

Seminar Syllabus

Introduction to the Law of the United States

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One Credit

**University of Lisbon
Faculty of Law**

October 17 – 21, 2011

SYLLABU.S.

Seminar Objectives: This seminar will introduce students to the basic structure and primary distinguishing features of the law and legal system of the United States of America. As the **Seminar Schedule** below illustrates, the seminar will explore the many non-European aspects of U.S. law and especially the common law tradition and the federal nature of governance between the central government in Washington D.C. and the fifty States. Students will discuss the controversial differences in the common law and civil law traditions, as each system attempts to impose order and promote prosperity in its jurisdiction. In particular, students of this seminar will enjoy learning about and discussing the different U.S. methods for finding justice through adversarial trial processes, the U.S. approach to protecting fundamental rights, and other current topics.

Because the U.S. legal system is often dramatically different from most European legal systems, the seminar will be presented in the lecture – discussion format, in hopes of promoting a lively interchange regarding the rationality and functionalism of the varying institutions, mechanisms, and rules of law. Some aspects of the U.S. legal system make little sense, except in the context of their historical development. Some parts of the U.S. legal system work poorly; others work well. To offer the students a thoughtful and provocative learning experience, these very different and very non-European aspects of U.S. law will be discussed.

Expected Student Learning Outcomes: First and foremost, students completing this seminar can expect to understand the unique nature of this polity called the United States. This is significant because the U.S. is complex and significantly different from the governments in continental Europe. Its organization and institutions do not compare well with counterparts in the EU. Second, students can expect to become familiar with the political and governmental functioning of the U.S., its processes, and vernacular. Finally, students can expect to gain an understanding of the revolutionary development of the U.S. as a significant evolution of legal systems and legal science in the late 18th century, and how that has succeeded and failed to the present day.

Text and Other Resources: Selected seminar readings have been prepared and will be distributed prior to the course. Students will also be given a small pamphlet containing the U.S. Constitution (it is surprisingly short). Further, we will resort to other available resource for current news illustrating U.S. law.

Seminar Schedule: The seminar will meet for five sessions, starting Monday, October 17 through Friday, October 21, 2011, in two hour seminar meetings. The seminar will conclude with a short analytical paper, to be written privately by each student after the seminar in a time convenient to the student. See **Course Format and Expectations** below for more details regarding this final paper.

Daily Topical Schedule:

Monday, October 17	Historical Development of U.S. Law – the different national experience and mentality: Rugged Individualism; Legal sources, Common Law, Presidential Democracy
Tuesday, October 18	Public Law – Constitutional Law, Legal Process, Judicial Review, Fundamental Rights, the Death Penalty
Wednesday, October 19	The U.S. Judicial System – Civil and Criminal Procedure, Trial Process, the Jury, State and Federal Courts
Thursday, October 20	Private Law – Contracts, Torts, Property, Punitive Damages, Class Actions, Contingent Fees
Friday, October 21	The U.S. Law School Experience, Legal Professions: Lawyers and Judges

Class Attendance: Students are expected to attend a minimum of four of the five classes offered.

Course Format and Expectations: The class will be presented in the lecture-discussion format, including the traditional Socratic and case methods. Our discussions will take U.S. beyond the relevant descriptive information about the U.S. law. Particular emphasis will be placed on inquiry into the coherence and philosophical underpinnings of the governmental and legal institutions, processes, and values advanced by the U.S. system. Students are encouraged to participate in the class presentations with informed questions and comments. Students are also encouraged to prepare for class by reading the assigned materials prior to each class. Because class participation is valued as a teaching tool, it will be included in the final grades (see **Course Grading** below).

The course will conclude with the students writing a brief paper on a topic of their choice, in agreement with the Professor, relating to the seminar instruction and discussions. The paper will be evaluated for its analytical merit and substantive content, not its length. We are all too busy for that. The paper may not exceed five typewritten pages, or if handwritten, may not exceed 1250 words.

Course Grading: Students' grades will be administered according to the traditional system in place at the University of Lisbon. Final grades in the course will be computed on the following basis: Class participation 20%, final paper 80%.

Office Hours: Prof. Hugg will maintain office hours each Monday - Friday afternoon from 2 p.m. until 3:30 p.m. in the offices assigned to him in the law faculty, and he will be available at other times by appointment. Prof. Hugg may be contacted most easily via e-mail at hugg@loyno.edu. Students are encouraged to e-mail, call, or visit at any time to discuss the course, the paper, and any related topics of interest.