Additional Information Regarding FCSL’s Summer in France Program:

- **Course Descriptions:**

  1. **HUMAN RIGHTS PROTECTION IN A REGIONAL AND GLOBAL CONTEXT**  
     Professor Marie-Elisabeth Baudoin

     This course intends to study the impact of globalisation on Human rights protection. At first sight, there is a very positive effect, in the sense that Human Rights have been internationalized, their promotion has been worldwide spread. Born at first at the national level (For example, the 1789 French Declaration of the rights of Man and of the Citizen, the 1791 United States Bill of Rights...), Human Rights were internationalized or regionalized during the 20th Century. Their promotion and protection were enshrined in international law documents such as the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Civil and Political Rights and the 1966 International Covenant on Economic, Social, and Cultural Rights. At a regional level, three main human rights instruments can be identified such as the European Convention on Human Rights (1950), the American Convention on Human Rights (1969) and the African Charter on Human and Peoples’ Rights (1981). International or Regional Courts have been created in order to supplement the national protection of Human Rights and to induce States to remedy deficiencies. But, at the same time, globalization can hurt the cause of Human Rights. Globalization can undermine economic human rights by increasing poverty and economic inequality. As a result, it raises the question of how international human rights commitments and monitoring mechanisms can be more effectively used to address problems commonly associated with global markets and policy-making? The main issue raised here is: market rights versus Human Rights... the rights of companies, transnational firms versus the rights of the human being. However, despite globalization, States are still sovereign entities. The interactions between Human Rights and globalization raises, finally, another challenge: the existing regional or international mechanisms that try to promote a common protection of Human Rights are sometimes facing the resistance of the States. Indeed, the conception of Human Rights is the consequence of a history and a culture. This course also intends to discuss and understand the balancing of individual rights with unique cultures, traditions, religions and democracy.

After completing this course, the student will be able to:

- Demonstrate the impact of globalisation at the national level with respect to human rights;
- Understand and discuss the balancing of economic rights with individual rights protected by either regional inter-governmental organisations or national constitutions;
- Understand and discuss the balancing of individual rights with unique cultures, traditions, religions and democracy;
- Compare and contrast how different States from around the world have addressed similar issues affecting the European Union and the Council of Europe.

2. FRENCH BUSINESS LAW  
Professor Jean-François Riffard

This course will involve a study of the sources of French business law, including domestic law, European Union law, and international law specifically relating to corporations; commercial contracts; financing and securities; and insolvency, liquidation and judicial reorganization of a commercial enterprise.

3. COMPARATIVE PROPERTY LAW  
Professor Eric Hull

Property law reflects choices that each culture makes about how to allocate resources. Because property rights typically arise under the domestic law of a particular nation, the standard first-year property law course primarily focuses on domestic law. But the view that property rights are exclusively governed by national law is obsolete. Major economic, political, and technological changes including the embrace of private property by former socialist states; the globalization of trade; the birth of new technologies capable of exploiting the global commons; the rise of digital property; and the increasing recognition of the human right to property; suggest that a basic understanding of foreign property law regimes is a necessary tool to prepare students to practice law in the twenty-first century.

Despite the extraordinary range of property rules found in other cultures, they tend to share a common core. Thus, the study of comparative, transnational and international property law principles can significantly enhance the first year property law course. Comparing core domestic property principles taught in the first year course with their application in other countries will help students understand key assumptions and limitations underlying our common law property system and help reinforce essential property law principles students need to pass the bar exam.

This course will begin with a broad comparison of property rights recognized in different countries followed by an examination of some of the underlying assumptions and limitations associated with those rights. Next, the class will examine emerging international perspectives on property as a human right through review of key international human rights’ agreements. Students will then explore estates and future interest under the common law, their limitations, and how other countries transfer interests in land. Next, students will compare tenancies and leaseholds under common law and civil law systems, and explore how different countries address the eviction of individuals from property. Students will then examine squatter’s rights and adverse possession rules employed in different countries, and compare a property owner’s right to exclude others from his or her land under common law and civil law property systems. The class will then examine a land sale transaction in Columbia and compare that to a land sale under U.S. law to. Students will then compare forms of land use regulation employed in different countries, consider how competing property interests are balanced to prevent nuisance, and examine the right of governmental bodies to take land from private individuals for public use. The course will conclude by examining key property right conflicts that have emerged in global commons and consider how international law may be used to resolve those issues.
4. **COMPARATIVE JUDICIAL SYSTEMS**  
*Professor Bradley Shannon*

As has been well-documented, the practice of law, in both the commercial and litigation contexts, is increasingly becoming global. As a result, lawyers from around the world will increasingly need to be familiar with workings of foreign judicial systems. Moreover, as lawyers become more familiar with foreign judicial systems, comparisons between systems will be inevitable, and with those comparisons, opportunities for reform will arise.

These are, broadly speaking, the objectives of this course. This course would consist of a general comparison of the judicial systems of three countries: France, England, and the United States. Such a course would be particularly interesting in that it would allow for the comparison not only of common law and civil law systems and of European and non-European systems, but also of competing common law and European systems. Some discussion of supra-national judicial systems (such as the International Court of Justice) might also be included. It is hoped that the course will conclude with a visit to a local French court and a meeting with a French judge in order to get a more first-hand understanding of the French judicial system, something that would not be possible here.

Of course, the objective of this course would not be to determine which judicial system is in some sense “superior.” Rather, the primary objectives would be to discover how the judicial system in each of these countries is structured and how it operates, how these systems are similar and how they are different, and what might be their relative advantages and disadvantages. The hope is that the students will come to realize that the practical differences between these various systems are not nearly as great as are sometimes supposed, that there might be more than one “right” way of doing things, and that even one’s own system can be improved. French as well as American law students should find this course both interesting and useful.

Among the specific topics to be included in this course (each of which could serve as a “module” or topic for any particular class) are the following:

- **Overview of each country’s system of government and the role of the judiciary within that system (including the concept of judicial review and the “respect” given to judicial decisions by other governmental actors)**

- **The various sources or types of law, how the various types relate to one another (i.e., the hierarchy of legal authorities), and the extent to which judicial decisions “count” as law**

- **The nature and structure of each country’s judicial system (e.g., subject-matter organization, opportunities for appeal, court size, etc.), including (perhaps) a discussion of the newly-formed British Supreme Court**

- **Judicial officer selection requirements and methods and related issues (tenure of office, compensation, societal prestige, etc.)**

- **Attorney admission to practice requirements (including legal educational requirements) and the role of lawyers within the judicial system**
Various perspectives on the role of vertical and horizontal precedent (whether and how it is used, etc.)

- Techniques of statutory interpretation (including the use of legislative history)

- Adversarial versus inquisitorial systems of justice

- Other important aspects of adjudication (such as the use and role of juries, the extent to which proceedings are open to the public, the conduct of trial itself, etc.)

- Judicial opinion writing (such as differences in length and organization, the extent to which the decision is accompanied by reasons, citation practice, the use of dissents and concurrences, etc.)

Rather than approach each judicial system country-by-country, this course would proceed topic-by-topic, leading to exploration of each system’s practice as it relates to that topic. In order to maintain a high level of student interest, a variety of teaching methods would be used, including lecture (supplemented by visual media) and various in-class and out-of-class exercises, problems, quizzes, and other activities.

- **Calendar:** See website: [http://www.fcsl.edu/content/summer-france](http://www.fcsl.edu/content/summer-france)

- **Requirements for student performance and grading method:** Student performance during the program will be measured predominantly by a written final exam for each course which will be graded on a curve to ensure academic rigor. In addition, a separate course evaluation form will be completed by the students to ensure that the course is meeting the curricular goals and that the professors are effective in teaching the course. Students are graded on a letter grade scale with the highest grade being an “A” and the lowest and “F.” Students are expected to complete all assignments on a timely basis and will be tested at the end of the course via a final examination or final paper. Students are expected to attend all classes; a student who misses 20% or more of one course will fail the course.

- **Enrollment Limitations:** The maximum number of students permitted in the program is 80 (up to a maximum of 40 students in each session).

- **Descriptive Biography of the On-Site Program Director:**

  **Marie Elisabeth Baudoin:**

  Marie-Elisabeth Baudoin is the Program Director, the Vice-Dean for Academic Affairs of the UA School of Law. Dean Baudoin is an expert in constitutional law, European Union law, and in international protection of human rights. Her research focuses on topics relating to constitutional law, transition to Democracy, constitutional justice in Eastern Europe and protection of human rights. She is the author of more than 40 articles and 5 books (the latest published in 2016, *Constitutions: On-going Revolutions in the U.S. and Europe*). In 2015, she was appointed as an expert for the Council of Europe, in the field of the execution of the judgments of the European Court of Human Rights.

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**Academic Experience**

**Vice-Dean for Academic Affairs** of the UA School of Law
In charge of the exchange programs with the United States, Czech Republic and Lebanon
2003–today: **Lecturer in public law** (Maître de Conférences-HDR), Faculty of Law, Clermont-Ferrand, Auvergne University (specialties: Constitutional law, European Union Law, International protection for fundamental rights, Philosophy of Law).

Diplomas
2013: **HDR** (Habilitation à Diriger des Recherches) – Accreditation to supervise PhD research.
2003: **PhD in Law** (with honours and special congratulations of the jury). Thesis: « Constitutional justice and post-soviet State », Faculty of Law, Clermont-Ferrand, Auvergne University
1997-1998: **Postgraduate Degree in Public Law**, Faculty of Law, Clermont-Ferrand, Auvergne University (**D.E.A. de Droit public, Diplôme d’Études Approfondies**) with honours
1993 - 1994: **Master in Russian language**, Faculty of Literature, Clermont-Ferrand (**Maîtrise de langue et civilisation russes**). Thesis submitted with honours

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➢ **Descriptive Biographies of Faculty Teaching Courses in the Program:**

**Professor Marie-Elisabeth Baudoin**
See above description under “Descriptive Biography of On-site Program Director.”

**Professor Jean-Francois Riffard**
Professor Riffard is an Enseignant-Chercheur des Universités (Full Professor of law) at the School of Law and Political Science - University d’Auvergne – Clermont-Ferrand, appointed since September 1st, 1997. He specializes in comparative law, civil law (contracts, secured transactions), commercial, banking and financial law. In addition, he serves in the following capacities:

- Member of the Research Centre for Business Law Michel De I’ Hospital - University d’Auvergne
- Member of the French delegation at UNCITRAL (**United Nations Commission for International Trade Law**) – Working Group VI Secured transactions
- Co-Arbitrator (ICC - International Chamber of Commerce - on 2008)
- Member of a Study Group at UNIDROIT (Fourth Protocol to the Cape Town Convention Project)
- Lawyer (Clermont Ferrand Bar).
Professor Bradley Shannon

Professor Shannon is a two-time graduate of the University of Washington. Following law school, Professor Shannon clerked for several years for the United States District Court for the Eastern District of Washington, and then practiced complex and commercial litigation in Seattle. After seven years at the University of Idaho College of Law, Professor Shannon joined Florida Coastal in 2004. Professor Shannon teaches and writes on topics relating to the judicial process, and is the author of several articles and one book, *American Legal Process*.

Professor Eric Hull

Professor Hull teaches courses in Administrative Law, Environmental Law, Ocean and Coastal Law, Property Law and Zoning and Land Use Law. He coordinates the environmental curriculum, the environmental externship program and serves as the faculty advisor to the Environmental Law Society. Professor Hull has published on a wide range of property and environmental law topics, with emphasis on the impact of pollution on coastal and marine systems, human health, and the environment. His articles have appeared in law journals and in texts covering international ocean governance, the impacts of climate change on ocean and coastal systems, environmental and animal law. He served as a litigation associate at Swartz Campbell, LLC, and as a judicial law clerk for the Honorable Earle W. Peterson, Jr. and for the Honorable C. Alan Lawson at Florida’s Fifth District Court of Appeal. Prior to entering the legal field, Professor Hull served as a fisheries volunteer in the United States Peace Corps, as a chemist responsible for treating hazardous wastes collected from CERCLA sites, and completed graduate degrees in marine biology and coastal zone management. He is admitted to practice law in the State of Florida as well as before the U.S. Supreme Court.

- **Anticipated Enrollment**: Between 25 and 50 students
- **Nature of the Relationship with the University of Auvergne (“UA”)**: FCSL has a contractual partnership with the UA that permits FCSL to utilize the excellent facilities the UA has to offer. In addition, two professors from the UA will teach courses in the program, and the on-site program administrator, Marie-Elisabeth Baudoin, is a professor and dean at the UA.
- **Number of Students Who Participated Last Year** (and law school): 35 students from FCSL and 11 students from the UA
- **Expected Number of Students From Other Countries**: between 3-12 French students
- **Accessibility of Facilities to Disabled Persons**: All facilities comply with applicable French laws regarding accessibility of disabled persons.
Cancellation Circumstances:

The program would be canceled in the event of insufficient interest in the program; however, it is not anticipated that interest in the program will be at issue. In addition, the program would be canceled in the event the location is declared an “Area of Instability” by the U.S. State Department.

In the event of a cancellation, the students would be contacted directly, and arrangements would be made to refund any fees or deposits paid by them within 20 days after the cancellation. Interested students would be assisted in making arrangements to attend a similar program if such programs are available.

If significant changes to the program are made prior to the commencement of the program, students will be notified and given an opportunity to obtain a full refund of all fees paid.

State Department Travel Information and Refund Policy in the Event of Withdrawal:

According to the U.S. State department Consular Information Sheet for France, France is not an area of instability. In the event that France is named an area of instability, students will have an opportunity to withdraw from the program, and fees will be refunded. In the event that travel warnings are issued for travel to France, students will have the opportunity to withdraw from the program and receive a full refund within 20 days after withdrawal.

Contact Information: For more information, please contact Professor Katharine Hartland, khartland@fcsf.edu, (904) 680-7684, or via facsimile, (904) 680-7679