

LEG 155 Legal system and method (LSM)

Semester and year: 2021-22

Day and time: Monday, 8:15-11:00, 2019-2020 in 1.33

Instructor: JUDr. Radka MacGregor Pelikánová, Ph.D., LL.M., MBA

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Consultation hours: Monday, 11:00 – 11:30 and by appointment

London credits	30 UK/15 ECTS	Level	4
AAU credits	12 ECTS/6 US		
Length	Academic Year	Contact Hours	100 Hours
Contact hours	100 Hours	Course type	University of London

1. Course Description

This is a foundational module (course) which provides some essential building blocks for the study of law. Learning about law and legal systems is endlessly fascinating and the material in this module provides a basis for your understanding of the other modules of the University of London programme. This module deals with the special vocabulary of the law, introduces the essential skills of the lawyer – such as how to read legal cases and statutes (Acts of Parliament) and provides an overview of some of the key institutions and processes that make up what we understand as the legal 'system'.

MODULE PURPOSE AND OVERVIEW

Legal system and method is a compulsory module of the Standard Entry LLB and CertHE Common Law. Students must select it on first registration. The module is an introduction to the English legal system and describes the distinctiveness of the common law approach as a legal methodology. The module is vital in initiating students into the process of legal research and the understanding of legal reasoning.

MODULE AIM

The aim of the module is to achieve an overview of the central institutions and processes of the English legal system and to introduce students to techniques of legal research reasoning and interpretation.

MODULE SYLLABUS

- (a) The nature of the common law tradition, with particular reference to human rights.
- (b) Sources of law and principles of legal research, with an emphasis on case noting, reading cases/statutes and essay writing.
- (c) Conduct of legal research and retrieval of legal information, with particular reference to the use of the London online library and web-based resources in finding cases, statutes and journal articles.
- (d) The doctrine of precedent and the principles of statutory interpretation.
- (e) Judicial reasoning in relation to (i) cases, and (ii) statutes.
- (f) The judiciary, with particular reference to the role of the judges and the Human Rights Act.
- (g) The criminal justice process (in outline) and the role of rights in the process, with particular attention to the jury and the impact of the Human Rights Act.
- (h) The civil justice process (in outline), with particular attention to reform and the role of rights.

2. Student Learning Outcomes

The primary outcome is an enhancement of knowledge, critical thinking and capacity to achieve a successful assessment.

LEARNING OUTCOMES

On successful completion of the module students should be able to:

LEARNING OUTCOMES: KNOWLEDGE

1. Understand the structure and operation of the central institutions and processes of the English legal system;
2. Explain the purpose and basic structure of the civil justice system and the place and value of alternative methods of dispute resolution;
3. Explain the purpose and basic structure of the criminal justice system and the tension between the objectives of crime control and protection of civil liberties and human rights;
4. Describe the role and constitutional position of judges and in particular the Law Lords and the Supreme Court;
5. Understand judicial approaches to statutory interpretation and the influence of European law on those approaches;
6. Understand the essential ingredients of the rule of law, and the importance to fairness and justice in social and legal systems.
7. Understand the role of due Process and the importance of Article 6 (ECHR) in Civil and Criminal Justice Explain the key concepts of Legal Aid.

LEARNING OUTCOMES: SKILLS

10. Students completing this module should be able to:
11. Understand and apply the techniques of legal reasoning and interpretation, including precedent and statutory interpretation;
12. Identify key issues in a case and summarise points clearly and accurately;
13. Conduct basic legal research tasks using primary and secondary sources;
14. Respond coherently to straightforward questions about the law using legal referencing appropriately;
15. Locate legal sources;
16. Demonstrate understanding of legal terminology;
17. Understand the principles of good academic practice.

3. Reading Material

Required Materials

Core reading/Essential reading

1. Holland, J.A. and J.S. Webb Learning legal rules: a student's guide to legal method and reasoning. (Oxford: Oxford University Press, **2019**) **10th edition** [ISBN 9780198799900].
2. Rivlin, G. First steps in the law. (Oxford: Oxford University Press, 2015) seventh edition [ISBN 9780198735892].
3. Slapper, G. How the law works. (Oxford: Routledge, 2016) fourth edition [ISBN 9781138914971].
4. Wacks, R. Law: a very short introduction. (Oxford: Oxford University Press, 2015) second edition [ISBN 9780198745624].
5. Cownie, F., A. Bradney and M. Burton English legal system in context. (Oxford: Oxford University Press, 2013) sixth edition [ISBN 9780199656561].
6. Partington, M. Introduction to the English legal system 2018–2019. (Oxford: Oxford University Press, 2018) 13th edition [ISBN 9780198818861]. **NEW !!!!**

7. Slapper, G. and D. Kelly *The English legal system*. (Abingdon: Routledge, 2017) 18th edition [ISBN 9781138284470]. NEW !!!
8. Slorach, S., J. Embley, P. Goodchild and C. Shephard *Legal systems and skills*. (Oxford: Oxford University Press, 2017) third edition [ISBN 9780198785903]. NEW !!!
9. Stychin, C.F. and L. Mulcahy *Legal methods and systems: text and materials*. (London: Sweet & Maxwell, 2010) fourth edition [ISBN 780414041837].

Recommended Materials

10. NEO Study pack readings
11. VLN Study pack readings (17 documents to be downloaded from the VLN)¹
 - Wacks, Chapter 1 'Law's roots' (PDF)
(Read with Chapter 1 of the Module Guide)
 - Partington, Chapter 2 'Law and society: the purposes and functions of law' (PDF)
(Read with Chapter 1 of the Module Guide)
 - Genn, H. *Judging civil justice (The Hamlyn Lectures)*. (Cambridge: Cambridge University Press, 2009) [ISBN 9780521134392] Chapter 1 'Introduction: what is civil justice for?' (PDF)
(Read with Chapter 1 of the Module Guide)
 - Thomas, C. 'Decision-making by the United Kingdom Supreme Court and Judicial Committee of the Privy Council: 2009–13' (PDF)
(Read with Chapter 2 of the Module Guide)
 - *Austin v Mayor and Burgesses of the London Borough of Southwark* [2010] UKSC 28 (PDF)
(Read with Chapter 3 of the Module Guide)
 - McLeod, I. *Legal method*. (Basingstoke: Palgrave Macmillan, 2013) ninth edition [ISBN 9781137027689] Chapter 14 'Arguments for and against judicial law-making' (PDF)
(Read with Chapter 3 of the Module Guide)
 - Sir Stephen Sedley 'When should a judge not be a judge?' (January 2011) 33(1)(6) *London Review of Books* 9–12 (PDF)
(Read with Chapter 5 of the Module Guide)
 - Wilson, S., H. Rutherford, T. Storey and N. Wortley *English legal system*. (Oxford: Oxford University Press, 2014) [ISBN 9780199669929] Chapter 11 'Access to justice' (PDF)
(Read with Chapter 6 of the Module Guide)
 - Genn, H. 'Understanding civil justice' (1997) 50(1) *Current Legal Problems* 155–87 (PDF)
(Read with Chapter 6 of the Module Guide)
 - Genn, H. *Paths to justice: what people do and think about going to law*. (Oxford: Hart Publishing, 1999) [ISBN 9781841130392] Chapter 8 'Paths to justice: which way now?' (PDF)
(Read with Chapter 6 of the Module Guide)
 - Cownie, Bradney and Burton, Chapter 11 'Alternative dispute resolution' (PDF)
(Read with Chapter 6 of the Module Guide)
 - Prince, S. 'ADR after the CPR: have ADR initiatives now assured mediation an integral role in the civil justice system in England and Wales?' in Dwyer, D. (ed.) *The Civil Procedure Rules ten years on*. (Oxford: Oxford University Press, 2009) [ISBN 9780199576883] (PDF)
(Read with Chapter 6 of the Module Guide)
 - Menkel Meadow, C. 'Is the adversary system really dead? Dilemmas of legal ethics as legal institutions and roles evolve' (2012) 57 *Current Legal Problems*

¹ For students convenience, they are also posted on the NEO page of LEG 155 LSM.

- 85 (PDF)
(Read with Chapter 6 of the Module Guide)
- Sanders, A., R. Young and M. Burton Criminal justice. (Oxford: Oxford University Press, 2010) fourth edition [ISBN 9780199541317] Chapter 1 'The aims and values of "criminal justice"' (PDF)
(Read with Chapter 7 of the Module Guide)
 - Malleson, K. and R. Moules The legal system. (Oxford: Oxford University Press, 2010) fourth edition [ISBN 9780199560189] Chapter 11 'Police powers' (PDF)
(Read with Chapter 7 of the Module Guide)
 - Ward, R. and A. Akhtar Walker & Walker's English legal system. (Oxford: Oxford University Press, 2010) 11th edition [ISBN 9780199588107] Chapter 17 'The criminal justice system' (PDF)
(Read with Chapter 7 of the Module Guide)
 - The Honourable Lord Reed 'The confidentiality of jury deliberations' (2003) 37:1 The Law Teacher 1–17 (PDF)
(Read with Chapter 7 of the Module Guide)

Relevant Websites

- www.judiciary.gov.uk
- www.gov.uk/government/organisations/ministry-of-justice
- www.parliament.uk
- www.lawsociety.org.uk
- www.barcouncil.org.uk
- <https://martinpartington.com>

4. Teaching methodology

The lectures will be interactive and strongly oriented towards the discussion of the reading materials and other sources of information suggested by the VLN/London. They will be complemented by case studies, group work and presentations initiated by the students and reviewed by a class analysis. Considering the abundance of materials and the need to interweave information, great organization, active participation, and at-home preparation is absolutely essential for success. Regular attendance, on-time completion of homework, and ongoing work with the VLE page is required.

5. Course Schedule

Date	Class Agenda
Sep 2	Topic: Introduction Description: VLN / TBD Reading: Assignments/deadlines:
Sep 9	Topic: 1 st Subject – Introduction to law and the legal system Description: VLN / TBD Reading: Assignments/deadlines:
Sep 16	Topic: 1 st Subject – Introduction to law and the legal system Description: Reading: Assignments/deadlines:
Sep 23	Topic: 1 st Subject – Introduction to law and the legal system Description: VLN / TBD

	Reading: Assignments/deadlines:
Sep 30	Topic: 2 nd Subject – The courts and their work Description: VLN / TBD Reading: Assignments/deadlines:
Oct 7	Topic: 2 nd Subject – The courts and their work Description: VLN / TBD Reading: Assignments/deadlines:
Oct 14	Topic: 2 nd Subject – The courts and their work Description: VLN / TBD Reading: Assignments/deadlines:
Oct 21	Mid-Term Break
Oct 28	Topic: 2 nd Subject – The doctrine of judicial precedent Description: Reading: Assignments/deadlines:
Nov 4	Topic: 3 rd Subject – The doctrine of judicial precedent Description: VLN / TBD Reading: Assignments/deadlines:
Nov 11	Topic: 3 rd Subject – Statutory Interpretation Description: VLN / TBD Reading: Assignments/deadlines:
Nov 18	Topic: 3 rd Subject – Statutory Interpretation Description: VLN / TBD Reading: Assignments/deadlines:
Nov 25	Topic: 4 th Subject – Statutory Interpretation Description: VLN / TBD Reading: Assignments/deadlines:
Dec 2	Topic: 4 th Subject – Statutory Interpretation Description: VLN / TBD Reading: Assignments/deadlines:
Dec 9	Topic: 4 th Subject – Statutory Interpretation Description: VLN / TBD Reading: Assignments/deadlines:
Holiday Break	
Jan 6	
Jan 13	Topic: 1 st -4 th Subject –Review
Jan 20	Topic: 5 th Subject – The judiciary
Jan 27	Topic: 5 th Subject – The judiciary
Feb 3	Topic: 5 th Subject – The judiciary
Feb 10	Topic: Case Note
Feb 17	Topic: 6 th Subject – The civil justice system, access to justice and ADR
Feb 24	Topic: 6 th Subject – The civil justice system, access to justice and ADR
Mar 2	Topic: 6 th Subject – The civil justice system, access to justice and ADR
Mar 9	Topic: 7 th Subject – The criminal justice system
Mar 16	Topic: 7 th Subject – The criminal justice system

Mar 23	Topic: 7 th Subject – The criminal justice system
Mar 30	Topic: 5 th – 7 th Subject – Review
Apr 6	Topic: Past Exams - Review
Apr 13	Easter Break
Apr 20	Topic: Past Exam - Review
Apr 27	Topic: Last Class - Review

6. Course Requirements and Assessment (with estimated workloads)

There are 100 hours of contact time and 300 hours of notional study time. In sum, students should study no less than 400 hours for this course, and this predominantly by reading and critical thinking and discussing.

Formative assessment is conducted through interactive online activities. There are self-assessment questions at the end of each section of the module guide designed to test knowledge and understanding. There are additional interactive online activities in the form of multiple choice questions and other online tasks, which test skills outcomes 7–13. These activities prepare students to demonstrate learning outcomes that are formally tested in the summative assessment.

After each chapter, an essay on a given topic will be written (close book) in the class.

Summative assessment includes:

1. A case note submitted prior to formal examination.
2. A three hour and fifteen minute unseen examination paper divided into three Parts (A, B, C).

The Legal and system and method (LSM) module will be assessed entirely by written examination in May 2018. The examination is divided into three parts: A, B and C. All parts are compulsory.

- Part A of the examination is a compulsory set of questions based on the case note activity (25% of the overall marks), i.e. relates primarily to the case note but also contains an extract from another – unseen – case;
- Part B requires students to answer two essay questions out of eight (50% of the overall marks), i.e. consists of essay questions from which candidates must choose two; and
- Part C (25% of the overall marks) is a multi-part question about the statute that has been previously made available to students on the VLE.

The case note and statute and further guidance for the May 2018 examination will be published here in November 2017.

7. Detailed description of the assignments

As indicated above, The Legal and system and method (LSM) module will be assessed entirely by written examination provided by the London and administered by the British Council in May 2018. The examination will be close book and divided into three parts: A, B and C. All parts are compulsory. More information and their possible update will be provided via the VLN.

8. General Requirements and School Policies

General requirements

All coursework is governed by AAU's academic rules. Students are expected to be familiar with the academic rules available in the Codex, AAU's Student Handbook, the School of Law Handbook, and the University of London International Programme Student Handbook.

Electronic communication and submission

The university and instructors shall only use students' university email address for communication; students are encouraged to communicate through NEO.

Each e-mail sent to an instructor that is a new topic (not a reply to an original email) shall have the course name and purpose of the email listed in the subject, for example: "*Public Law Mid-term Exam Feedback question*"; each new matter requires a new subject line, for example "*Public Law essay draft question*" or "*Public Law – review final essay feedback*".

A considerable amount of course work will be handwritten; these assignments are to be submitted in person. Electronic documents will be submitted via NEO.

Attendance

Attendance is required. All University of London CertHE students have an absolute requirement to attend 80% of the courses. An absolute requirements means that absences due to illness, accidents, family emergencies, etc., while they may be excused for general AAU courses, are not excused for the London courses. Attendance is confirmed with the University of London at various points in the year. Students falling below this threshold, even if registered for the exam, will be barred from the examination room.

LLB students are required to attend a minimum 75% of courses. Students failing to meet the threshold in dual enrolment courses may be dissociated as representative of AAU. This step removes AAU's access to the student's University of London's records and prevents AAU from advocating on the students behalf. This is an absolute attendance requirement; excused absences do not apply. The handbook should be consulted for further information.

General AAU students, and courses which do not require dual enrolment, have a 75% minimum attendance requirement. Students falling below this threshold may be failed or administratively withdrawn from the course.

Absence excuse and make-up options

Should a student be absent from classes for relevant reasons (illness, serious family matters), s/he must submit to the Dean of Students an Absence Excuse Request Form supplemented with documents providing reasons for the absence. The form and documents must be submitted within one week of the absence. If possible, it is recommended the instructor be informed of the absence in advance. Should a student be absent during the add/drop period due to a change in registration this will be an excused absence if s/he submits an Absence Excuse Request Form along with the finalized add/drop form.

Assignments missed due to unexcused absences cannot be made up which may result in a decreased or failing grade as specified in the syllabus.

Students whose absence has been excused by the Dean of Students are entitled to make up assignments and exams provided their nature allows for a make-up. Students are responsible for contacting their instructor within one week of the date the absence was excused to arrange for make-up options.

CertHE students may request an excused absence for their courses which do not require dual enrolment. Courses which require dual enrolment do not have an excused absence mechanism.

Unexcused absences

For general AAU courses students are allowed two unexcused absences. Absences above this number may result in failure of the course.

Late work: No late submissions will be accepted.

Electronic devices

Electronic devices in the classroom are allowed.

Any other use will result in being marked absent and/or being expelled from the class session. No electronic devices may be used during tests.

Cell phone use is not permitted in the classroom. Students who rely upon their phone for translations should bring a dictionary to class.

Eating is not allowed during classes.

Cheating and disruptive behaviour

If a student engages in disruptive or other conduct unsuitable for a classroom environment the instructor may require the student to withdraw from the room for the duration of the activity or for the day and shall report the behaviour to the Dean. In the case of ongoing generally disruptive or egregious behaviour the student may be expelled from the room; the student will face the disciplinary commission.

Students engaging in behaviour which is suggestive of cheating (e.g. whispering or passing notes) may be warned and will have their behaviour reported to the Dean for disciplinary consideration. Students engaging in actions more strongly indicative of cheating or unfair practices may be warned and will have their behaviour reported to the Dean for consideration by the Disciplinary Commission.

Plagiarism and Academic Tutoring Center

Plagiarism is "the unauthorized use or close imitation of the language and thoughts of another author and the representation of them as one's own original work." (Random House Unabridged Dictionary, 2nd Edition, Random House, New York, 1993) From Accoring to Turnitin's '[White Paper] The Plagiarism Spectrum: Instructor Insight into the 10 types of plagiarism', the various forms of plagiarism, from most to least severe:

1. CLONE: An act of submitting another's work, word-for-word, as one's own.
2. CTRL-C: A written piece that contains significant portions of text from a single source without alterations.
3. FIND-REPLACE: The act of changing key words and phrases but retaining the essential content of the source in a paper.
4. REMIX: An act of paraphrasing from other sources and making the content fit together seamlessly.
5. RECYCLE: The act of borrowing generously from one's own previous work without citation; To self plagiarize.
6. HYBRID: The act of combining perfectly cited sources with copied passages—without citation—in one paper.
7. MASHUP: A paper that represents a mix of copied material from several different sources without proper citation.
8. 404 ERROR: A written piece that includes citations to non-existent or inaccurate information about sources
9. AGGREGATOR: The "Aggregator" includes proper citation, but the paper contains almost no original work.
10. RE-TWEET: This paper includes proper citation, but relies too closely on the text's original wording and/or structure.

Policy dictates that plagiarism falling in categories 1 through 8 results in a failing grade for the assignment and must be reported to the Dean. The Dean may initiate a disciplinary procedure pursuant to the Academic Codex.

Plagiarism that results from categories 9 and 10 may fail based upon the lack of genuine work and original thought. This work may be reported to the Dean for investigation if the instructor is concerned that the work may be fall under a more severe category.

Allegations of bought papers and intentional or consistent plagiarism require disciplinary hearing and may result in expulsion from AAU.

For further guidance regarding the technical aspects of writing, students are encouraged to consult with the tutors at the AAU Academic Tutoring Center. For more information and/or to book a tutor, go to: atc.simplybook.me/sheduler/manage/event/1/.

Students with disabilities

Students with disabilities must inform the dean immediately in order to discuss possible reasonable accommodations available from both AAU and the University of London.

9. Grading Scale

The criteria of the grading scale are elaborated in the Law School Handbook. Students should review the handbook for a greater understanding of the aspects of each classification. Courses will be marked with a numerical grade while the degree is awarded an honour. Feedback for your formative assessments will indicate an honour level.

Grade Translations Table			
UK Class of Honours LLB	U.K. Numerical Grade	U.K. Class of Honours CertHE	ECTS* Grade
First	70 - 100	Distinction	A
Upper Second	67 - 69	Merit	A
Upper Second	65 - 66	Merit	B
Upper Second	60 - 64	Merit	B
Lower Second	55 - 59	Credit	C
Lower Second	50 - 54	Credit	C
Third	47 - 49	Pass	D
Third	45 - 46	Pass	D
Third	40 - 44	Pass	D
Fail	35 - 39	Fail	E
Fail	Below 35	Fail	F

* European Credit Transfer and Accumulation System

Prepared by and when:

Radka MacGregor, August 31st 2019.

Approved by