



## Boston University Study Abroad London

### Boston University Study Abroad London The British Legal System CAS PO 222 (*Core course*) Spring 2016

#### Instructor Information

A. Name	Denis Carey
B. Day and Time	Wednesdays and Thursdays (Courtfield), 1.15pm-5.15pm except for Lectures 8/9 which are likely to be an all-day session.
C.	<b>NOTE: Many sessions will have different start times due to field trip constraints and start times WILL change at short notice. BRING YOUR OYSTER CARD TO ALL CLASSES EVEN IF A FIELD TRIP IS NOT SCHEDULED – THEY CAN BE ARRANGED AT SHORT NOTICE.</b>
D. Location	Courtfield Room, 74-76 Courtfield Gardens SW7 2DH (entrance on Collingham Road)
E. Office Telephone	0207 353 7182
F. Mobile/Cell	07973 625 118
G. Email	<a href="mailto:dcarey@bu.edu">dcarey@bu.edu</a>
H. Office hours	9-5 for phone calls Monday to Friday excl. class times, otherwise by prior arrangement

#### 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 (primarily as found in England), and carry out a thorough and rigorous examination of its contemporary iteration. The aim of the course is to describe the evolution and the contemporary aspects of the common law of Britain, of the legal profession of Britain, of the judiciary of Britain and of the legislature of Britain. It will examine the legal aspects of the British constitutional system of Government. The course will also consider the influence of the English common law/legal system on the development of the common law/legal system of America.

#### Learning Outcomes

- a student has acquired a basic understanding of law/custom in early Britain and, more particularly, of the importance of the Norman conquest, and the period immediately following, in the development of what is now called the Common Law
- a student has acquired a basic understanding of the further development of the common law, up to the current period, and understands in outline the development of the English system of courts from the Norman period to the latter half of the nineteenth century
- a student has reviewed, understood and can describe and explain in detail the modern development of the English system of courts (from c.1875 to date) and has reviewed,

understood and can describe and explain in detail the criminal and civil litigation processes

- a student has examined in detail the development and contemporary form of the main branches of the legal profession (including routes to qualification) and can describe, explain and critique them
- a student has examined in detail the contemporary form of the judiciary and can describe, explain and critique that institution
- a student has examined in detail the contemporary form of the legislature and can describe, explain and critique it
- a student understands the way in which access to justice is funded in the British legal system
- the student has acquired an operating vocabulary, an understanding of current legal trends and of local legal peculiarities which will be of use to that student in work placements on the internship phase (if the student is taking an internship) or in the future

### **Methodology**

A lecture/discussion/field trip based theoretical and practical approach to the common law and the legal profession and the legislature (note: the Judiciary is treated as part of the legal profession). This course has been designed to give students a thorough overview of the contemporary British Legal System.

### **Attendance**

#### **Classes**

All Boston University London Programme students are expected to attend each and every class session, seminar, 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. This may result in the student having to take a medical leave of absence from the programme or withdraw from 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 more than one day. In this situation 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 (first day of sickness): If a student is too ill to attend class, the student must phone the BU London Student Affairs Office (who will in turn contact the student's lecturer).
- Illness (multiple days): If a student is missing more than one class day due to illness, the student must call into to the BU London Student Affairs Office each day the student is ill. Students must also provide the Student Affairs office with a completed Authorised Absence Approval Form and sick note from a local doctor excusing their absence from class.
- 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 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.

*Lateness*

Students arriving more than 15 minutes after the posted class start time will be marked as late. Any student with irregular class attendance (more than two late arrivals to class) will be required to meet with the Assistant Director of Academic Affairs and if the lateness continues, may have his/her final grade penalised.

**Reading**

1. Slapper & Kelly The English Legal System 16<sup>th</sup> ed. 2015/2016 Routledge [ISBN: 9781138829541]. See companion website: [http://routledge-textbooks.com/textbooks/\\_author/slapper-9780415639989/](http://routledge-textbooks.com/textbooks/_author/slapper-9780415639989/)
2. Ad hoc readings as distributed in class
3. Additional readings are posted on **Blackboard**: <http://learn.bu.edu>

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 e-journals 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 7, **Thurs 4 Feb 2016. You must SIGN the signature sheet when you hand in your paper - "no signature = no hand in". Note that this sign-in rule also applies to the papers you will be handing it during the internship phase.**

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>

*\* Final Grades are subject to deductions by the Academic Affairs Office due to unauthorised absences.*

### **Course Timetable**

#### **Core Lecture One: Thurs 14 January 2016**

##### **Introduction & Background**

Introduction to the Course; Course Overview; Summary of contemporary British Legal System components (law, legal profession, judiciary, legislature)

The early history of the English Legal System incl. the origins of the common law and the development of the court system

Development of the courts

Contemporary court system structure introduction

Orientation field trip; bring your tube pass/Oyster Card to class/Comfortable walking shoes/Be prepared to go through airline style security which may involve body searches (this applies to all classes)

## **Core Lecture Two: Wed 20 January 2016**

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

### **Reading:**

**(1) The English Legal System Slapper & Kelly - Read Ch 1, Law & Legal Study; Ch 2, The Rule of Law and Human Rights**

**(2) Goodman, A “RCJ Walking Guide” - Blackboard Introduction & Background**

## **Core Lecture Three: Thurs 21 January 2016**

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 6, 8 and 9 (Civil Courts/Criminal Courts)**

## **Core Lecture Four: Wed 27 January 2016**

Field Trip: Houses of Parliament

Class: 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 16 and 17 (Legal Services/Funding of Legal Services); (Re)read Ch3 , Sources of Law: Legislation and read Ch 5, The European Context**

## **Core Lecture Five: Thurs 28 January 2016**

Legislature and Legislating

The Legislature: Supremacy of Parliament

Constitutional change in the UK

The role (and former roles) of the Lord Chancellor

### **Reading:**

**(1) The English Legal System Slapper & Kelly – Read Ch 3 and re-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>*

### **Core Lecture Six: Wed 3 February 2016**

Courts/Legal Profession in Action

Field trip to Crown Court, Old Bailey.

**Reading:**

***The English Legal System Slapper & Kelly, read Chs 12 & 13 (Judiciary/Judicial Reasoning & Politics)***

*\*\*\*\* Contingency Class Date: Friday 5 February 2016. Students are obligated to keep this date free to attend class should any class dates need to be rescheduled. \*\*\*\**

### **Core Lecture Seven: Thurs 4 February 2016**

Field Trip: Magistrates Court.

**Reading:**

***The English Legal System Slapper & Kelly, re-read Chs 6, 8 and 9 (Civil Courts/Criminal Courts)***

### **Core Lecture Eight/Nine: Wed 10 February 2016**

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)

The Jury

**Reading:**

***The English Legal System Slapper & Kelly, read Ch 14 (The Jury)  
Judicial Independence – Its History in England & Wales Brooke– Blackboard  
Judges and Opponents Pannick – Blackboard***

### **Core Lecture Ten: Thurs 11 February 2016**

**[\*\*\*\*\*Ist Internship Tutorial –\*\*\*\*\*]**

The Jury (contd) 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 6, 8 and 9 and read Ch 7 (the Civil Process) and Ch 10 (The Criminal Process: (1)The Investigation of Crime) and Ch 11 (The Criminal Process: (2)The Prosecution.***

**Final Exam: Monday 15 February 2016.** Exam times and locations will be posted on the BU London website and in the Student Newsletter two weeks before exam dates.

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.

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

**\*\*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 15<sup>th</sup> February in the Boston Room, 43 Harrington Gardens, SW7 4JU. Food will be served!**

**Denis Carey, January 2016**