



**Boston University Study Abroad  
London**

**Boston University Study Abroad London  
The British Legal System  
CAS PO 534 (*Core course*)  
Spring 2013**

**Instructor Information**

A. Name Denis Carey

**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 English 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 (the Judiciary is part of the profession). This course has been designed to give students a thorough overview of the contemporary English Legal System.

## **Attendance Policy**

### **Classes**

All Boston University London Programme students are expected to attend each and every class session, tutorial, and field trip in order to fulfill the required course contact hours and receive course credit. Any student that has been absent from two class sessions (whether authorised or unauthorised) will need to meet with the Directors to discuss their continued participation on the programme.

### *Authorised Absence:*

Students who expect to be absent from any class should notify a member of Academic Affairs and complete an Authorized Absence Approval Form 10 working days in advance of the class date (except in the case of absence due to illness, for which students should submit the Authorised Absence Approval Form with the required doctor's note as soon as possible). **Please note: Submitting an Authorised Absence Approval Form does not guarantee an authorised absence**

Students may apply for an authorised absence only under the following circumstances:

- Illness, supported by a local London doctor's note (submitted with Authorised Absence Approval Form).
- Important placement event that clashes with a class (verified by internship supervisor)
- Special circumstances which have been approved by the Directors (see note below).

**The Directors will only in the most extreme cases (for example, death in close family) allow students to leave the programme early or for a significant break.**

### *Unauthorised Absence:*

Any student to miss a class due to an unauthorised absence will receive a **4% grade penalty** to their final grade for the course whose class was missed. This grade penalty will be applied by the Academic Affairs office to the final grade at the end of the course. As stated above, any student that has missed two classes will need to meet with the Directors to discuss their participation on the programme as excessive absences may result in a 'Fail' in the class and therefore expulsion from the programme.

## **Reading**

1. Slapper & Kelly The English Legal System 13<sup>th</sup> ed. 2012/2013 Routledge [ISBN: 978-0-415-68987-8]. See companion website:  
<http://cw.routledge.com/textbooks/slapperandkelly/intro.asp>  
OR  
<http://www.routledge.com/cw/slapper>
2. Ad hoc readings as distributed in class
3. Additional readings are posted on the course webpage: <https://lms.bu.edu>  
(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. The Times and the Independent are alternatives. Some of these are available in the ejournals section of the online BU Library (<https://www.bu.edu/library/>). *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.* 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

You will also be required to write a 2500 word paper based on work done in addition to class-based topics. 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** to Student Affairs Office (and email a .pdf copy to [dcarey@bu.edu](mailto:dcarey@bu.edu)) before Core Lecture 8, **Wed 13 Feb 2013.**

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 and policies on plagiarism: <http://www.bu.edu/london/current-semester>

## **Course Timetable**

### **Core Lecture: Thurs 17 Jan 2013**

#### **Introduction & Background**

Introduction to the Course; Course Overview  
The early history of the English Legal System incl.  
the origins of the common law and the development of the court system

Orientation field trip/Westminster Hall, birthplace of the Common Law,  
bring your tube pass/Oyster Card to class

#### ***Reading:***

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

### **Core Lecture Two: Wed 23 Jan 2013**

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

Development of the courts  
Contemporary court system structure  
(incl. an in-depth treatment of the transition from the Judicial Committee  
of the House of Lords to today's Supreme Court)

#### ***Reading:***

- (1) ***The English Legal System Slapper & Kelly Chs 4 & 6 (Civil Courts/Criminal Courts)***  
(2) ***Skim read Civil and Criminal Court Structures (noting at 3.8 that the Judicial C/tee of  
the HoL has been replaced by the Supreme Court) Slapper & Kelly English Law  
(Cavendish 2000) – Course Webpage (<http://blackboard.bu.edu/>)***

### **Core Lecture Three: Thurs 24 Jan 2013**

#### **The Legal Profession**

The English Legal Profession  
Solicitors  
Barristers  
Notaries Public  
ILEX and Licensed Conveyancers  
Comparison with US legal profession  
Discussion of paper topic – Split vs Fused Legal Profession

#### ***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://blackboard.bu.edu/>)***

### **Core Lecture Four: Wed 30 Jan 2013**

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

Meet: Temple Tube Station, 2.30pm (Andy Charlton Tour Leader)

“Legal London Walk”, including a field trip to Royal Courts of Justice.

#### ***Reading:***

- (1) *Goodman, A “RCJ Walking Guide” - Course Webpage (<http://blackboard.bu.edu/>)*

### **Core Lecture Five: Thurs 31 Jan 2013**

The Legislature/Parliament/Constitutional Monarchy

Constitutional change in the UK  
The role (and former roles) of the Lord Chancellor  
The Legislature: Supremacy of Parliament

Field Trip: Houses of Parliament

#### ***Reading:***

- (1) *The English Legal System Slapper & Kelly reread Ch 3 and reread Ch 15 (The European Context)*
- (2) *Sovereignty of Parliament Munro - Course Webpage (<http://blackboard.bu.edu/>)*

### **Core Lecture Six: Wed 6 Feb 2013**

Legislature and Legislating

The Legislature: Supremacy of Parliament (continued)  
(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 – (Re)read Ch 3 and read Ch 15*
- (2) *See “How Parliament Works” at <http://www.parliament.uk/about/how/>*
- (3) *The House of Lords makes laws, holds the Government to account, provides a forum of independent expertise and until replaced by the Supreme Court in 2009 was the highest court in the land. Read “What Lords Do”, “Daily Business” and “Making Laws” at <http://www.parliament.uk/lords/index.cfm>*
- (4) *American Lawyers and the Common Law Cantor – Course Webpage (<http://blackboard.bu.edu/>)*

### **Core Lecture Seven: Thurs 7 Feb 2013**

**TBC Meet 9.45am at entrance to Supreme Court Parliament Sq (use St James Park tube station) for field trip visit to the Supreme Court, then back to class session. Class finish time tbc.**

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 9, 10 and 11 (Judiciary/Judicial Reasoning & Politics/The Jury)*
- (2) *The Courts and Judicial Power Barendt – Course Webpage (<http://blackboard.bu.edu/>)*
- (3) *Judicial Independence – Its History in England & Wales Brooke– Course Webpage (<http://blackboard.bu.edu/>)*

\*\*\*\* **Contingency Class Date: Friday 8 Feb 2013.** Students are obligated to keep this date free to attend class should any class dates need to be rescheduled. \*\*\*\*

**Core Lecture Eight: Wed 13 Feb 2013**

**\*\*\* Paper Hand-in Date – submit in Student Affairs Office and sign sheet\*\*\***

Courts; Legal Profession In Action

Field Trip – Crown Court (time and meeting place tbc)

**Reading:**

- (1) *The English Legal System Slapper & Kelly Re-read Chs 4 and 6 (Civil and Criminal Courts) and skim read Chs 5, 7 and 8 (Civil and Criminal Process)*

**Core Lecture Nine: Thurs 14 Feb 2013**

The Courts and the Legal System in practice

Civil Process

Criminal Process

Course Review/Final Examination Q&A session

**Reading:**

*The English Legal System Slapper & Kelly Re-read Chs 5, 7 and 8 (Civil and Criminal Process)*

**\*\* Please note: students will have their first Internship Tutorial meeting on Thurs 14 Feb at 11.30am-1.00pm the Courtfield Room. Subsequent tutorials will be at 6.15pm on Thurs 14 March and Thurs 4 April in the Courtfield Room\*\*.**

**Final Exam: Monday 18 Feb 2013.** Exam times and locations will be posted on the BU London website and in the Student Newsletter two weeks before exam dates.

**\*\*\*All students must attend a mandatory drop-in session (to sign Internship Agreement and for any questions about placement, social programme, travel and academics) on Monday 18<sup>th</sup> February, 1.00-2.00pm in the Boston Room, 43 Harrington Gardens, SW7 4JU. Food will be served!**

Students must check their email at least daily and the weekly Student Newsletter for field trip updates and reminders.

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.

**Denis Carey, January 2013**