

Semester 1, 2013/14

Introduction to legal case-solving and mootng

**- Giới thiệu về phương pháp giải quyết vụ việc pháp luật
và tranh tụng giả định (tiếng Anh) -**

*A theoretical and practical training
with exercises in the field of international sales law*

Prof. Dr. Thomas Schmitz
DAAD Lecturer

- **Course description:**

Lawyers must not only know the law but also be able to handle individual cases exactly and correctly in practice. Hence in many European states the methods and techniques of legal case-solving form an important part of legal education. Numerous rules and customs are taught. Some originate from national legal tradition or are necessitated by the dogmatics of the relevant field of law but most derive from the laws of logic and legal argumentation and therefore apply universally. This approach is particularly highly developed in the German legal tradition. In Common Law countries it does not exist but the well-developed tradition of legal mootng shows similarities and serves the same purpose.

This course will provide an introduction to the methods and techniques of legal case-solving, in particular to the writing of legal opinions on practical cases. The participants will learn and train how to approach an individual case, apprehend thoroughly the facts of the case, work out precisely the exact question to answer, solve the case systematically on the basis of a draft outline, structure the case solution correctly and formulate it accurately. They will get guidelines for the formal design of the case solution and recommendations for a thorough and efficient case-solving. Eventually, they should be so familiar with the strict inherent rules of legal case-solving that they easily discover the weak points and flawed arguments in any case presentation by colleagues, being able to take advantage of that in moots, legal disputes or Court proceedings.

The course will also provide an introduction to legal mootng. Some methods and techniques are similar while others differ because the mootng cases can be especially complex and the teams do not prepare a (neutral) legal opinion or court decision but the (biased...) memoranda of the claimant and the respondent. Besides, the participants will be trained in the skills of oral legal presentation.

The practical cases used for the training will mainly focus on the field of international sales law. Furthermore, short introductions to this field of law will be provided and the self-study of the participants will be supported.

- **Conditions:**

The course will be held in English. It is open to students of the 2nd to 4th grade. Students who attend at least 22 of the 28 lectures and seminars will receive a *certificate of participation* signed by the lecturer.

- **Time and Place:**

Friday, 16:00 - 20:00, room B.301 (building B). The course starts on 27th September 2013 and ends in January 2014. It will include a total of 28 lectures and seminars.

- **Contents:**

Part I: Preparations

- § 1 Presentation of the course and planning of the activities
- § 2 Short introduction to international sales law

Part II: Skills in theory

- § 3 The methods and techniques of legal case-solving
- § 4 The art of legal mooting

Part III: Skills in practice

- § 5 Exercises in legal case-solving and mooting

- **Bibliography (selection):**

I. Literature on international sales law

- | | |
|---------------------------------|--|
| Morrissey, Joseph | International Sales Law and Arbitration, 2008 |
| Graves, Jack | |
| Schwenzer, Ingeborg | International Sales Law. A Guide to the CISG, 2 nd edition 2012 |
| Fountoulakis Christiana | |
| Dimsey, Mariel | |
| Schwenzer, Ingeborg
(editor) | Commentary on the UN Convention on the International Sale of Goods
(CISG), 3 rd edition 2010 |
| Spanogle, John | International Sales Law. A Problem-Oriented Coursebook, 2 nd edition |
| Winship, Peter | 2011 |

II. Literature on legal case-solving and legal mooting

Note: Since there is no specific literature on practical legal case-solving in English, comprehensive materials in English will be provided by the lecturer.

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|------------------|---|
| Bringewat, Peter | Methodik der juristischen Fallbearbeitung. Mit Aufbau- und Prüfungsschemata aus dem Zivil-, Strafrecht und öffentlichen Recht, 2 nd edition 2013 |
| Butzer, Hermann | Arbeitstechnik im öffentlichen Recht. Vom Sachverhalt zur Lösung. |
| Epping, Volker | Methodik - Technik - Materialerschließung, 3 rd edition 2005 |
| Hill, Jeffrey | A Practical Guide to Mooting, 2009 |
| Ketovs, Aleksejs | Do's and Don'ts of Willem C. Vis International Commercial Arbitration Moot, 2011 |
| Vīkis, Romāns | |
| Korzen, John | Make Your Argument. Succeeding in Moot Court and Mock Trial, 2010 |
| Pope, David | Mooting and Advocacy Skills, 2 nd edition 2011 |
| Hill, Dan | |
| Schwacke, Peter | Juristische Methodik. Mit Technik der Fallbearbeitung, 5 th edition 2011 |
| Snape, John | How to Moot. A Student Guide to Mooting, 2 nd edition 2010 |
| Watt, Gary | |

- **Further information:**

At www.thomas-schmitz-hanoi.vn or directly from the lecturer (tschmit1@gwdg.de).