

SUBJECT DETAILS

Data on the subject	
Name	Introduction to Common Law
Degree	E-1
Year	2017-18
Nature	Second semester
ECTS Credits	3
Department	Common Disciplines
Area	
Teaching staff	Dr. Adam Dubin

Data on the teaching staff	
Teaching staff	Dr. Adam Dubin
Group	2 E-1
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Office	ED-234
Tutoring Schedule	Upon request from students

SPECIFIC DATA ON THE SUBJECT

Pre-requisites
N/A
Contribution of the degree to the professional profile
<p>The objective of this class is to provide students with a comprehensive overview of the Common Law system, particularly in reference to the United States. The class will begin by exploring the differences between the Common and Civil Law traditions and then proceed to analyse U.S. Common Law through a survey of its jurisprudence organized thematically by topic.</p> <p>The class will be taught as if it were a Law class in the United States. Questions of law will be explored</p>

and analysed through the reading of jurisprudence and class format will be based primarily around the Socratic Method, the methodology typically used in U.S. law school classes.

Upon completion of the class, students should have developed a strong understanding of Common Law, and particularly in relation to the United States. Students, through this class, will develop research and writing skills relevant to studying and working in a Common Law system.

COMPETENCES TO BE IMPROVED

Generic Competences
Instrumental
<p>CGI 01 - Gestión, organización y planificación adecuada del tiempo // Time management</p> <p>CGI03 - Capacidad de análisis y síntesis. Comprender y estructurar adecuadamente los conocimientos que se adquieren // An ability to analyze, synthesize and structure information/knowledge.</p> <p>CGI 05 - Resolución de problemas. Capacidad para aplicar los conocimientos en la práctica, obteniendo resultados // Problem solving.</p> <p>CGI 07 - Conocimiento de una segunda lengua // Second language development</p> <p>CGP 08 - Capacidad crítica. Juicio crítico // Critical thinking and decision making</p>
Interpersonal
<p>CGP 09 - Desarrollo de habilidades interpersonales: empatía, tolerancia, respeto, capacidad para aunar intereses contrapuestos // Interpersonal skills such as empathy, tolerance, respect, and interest in others.</p>
Systemic
<p>CGS 14 - Habilidades de investigación // Research skills</p>
Specific competences of the subject
Conceptual (knowing)
<p>CEA 02 - Conocimiento de los principales rasgos del sistema jurídico incluyendo cierta familiaridad con sus instituciones y procedimientos. // Knowledge of the principle traits of the legal system, including familiarity with its institutions and procedures.</p> <p>CEA 07 - Comprensión de cuestiones jurídicas complejas. // Understanding of complex legal questions</p>
Procedural
<p>CEP 01 - Capacidad para aplicar adecuadamente los conocimientos apprehendidos a supuestos prácticos complejos. // Practical application of knowledge.</p> <p>CEP 05 - Capacidad para aplicar las normas a los distintos hechos, actos u operaciones relevantes. // Ability to conduct fact analysis</p> <p>CEP 06 - Capacidad para redactar documentos jurídicos. // Ability to draft legal documents.</p> <p>CEP 10 - Capacidad de entender textos especializados en inglés. // Ability to understand texts in English</p>

Professional

CED 02 - Aplicar los conocimientos jurídicos. // Ability to apply knowledge in a professional setting.
CED 03 - Identificar las fuentes jurídicas básicas y aplicarlas a supuestos concretos. // Recognition of sources of law and apply to specific situations.

THEMATIC AREA AND CONTENT

AREA 1:

Theme 1: The Basis of American Law and its Legal System

- 1.1 Civil and Common Law traditions
- 1.2 The United States Legal System: An Overview
- 1.2 The U.S. Constitution and its Structure
- 1.3 Art I (*United States v. Lopez*)
- 1.4 Art II: (*Hirabayashia v. United States*)
- 1.5 Art. III: (*Bush v. Gore*)
- 1.6 The Role of Judges and Jury (McCallinn et al pages 31 – 36)
- 1.7 The Jury System (*Ross v. Bernhard*)

Theme 2: Civil Procedure

- 2.1 Horizontal Federalism Under Common Law (McCallinn pages 141 – 142)
- 2.2 Personal Jurisdiction (*Asahi Metal Industry v. Superior Court*)
- 2.3 Subject Matter Distribution (McCallinn pages 149 – 152)
- 2.4 Conflict of Laws (*Wiwa v. Royal Dutch*)
- 2.5 Trial Procedure: Discovery To Summary Judgment (McCallinn pages 156 – 165)

Theme 3: Constitutional Law

- 3.1 Due Process (*Lawrence v. Texas, Obergefell v. Hodges, Roe v. Wade*)
- 3.2 Equal Protection (*Grutter v. Bollinger*)
- 3.3 Freedom of Religion, Establishment Clause: (*Lamb's Chapel v. Center Moriches Union Free, Lemon v. Kurtzman*)
- 3.4 Freedom of Religion, Free Exercise: (*Employment Division v. Smith*)
- 3.5 Freedom of Speech: (*Ashcroft v. ACLU, Virginia v. Black*)

Theme 4: Research and Writing in a Common Law System

- 4.1 A Basic Guide to Research in a Common Law System
- 4.2 Bluebooking: The Citation Format of Champions
- 4.3 Drafting in Common Law: I. R. A. C. Methodology
- 4.4 Mid-Term Exercise: Common Law Brief to the Supreme Court on Constitutional Question

Theme 5: Contracts Law

- 5.1 Sources of Contract Law in Common Law

5.2 Federal Law and the UCC
5.3 Classification of Contracts (<i>Weichert v. Ryan</i>)
5.4 Elements of an Enforceable Contract (<i>Venture v. Zenith, Frigalment Importing v B.N.S. Sales</i>)
5.5 Consideration (<i>Hamer v. Sidway</i>)
5.6 Promissory Estoppel (<i>Shoemaker v. Commonwealth Bank</i>)
5.7 Remedies for Contract Breaches (McAlinn et al pages 190 - 93)
Theme 6:Tort Liability
6.1 Intentional Torts (<i>Lugenbhul v. Dowling</i>)
6.2 Unintentional Torts: (<i>Weirum v. RKO General, Benejam v. Detroit Tigers</i>)
6.3 Reasonable Person Standard and Causation (<i>Cyr v. Amadar Associates</i>)
6.4 Joint and several liability and Remedies (McAlinn et al pages 210 – 215)
6.5 Mass torts: (<i>In re: School Asbestos Litigation v. Lake Asbestos</i>)
Theme 7: Criminal Law and Procedure
7.1 Basic Principles of Criminal Law under Common Law
7.2 Search and Seizure (<i>Kyllo v. United States</i>)
7.3 Indictment to Prosecution to Trial (<i>Miranda v. Arizona, McAlinnn pages 295 - 303</i>)
7.4 Defenses (McAalinn pages 304 – 309, <i>Kansas v. Crane</i>)
Theme 8: Property Law
8.1.Ownership of Property under Common Law (McAlinn pages 225 – 228)
8.2. Acquisition of Land Property (McAlinn pages 228 - 236, <i>Cirpiano v. Glen Cove Lodge</i>)
8.3 Landlord and Tenant (<i>Wade v. Jobe</i>)
8.4 Eminent Domain and the Takings Clause of the Constitution (<i>Kelo v. City of New London</i>)
8.4 Regulation of Land Use (McAllinn pages 245 – 251, <i>Tahoe – Sierra Pres Council v. Tahoe Reg’l Planning Agency</i>)

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography
Text books
McAlinn et al., <u>An Introduction to American Law (2ed)</u> , Carolina Academic Press, North Carolina (2010).
Shapo et al., <u>Writing and Analysis in the Law (5ed)</u> , Foundation Press (2003).
<u>The Bluebook: A Uniformed System of Citation (18th ed)</u> .
Chapters of books
Articles

Websites
Notes
Other material
Additional Bibliography
Text books
Chapters in books
Articles
Websites
Notes
Other material

TEACHING METHODOLOGY

General methodological aspects of the subject
Contact hours methodology: Activities
<p>The class will be formatted primarily around the Socratic Method, a U.S. Law school methodology of teaching, in which the professors asks questions and steers the discussion, but the students play a central role in providing analysis and arriving at answers. In addition, to help reinforce the material covered, we will do occasional case studies.</p> <p>The mid-term assignment will be a case study in which the students will have to prepare a brief to the U.S. Supreme Court based around a fictional question involving Procedural and Constitutional Law. Students will have to conduct some outside research and draft the document according to Common Law formats.</p> <p>The final exam will be an in – class case study in which students will have to apply the jurisprudence in</p>

order to develop justified, comprehensive arguments around each of the questions.

Independent study methodology: Activities

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of contact hours	Number of independent study hours	Total number of hours
Lecture	20		
Practical class	8	10	
Debate		10	
In class presentation		10	
Individual work		35	
Work in collaboration			
Evaluation: one minute paper			
Evaluation: class test	2		
Evaluation: exam			3
Evaluation: exam review			2
Others			
ECTS Credits:	35	65	95

GRADE EVALUATION AND CRITERIA

Evaluation Activities	Generic Competences	Indicators	Evaluation Weighting
Participation	CGI 05 - Resolución de problemas. Capacidad para aplicar los conocimientos en la práctica, obteniendo resultados // Problem solving. CGI 07 - Conocimiento de una segunda lengua // Second language development	Comes to class having read the material and demonstrating it through active participation, application of jurisprudence towards adequate case analysis. Coming to class alone will not suffice, nor will coming to class but being more engaged with computers or telephones rather than class discussion.	10%
Mid-Term Examination	CGI 01 - Gestión, organización y planificación adecuada del tiempo // Time management CGI03 - Capacidad de análisis y síntesis. Comprender y estructurar adecuadamente los conocimientos que se adquieren // An ability to analyze, synthesize and structure information/knowledge. CGI 05 - Resolución de problemas. Capacidad para aplicar los conocimientos en la práctica, obteniendo resultados // Problem solving. CGI 07 - Conocimiento de una segunda lengua // Second language development CGP 08 - Capacidad crítica.	7 – 10 page legal brief to the competent authority in question. Demonstrates a strong understanding of research and writing techniques, in addition to technical usage of jurisprudence in relation to facts to argue case. The case presented will involved a constitutional and procedural question on appeal to the U.S. Supreme Court.	30%

	Juicio crítico // Critical thinking and decisión making		
Final Examination	<p>CGI 01 - Gestión, organización y planificación adecuada del tiempo // Time management</p> <p>CGI03 - Capacidad de análisis y síntesis. Comprender y estructurar adecuadamente los conocimientos que se adquieren // An ability to analyze, synthesize and structure information/knowledge.</p> <p>CGI 05 - Resolución de problemas. Capacidad para aplicar los conocimientos en la práctica, obteniendo resultados // Problem solving.</p> <p>CGI 07 - Conocimiento de una segunda lengua // Second language development</p> <p>CGP 08 - Capacidad crítica. Juicio crítico // Critical thinking and decisión making</p>	Fact pattern analysis and ability to adequately apply Common Law jurisprudence to develop well – structured and organized legal arguments.	60%

Grades

First – round exam (Ordinaria): At the end of the semester, there will be in – class examination. Students must pass the exam in order for their continuous evaluation grade to be counted towards their final grade.

Second – round exam (Extraordinaria): If the student does not pass the exam in the first round, the student should take the exam in the second round. With regards to the grade for this exam:

1. If the student has not submitted the continuous evaluation assignments during the duration of the semester or fails the continuous evaluation portion of the grade, the second round exam will be worth 100% of the student's grade.
2. In the event that the student has passed the continuous evaluation assessment, the grading rubric in the previous section applies, assuming the student has achieved a grade of 5 or higher on the final examination. This form of assessment applies when and only if it benefits the student(s) in question. Otherwise, the second round examination will count as 100% of the final grade for the class.

Third-round examination and all subsequent rounds: The exam will be worth 100% of the final course grade.

Exchange students:

1. Out-going: The final exam will be worth 100% of the course grade.
2. In-coming students: First – round exam regulations apply (see above).