



The course title Judicial practice in certain categories of civil, administrative and economic cases

The course code Law 384

The number of credits 3

Semester Spring 2019

Instructor: Aziz Dosmambetov

Class Schedule: Wed. 17:00

Office Hours: From 17:00 till 18:00 at office (Bishkek city court) during working days

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I. GENERAL DESCRIPTION AND OBJECTIVES OF THE COURSE

Law plays an indispensable, if not necessarily central, role in society. Not only does law regulate almost everything; it also promotes and facilitates interactions between individual and society. In addition, law provides for the promotion and protection of basic social values. Indeed, any socially responsible conduct involves a degree of familiarity with the law applicable to it. When it comes to promotion of law or to be protected by law, there comes Judiciary, which is responsible for enforcing the law and protect the interest of individual or society itself. The course designed for lawyers and non-lawyers alike, this course will engage participants in developing skill in critical, logical and structured reasoning generally and within the context of application of law, especially during the judicial practice. The course will review certain categories of civil, administrative and economic cases, also it will discuss other categories favored by majority of participants.

II. PROGRAM AND COURSE LEARNING OUTCOMES

PROGRAM LEARNING OUTCOMES

Graduates of the Law Program should have the following competencies:

1. carry out professional activities in good faith on the basis of developed legal consciousness, legal thinking, and legal culture and with observation of ethical principles of the legal profession;
2. apply professional judgment, perform quality legal analysis, conduct legal research, and solve legal problems;
3. be able to speak and write in an argumentative, logical, and clear way in the legal context, have skills necessary to draft legal documents, be fluent in the English language at the level of professional communication;
4. draft normative legal acts and carry out their legal expertise in the field of professional activity;
5. interpret and apply substantive and procedural norms, provide qualified legal opinions and consultations in concrete types of legal activity;
6. demonstrate leadership qualities, active citizenship, take and develop initiatives aimed at promotion of civil society and welfare state;

7. understand the essence and significance of information in the development of modern society and law, master the basic methods of working with information and information technologies in the professional sphere.

COURSE LEARNING OUTCOMES

Upon successful completion of the course students will be able to:	LL.M. Program Learning Outcomes
advance their legal knowledge and understanding, and to develop new legal skills such as drafting lawsuits and complaints to the courts	1,2
be able understood complex legal situations and come up with a draft conclusions	2,6
communicate conclusions clearly to non-legal audiences	4
identify and retrieve up-to-date legal information, using paper and electronic sources	1,5
demonstrate ability for tackling and solving legal problems	2
deal with legal issues both systematically and reasonably	3

III. TEACHING METHODS

This course is instructed through lectures, discussions, assigned readings, case studies and, where appropriate, audio-visual materials.

IV. COURSE REQUIREMENTS AND POLICY

- (1) The class will meet *once* a week. Class sessions are a mixture of lectures and interactive student-focused activities. Students are expected to come to classes prepared and be ready to discuss the assigned materials.
- (2) Students must be ON TIME for classes. If a student comes to class late and the instructor has already marked him/her as absent, the student is considered to be absent for the whole class.
- (3) CLASS ATTENDANCE is required. If the student misses a class with an excuse, a document explaining the absence must be presented to the instructor no later than the next class following the class during which the student was absent. If the requirements mentioned above are not observed, the student's absence is considered to be unexcused. If the student misses more than *five* classes without an excuse or 50% of the whole course (irrespective of the reason for absence), the student will be assigned an "F" grade for the course.
- (4) Each student is required to be enrolled in the e-course system (www.e-course.auca.kg). The purpose of the e-course system is to allow students to get access to course materials, upload their course assignments, and benefit from a variety of interactive learning opportunities.

- (5) WRITTEN ASSIGNMENTS must be submitted by the set deadline and by the means specified by the instructor. Late submissions are NOT allowed. ***This rule applies to any student who was aware or should have been aware of an assignment and the deadline no matter whether he was sick or had any other excuse on the date of the deadline.***
- (6) The student has to follow the AUCA Academic Honesty Code and the Law Division's Policy on Plagiarism. All types of **cheating** (plagiarism, etc.) are strictly prohibited. If a student fails to observe this requirement, the instructor may assign an "F" grade for the work or an "F" grade for the whole course depending on the type of assignment and other circumstances.
- (7) CELL PHONES and any other electronic devices should be turned off or kept on a silent mode and are allowed to be used only for academic purposes unless restricted by the instructor.

Please, note that this syllabus is subject to change. Any changes to the syllabus will be announced in class, and the updated version of the syllabus will be available in the e-course. It is students' duty to stay informed of any adjustments made.

V. GRADING

Each participant will be assessed on the basis of his or her regular attendance and active participation (40%), the quality of answers to quizzes on assigned readings (10%) and the quality of one mid-term examination (20%) as well as one final examination or one research paper (30%).

a) Regular attendance and active participation (40%)

Each participant will be expected to demonstrate his or her preparation and understanding of the course material by contributing effectively to in-class discussions.

b) Quizzes (10%)

There will be six short unannounced quizzes on required readings (but not on supplementary readings or documents).

c) Mid-term examination (20%)

The mid-term examination will consist of one take-home paper in which each participant shall choose and answer three from a total of five questions prepared by the instructor. Each question will correspond to one topic covered up to the seventh session in the course. The instructor will distribute the questions at the end of the seventh session. All answers will be due in one week thereafter. Only the two best answers for each participant will be taken into consideration.

d) Final examination or research paper (30%)

Each student shall take one take-home final examination or, if he or she so prefers, write one 5,000- to 6,000-word research paper. The format used for the mid-term examination will apply to the final examination. The choice for each participant will be four out of the five questions drawn from the eighth to fifteenth sessions, respectively, and evaluation will be based on his or her three best answers. The instructor will distribute the questions at the end of the fifteenth session; the answers will be due in ten days thereafter. In the event that a student wishes to write a research paper a take-home final examination, he or she shall have the topic discussed with the instructor as early as possible and a draft table of contents approved by him no later than the end of the tenth session. All research papers will be due on the same day as the take-home final examination answers.

Grading Scale of the Law Program

A	94-100%	C	68-73%
A-	90-93%	C-	64-67%
B+	86-89%	D+	60-63%
B	80-85%	D	54-59%
B-	77-79%	D-	50-53%

C+	74-76%	F	below 50%
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VI. COURSE MATERIALS

1. Required Reading Materials

Civil Procedure Code of the Kyrgyz Republic

Administrative Procedure Code of the Kyrgyz Republic

Civil Code of the Kyrgyz Republic

2. Recommended Reading Materials

Labor Code of the Kyrgyz Republic

Land Code of the Kyrgyz Republic

Law of the Kyrgyz Republic "On the Principles of Administrative Activity and Administrative Procedures"

Law of the Kyrgyz Republic "On Bankruptcy (Insolvency)"

Law of the Kyrgyz Republic "On the Election of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic"

RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR № 4 November 4, 2004 "On some issues of judicial practice of the application of the law on compensation for moral harm"

RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR of March 14, 2008 N 5 "On the judicial procedure for initiating proceedings on newly discovered circumstances"

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 1 "On Judicial Practice in Cases of Establishing Facts of Legal Value" dated January 29, 2010

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR No. 11 of November 28, 2013 "On Judicial Practice in Restoration Cases"

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 4 February 13, 2015 "On Judicial Practice on Resolving Disputes on the Protection of Honor, Dignity and Business Reputation"

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 13 December 16, 2016 "On some issues of liquidation of legal entities, their branches and representative offices"

RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR № 3 July 3, 2017 "On some issues of the procedure for appealing against taxpayers of decisions of tax authorities"

RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR № 17 dated December 1, 2017 "On some issues related to the practice of applying the Law of the Kyrgyz Republic" On Bankruptcy (Insolvency) "

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR of February 28, 2018 N 5 "On some issues of application by courts of the rules of the Administrative Procedure Code of the Kyrgyz Republic"

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 12 "On some issues of judicial practice in the resolution of disputes under loan agreements" dated May 31, 2018

RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 13 of May 31, 2018 "On some issues arising in the case of challenging decisions, actions (inaction) of state bodies and local governments related to the provision and seizure of land plots"

VII. COURSE OUTLINE

Week	Class topics	Assignments, materials to be read ¹
Week 1	Invalidity of agreements	Civil Code of the Kyrgyz Republic (corresponded chapter)
Week 2	Debt collection, etc.	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 12 dated May 31, 2018
Week 3	Labor disputes	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR No. 11 dated November 28, 2013
Week 4	Establishment of facts of legal significance	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 1 dated January 29, 2010
Week 5	Hereditary disputes	Civil Code of the Kyrgyz Republic (corresponded chapter)
Week 6	Reclamation of property	Civil Code of the Kyrgyz Republic (corresponded chapter)
Week 7	Disputes on the protection of honor, dignity and business reputation	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 4 February 13, 2015
Week 8	Appeal of decisions, actions (inaction) of the administrative authority (part 1 -	

¹ This information may be provided either in the syllabus or in the e-course.

	lecture)	
	Take-home MID-TERM EXAMINATION	
Week 9	Appeal of decisions, actions (inaction) of the administrative authority (part 2)	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR of February 28, 2018 N 5; Law of the Kyrgyz Republic "On the Principles of Administrative Activity and Administrative Procedures"
Week 10	Land disputes (part 1 - lecture)	Место для ввода текста.
Week 11	Land disputes (part 2)	RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 13 of May 31, 2018; Land Code of the Kyrgyz Republic
Week 12	Bankruptcy (part 1 – lecture)	
Week 13	Bankruptcy (part 2)	RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR № 17 dated December 1, 2017; RESOLUTION OF PLENUM OF THE SUPREME COURT OF THE KR № 13 December 16, 2016
Week 14	Electoral disputes	Law of the Kyrgyz Republic “On the Election of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic”
Week 15	Proceedings for newly discovered circumstances and new circumstances	RESOLUTION OF THE PLENUM OF THE SUPREME COURT OF THE KR of March 14, 2008 N 5
Week 16	Take-home FINAL EXAMINATION Место для ввода текста.	