



APPLIES TO ACADEMIC YEAR
2001/2002

JUR 2010 The Legal System and Legal Procedures

Program

The Bachelor of Business Administration Program in Business Law

Responsible for the course

Bjørn Stordrange, Tore Bråthen, Bjørn Eriksen

Department

Accounting - Auditing and Law

Term

Fall

ECTS Credits

18

The course consists of five sections, though sections 1 and 2 are taught jointly. The workload for sections 1 and 2 is 18 ECTS Credits. Objective, literature, course outline and course structure are listed for each section.

Objective

Specified for each section.

Prerequisites

No particular prerequisites are required.

Compulsory literature

Specified for each section.

Recommended literature

Specified for each section.

Course outline

Specified for each section.

Computer-based tools

Computer-based tools are not necessary.

Course structure

Specified for each section.

Evaluation

Two five-hour exams conclude the whole course. These two exams are common for all the five sections, the students will be tested in a small practical assignment and in several theoretical questions. The grader will emphasize the student's knowledge, reasoning, methodology, analytical ability and written presentation skills.

Evaluation code(s)

JUR 20101 - 5-hour written exam which accounts for 50% of the grade in JUR 2010, 6 credits.

JUR 20102 - 5-hour written exam which accounts for 50% of the grade in JUR 2010, 6 credits.

Aids at the examination

The Norwegian code of laws, relevant regulations and drafts of new legislation.

Makeup exam

A re-sit is held at the next scheduled exam in the course.

Section 1: Introduction to the legal system, including constitutional and administrative law

Responsible for the course:

Bjørn Stordrange

Prerequisites

No particular prerequisites are required.

Objective

The students shall gain an understanding of the structure of the legal system, which includes the legislative process, transferred law-making, the relationship between the highest government bodies, and a description of the various functions of the government bodies and administrative law. General administrative law principles will also be taught.

Compulsory literature

Helset, Per and Bjørn Stordrange. 1998. *Norsk statsforfatningsrett*. Oslo: Ad Notam Gyldendal.

Course outline

- Basic features of constitutional law and governmental tasks and instruments
- Authority of the Storting
- Authority of the government and the governmental administration
- The courts of law and their functions
- Basic features of administrative law

Course structure

The course consists of 8 hours of lectures which do not cover all the topics. After each lecture the students are divided into two seminar groups, there are 10 hours of seminars. Students are expected to take an active part in discussions and assignments during these seminars.

Section 2: Legal procedures**Responsible for the course**

Bjørn Stordrange

Prerequisites

No particular prerequisites are required.

Objective

The students will learn about basic legal procedure issues in order to interpret statutes and contracts, sources of law will also be studied. More emphasis will be placed on procedural issues in private law than in public law, i.e. contract interpretation etc. will be stressed more than statutory interpretation.

Compulsory literature

Boe, Erik. 1996. *Innføring i juss: Juridisk tenkning og rettskildelære*. Oslo: Tano Aschehoug.

Course outline

- About the law
- About learning law
- Sources of law, interpretation results, resolving conflicts over rules and variations between sources of law.

Course structure

16 hours of lectures will be given, most of the topics will be covered here. After the lectures the students are divided into two seminar groups. The seminar duration is 20 hours, students are expected to take an active part in discussions and assignments during these seminars.

Section 3: Economic analysis of law**Responsible for the course:**

Tore Bråthen

Objective

Students will gain advanced knowledge of general economic analysis of law, the course particularly emphasizes the interfaces between economic analysis and the content and application of legal rules.

Prerequisites

Nor particular prerequisites are required.

Compulsory literature

Posner, Richard A. 1992. *Economic analysis of law* . 4th ed. . Boston, Mass.: Little, Brown and Company. Chapters IV, VI, IX og XII
Ryssdal, A.C. Stray. 1995. *Legal realism and economics as behaviour : A Scandinavian look at economic analysis of law* . Oslo: Juridisk forlag. (Excerpts)

Course outline

- Introduction to economic analysis of law with links to legal realism
- The connection to legal procedures
- Contract law with an emphasis on rational expectations
- Limited company law with an emphasis on an effective decision-making structure

Course structure

The course consists of 8 hours of lectures and 10 hours of seminars. Not all topics will be discussed during the lectures. Students are expected to take an active part in discussions and assignments during the seminar, which will be based on both theory and practical examples. To illustrate the practical relevance, case law and other public documents/case methods will be employed.

Section 4: Norway and the international community

Responsible for the course

Bjørn Stordrange

Objective

This section will place Norway and the Norwegian legal rules in an international context and will discuss the Norwegian legal system in relation to international commitments, including the dualistic principle, the position of human rights in Norwegian law and what is covered by the human rights provisions. Considerable emphasis is placed on European Community and European Economic Area laws and their significance for Norwegian business, and on institutional aspects of the EU/EEA collaboration.

Prerequisites

No particular prerequisites are required.

Compulsory literature

NOU 1993:18 Lovgivning om menneskerettigheter. Oslo : Statens forvaltningstjeneste, Seksjon Statens trykning. s. 19-36, s. 46-77, s. 114-144.
Sejersted, Fredrik, et al. 1995. *EØS-rett* . Oslo : Universitetsforl. s. 1-115, s. 130-147, s. 195-202, s.212-311. Students are expected to have read the remaining part of the book, although these topics will not be given at the written exam.

Course outline

- Introduction to international human rights protection
- History and evolution
- Implementation of human rights conventions in Norwegian law
- Discussion of the main elements in certain conventions: the European human rights convention, EU conventions on economic, social and cultural rights and ILO conventions
- Historical background for the EU collaboration
- Main features of European Community law and the EEA agreement
- Institutions in the EU and the EEA
- Sources of law and interpretation of EU/EEA law
- The four civil liberties in EU and EEA law
- The competition rules of the EEA agreement

Course structure

8 hours of lectures are given, not all topics will be covered during the lectures. 10 hours of seminars will be given after the lectures in which students will participate in discussions and solving assignments.

Section 5: Legal sanctions and conflict resolution

Responsible for the course

Bjørn Eriksen

Objective

Students will be given an introduction to judicial conflict resolution, including the terms for interim court orders in the court of execution and enforcement, declaratory and enforcement judgments in regular courts and legal enforcement through the execution and enforcement authority, the rules associated with arbitrage and legal remedies and litigation costs. The students shall also learn about alternative dispute resolution, particularly court-administered mediation and mediation.

Prerequisites

No particular prerequisites are required.

Compulsory literature

Hov, Jo. 1994. *Rettergang i sivile saker*. Oslo: Papinian. Utvalgte kapitler.
Various articles which will be handed out during the course.

Course outline

- Basic principles of our law procedure
- The courts as dispute resolution agents
- Civil law procedure
- The parties to an action
- Legal decisions
- Legal remedies
- Legal enforcement
- Interim court orders
- Basic mediation principles
- The conflicts for which mediation may be suitable
- Court-administered mediation

Course structure

8 hours of lectures are given, followed by 10 hours of seminars. The students are organized in study groups for discussions and assignments.

Evaluation

Two five-hour exams conclude the whole course. These two exams are common for all the five sections, the students will be tested in a small practical assignment and in several theoretical questions. The grader will emphasize the student's knowledge, reasoning, methodology, analytical ability and written presentation skills.

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