



Session 11

Court organization

Principles

One needs to know what type of court can deal with what issue!

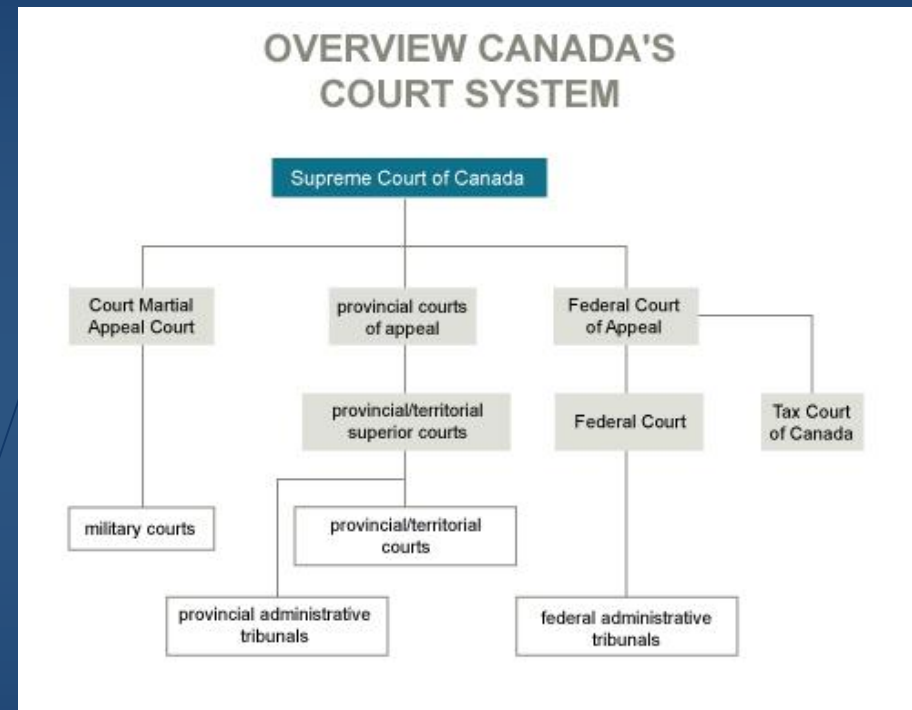
The area of responsibility (competence) of each court is established by law



Canadian courts

Canadian courts are organised according to a double hierarchy, that proper to the court system itself (lower to higher) and that respecting the federal system (provincial and federal courts):

http://www.cjc-ccm.gc.ca/english/resource_en.asp?selMenu=resource_courtsystem_en.asp



Canadian courts (cont.)

- Federal and provincial courts but they do not constitute two separate systems (as with the US);
- Each province has its own hierarchy of courts;
- The Supreme Court is the final court of appeal for both civil and criminal matters;
- The federal government may also refer constitutional cases to the Supreme Court.

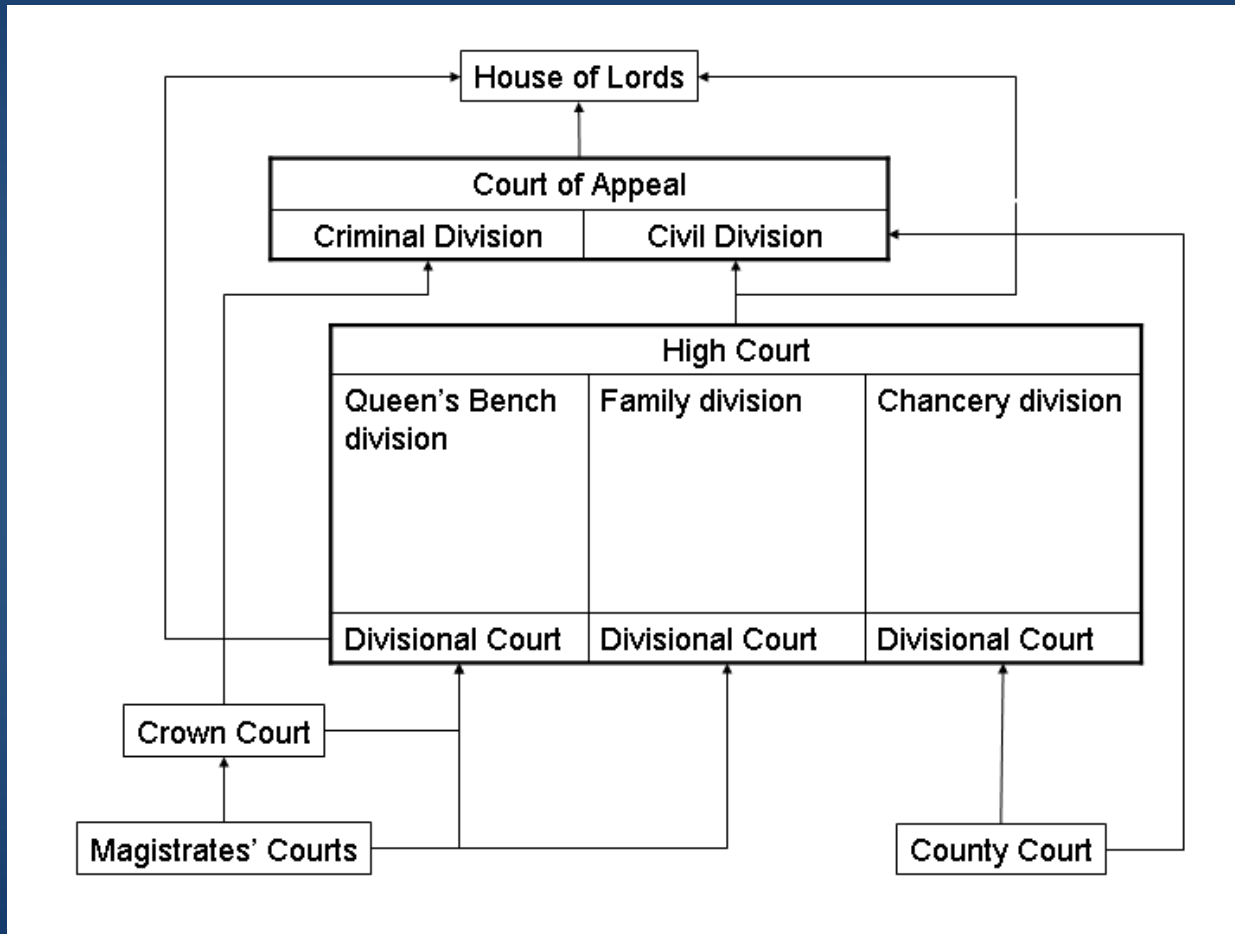
English courts

The British system comprises four levels:

- House of Lords,
- Court of Appeal,
- High Court (including the Crown court),
- Inferior Court (including County Courts and Magistrates Courts);

There is a hierarchy of courts: European Court > House of Lords > Courts of Appeal > High Courts > inferior courts).

English courts (cont.)



Swiss courts

The Swiss courts present a double hierarchy, that proper to the court system and that following federalism.

Guide to the Swiss judiciary:

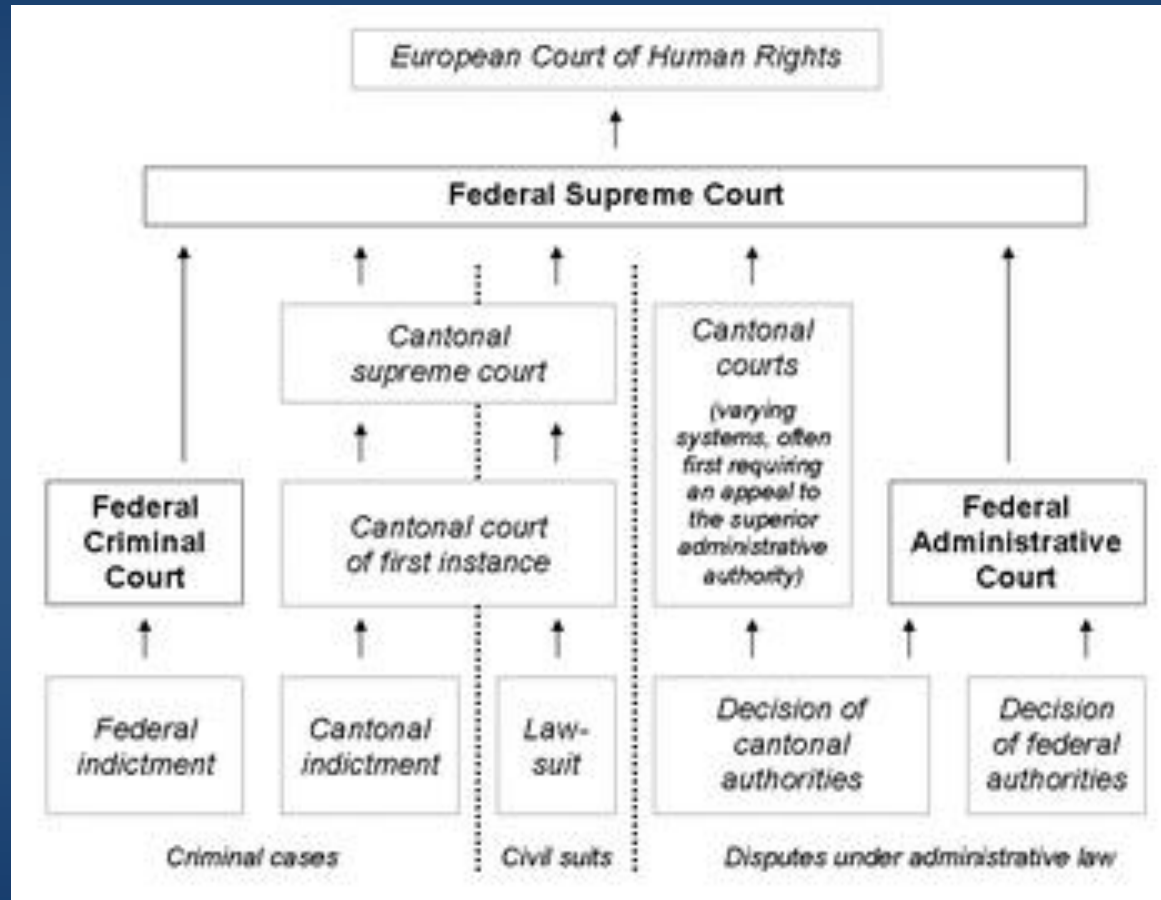
<http://www.nyulawglobal.org/Globalex/Switzerland.htm>

The issue of judicial competency is codified

Exemple: Vaud

- [Judiciary code](#) that aims at designating the judicial authorities
- [Law of judiciary organization](#) outlining the responsibilities of judges and courts

Swiss courts (cont.)



Swiss courts (cont.)

Lower courts dealing with crimes and other offences – PUBLIC LAW:

- Juge d'instruction / magistrate
- Prefecture
- Administrative authority (e.g. service des autos)
- Minors
- Other Courts: police, correctional, criminal

Swiss courts (cont.)

Lower courts for litigation - PRIVATE LAW:

- Juge de paix: small issues (up to Fr. 8'000.-), inheritance
- First instance tribunal : important issues (up to Fr. 100'000.-), family, obligations, etc
- Second instance tribunal: important issues (greater than Fr. 100'000.-),
- Prud'hommes: employment issues
- Lease (baux): tenancy issues
- Debt collection office & bankruptcy: non-payments & receiverships
- Commerce: private international law

Swiss courts (cont.)

Middle courts are Cantonal tribunals often acting as appeal courts:

Example: Valais

Organization

<http://www.vs.ch/Navig/tribunaux.asp?Language=fr>

Laws

<http://www.vs.ch/Navig/navig.asp?MenuID=4500>

Jurisprudence

<http://www.vs.ch/Navig/navig.asp?MenuID=25004>

Swiss courts (cont.)

Example: Vaud:

Organization

<http://www.vd.ch/fr/autorites/ordre-judiciaire/>

Laws

<http://www.vd.ch/fr/themes/etat-droit-finances/lois-constitution/>

Jurisprudence

<http://www.vd.ch/fr/themes/etat-droit-finances/justice/lois-jurisprudence-et-circulaires-du-tribunal-cantonal/>

Swiss courts (cont.)

The Swiss Higher Court is the Federal Tribunal dealing with

- Public law
- Civil law
- Criminal law
- Social law – insurance
- Administrative law

<http://www.bger.ch/fr/index.htm>

European courts

Only the European Court of Human Rights has supranational authority over European countries; it deals with cases of rights brought forward by rights victims against their own states:

<http://www.echr.coe.int/echr/>

The European Court of Justice deals with EU matters brought forward by member states:

http://europa.eu/about-eu/institutions-bodies/court-justice/index_en.htm