



Foundations of Law: Substance and Procedure

Course Syllabus

Module: LEG 109

Academic Term: Fall 2014

Class time: Mondays, 11:30-14:15

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COURSE DESCRIPTION AND OVERVIEW

This course provides an introduction to the fundamental concepts that comprise the Common Law, both in terms of the substantive law and the process of adjudication, as currently practiced in the United States and the United Kingdom. As such, it naturally presents a useful background and introduction for the study of law; however, it also offers a sweeping overview of the major branches of law as well as an overview of legal institutions appropriate for anyone interested in the law.

The Course is divided into three parts, in each part we strive to answer a different question:

- **Part I, Common Law Reasoning and Institutions, (weeks 1-3):** What are the sources of law (constitutions, treaties, legislation, precedent, custom), who adjudicates matters (judges, juries) and based on what general principles of interpretation?
- **Part II, Procedure, (weeks 4-6):** What are the key procedural rules that govern the adjudicatory process (jurisdiction, evidence, standing, pleading, estoppel, appeal)?
- **Part III, Substantive Law, (weeks 7-14):** What matters does the law determine (criminal, contracts, torts, property, family, environment, company, commerce), based on what core principles and with what remedies?

APPROACH AND PERSPECTIVE

This Course teaches concepts as well as skills. Obviously, the course will provide familiarity with the ideas that create a framework for answering the three main questions posed in the Course. But moreover, there will be an emphasis on analytical skills, on the ability to analyse disputes. This is an undergraduate level introductory survey course appropriate for law students as well as students of other disciplines. There are no prerequisites.

OBJECTIVES AND LEARNING OUTCOMES

By the end of the course students should be able to find legal sources, read and note a case, and identify the material facts and the legal rule of that case; understand the doctrine of precedent, the principles of statutory interpretation, and the distinction between law and equity; understand the structure of the English and U.S. legal system; and understand the basic principles underlying the core areas of substantive law and procedure.

EVALUATION AND GRADING

Evaluation and grading will conform to the system and standards of the University of London.

The final mark for the course will be calculated as follows:

Assessed Work	Nature of Assessment	Percentage
Projects	Three presentations/projects, 10% each	30 %
Mid-Term	In class, open book	20 %
Papers	One research paper and one analytical essay, 2-3 pages, 10% each	20 %
Final Exam	Part A "take home" (15 %) and Part B in class, open book (15 %)	30 %

READING MATERIALS

There will be readings assigned for almost each class. The readings will be excerpts from laws, cases and treatises. These readings will be discussed in class and student participation in these discussions is expected. Moreover, the readings do not duplicate but rather supplement the class discussions, so familiarity with both the readings and the class discussions is necessary to achieve a good result on the examinations.

In terms of the number of pages of assigned reading, the load is relatively light for a course of this nature, averaging about 30 pages per week. The emphasis is on reading fewer pages carefully rather than on reading many pages quickly.

COURSE OUTLINE

A course is – but only to a limited extent – an iterative process. There is some material that simply must be covered in order for this course to fulfil its purpose. That said, if during the course of the term a student should encounter a topic or question of particular interest, an e-mail to the instructor *may* result in this topic magically appearing at a future session.

Part I: Common Law Reasoning and Institutions

Module A: Introduction and Common Law Principles

Module B: Sources of Law

- Constitutions
- International Treaties
- Statutes, legislation, administrative law
- Precedent
- Custom

Module C: Institutions

- Sovereignty
- Executive and Legislative Bodies
- Courts

Readings:

- Atiyah and Summers, Form and Substance in Anglo-American Law (excerpts)
- Calabresi, Common Law in the Age of Statutes (excerpts)
- Eisenberg, The Nature of the Common Law (excerpts)
- Klabbers, International Law (excerpts)
- Llewellyn, The Bramble Bush (excerpts)
- Handouts

Part II: Procedure

Module D: Jurisdiction

- General and Limited Jurisdiction
- Service of Process
- Capacity
- Justiciability, Ripeness, Mootness, Standing
- Long-arm Jurisdiction

Module E: Rules of Procedure

- Pleading
- Rules of Evidence
- Burden of Proof, Standard of Proof
- Trial
- Appeal

Module F: Special Rules

- Estoppel
- Res Judicata
- Statute of Limitations

Readings:

- Llewellyn, The Bramble Bush (excerpts)
- Civil Procedure Rules (excerpts)
- Federal Rules of Civil Procedure (excerpts)
- Federal Rules of Evidence (excerpts)

Part III: Substantive Law

Module G: Criminal Law

- Acts, omissions, *actus reus*
- Intent, negligence, strict liability
- Conspiracy, attempt
- Offences against the person (murder, manslaughter, assault, sexual offences, hate crimes)
- Offences against the public order (disorderly conduct, weapons)
- Offences of dishonesty (theft, robbery, burglary)
- Commercial Crime (fraud, deception, corruption)
- Punishment (deterrence, retribution)

Module I: Contract

- Formation and contents
- Privity and capacity
- Performance and discharge
- Breach and remedies

Module J: Torts

- Trespass
- Negligence
- Nuisance
- Defamation
- Tortious Interference
- Remedies

Module K: Property

- Real Property
- Personal Property
- Intellectual Property
- Trusts
- Transfer of Property
- Tenancies
- Easements, mortgages, encumbrances

Module L: Family

- Matrimony
- Minors
- Inheritance

Module M: Environment and Natural Resources

- Human health
- Pollution, toxic substances
- Protection and allocation of natural resources

Module N: Company, Commerce

- Company Law
- Agency and fiduciary duty
- Corporate Governance
- Trade in goods
- Trade in services

Readings:

- Ackerman (ed.), Economic Foundations of Property Law (excerpts)
- Ashworth, Principles of Criminal Law (excerpts)
- Calabresi, The Costs of Accidents (excerpts)
- Companies Act 2006 (excerpts)
- Farnsworth on Contracts (excerpts)
- Handouts