



Boston University International Programs
London

Boston University British Programmes
The British Legal System
CAS PO 534 (Core Course)
Summer 2009

Instructor Information

A. Name	Denis Carey
B. Day and Time	Wednesdays, 3.45-7.45pm; Thursdays, 1:15-5:15pm
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H. Office hours	9-5 Monday to Friday, if not in class

Course Description

This core course for the Pre-Law track will provide an introduction to the history and the development of the British legal system. Its aim is to describe the evolution of the Common Law of England, the legal system of England and the legal profession of England and to introduce you to the study of constitutions as law as well as to the legal aspects of constitutional systems of Government. The course will also examine the influence of the British common law/legal system on the development of the common law/legal system of America.

Course Objectives

- Law and custom in early Britain and the impact of the Norman conquest will be reviewed in outline
- The origins of the common law and the English system of courts will be outlined
- The development of the legal profession itself will be examined in detail
- The contemporary British Legal System will be studied in depth. The British legal operating vocabulary, current legal trends and local legal peculiarities will be examined so as to be of use to students in their work placements
- How the English Common Law came to be transplanted in America will be looked at as well as reviewing, as a comparative exercise, how the “English” tradition has changed direction in the US during the nineteenth, twentieth and twenty-first centuries

Methodology

A lecture/discussion/field trip based theoretical and practical approach to English Law and the English Legal Profession (including the Judiciary). This course has been designed to give students a thorough overview of the contemporary English Legal System.

Reading

1. Slapper & Kelly The English Legal System 9th ed. 2009 [ISBN10: 0-415-45954-0 (pbk)]. Companion website: <http://www.routledge.com/textbooks/9780415459549/>
2. Ad hoc readings as distributed in class
3. Additional readings are posted on the course webpage: <http://www.bu-london.co.uk/academic/po534> (you must log in to view materials)

You are expected to have read the set reading for each class session (with the exception of Session One). You may be advised of further reading during the course, particularly with regard to assisting you with your paper.

Important: Please ensure that you read, on a daily basis, a “serious” British broadsheet newspaper such as the Daily Telegraph, Financial Times or, for a left-of-centre perspective, The Guardian. *Every class day select a particular article you feel is relevant to the course (and, ideally, to that day’s class in particular) and be prepared to summarise it for the class and then to lead a class discussion on the subject matter.* The Times and the Independent are alternatives. For context, there are also excellent weekly journals such as The Economist, The New Statesman and Society etc. Try to watch relevant current affairs programmes on terrestrial television. This reading and viewing will keep you abreast of any rapidly changing areas.

Course Assessment

There will be an end-of-course 2-hour seen final examination worth 40% of your final grade. You will be required to answer two from a choice of four exam questions. Suggested approach: 10/15 minutes outlining answer, 40/45 minutes writing answer/ Indicative length – 3.5 pages, not to exceed 4.5 pages per question. Closed book. The grade you receive will be based upon:

- The relevance of your answer to the question/topic set/to be discussed
- Clarity of expression and continuity
- Evidence of reading and thought related to the question/topic
- Quality of the arguments presented
- Grading Criteria set out in your Academic Handbook
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You will also be required to write a 2500 word paper based on work done in addition to class-based topics, to be handed in at the last teaching class. The paper topic is

**“The English legal profession should be fused, and not split into two main branches as now”
- Present the case for or against this statement.**

There is no choice of paper topic. The paper will count 60% towards the final course grade. The grade you receive will be based upon the bullet points just above and upon, in addition, the proper attributed use of illustrative material from texts, periodicals, press or other media. **Hand in** at Session Seven, **Wednesday 17 June 2009.**

Class attendance will be used in the moderation of the final grades. Being absent from class without a valid reason will result in a diminution of this grade on a pro-rata basis. Equally, excellent attendance will be reflected in an uplift of the grade where the examination result is borderline.

Grading

Please refer to the Academic Handbook for detailed grading criteria, attendance requirements and policies on plagiarism:

<http://www.bu-london.co.uk/files/images/ACADEMICHANDBOOKSU09.pdf>.

Course Timetable

Session One

Wed 27 May 2009

Introduction & Background

Introduction to the Course; Course Overview
The Early History of the English Legal System incl.
the Birth of the Common Law

Reading:

(1) *The English Legal System Slapper & Kelly - Read Chs 2 and 3*

Session Two

Thurs 28 May 2009

Field Trip (Topic: Courts, Legal Profession & Judiciary)

Field Trip to Royal Courts of Justice. Meet field trip leader Andy Charlton outside Temple Tube Station 2.30 pm

Reading:

(1) *Goodman, A "RCJ Walking Guide" - Course Webpage*
<http://www.bu-london.co.uk/academic/PO534> and select
PO534GoodmanRoyalCourtsJustice.pdf 2.66 MB

Session Three

Wed 3 June 2009

The Development of the Common Law & the British (English) Legal System

Historical Development of the Courts; contemporary court structure
Judicial Committee of the House of Lords; the future – a Supreme Court
for the UK incl. a comparative look at the US Supreme Court

Reading:

- (1) *The English Legal System Slapper & Kelly Chs 4 & 5 (Civil Courts/Criminal Courts)*
- (2) *Skim read Civil and Criminal Court Structures Slapper & Kelly English Law (Cavendish 2000) – Course Webpage*
<http://www.bu-london.co.uk/academic/PO534> and select
PO534SlapperKellyCivilCriminalCourtStructures.pdf 1.93 MB
- (3) *Judicial Independence – Its History in England & Wales Brooke– Course Webpage*
<http://www.bu-london.co.uk/academic/PO534> and select
PO534BrookeJudicialIndependence.pdf 136.3 KB

Session Four

Thurs 4 June 2009

The Legal Profession

The English Legal Profession
A history of the emergence of separate professions
Solicitors
Barristers
Notaries Public
ILEX and Licensed Conveyancers
Comparison with US

Reading:

- (1) The English Legal System Slapper & Kelly read Chs 13 and 14 (Legal Services/Funding of Legal Services)***
- (2) Judges and Opponents Pannick – Course Webpage***
<http://www.bu-london.co.uk/academic/PO534> and select
[PO534PannickJudgesOpponents.pdf](#) 1.53 MB

Session Five

Wed 10 June 2009

House of Lords

Field Trip: House of Lords
Meet at St James Park Tube Station ticket hall (ground level) time t.b.a.

Reading:

- (1) JUSTICE Working Party “The judicial functions of the House of Lords” at***
<http://www.justice.org.uk/images/pdfs/hol.pdf> or go to Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select
[PO534JUSTICEJudicialFunctionsHouseLords.pdf](#) 49.53 KB
- (2) The House of Lords makes laws, holds the Government to account, provides a forum of independent expertise and is the highest court in the land. Read “What Lords Do”, “Daily Business” and “Making Laws” at <http://www.parliament.uk/lords/index.cfm>***

Session Six

Thurs 11 June 2009

The Judiciary/Judicial Independence

The Judiciary (Preliminary Overview)
A History of the Judiciary
Modern Developments
The Constitutional Role of the Judiciary
The US Supreme Court Justice (a comparison)

Reading:

- (1) *The English Legal System* Slapper & Kelly read Chs 6 and 7 (Judiciary/Judicial Reasoning & Politics)
- (2) *The Courts and Judicial Power* Barendt – Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select *PO534BarendtCourtsandJudicialPower.pdf* 553.73 KB
- (3) *Judicial Independence – Its History in England & Wales* Brooke– Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select *PO534BrookeJudicialIndependence.pdf* 136.3 KB

******Make-up Class Date: Friday 12 June.** Should any class dates need to be rescheduled, students are obligated to keep this date free to attend classes****

Session Seven

Wed 17 June 2009

The Legislature/Parliament/Constitutional Monarchy

Constitutional change in the UK
The role of the Lord Chancellor
The Legislature: Supremacy of Parliament
(Subtopic: Development of the Common Law and legal system in the US and the influence of the English System)

Reading:

- (1) *The English Legal System* Slapper & Kelly reread Ch 3 and read Ch 15 (The European Context)
- (2) *Sovereignty of Parliament* Munro - Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select *PO534MunroSovereigntyofParliament.pdf* 752.49 KB
- (3) *Common Law Systems* Hughes – Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select *PO534HughesCommLawSystems.pdf* 1 MB
- (4) *American Lawyers and the Common Law* Cantor – Course Webpage
<http://www.bu-london.co.uk/academic/PO534> and select *PO534CantorAmericanLawyers&CommonLaw.pdf* 1 MB

Session Eight

Thurs 18 June 2009

Field Trip

Courts; Legal Profession In Action (meeting place tba)

Reading:

- (1) *The English Legal System* Slapper & Kelly reread Ch 5 (Criminal Courts) and read Ch 8 (The Jury)

Session Nine

Wed 24 June 2009 – 1.15-5.15pm (Note time change)

The Courts and the Legal System In Action

Civil Process

Criminal Process

Course Review

Reading:

(1) The English Legal System Slapper & Kelly, read Chs 9 and 11 & 12 (Civil/Criminal Process)

******Please note: all students must attend a general Internship Briefing on Tuesday 23rd June, at 3:45pm in the Crofton Bell classroom. LL students will have their first Internship Tutorial meeting at 6pm in the Brompton room, after their final Core lecture on Wednesday 24 June******

Final Exam

Thursday 25 June 2009. Exam times and locations will be posted on the BU London website and in the Student Newsletter two weeks before exam dates.

Please note that faculty do not have the authority to change exam times for students – if a student wants to move the timing of an exam this needs the approval of the Directors' Office and there have to be valid reasons for the request.

Students should attend each class and be punctual. A register will be taken at the start of each session (see Grading information above). Notice of non-attendance for legitimate reasons must be given in advance; such notice is to be given to a senior member of staff in Academic Affairs Office to be passed to Denis Carey or by emailing dcarey@nybar.co.uk. It is not acceptable to leave a message via a fellow classmate. Lost time may be required to be made up. Absent students should arrange with a classmate to share notes.

Failure to hand in the written paper on time may result in a lower grade.

Denis Carey will be available after each class for questions. You may email him at any time. If the matter is urgent call or text him on 07973 625118. This course is intended to be interesting and challenging and it is hoped all students will enjoy it.