Now, you have to sort through all the information you have gathered. You need to be able to delineate the subject more precisely, and establish a list of the questions and key ideas that will be included in the essay. Use your draft paper to note down examples related to each idea, which will serve to illustrate your point (if they are related to what is happening in the news, even better).

It is this information-gathering stage that will allow you to identify the issue you will base your essay around.

Step 3: Identify an issue ("*problématique*"), draw up a plan.

This is probably the most complicated and the longest stage (which will also be true in commentary tasks).

It requires significant concentration and is central to the task. From the question provided, you must identify the question you will attempt to answer in your essay. You must then draw up a structured and logical plan which clearly and fully answers the question you have identified. The plan should outline your answers to the issues arising from the question. Your starting point, then, is to seek the answers to the questions raised by the subject; once you have found these answers, a logical plan should become apparent.

There is no such thing as a standard plan: first, because each question is different and each approach is valid, and second, because for a given topic, the points of view may be different. However, we should not hesitate to use very conventional, traditional plans, which are sometimes the clearest and safest choice. Such templates include: conditions/effects; concept/regime; causes/consequences; before/after; formation/execution; why/how; nature/regime; flows/ebbs; rise/fall; principles/limits; positive law/prospective law, etc.
When using such a model, however, several precautions must be taken. First of all, try to hide the simplicity of the plan behind headings that contain terms from the question. Then, you must make up for the simplicity of the plan by making your argument within it rock-solid.
But whenever you can, you should develop an "idea-based" plan that is specific to the question and shows how you are going to demonstrate your argument. Finally, beware of unsuitable plans that may be suggested by the question, such as "advantages and disadvantages", which will inevitably lead to repetitions.

This plan must be apparent. This means that the titles given to each part (I, II) and each subpart (A, B) must be clearly shown in your assignment (as shown in the general advice section).

The writing phase

Step 4: Write.

This is the hardest part of the assignment, it requires excellent clarity of expression and a perfect command of spelling, syntax and grammar.

First comes the **introduction**. It must set out the question and define it. It must be constructed in the manner of a "funnel": that is to say, going from the most general point to the most specific.
It begins with a 'hook' related to the question (doctrinal quotation, current event, historical fact), or a general sentence presenting the subject in general terms.
It continues with an explanation of the question, beginning by defining the terms. If there is a difference between the everyday meaning and the legal meaning, start by explaining the definition in the everyday language (the more general meaning), then move on to the legal definition (a more particular meaning), or even the specific definition for the subject matter concerned (for example, the term "*droit de suite*" has a different meaning in security law than it does in intellectual property law). If you know it, do not hesitate to use the etymology of the terms. Next, the scope of the question should be delimited: what it covers and what it does not cover. Explain why certain themes will be excluded from your argument. Any exclusion is in principle legitimate, as long as you provide a proper legal explanation for it.
The introduction continues by explaining the context and interest of the question. How does the question fit into space and time? What is its place in comparative law? How is

it topical? The introduction can highlight the historical or contemporary interest of the question. What is its meaning? What are the debates surrounding it?
The central issue or "*problématique*" is then set out, usually in the form of a question. The "*problématique*" is the central issue raised by the question: the issue that your essay will try to resolve and which will form the backbone of your argument.
Without a real "*problématique*", the essay is often only a recitation of material covered in class, and therefore does not answer the question posed. The problem can be explained quickly afterwards.
Finally, the introduction ends with the very formulaic announcement of the plan (example: 'it is therefore necessary to examine first [*title of the first part*] (I) before moving on to [*title of the second part*] (II)). All these developments make the introduction a rather long passage, almost as long as a part of the main body of the essay.

The technique for writing the **body of the assignment** is not specific to the essay, and you can refer to the general tips above. Some advice nonetheless.
First, to ensure that you are making an argument and not simply reciting lessons, do not hesitate to use the interrogative form regularly, and to provide answers to the questions you pose. This forces you to make an argument, while also breaking the monotony for the proof-reader. You should also use logical connectors (example: indeed; therefore; conversely; then; because of; unlike...).
To lend weight to your argument, do not hesitate to use examples. In principle, each theoretical idea developed could be illustrated with the help of a concrete situation. A single example is enough each time; if you were to provide multiple examples, your paper would quickly become a catalogue. Choose the most impactful, the funniest, the most current, or simply the one you know the best... But each example must serve to back up an idea already expressed.
Finally, it is essential to be mindful of style. Excessively long sentences lose all meaning. Legal vocabulary must always be used correctly.

As with all legal assignments, a **conclusion** is not mandatory. It remains optional, because at the end of part II B, your argument is presumed to be complete.

COMMENTARY ON A TEXT OR A LEGAL PROVISION

"COMMENTAIRE DE TEXTE"

Commenting on a text is not an exercise specific to law studies. However, law students will sometimes be asked to comment on an extract from a text of doctrine, a text of law or an article of a code. It is an exercise in which the student is asked to analyse and explain the text literally and legally, using their knowledge from the course and tutorials.

The **key to success** in the commentary is to always start from the text and to return to it again and again, as the aim is to provide an explanation of the text. It is important not to write an essay or simply paraphrase the text. To avoid these pitfalls, it is useful to remember that commentary involves bringing elements to the text, in order to clarify it. Thus, a paper that simply rewrites the text, repeats it (usually in a less than relevant way) or paraphrases it (saying the same thing as the author of the text, but much less well) will not score well. Similarly, a paper that merely restates elements of the course in relation to the subject raised by the text would not meet the requirements of the exercise, and would risk turning into an essay.

A method of preparation in five steps can be adopted.

The preparatory phase

Step 1: Put the text in its context.

Start by gathering all the elements you have about the text. What is the historical context? Who is the author? If possible, find elements of his/her biography, and situate him/her in relation to his/her contemporary historical trends (Was he/she a reformist or a classicist? Did he/she share the ideas of his/her time? Was he/she ahead of it or behind it?)
Where is the extract taken from? Is it from a code? If so, from which part of the code? Locate the text in the general plan, and in relation to the preceding and following articles... Is it an extract from an article of doctrine? A press article?

Step 2: Analyse the text.

To succeed in this step, it is essential to read the proposed text multiple times. It is recommended that you look up the definitions of the main terms in a French language dictionary and in a dictionary of legal terms, even if the terms seem familiar at first sight.

Next, you need to carry out a logical and grammatical analysis of the text. However, it is obvious that a short text cannot be analysed in the same way as a long text.

In the first case, every word is important, so word-by-word analysis is necessary, and each term needs to be examined in detail. In the second case, you must identify the most significant words or expressions, those that best convey the general meaning of the text. You must also determine the structure of the text, both material and intellectual. Does it contain two, three or more parts? Does it draw a contrast, a parallel? Does it provide a clarification?

Step 3: Compare the text with positive law.

It is now necessary to determine what the fate of the text has been, or, if the text is recent, what its possible fate will be. Ask yourself the following questions in particular. How has the text been interpreted? How has it been applied in practice? How has it been received by doctrine? Has the author's opinion or proposal influenced positive law? We will also ask whether the text is still relevant today. When was it passed and why? Has it given rise to doctrinal analyses or case law solutions (does it combat or confirm case law, meet a new need linked to the principle of legality, etc.)?

This approach must be based on your personal knowledge (lectures, tutorials, other readings, etc.) on the subject dealt with by the text. Do you know of any examples that illustrate the idea developed by the text? Have you read any texts that take a similar line, or the opposite one?
However, you should also include personal criticism (positive or negative). Personal criticism, even if it differs from the author's opinion or the marker's opinion, is always admissible as long as it is duly justified. Unjustified personal criticism amounts to a value judgment and is very detrimental to the quality of the paper.

Step 4: Draw up an inventory of the content of the commentary and construct a plan.

This is the longest and trickiest step. It requires the student to be able to organize and summarize. It is important to try to group the ideas gathered in the third step into two main lines of thought.

It is recommended that the structure of the paper correspond to that of the text. Careful reading will often allow you to identify a logical break in the text, which can be used to build a two-part plan. If the text raises three distinct issues that cannot be reduced to two, a three-part plan will be justified. On the other hand, four ideas can most often be reduced to two.

In order to ensure that the paper does not stray too far from the text, use some of its terms in the headings of the plan. However, the plan must reflect a desire to comment on the text and not simply paraphrase it. The titles of the parts (I and II) or sub-parts (A and B) must therefore not only be pieces of the text, they must demonstrate a degree of personal analysis from the student.

The writing phase

Step 5: Writing.

The general writing tips outlined above are applicable to this exercise.

However, the **introduction** contains a special feature. It is necessary to present the text itself, and then its context, thanks to the elements gathered during the preparatory phase. If the text is short, quote it; if it is long, summarize its content. Indicate its date, what you know about its author, its general context (historical, in the book, etc.), before identifying the issues it raises and announcing the plan of your commentary.

When writing **the body of the paper**, you should bear in mind that a text commentary is not an essay. The structure may be similar (see paper outline), but that does not mean that the content is. The text commentary is based on a text, so it is important to quote from that text regularly, preferably in very short passages. At the very least, each sub-section should be based on an extract from the text. In any case, the commentary should aim to analyse the terms commented on, to identify their meaning, and to analyse their significance and/or appropriateness; in other words, to add value to the text, rather than simply restating it.

A **conclusion** is not necessary.

CASE LAW SHEET
(PRIOR TO COMMENTARY ON A COURT DECISION)

« FICHE DE JURISPRUDENCE »
(PREALABLE AU COMMENTAIRE DE DECISION DE JUSTICE)

The **case law sheet** is the work which allows a legal decision to be summarized and analysed in full. Most of the time, it will be a matter of summarizing judgments handed down by courts (courts of appeal or the Court of Cassation – "*Cour d'appel ou Cour de Cassation*"), but the method is the same for a first-instance judgment.

There are two reasons why this exercise should be quickly mastered. First of all, you should make a sheet for each court decision reproduced in your tutorial booklets, even if you are not expressly asked to do so in the instructions as you progress in your studies. More importantly, the case sheet also serves as an introduction to the commentary on a court decision. This exercise should therefore not be neglected.

The sheet is broken down into six essential steps corresponding to the stages of the procedure. The main difficulty that you will encounter in carrying out this exercise is to identify, within the decision, the elements belonging to each of these stages. This difficulty is greatly reduced for the decisions handed down by the Court of Cassation since 2019, whose new drafting standards provide for the formalizing of these stages in different paragraphs (facts and procedures, examination of the pleas in law, the court's response, etc.). The different headings in the case sheet must be dealt with in the order indicated below; however, they do not have to be formalized on your assignment, as the drafting of the sheet must remain flowing.

Step 1: Introduce the decision.

This step consists of introducing the decision in one sentence. It should include the court that issued the decision, the date of the decision, and the general issue addressed (e.g. "In this decision of (date), the (court) had to decide the issue of (area addressed)" / "Dans cet arrêt du (date), la (juridiction) a eu à trancher la question du (domaine abordé)").

Step 2: Summarize the facts.

You should provide a summary of the facts, all the facts and only the facts. This involves summarizing (but not copying) the factual elements that led to the decision. There is no point in extrapolating what is said or inventing what is not said. Your summary should be written in an objective manner, which implies, among other things, qualifying the facts in legal terms. This means that you should not speak of 'Mr X' or 'Mrs Y', but rather of the plaintiff and the defendant, the seller and the buyer, the victim and the person

responsible, the doctor and his patient, etc. The point is not to remove the names of the parties for the sake of anonymity, but to show from the outset that the legal relationships between the parties to the case are understood.

Usually, the facts are dealt with at the beginning of the decision.

Step 3: Summarizing the proceedings.

After summarizing the facts, it is necessary to chronologically retrace the judicial process followed by the parties involved before they came before the court whose decision is being discussed. For each of the earlier courts, it is necessary to specify who is the plaintiff and who is the defendant, and to identify the person in favor of whom these courts have ruled. This sometimes requires a careful reading of the whole decision to understand it. For example, if reference is made to a "reversing" appeal judgment, this means that the appeal judges have decided in the opposite direction to the first-instance judges. In this case, it is necessary to state the first decision. If the appeal judgment is "upholding", this means that the judges of appeal have decided in the same way as the judges of the first instance, which must also be specified. If this is not specified, no reference should be made to the first-instance decision. It is detrimental to invent procedural elements which are not stated in the decision.

Naturally, when it comes to a first-instance judgment, the procedural stage is meaningless.

Step 4: Identify the parties' claims, the arguments.

The idea here is to describe the arguments, the claims of the parties in the proposed decision. In general, when it is a question of summarizing a judgment of dismissal issued by the Court of Cassation, the arguments put forward in support of the appeal must be set out. If you are dealing with the quashing of a decision, this time you will have to reproduce the grounds of the appeals decision that was contested. Note that this rule is not intended to be applied to all cases: in particular not to cases where the decision is partially reversed. If the decision to be commented on provides you with both the pleas of the application for review and the grounds of the appeal decision, then set out these opposing arguments.

Step 5: Identify the legal issue.

This is both the most important and the most difficult step: it is the legal issue that shows whether the decision is understood. You must find the legal question that the judges had to answer in the decision you are studying. You must then phrase it in general and abstract terms, and in an interrogative form.

The legal issue arises from the confrontation of the opposing arguments presented in the previous step. You should not fall into the trap of taking the easy way out, by simply transforming the solution adopted by the court into an interrogative form. Proceeding in this way can in some cases lead to a misunderstanding of the decision (particularly in the case of a dismissal with "*substitution de motifs*" (substitution of grounds)).

This is undoubtedly the most sensitive stage of the worksheet and the one that deserves the most practice in order to become familiar with it. From the (further) perspective of the "*commentaire d'arrêt*" (commentary on a court decision), the problem is similar to the legal issue of the essay. It should be neither too precise (in which case there is a great risk of paraphrasing the judgment), nor too vague (in which case there is a risk of writing an essay). It is essential to practice recognizing the legal issue.

Step 6: State the solution.

This is where you indicate the answer given by the court to the legal problem you have identified. This answer is contained in the *operative part of the decision* (*quashes* the judgment, or *dismisses* the appeal; *reverses* or *confirms* the first-instance judgment, etc.), but above all in the *grounds* that the court gives to support its decision. Therefore, it is a step that will be divided into two parts.
First, the solution must be identified in the procedural sense of the term: quashing or dismissal for judgments of the Court of Cassation, reversal or confirmation for judgments of the Court of Appeal, granting or rejecting the claim for first-degree judgments.
Next, the solution in the legal sense of the term must be identified: that is, the legal basis for the decision. This means explaining how the court interpreted the law in effect.
This is also a very important step, since it is from this solution that the commentary can be developed effectively.

Step 7 (optional): Briefly present the rationale for the decision.

When you prepare your case law sheet by itself (i.e. independently of the commentary on the decision), you can conclude your sheet by indicating the practical and theoretical significance of the solution. You can also mention whether it is a landmark decision, a reversal of precedent or, on the contrary, a long-established solution.
If you are asked to provide a commentary, these elements should be included in the body of the assignment.

COMMENTARY ON A COURT DECISION

« COMMENTAIRE DE DÉCISION DE JUSTICE »

A **commentary on a court decision** is an exercise in which the student is asked to give an explanation of a case, and also a legal analysis of the court's decision, using the knowledge they have acquired during the course and particularly tutorials. In this respect, the methodology is similar to that used for the text commentary. In the methodology suggested here, the specificities of commenting on a court decision are highlighted.

The **key to success** is to offer a real explanation of the decision, without simply paraphrasing the decision or reciting the course content related to it. To achieve that, you must ask yourself questions about the decision studied, and answer them in the assignment. It is also important not to lose sight of what must be explained: the solution adopted by the court. Thus, you must avoid the pitfall of commenting on (or worse, paraphrasing) the whole text, by criticizing the decisions of lower courts or the grounds of appeal. These elements are necessary to explain the decision but should only be used to clarify the solution of the judgment you are commenting on. What follows is intended to provide you with tools that will allow you to ask yourself the right questions, and thus enhance your assignment.

It is important to follow the steps below.

The preparatory phase

Step 1: Read and understand the judgment to be commented upon.

First, read the entire decision. Identify the different parts of the decision: the facts, the procedure, the arguments, the legal problem and the solution. This preliminary work, which is what you do to prepare the case law sheet, is fundamental for understanding the decision.
The study must focus on the judgment given by the court. It is therefore necessary to proceed as for a commentary on a text: to go through each word of the solution, i.e. generally the law set out in the beginning of the judgment (*"le visa"*), the decisive recital ("*l'attendu* décisoire") and, if necessary the "*attendu de principe*".

Step 2: Gather evidence to explain and analyse the decision.

If you are doing the exercise for a tutorial session, you must supplement your course knowledge by reading commentaries on the decision, which requires a good knowledge

of how legal journals work. This complementary reading will help you to understand the decision and provide answers to some of the questions you need to ask yourself. As a student, you might not find all of these answers yourself.

For this, there is a set of seven questions whose answers can provide important elements of analysis for the commentary.

-*Question 1:* What is the real legal problem? We first need to reword it, to try to discover what is hiding behind the legal problem posed.

-*Question 2:* What is the purpose of the judgment? Every judgment has a purpose, whether clearly defined or not. It can be a purely legal purpose, or a purpose that goes beyond the law: a moral or social goal.

-*Question 3:* Does the decision conform to the rule it applies? All decisions are based on a legal text. It is important to ask whether the decision respects this rule. It is then possible to identify two lines of analysis. First, does the decision observe the letter of the law? This means asking whether the decision follows the meaning of the text according to a normal reading of said text. The answer to this question provides critical elements for the decision to be commented on.
Then, does the decision observe the spirit of the text? Beyond a simple reading of the text, what is its spirit? Behind each prohibition, each nullity, there is higher interest which falls within the spirit of a text. Does the decision being commented upon respect this interest?

-*Question 4:* How does the decision fit into the current jurisprudence? Is it a decision that is contrary to what has been previously stated (reversal decision)? Is it a decision that tackles a new situation? Or is it simply a decision that repeats a classic solution? It is always interesting to compare a decision with previous judgments given. If the decision is contrary to the general trend, why did the judges go against the flow? If the decision is consistent with the trend, does it introduce any new elements or provide any clarifications?

-*Question 5:* What would have happened if the opposite decision had been taken? This question gives you a new perspective on the decision. It often makes you realize whether the decision is in line with society's mindset, or if it is lagging behind, or even totally out of sync.

-*Question 6:* What are the legal, economic and social consequences of the judgment? You must necessarily go further than the simple judgment presented. This is how you find arguments related to wider society; these arguments will not constitute the body of the assignment, but they will supplement it. It is always gratifying to be able to relate decisions to current events or economic or social phenomena.

-*Question 7:* What criticisms can be made of the judgment? In this question the student must engage in personal criticism and analysis. The decision must be assessed in relation

to the general legal climate (connect with question n°3): is it in conformity with the prevailing trend, or not?
The next step is to provide a personal analysis of the facts. This answers the question: "*regardless of any legal considerations, is this a fair decision?*" However, you must be careful not to make value judgments. An answer such as "*it is a good decision*", without arguments, would be worthless.

We usually combine the answers to all these questions, by saying that the commentary includes three levels of analysis: the meaning, the value and the impact of the judgment.

-*The meaning of the judgment*: this first level of analysis involves explaining the solution, the meaning of the words, and the reasoning of the court. What is the textual basis? What does the "*attendu de principe*" say if there is no textual basis? What interpretation does the court make of the text in question: *a contrario* (in contrast), *a fortiori*, *a pari* (paritum)?

-*The value of the judgment*: this second level of analysis requires criticism, be it positive or negative. Is the solution consistent with the facts? Is it consistent with the state of the law? It is at this point that we can ask ourselves: does the solution seem fair and moral? In order to assess this value, the solution must be compared with the other solution(s) that could have been envisaged.

-*The impact of the judgment*: this third and final level of analysis entails determining the impact of the judgment in the legal, temporal and social context. Is it a landmark case or a basic one? Is it a new solution? A reversal? If the solution is not clear, what clarifications will be needed in the future? Does this decision bring up other questions? What might the consequences of this decision be: legally (on other fields), economically, socially, and even practically? Or what are these consequences (if it is an old solution and we know what has happened)? Has another decision or law been adopted since?

Step 3: Draw up the plan.

Using the answers to all the previous questions, you should draw up a plan, which should, in principle, consist of two parts.

Here are some tips for building a coherent plan.

First of all, the plan does not need to be particularly original. There are simple and effective plans that should not be avoided, if they fit the decision being commented on (concept/regime; principle/exception, etc.). Likewise, if the decision deals with two distinct ideas, or two questions of law, the plan should logically be built around these two elements. For example, if there are two legal grounds, there is no reason why you should not follow the same outline as the decision itself.

Next, it is important to pay attention to the date of the decision. If it is very old or very recent, the plan will have to take into consideration this chronology, and it will then be

possible to devote an entire part of your commentary to what preceded the decision, or to its consequences. When you are asked to comment on a very old or very recent decision, it is this temporality that you are asked to explain and analyse.

Finally, some plans are to be avoided, because they would be off-topic. Examples of such plans are: I Court of Appeal - II Court of Cassation; and I The complaint II The solution. Because the subject of the assignment is the solution adopted by the court (most of the time the Court of Cassation), half of the assignment will necessarily be off-topic if one of these plans is followed. Of course, the arguments of the complaint and the reasoning of the Court of Appeal must be used in the body of the assignment, but only to support your analysis of the solution in question.

Remember that the choice of your headings must be relevant, which means they must be enlightening with regard to the specific decision you are commenting on. To make sure that they are enlightening, ask yourself whether they would fit with a decision on a different theme (for example: "the future of the decision"; "the criticisable solution of the Court of Cassation'' – it is good thing to criticize, but it is even better to explain what you are criticizing).

Once you have determined your plan, ask yourself two questions to make sure that it truly meets the requirements of a case commentary. Does the plan respond to the legal problem you have identified? Does the plan cover the three points of analysis required (meaning - value - impact)? If the answer to these two questions is 'yes', then you may proceed to the writing stage.

The writing phase

Step 4: Writing.

The **introduction**, as with any theoretical assignment, should begin with a 'hook' – an attention-grabbing sentence on the topic – rather than beginning directly with a sentence introducing the decision. The rest of the introduction is made up of elements from the case law sheet. You will therefore repeat the steps outlined previously. However, the steps of the case law sheet should not be explicitly delineated in the body of the assignment. The introduction must read as a smooth and coherent whole. Until the presentation of the legal question, the methodology is exactly the same as for the case law sheet.
In a case commentary, after presenting the legal issue, you may formulate a more general problem, which will help you to consider the judgment in a broader context. However, this should not be too wide, otherwise you are going to write an essay on the subject rather than a commentary on the decision.
At the end of the introduction, after having laid out the legal issue, you must present the solution adopted by the court. If the solution is long, you may summarize it; if it is short, you can quote it.

Last, you must clearly set out the plan you will be adopting to explain this solution. You should prefer flexible phrasing, such as "first... [I], then... [II]", rather than "in the first part...".

The **body of the assignment** must meet the criteria set out in the general advice above. Since this is a case commentary, the advice specific to commentaries applies: you must base your arguments on the text. You must regularly quote parts of the solution, and make sure that each sub-section of your commentary can be linked to an excerpt from the solution (and not the decision).

As with other theoretical assignments, a **conclusion is** not required.

CASE STUDY

"CAS PRATIQUE"

The case study, also called "legal consultation" (*"consultation juridique"*), is an exercise specific to the law studies, in which the student is asked to resolve a legal situation, generally a conflict of some kind, as a lawyer would have done in practice. It allows the professor to assess both the basic knowledge of the student, but also their ability to identify the problem and to resolve it using the syllogism method.

The **key to the success** of the case study is to be able to sort through the factual information given in the statement, to identify precisely the problem to be solved, and to rely on the right rule of law. You must resolve the dispute exhaustively, but everything you write must be geared directly towards resolving it: there is no point in reciting all of your course knowledge on the subject (the historical development of a rule of law is of no use in responding to a legal consultation on positive law). One way to avoid this pitfall is to really put yourself in the shoes of a lawyer and respond to your client's request. This forces you to forget that you are a student, and avoid the temptation to show your teacher the full extent of your knowledge. Trying to impress the teacher in this way can be dangerous, because it often leads students to answer questions that are not asked, or even to defend the opposing position, when the statement will generally specify who is coming to see you, and therefore who you need to defend.

You need to keep in mind that this exercise is about demonstrating your reasoning skills. Sometimes several solutions can be correct, and if your syllogism is legally valid, your assignment will be assessed positively, even if it is not necessarily the solution the teacher had in mind when writing the statement.

The resolution of a case study must be done in several steps, which correspond to the steps of a syllogism and also, most of the time, to the steps that will have to be followed when writing of an assignment.

The preparatory phase

Step 1: Read the statement carefully

The statement consists of a description of the facts. These facts may be more or less detailed, fanciful or imaginary. Start by reading this statement carefully and actively, pen in hand, in order to pick up, from this first reading, the terms or clues that make you think of a point studied in class, and to note them on your draft paper. These elements will not all be useful to you in the end, but this preliminary effort will pay off, because

your first intuition is often correct, or you may later forget certain relevant elements which came to your mind when reading the clues slipped into the statement.

At the end of the statement, there are two possible scenarios. The first, and the simplest, is the scenario where one or more questions are expressly formulated (for example: Can Mr. X obtain compensation for the harm he has suffered? How can filiation between A and B be established?). In this case, the candidate must answer the questions posed, possibly by reformulating them as pure questions of law, that is to say in legal terms and without any reference to the characters mentioned in the statement. In the second scenario, the questions are not clearly put to you, and you may find a general question such as "What do you think of the situation?" or "Quid juris?". It is then up to the candidate to raise the various problems present in the situation described and to solve them.

Step 2: Identify the problems.

The first step in identifying the problems is to sort through the facts described in the statement, so that only the legally relevant facts are kept. Some teachers will deliberately insert factual elements that are distracting but have no impact on the legal resolution of the problem. This is ultimately what happens when a non-lawyer client comes to see their lawyer. It is therefore necessary to keep only the facts useful for the resolution of the case.

Your paper should also be strictly limited to the facts given in the statement. The pitfall of wasting time and energy extrapolating from the stated evidence should be avoided. If the statement does not deal with a precise point, it is because the corrector did not wish to include it; it is therefore pointless to invent elements, even if doing so seems to give more depth to the statement. As soon as you start to envision hypotheticals such as "if the person had done X, then…" you are off topic.

In the case of an open question exercise, studying the facts in this way will allow you to identify the various legal problems arising.

Step 3: Find the applicable rule.

This is the central step. It requires not only a good knowledge of the material studied in class, but also a good command of the relevant code, as well as the use of case law. The code cannot be thought of as a sort of condensed form of your class notes; it can only be effective if it is used in addition to the knowledge acquired in class, and if it has been used during your revision.

The rule applicable to the problem must firstly be an article of law. But sometimes the law has been clarified or interpreted by case law. The leading judgment must then specify the rule applicable to the case, in addition to the quoted article.

A common mistake you should absolutely avoid is using judgments you find in the code on exam day to resolve the case, because the facts appear close. This is never the right approach, for several reasons.
First of all, only leading decisions ("*arrêts de principe*") can be used as the applicable rule, because they are the only ones which can be considered to constitute a rule of law. However, these have obviously been studied in class, and you will have highlighted them in the code prior to the exam.
All other judgments are unnecessary and should be removed from your reasoning. First, if the judgment was not studied in class, then your teacher obviously isn't expecting you to know about it in order to resolve the case. Second, because these are probably special cases, which are therefore irrelevant for resolving a study case (we will come back to this later). Finally, because you have not read them, and the snippet chosen by the editor of your code may be misleading: you may have the impression that this matches with the facts of your *cas pratique*, but it is rarely true, and the marker will check it.
But above all, seeking a judgment corresponding to the facts rather than the rule of law is a serious error of reasoning for a French lawyer! In continental law countries, we start from the rule of law to apply it to the facts, rather than starting from a solution already rendered and transposing it. French law doesn't know the rule of precedent; such a way of solving the *cas pratique* would therefore be profoundly wrong.

Step 4: Apply the rule to the present case.

This is where some thought needs to be done. This step should answer the question "how can I apply the identified rule to the problem I have been asked to resolve?". Careful examination of the regime and the conditions under which the rule applies should allow the problem to be answered precisely and bring a coherent legal response. Check that every condition, every element of the regime, is or is not supported by a point of fact, so that the case can be resolved.

The writing phase

Step 5: Writing using the syllogism technique.

The *cas pratique* is not subject to the same structural requirements requested for the other exercises. So there is no point in writing an introduction or a clear two-part outline. However, the examiner will appreciate an effort to structure your answer. It is logically around the various issues raised that you will build your argument. If there are several problems, it is recommended that you identify and address each problem in a separate part of your answer. There is nothing wrong with preparing as many parts as there are problems, even if there are a large number of problems. The classic balance of the two-part plan no longer makes sense here.

The "*cas pratique*" must nevertheless meet strict formal requirements specific to it, which involve following the steps of a syllogism. If several problems are identified, it will be necessary to construct at least one syllogism per problem.

The solving of each problem should begin with a **summary of the relevant facts**. Under no circumstances should you simply copy the statement.
The first requirement is to sort through the facts, so that only the relevant ones are retained. This means first of all that we should only relate the facts actually present in the statement, without adding hypothetical ones. As soon as you use "if" (example: "if the seller had done that..."), you are no longer responding to the question. It also means that only the legally relevant matters need to be mentioned (you need to exclude your teacher's fancy digressions). Finally, this means that all the facts that will be useful in solving the problem you are dealing with must be presented, but only these. So, if there are several legal issues, you will need to write several factual summaries: it's up to you to put together the elements related to each problem.
Second requirement: you are asked to translate these facts into law. This is the work of legal qualification. The statement is written in "layman" language, as if it were a lay person telling their lawyer the facts of their legal problems. The candidate must then translate his problems into legal language. It is also for this reason that you are asked to abandon the names of the parties appearing in the statement, in favour of the legal qualification that suits them ("Ms. X" becomes "the employee"; "François" is identified such as "the purchaser"; "the neighbour" is qualified as "third party"...). This also allows you to show from the first lines that you have understood the legal stakes of the situation. From this point of view, one should not anticipate the legal resolution of the case either. Admittedly, when the facts are recalled, part of the work of qualification is carried out. But this work will then continue during the resolution. The candidate, depending on the case, will determine what is obvious in terms of qualification from reading the statement and what, on the contrary, falls within the resolution of the case study. If it comes under the resolution, it will be necessary to use the syllogism to proceed with the qualification.

The summary of the relevant facts is directly followed by the **question of law** ("*question de droit*"), i.e., the problem to be solved. This issue must be written in interrogative form, using purely legal terms, and in an objective manner (i.e., without reference to the parties involved). Review that the legal question you are asking corresponds to that of the protagonist who comes to ask you for advice, in order to avoid answering a question that will allow the opponent to be defended... No lawyer can afford such a mistake, and even if your reasoning is correct, it is not the one on which you are questioned.

Once the question is settled, it is necessary to move on to its actual **resolution**. This is where the method of the **syllogism** must be respected. The answer must consist of a major, a minor, and a conclusion.

The **major** of the syllogism corresponds to the statement of the rule applicable to the problem and making it possible to solve it.
As explained above, the rule will in most cases be a normative text. You must then imperatively cite the text or texts which settle the applicable rules. Be specific, don't just

quote the item number. You will either have to copy the text between quotes if it is short, or repeat the essential elements if it is long. Expose the regime of this rule: the principle and the exception, the different conditions of application... Again, only expose the elements of the relevant regimes, that is to say useful to the resolution of the case, so as not to turn into a dissertation. You are not asked to explain elements that do not resolve the case; even if your developments are correct, you will only have wasted time. For example, if the facts allow you to orient yourself towards the vice of consent that is fraud, do not explain the legal regime of violence, on the pretext that it is a vice of consent. On the other hand, if there is a possible doubt between two qualifications, it will be necessary to expose the two regimes, in order to justify why you exclude one in favor of the other.
When there are, on the question treated, special rules of law and general rules, begin with a syllogism verifying the application of the special rules. This logic is imposed by the rule according to which the special derogates from the general (*specialia generalibus derogant*). Thus, if the conditions for the application of the special law are met, then the general rule is necessarily set aside, it is therefore not necessary to verify its application to the case. Conversely, it is only because you have demonstrated that the special law does not apply to the case that you can justify the application of the general rule.
Sometimes the normative rule will have been interpreted, supplemented, by a court decision. In the major part of the syllogism, you will therefore also have to mention these judgments of principle ("arrêts de principe"). But only judgments of principle are intended to appear in the major. Indeed, these decisions have their place because they give an interpretation of the texts in question, or lay down a rule in the absence of texts, and as such, are an integral part of the rule of law.
At this stage, the statement of the applicable rules must remain totally objective: you must in no case speak of the case to be resolved.

The **minor** of the syllogism corresponds to the scrupulous application of the rule of law previously presented to the facts. Each step of the regime described in the major must be related to the facts, point by point. You have to check every condition, every exception. To do this, you must refer to all the factual elements given to you in the statement and which allow you to characterize the application of the law to the facts. Does it seem repetitive with the major? No, if you have clearly separated the law on the one hand, and its application to the facts of the case, on the other.
At this stage, and at this stage only, you can possibly use a precedent case ("*arrêt d'espèce*"). Such a judgment, not having the force of a rule of law, never has to appear in the major. In itself, it is therefore not useful for solving the case study. If, however, you are aware (after checking the text of the judgment itself) of a judgment corresponding exactly to the facts of the case study, then you can use it, at the end of your syllogism, in order to support your reasoning. It is a way of showing that your application of the law to the facts is probably correct, since judges have already ruled in this direction. But once again, in the absence of a rule of precedent, the French jurist is not required to think along the same lines as what a judge would have done once, and a case judgment ("*arrêt d'espèce*") can never be used to found a case resolution. Mentioning a case judgement may therefore reassure you, but will not earn you any points and will waste

your time. So, beware of this temptation, because in an exam, time is the most precious thing you have.

The border between the major and the minor is impassable: the facts of the case must not be evoked in the major; it is no longer time to explain a rule of law in the minor.

Finally, the **conclusion** is for once a step not to be forgotten. A question arises from the statement, it is imperative that the candidate answers it. If several solutions are possible, it is advisable to specify which one seems the most relevant to you, because that is what is expected of a legal professional, and that is the purpose of the exercise.

However, do not think that, while being fundamental, the conclusion is sufficient to answer the case study! What counts in this exercise is not so much to give the right solution, but much more having the right reasoning. Be aware that a conclusion that is certainly correct, but given without the corresponding legal reasoning, will not allow the corrector to consider that the exercise has been achieved. On the other hand, if the correct legal basis is presented, the corrector will be able to observe that the reasoning started was correct. Therefore, in case of lack of time, it will be preferable to begin the syllogism even if it means not finishing it: giving the right legal basis in the major will always be more astute than directly concluding, with the right solution, but without have had the time to explain the basis of it.

BONUS:
EXTRA ADVICE FROM STUDENTS WHO SURVIVED FRENCH LAW SCHOOL

First of all, congratulations! If you are reading these lines today, it is because you have decided to come and study law in France.

As you will see, law studies in France are essentially focused on theory. The exercises that you will have to face are theoretical and very academic, but essential to grasp and master legal reasoning.

There are five main types of exercises: the essay, the commentary on a text/article of law, the case law sheet, the commentary on a court decision, and the case study. These are the exercises you will face during your studies here, and which you will need to understand, learn the methodology for, and practise.

To help you better understand what will be asked of you during your university studies in France, we, as French students who are used to this type of work, have written a short set of tips to help you better understand the objectives. We hope you will find the advice that follows useful and that, together with the rest of this guide, it will help you to succeed in your studies.

• Do not hesitate to try and **make diagrams** out of big concepts that you see in class (or in textbooks). This will allow for a more visual approach to what you are studying that might come in handy in fully understanding a subject.

• When in an exam, do your best to **identify the issues** arising from the question.
Take your time on this. The more time you spend dissecting the question, the likelier you are to produce what the professors expect of you and avoid digressions.

• **Use doctrine**. In French law, doctrine plays an important part and is valued among legal practitioners. Studying with textbooks and the notes you took from the class is not enough. Doing research in legal databases or in the library to find doctrine will allow you to have another perspective on a subject and expand your knowledge. The broader perspective you have on a specific notion, the better your chances are at having a better grade!

• When studying a judicial decision, do not forget to **consider the economic, social, political, and casuistic elements** that the court is influenced by. No decision is ever taken without taking into account such elements, be it in an express or an implied manner. Mentioning such elements in your paper will definitely work in your favour!

• **Organise your thoughts**. A key element in French methodology is the binary form of the outline. This needs to appear in your thought process as well. Quality will always be

valued more than quantity. You cannot go through a whole subject in one exam. Try instead to focus on a specific line of thought, and organise your knowledge around it.

• **Read the question carefully**. For commentary exercises, you need to read the text in question thoroughly in order to get the most out of it and pick out all the elements that will help you to identify the issues. When doing an essay, write the question in the middle of your rough paper and analyse every word of it, because every word will inform your interpretation of the matter.

• **Brainstorm** before actually starting to write your exercise. This will help you organize your ideas. We advise you to note down all you know about the subject on one sheet of rough paper. Then divide another sheet of rough paper into four quarters, which will represent the four parts of your exercise - I. A) and B), II. A) and B) -, and try to allocate your ideas into the four quarters.

• **Learn how to manage your time**, when practising at home or at the library, try to put yourself in exam conditions to see if you are able to respect the time limit. You should not spend more than half the given time on your draft, as the writing phase will take quite some time.

• **Do some independent research** to supplement the material covered in class. It will allow you to understand some ideas better, increase your knowledge by reading doctrine and jurisprudence, and give your ideas for your conclusion and for your suggested avenues for further study.

• **Do not simply paraphrase the text.** Regarding the commentary on a court decision, which appears to be the most difficult exercise for foreign students, the trickiest part is paraphrasing. You are not being asked to copy out what the court said but to interpret its ruling. Form your own sentences based on the ideas you want to raise. However, you are allowed to quote parts of the court ruling, in quotation marks, to back up your reasoning.

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ABBREVATIONS OF THE MAIN LAW REVIEWS

-*D.* = Recueil Dalloz

-*JCP* = Semaine juridique (Juris-Classeur Périodique)
G = édition générale
N = édition notariale
E = édition entreprise
S = édition sociale

-*RTDCiv* = Revue trimestrielle de droit civil

-*RTDCom* = Revue trimestrielle de droit commercial

-*Gaz. Pal.* = Gazette du Palais

-*Def.* = Répertoire du notariat Defrénois

-*LPA* = Les petites affiches