

The Hebrew University of Jerusalem

Syllabus

Principles of Procedure: A Comparative Analysis of Israeli Law and Mishpat Ivri - 62336

Last update 14-08-2018

HU Credits: 2

Degree/Cycle: 1st degree (Bachelor)

Responsible Department: Law

Academic year: 0

Semester: 2nd Semester

Teaching Languages: Hebrew

Campus: Mt. Scopus

Course/Module Coordinator: Judge Bentzion Greenberger

Coordinator Email: bentzion.greenberger@mail.huji.ac.il

Coordinator Office Hours: By appointment

Teaching Staff:

Ben Tzion Greenberger

Course/Module description:

The course will include a comprehensive study of the primary principles of procedure as they find expression in selected topics relating to Israeli procedural law and their counterparts in Mishpat Ivri.

Course/Module aims:

Purpose of the course: a comparative examination of key topics in the laws of procedure in Mishpat Ivri and Israeli Law, that will serve to illuminate many of the most significant principles forming the basis of Mishpat Ivri generally, and its views regarding the underlying goals of the judicial process, in particular, in comparison to those of the rules of civil procedure in Israeli Law.

Learning outcomes - On successful completion of this module, students should be able to:

See Course Aims

Attendance requirements(%):

100%

Teaching arrangement and method of instruction: Lectures and in-class

Course/Module Content:

1. Distinctions between procedural and substantive law; the influence of procedural rules on the substantive law
2. Rules of procedure in mishpat ivri; Procedural regulations of the Rabbinical Courts
3. The pursuit of "truth" in the formulation of procedural rules, versus the value of efficiency
4. The right of "standing" and of access to the judicial system
5. Rules of jurisdiction: personal, substantive and territorial
6. The adversarial system versus the inquisitorial system; the right to representation
- 7 - 9. Fundamentals of the judicial process: publicity of judicial proceedings; the right to be heard (orally and in writing); the right to cross examine witnesses; protection of procedural principles ("procedural justice")
10. Remedies: temporary remedies, costs and legal fees; interest and linkage

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11. *Removal and recuse of judge*
 12. *The judgment: content, enforcement, judgment in absence*
 13. *Finality of judgment and the appellate process*

Required Reading:

appears on course site

Additional Reading Material:

Course/Module evaluation:

End of year written/oral examination 90 %

Presentation 0 %

Participation in Tutorials 10 %

Project work 0 %

Assignments 0 %

Reports 0 %

Research project 0 %

Quizzes 0 %

Other 0 %

Additional information: