Boston University Study Abroad London

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The British Legal System
CAS PO 222 (Core course)
SPRING 2018

Instructor Information

A. Name
Denis Carey

B. Day and Time
Wednesdays and Thursdays, 1.15pm-5.15pm, except for Lecture 10 which may be on a different day and at a different time/location.

C. NOTE: Field trip constraints may necessitate short notice changes of times and (perhaps) dates. These WILL change at short notice; you must monitor your email at least daily.
BRING YOUR OYSTER CARD OR MONEY TO BUY A TUBE TICKET TO ALL CLASSES EVEN IF A FIELD TRIP IS NOT SCHEDULED; THEY ARE SOMETIMES ARRANGED AT VERY SHORT NOTICE.

D. Office Telephone
E. Mobile/Cell
F. Email
G. 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 & Wales; note that Scotland and Northern Ireland have legal systems which differ in some respects), 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 in outline 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 placements during the internship phase (if the student is taking an internship) and 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.

**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). The Authorised Absence Approval Request Form is available from: http://www.bu.edu/london/current-semester/

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 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 a 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.

**Religious Holidays**
Boston University’s Office of the University Registrar states:

‘The University, in scheduling classes on religious holidays and observances, intends that students observing those traditions be given ample opportunity to make up work. Faculty members who wish to observe religious holidays will arrange for another faculty member to meet their classes or for cancelled classes to be rescheduled.’

**Special Accommodations**
Each student will need to contact the Office of Disability Services to request accommodations for the semester they are abroad. Students are advised by BU-ODS not to expect the same accommodations as they receive on campus.

BU London can only uphold special accommodations if we have received the appropriate documentation from the BU-ODS. We cannot accept letters from other universities/centres.

All disabilities need to be known to the ODS in Boston if they are to be used as a reason for requiring a change in conditions, i.e. reduced internship hours or special accommodations for the internship schedule.

**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 Associate Director for Academic Affairs and if the lateness continues, may have his/her final grade penalised.

**Reading**

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 is an alternative choice. 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.* Email your choice to dcarey@bu.edu at least two hours before class. 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) before Core Lecture 7, Thurs 8 Feb 2018. 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 18 January 2018

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 basic outline

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)

Reading:
(1) The English Legal System Slapper & Kelly - Read “The English Legal System – An Overview”; Ch 1, Law & Legal Study; Ch 2, The Rule of Law and Human Rights; Ch 3 Sources of Law: Legislation; Ch 4 Sources of Law: Case Law; Ch 5. [This is a heavy preliminary reading load. Do as much as you are able. You can read these chapters quickly, we will be returning to them during the course]

Core Lecture Two: Wed 24 January 2018

Contemporary court system structure (preliminary)

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

Reading:
(1) Any of the reading for Lecture 1 which you did not manage to finish
(2) The English Legal System Slapper & Kelly Chs 6, 7, 8 and 9 (Civil Courts/Criminal Courts) – read quickly
(3) Goodman, A “RCJ Walking Guide” - Blackboard
Core Lecture Three: Thurs 25 January 2018

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

(1) The English Legal System Slapper & Kelly Chs 6, 7, 8 and 9 (Civil Courts/Criminal Courts) – read in depth; Ch 15 (ADR)

Core Lecture Four: Wed 31 January 2018

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

Core Lecture Five: Thurs 1 February 2018

Legislature and Legislating

The Legislature: Supremacy of Parliament

Constitutional change in the UK
The role (and former roles) of the Lord Chancellor

Reading:
(1) See “How Parliament Works” at https://www.parliament.uk/about/how/
(2) 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 about how the HoL works here:-

Core Lecture Six: Wed 7 February 2018

Courts/Legal Profession in Action

Field trip to Crown Court (Old Bailey).

Reading:
The English Legal System Slapper & Kelly, read Chs 12, 13 and 14 (Judiciary/Judicial Reasoning & Politics/The Jury) in depth

Core Lecture Seven: Thurs 8 February 2018

Field Trip: Magistrates Court.

The Judiciary (Preliminary Overview)

Reading:
The English Legal System Slapper & Kelly, re-read Chs 6, 8 and 9 (Civil Courts/Criminal Courts); re-read Chs 12, 13 and 14 (Judiciary/Judicial Reasoning & Politics/The Jury)

**** REMINDER: Contingency Class Date: Friday 9 February 2018. Students are obligated to keep this date free to attend class should any class dates need to be rescheduled. ****

Core Lecture Eight: Wed 14 February 2018

A History of the Judiciary
Modern Developments
The Judiciary/Judicial Independence
The Constitutional Role of the Judiciary
The US Supreme Court Justice (a comparison)

The Jury

Reading:
The English Legal System Slapper & Kelly, re-read Ch 12, 13 and 14 (Judiciary/Judicial Reasoning & Politics/The Jury)
Judicial Independence – Its History in England & Wales Brooke – Blackboard
Judges and Opponents Pannick – Blackboard

Core Lecture Nine and Ten: Thurs 15 February 2018

Note: This is a double class session. A visiting lecturer or an additional field trip may take the place of one of the sessions (this may be at a different time and place, ie the two lectures might not take place on the same day).

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, 7, 8 and 9 and read Ch 10 (The Criminal Process: (1) The Investigation of Crime) and Ch 11 (The Criminal Process: (2) The Prosecution.

Final Exam: Monday 19 February 2018. Exam times and locations will be posted on the BU London Programmes Blackboard course page and will be emailed to students, a week before the final exam.

Students must check their email at least daily for class and field trip changes.

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.

Denis Carey, January 2018