

FICHA TÉCNICA DE LA ASIGNATURA

| Datos de la asignatura | |
|------------------------|---|
| Nombre completo | Introduction to Common Law |
| Código | E000006784 |
| Título | Grado en Derecho por la Universidad Pontificia Comillas |
| Impartido en | Grado en Derecho (E-1) [Segundo Curso] |
| Cuatrimestre | Semestral |
| Créditos | 3,0 ECTS |
| Carácter | Optativa (Grado) |
| Departamento / Área | Departamento de Disciplinas Comunes |
| Responsable | Adam Dubin |
| Horario de tutorías | Upon request from students |

| Datos del profesorado | |
|-----------------------|---------------------------------|
| Profesor | |
| Nombre | Adam David Dubin |
| Departamento / Área | Departamento de Derecho Público |
| Despacho | Alberto Aguilera 23 |
| Correo electrónico | adubin@icade.comillas.edu |
| Teléfono | 2852 |

DATOS ESPECÍFICOS DE LA ASIGNATURA

| Contextualización de la asignatura |
|---|
| <p>Aportación al perfil profesional de la titulación</p> <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 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.</p> <p>Upon completion of the class, students should have developed a strong understanding of Common Law, particularly its techniques and analytical form. Students will also develop research and writing skills relevant to the Common Law system.</p> |



Competencias - Objetivos

Competencias

GENERALES

| | | |
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| CGI01 | Gestión, organización y planificación adecuada del tiempo | |
| | RA1 | Demuestra capacidad de auto-organización y auto-contención haciendo una previsión razonable del tiempo disponible y su distribución entre las tareas a realizar, lo que implica establecer prioridades atendiendo a las demandas del profesor y no asumir, en la medida de lo posible, más trabajo del que efectivamente puede llevarse a cabo |
| | RA2 | Cumple los plazos fijados para la entrega de las tareas |
| CGI05 | Resolución de problemas. Capacidad para aplicar los conocimientos en la práctica, obteniendo resultados | |
| | RA1 | Comprende adecuadamente los problemas, identificando sus partes- deslindar lo central frente a lo accesorio o marginal- y la secuencia que debe seguirse para su resolución |
| | RA2 | Utiliza los conocimientos teóricos adquiridos para la resolución del problema, planteando diversas alternativas suficientemente razonadas y argumentadas jurídicamente |
| | RA3 | Busca un resultado satisfactorio, salvando los obstáculos que puedan presentarse |
| CGI07 | Conocimiento de una segunda lengua | |
| | RA1 | Dentro de un contexto jurídico, comprende el discurso oral y escrito y se comunica de forma oral y escrita en inglés de acuerdo con las competencias fijadas por el Marco de referencia Europeo para las Lenguas para los niveles B2/C1 |
| CGP08 | Capacidad crítica. Juicio crítico | |
| | RA1 | Conoce las distintas posibilidades que la aplicación de las normas ofrece y conciencia crítica de las mismas |

ESPECÍFICAS

| | | |
|--------------|---|--|
| CEA02 | Conocimiento de los principales rasgos del sistema jurídico incluyendo cierta familiaridad con sus instituciones y procedimientos | |
| | RA1 | Adquiere una visión global de todos los órganos judiciales y una visión específica de los órganos que componen cada orden jurisdiccional con conocimiento de sus propias competencias objetivas, territoriales y funcionales |
| | RA2 | Analiza un conflicto jurisdiccional e identifica el órgano jurisdiccional que lo ha de resolver |
| | RA3 | Identifica los principios jurídicos y las instituciones legales de los sistemas de ¿Common Law¿ |
| CED02 | Aplicar los conocimientos jurídicos | |



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| | RA1 | Aplica su capacidad crítica al razonamiento para poder ubicarse en las distintas posiciones procesales según les sea requerido |
| | RA2 | Subsume en la norma la cuestión que se plantee, identificando el momento procesal oportuno en que se encuentra el conflicto y analizando la consecuencia que le aplica el ordenamiento |
| CEP03 | | Capacidad para llevar a cabo investigación científica en el campo del Derecho |
| | RA1 | Profundiza en la capacidad de la equidad en la aplicación jurídica a la realidad |
| CEP10 | | Capacidad de entender textos especializados en inglés |
| | RA1 | Comprende textos jurídicos de carácter constitucional en inglés |

BLOQUES TEMÁTICOS Y CONTENIDOS

Contenidos – Bloques Temáticos

AREA 1:

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

1. Civil and Common Law traditions
2. British v. United States and Other Common Law Systems
3. The United States Legal System: An Overview
4. The U.S. Constitution and its Structure
5. Art I
6. Art II:
7. Art. III:
8. The Role of Judges and Jury
9. The Jury System

Theme 2: Constitutional Law

- 1 Due Process
- 2 Equal Protection
- 3 Freedom of Religion, Establishment Clause:
- 4 Freedom of Religion, Free Exercise:
- 5 Freedom of Speech:

Theme 3: Tort Liability

- 1 Intentional Torts
- 2 Unintentional Torts:

- 3 Reasonable Person Standard and Causation
- 4 Joint and several liability and Remedies
- 5 Mass torts

Theme 4: Criminal Law and Procedure

- 1 Basic Principles of Criminal Law under Common Law
- 2 Search and Seizure
- 3 Indictment to Prosecution to Trial
- 4 Defenses

BIBLIOGRAFÍA Y RECURSOS

Bibliografía Básica

McAlinn et al., An Introduction to American Law (3rd ed.), Carolina Academic Press, North Carolina (2010).

Shapo et al., Writing and Analysis in the Law (5ed), Foundation Press (2003).

The Bluebook: A Uniformed System of Citation (18th ed).

METODOLOGÍA DOCENTE

Aspectos metodológicos generales de la asignatura

Metodología Presencial: Actividades

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.

The mid-term assignment will be an essay in which the students will have to respond to a prompt. The answer will require citation and usage of the material we cover in class. No outside research will be necessary. More detail prior to the distribution of the assignment.

The final exam will involve short, in – class cases study in which students will have to apply the Common Law jurisprudence in order to develop justified, comprehensive arguments around each of the questions.

Metodología No presencial: Actividades

Students are expected to come to class having read the jurisprudence or other material assigned the week before.



RESUMEN HORAS DE TRABAJO DEL ALUMNO

| HORAS PRESENCIALES | | |
|---|--|---------------------------------------|
| Lección Magistral | Resolución de casos prácticos | Realización de test de autoevaluación |
| 25.00 | 8.00 | 2.00 |
| HORAS NO PRESENCIALES | | |
| Estudio y relación de las lecciones magistrales | Preparación de la resolución de los casos prácticos y trabajos dirigidos | Preparación comentario de texto |
| 20.00 | 10.00 | 10.00 |
| CRÉDITOS ECTS: 3,0 (75,00 horas) | | |

EVALUACIÓN Y CRITERIOS DE CALIFICACIÓN

| Actividades de evaluación | Criterios de evaluación | Peso |
|---|---|------|
| Mid-Term Examination Final Examination | <p>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.</p> <p>Fact pattern analysis and ability to adequately apply Common Law jurisprudence to develop well-structured and organized legal arguments.</p> | 80 |
| Participation | <p>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.</p> | 10 |
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| | | |
|----------------------|---|----|
| Mid-Term Examination | 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 involve a constitutional and procedural question on appeal to the U.S. Supreme Court. | 30 |
| Final Examination | Final Examination | 60 |

Calificaciones

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).

En cumplimiento de la normativa vigente en materia de **protección de datos de carácter personal**, le informamos y recordamos que puede consultar los aspectos relativos a privacidad y protección de datos que ha aceptado en su matrícula entrando en esta web y pulsando "descargar"

<https://servicios.upcomillas.es/sedelectronica/inicio.aspx?csv=02E4557CAA66F4A81663AD10CED66792>