Comparative Law (2 credits)
Prof. Jeffrey A. Dodge
Fall 2013

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Comparative Law will expose students to a methodology with which to approach legal discussion and understanding of other systems. Unlike our other international course offerings, Comparative Law will encourage students to view U.S. state and federal legal issues through a comparative study of foreign legal systems and cultures. The learning outcomes of the course including the following:

1. Enhance historical understanding of the Common Law system;
2. Learn the foundation of other legal orders like Civil Law and Islamic Law;
3. Develop an appreciation for method (how to approach the study of different legal systems or cultures) and theory (what drives legal change across time); and
4. Enhance oral communication skills via in class participation and the presentation and develop written legal analysis skills via online TWEN participation and the seminar paper.

Casebook:
The casebook (CB) for the class is Schlesinger's Comparative Law, 7th Edition. Students are expected to have this book and bring it with them to class. The casebook is available at the University Bookstore and for purchase online.

Grading:
Comparative Law will have a multipronged approach to assessment that speaks directly to the desired learning outcomes. The course will be graded in three parts: 20% weekly participation in class and on the TWEN page; 20% presentation in the Comparative Law Student Colloquium; and 60% final seminar paper (minimum of 12 pages).

Class Meetings & Attendance:
Comparative Law will meet in room 215 every Monday from 8:30 to 10:30 a.m. starting August 26 and ending December 2, 2013. There will be no class on September 2, October 7 and November 25, 2013. In exchange for a separate make up class, class will start at 8 a.m. on September 30 and October 28, 2013. Attendance is required and factored into your grade. You may not miss more than 2 classes. Students who miss 3 or more classes will not receive any points for the weekly participation portion of your grade (20%), thus dropping your final grade by two letters automatically. The class will be taught in a discussion format. Students are expected to have read the material in advance and be prepared to discuss it. Participation will be on a voluntary basis, so long as everyone is engaged. The professor reserves the right to call on students who do not initiate participation. Please remember that the discussion should be open and inclusive to all viewpoints. We are to remain respectful and professional in our dialogs.

Presentation:
Students in the class will prepare a 10 minute presentation on their seminar paper's thesis and research. The presentations will be given back to back on Monday, October 28, 2013 as part of a Comparative Law Student Colloquium. Faculty, staff and students at the College of Law will be invited to attend the Colloquium. Students must use PowerPoint and have a minimum of 15 substantive slides for their presentation. We will allow for 5 minutes of questions after each presentation. Please post your PowerPoint slides on the TWEN page by Sunday, October 27 at 4 p.m. Instead of a reading assignment that week, students in the class are expected to review the PowerPoint slides of others in advance of the Colloquium and during that week post constructive feedback.

Seminar Paper:
The topic for the presentation and the majority of your grade is based on a seminar paper. Students are to choose a legal issue that they are passionate about and prepare a paper that compares how the U.S. and a minimum of 5 other countries or systems of government approach it. Your thesis should take a position on the legal issue – reform how we approach this issue, integrate how another country handles it, assert why the U.S. approach is preferred, or some other argument. Students should look critically at each of the country's legal systems and approach to this issue. Make sure to choose countries that approach the issue differently yet illustrate and support your thesis. This means that you need to initially explore more than 5 countries or systems before selecting which ones to include in your seminar paper. Be sure to start the paper with an introduction to the legal issue and how the U.S. approaches it on a state or federal level. Students will not be evaluated by the assertion made in their thesis, but by the comparative legal analysis and quality of the research. The seminar paper must use proper legal citations and be at least 12 pages long. The final version is due on Friday, December 6, 2013 by 4 p.m.

Upper Division Writing Requirement:
With the instructor's expressed permission, up to five students may complete the upper division writing requirement (UDWR) through additional work on the seminar paper. Students must inform the professor if they intend to do this by class on September 9, 2013.

TWEN Page:
Comparative Law has a TWEN course page associated with it. Each week, lingering or unfinished discussions in class will continue online. Please make sure you enroll in the TWEN course and check it regularly. Students are expected to engage on TWEN at least once a week with a post. The professor will post questions and discussion topics every Monday after class for students to respond to. Your engagement on TWEN is factored into the 20% class participation portion of your final grade.

Accommodations:
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. All accommodations must be approved through Disability Support Services located in the Idaho Commons Building, Room 306 in order to notify your instructor(s) as soon as possible regarding accommodation(s) needed for the course. Upon receiving approval from Disability Support Services, students should drop off the signed accommodation form with the Dean's Office at the College of Law. The Associate Dean of Students (me) must also approve disability accommodations. You may contact DSS at 208-885-6307 and dss@uidaho.edu.

Class Schedule & Reading Assignments:
August 26 - Introduction to Comparative Law - CB pp. 2-31 (see UI website for other assignments)
September 2 - No Class for Labor Day
September 9 - Introduction Continued and Integrative Comparison - CB pp. 48-95
September 16 – Functional Integration and Issues of Method – CB pp. 95-144
September 23 – Contrastive Comparison & Lawyer as Geographer – CB pp. 144-176 & 190-213
September 30 – Comparison Involves History – CB pp.282-341 (starting at 8 a.m.)
October 7 - No Class
October 14 – Comparison Involves History Continued – CB pp. 341-383
October 21 – Codification of the Law & Case Law – CB pp. 384-428 & 477-489
October 28 - Comparative Law Student Colloquium - Assigned Student Papers (starting at 8 a.m.)
November 4 – Legal Education and the Profession – CB pp. 628-684
November 11 – Civil Procedure – CB pp. 707-742 & 756-773
November 18 – Criminal Procedure – CB pp. 828-862
November 25 – No Class for Thanksgiving
December 2 – Freedom of Contract – CB pp. 863-890 & 912-920