

Thibault GOUJON-BETHAN

L'EXPERTISE NON JUDICIAIRE À L'AUNE DES DROITS FONDAMENTAUX



L'Harmattan

Lexpertise Non Judiciaire Agrave Laune Des Droits Fondamentaux

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L'expertise Non Judiciaire Aggrave La Lésion Des Droits Fondamentaux:

Réussir les épreuves écrites de l'examen d'entrée à l'école des avocats (EDA/CRFPA) BOREL, 2017-05-10 Les étudiants en droit sont nombreux souhaiter devenir avocats mais le passage du rêve à la réalité nécessite de franchir un obstacle redoutable l'examen d'entrée aux CRFPA ou écoles des Avocats La réussite cet examen difficile nécessite non seulement des connaissances mais aussi et surtout de la méthode et une compréhension des attentes des membres du jury labor par les membres de l'équipe pédagogique de Projuris spécialistes de la préparation l'examen d'entrée aux CRFPA cet ouvrage est ainsi l'outil indispensable pour préparer efficacement les preuves critériées d'admissibilité qui constituent statistiquement la partie la plus sélective de l'examen L'approche se veut résolument pédagogique afin que chaque candidat puisse appréhender le niveau d'exigence du jury et s'entraîner chacune des 4 preuves critériées quelle que soit la spécialité choisie L'ouvrage contient ainsi Le récapitulatif des preuves Des sujets d'annales et d'entraînements corrigés Des commentaires et analyses par un spécialiste de chaque preuve Des conseils méthodologiques Des illustrations de bonnes copies d'étudiants L'ouvrage est jour de la dernière forme de l'examen d'entrée aux CRFPA intervenue aux termes notamment de l'arrêt du 17 octobre 2016 applicable dès la session d'examen 2017 La Gazette du Palais, 1979 L'expertise non judiciaire à l'aune des droits fondamentaux Thibault Goujon-Bethan, 2015-01-15 L'expertise judiciaire est en plein essor d'une part parce que l'avis d'experts se révèle indispensable dans un nombre croissant de matières juridiques irriguées par la technique construction dommage corporel et d'autre part car la recherche d'une efficacité économique conduit à minimiser le recours au juge Cet ouvrage est conçu comme un mode d'emploi pour aider la décision **La semaine juridique**, 1993 *La Belgique judiciaire*, 1908 **Livres de France**, 2009-05 **Contact**, 1997 **Droit pénal militaire zaïrois: L'organisation et la compétence des juridictions des forces armées** Likulia Bolongo, 1977 *Abstracts of Bulgarian Scientific Literature*, 1969 Recueils de jurisprudence du Québec, 2006 **Annuaire de jurisprudence et de doctrine du Québec**, 2008 *L'expertise civile à l'épreuve des droits fondamentaux* Cédric Chapelle, 2018 Les droits fondamentaux irriguent l'ensemble du droit En tant qu'instrument privilégié de la procédure civile l'expertise n'est pas présente par ce phénomène l'image du procès la mesure est devenue indissociable de la notion de droits fondamentaux Les rapports entre les deux termes peuvent toutefois être qualifiés de complexes l'preuve suppose la fois leur collaboration et leur confrontation Ainsi les droits fondamentaux représentent un angle d'étude idéal pour dévoiler les potentiels de l'expertise révéler ses faiblesses l'améliorer et participer son renouvellement L'évolution de la notion d'expertise ainsi que l'expansion des droits fondamentaux engendrent des problématiques inédites que le droit doit prendre en compte c'est de la traditionnelle expertise judiciaire dont la soumission au principe d'écrit n'est plus contestée le procès accueille les expertises non judiciaires dont les règles sont encore à finir afin d'être conformes aux droits fondamentaux Cette mutation de l'expertise civile est due aux droits fondamentaux qu'ils soient procéduraux ou subjectifs L'étude n'entend pas uniquement mettre les diverses formes de l'expertise civile en concurrence elle envisage également de les

tablir en tant que modèles réciproques. La présente thèse met également en évidence les différentes fonctions des droits fondamentaux dans le développement de l'expertise. D'une part, c'est leur rôle protecteur qui a été mis en avant. Cela signifie que les droits fondamentaux doivent être respectés dans le cadre du déroulement d'une mesure d'expertise tant judiciaire que non judiciaire. Une mesure d'instruction ne pourra être qualifiée d'efficace que dans ce cas. D'autre part, c'est la fonction créatrice des droits fondamentaux qui a été vue dans la présente étude. La reconnaissance des droits, l'expertise judiciaire et l'expertise non judiciaire est le résultat d'une extension de la philosophie de certains droits fondamentaux. Ce rôle créateur participe indéniablement au développement des mutations de l'expertise civile. *Recueil Le Dalloz*, 2004. **Répertoire de procédure civile**, 2005.

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