

## 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 2024-2025**

A (Year)

Dutch

Gent

group work

**Lecturers in academic year 2024-2025**

Leloup, Mathieu

RE22

lecturer-in-charge

**Offered in the following programmes in 2024-2025**

[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.

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

A strong command of the Dutch language, written and spoken. A passive knowledge of French is necessary.

### **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**

In preparation for moot court, students start working in the first semester with a case provided by the teaching team that is similar to the moot court case. In consultation with the teaching team, students take on the role of a particular litigant and work together to prepare a written paper and oral argument. In principle, this is a collective effort, with all students responsible for the final result. In the second semester, students work on the real moot court case that year, guided by the teaching team.

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).

### **Study material**

None

### **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