

## Moot Court Constitutional Law (B001679)

**Course size** *(nominal values; actual values may depend on programme)*

**Credits 6.0**

**Study time 180 h**

**Course offerings and teaching methods in academic year 2023-2024**

A (Year)

Dutch

Gent

group work

**Lecturers in academic year 2023-2024**

Moonen, Toon

RE22

lecturer-in-charge

**Offered in the following programmes in 2023-2024**

[Master of Laws in Laws](#)

**crdts**

6

**offering**

A

**Teaching languages**

Dutch

**Keywords**

Constitutional law, fundamental rights, constitutional review, public procedural law, petitions, memorials, pleadings, Constitutional Court.

**Position of the course**

In this moot court, students prepare the participation of a Ghent University team in the yearly inter-university moot court constitutional law. In this moot court, students of all Belgian law faculties compete.

**Contents**

The participating teams are confronted with a fictitious case in which the compatibility of certain legislation with the Constitution, if need be read together with international and European law, is litigated. This problem can arise in the context of a preliminary referral or of an action for annulment. It can concern questions of both institutional constitutional law and fundamental rights. Although they are in principle fictitious, cases in previous editions concerned legal questions that were actually litigated in the Constitutional Court at the time (such as, for example, about unstunned (religious) slaughter of animals, the denial of facts of genocide, and lese majesty).

Half of the participating teams assume the role of a party that contests the constitutionality of the legislative arrangement, the other half assume a defensive role.

Every team is composed of two pleaders and one counsel. During the competition, the counsel performs a specific function in the preparation of replies and answers to questions of the jury.

The moot court includes a written and an oral phase. The written phase consists of the writing of either a petition or a memorial, depending on the nature of the proceedings and the role of the team. The oral phase passes in two steps. First there are qualification arguments. The best scoring teams then go on to the finals. Each team writes and pleads in Dutch, French, or both. A passive knowledge of French is necessary.

The jury is composed of experts from academia, the judiciary, the bar or civil society. The jury awards three prizes: for the winning team in the finals, for the best pleaders, and for the best written work. The competition traditionally takes place in April at the Council of State.

**Initial competences**

A basic knowledge of constitutional law and public procedural law, as acquired in the bachelor's programme.

A good command of the Dutch language, written and spoken.

### **Final competences**

- 1 Applying the principles and rules of constitutional law in a complex case.
- 2 Knowing and understanding how cases are litigated in the Constitutional Court
- 3 Knowing and understanding the practical coherence between institutional constitutional law, fundamental rights, inter- and supranational law and public procedural law
- 4 Critically analyze the development of constitutional law
- 5 Plan and execute practice-oriented research, independently and as a group, and in both national languages
- 6 Connect source materials to a complex case and critically evaluate them
- 7 Collaborate in view of determining a position, construction of an argument and integration of individual input
- 8 Understand and adopt the role of the attorney
- 9 Explain, in writing, a legally substantiated position insightfully and convincingly
- 10 Explain, orally, a legally substantiated position insightfully and convincingly

### **Conditions for credit contract**

Access to this course unit via a credit contract is unrestricted: the student takes into consideration the conditions mentioned in 'Starting Competences'

### **Conditions for exam contract**

This course unit cannot be taken via an exam contract

### **Teaching methods**

Group work

### **Extra information on the teaching methods**

To prepare for the moot court, in the first semester, the students are divided into groups of two or three students and engage with a case the teaching team provides and which is comparable to the competition case. In consultation with the teaching team, the groups take on the role of a specific party to the litigation and collaborate to prepare a petition or a memorial and pleadings. In principle, this is a collective effort, whereby each group is responsible for the integration of the work of the individual members.

Based on a holistic evaluation of talents and complementarity, the teaching team determines which students participate in the moot court in the second semester on behalf of Ghent University. The other students challenge them thoroughly in preparation thereof by taking on the role of adversaries. The teaching team can also issue more specific, functional assignments.

The moot court requires the students to combine the knowledge and insight they acquired in different courses (specifically constitutional law, fundamental rights, procedural law and, if need be, European law).

### **Learning materials and price**

The learning material consists of the documentation the organizers of the moot court (the case and explanations) provide. In the preparatory phase, the learning material consists of the comparable case(s) the teaching team provides.

Students can use all the resources of the faculty library, whenever necessary under guidance of the teaching team.

Participation in the moot court is free, with the exception if need be of the trip to Brussels.

### **References**

### **Course content-related study coaching**

The students receive a detailed orientation in the subject and the moot court process during an introductory meeting. In the following phases, they are intensively coached to prepare their written and oral assignments. In principle, the coaching is done in group. To the extent needed, individual coaching sessions can also be planned.

The coaching is done through consultation, feedback, adjustment and preview meetings, moderated by the teaching team. Throughout the preparation, the group and growth process is closely monitored.

**Assessment moments**

continuous assessment

**Examination methods in case of periodic assessment during the first examination period****Examination methods in case of periodic assessment during the second examination period****Examination methods in case of permanent assessment**

Participation, Assignment

**Possibilities of retake in case of permanent assessment**

examination during the second examination period is possible in modified form

**Extra information on the examination methods**

The evaluation is done based on three elements:

1. The written performance (quality of petitions, memorials, notes on specific assignments...);
2. The oral performance (quality of pleadings, rhetorics, use of voice, posture...);
3. The participation in and reflection about the full process (attendance, provide content, observe engagements, speak up, bear responsibility, take on a constructive attitude, preserve team spirit, show determination, keep a portfolio...).

The evaluation is individual.

In the resit session, the evaluation is based on an individual writing and pleadings assignment.

**Calculation of the examination mark**

The written performance counts for 10/20.

The oral performance counts for 6/20.

The participation in the full process counts for 4/20.

**Facilities for Working Students**

no