



Boston University Study Abroad

London

CAS PO 222 THE ENGLISH LEGAL SYSTEM

Course Description

This course will (i) provide an introduction to the history and the development of the English legal system (Wales has the same legal system as England but Scotland and Northern Ireland have legal systems which differ in some respects; those differences will be addressed in outline only), and (ii) carry out a thorough and rigorous exploration of its contemporary iteration. The aim of the course is to examine both (a) the evolution and (b) the contemporary aspects of the Common Law of England, of the legal profession, of the judiciary and of the legislature. It will also consider the English legal aspects of the British constitutional system of Government and, in brief outline, the influence of the English common law/legal system on the development of the common law/legal system in America.

Hub Learning Outcomes

Capacity: Philosophical, Aesthetic and Historical Interpretation.

Area : Historical Consciousness

Learning Outcomes:

1. Students will create historical narratives, evaluate interpretations based on historical evidence, and construct historical arguments.
2. Students will demonstrate an ability to interpret primary source material (textual and visual) using a range of interpretative skills and situating the material in its historical and cultural context.
3. Students will demonstrate knowledge of socio-economic forces and how these have changed over time.

Historical Consciousness Learning Outcome 1

As a student in this course you will create historical narratives by categorising as significant certain events, and make arguments therefrom about cause and effect. You will recognise how what has happened previously has had certain consequences and, where applicable, how such consequences can determine future options. The materials you will use to create the historical narratives will be drawn from lectures and the reading on law/custom in early Britain and, more particularly, from lectures and reading on the Norman conquest and the centuries immediately following, focusing on the development of what is now called the English Common Law. You will evaluate interpretations based on historical evidence, and construct historical arguments from an overview of the development of the English system of courts and of the legal profession (including the Judiciary) from (i) the Norman period to the end of the nineteenth century in outline and (ii) from the early 20th century to date in depth. You will acquire knowledge of socio-economic forces and how these have changed over time from lectures and reading generally and, as a case study, on the development of the Criminal Courts and the Criminal Process.

Historical Consciousness Learning Outcome 2

As a student on this course you will interpret primary source material - both textual and visual - relating to (i) the Judiciary in England and (ii) the Legislature in England, demonstrating an understanding of its historical and cultural context.

Historical Consciousness Learning Outcome 3

As a student on this course, you will demonstrate knowledge of socio-economic forces and how these have changed over time, by tracing the development of the Legal Profession in England since the early 20th Century.

Capacity: Scientific and Social Inquiry

Area: Social Inquiry 1

Learning Outcomes:

1. Students will identify and apply major concepts used in the social sciences to explain individual and collective human behavior including the workings of institutions, social groups and the role of the individual in them.

Social 1 Outcome 1

As a student on this course you will identify and apply major concepts used in the social sciences to explain individual and collective human behavior. This will include the workings of social groups. You will i. engage with a major ethical debate, including considering your and your fellow students' own responsibilities as individuals in society, when examining the extent to which privilege of social class, gender and race are advantages in the English legal profession (comparing it to your outline/background knowledge of the equivalent aspects of the US legal profession) and ii. examine how "race" and "social class" are used as concepts by those with a vested interest in the English legal system, such as the regulatory bodies for the main branches of the English legal profession, the various UK law schools and the Lord Chancellor's Office/Ministry of Justice. The unique characteristics of the two main branches of the English legal profession (Barristers and Solicitors) will be study topics to help you understand the issues of social class and gender/racial diversity which are such a feature of the general structure, and the myriad nuances, of these exceptionally idiosyncratic English legal institutions. Given that social science tools such as surveys, interviews or participant observation are impractical due to the structure of course delivery in London an analysis of documentary (written and audio-visual) materials will be the primary means of achieving this outcome.

Course Specific Objectives

By the end of this course you should be able to show you have 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

- By the end of this course you should be able to show you have 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
- By the end of this course you should be able to show you have 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

- By the end of this course you should be able to show you have 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
- By the end of this course you should be able to show you have examined in detail the contemporary form of the judiciary and can describe, explain and critique that institution
- By the end of this course you should be able to show you have examined in detail the contemporary form of the legislature and can describe, explain and critique it
- By the end of this course you should be able to show you have understood the way in which access to justice is funded in the British legal system
- By the end of this course you should be able to show you have acquired an operating vocabulary and an understanding of current legal trends and of local legal peculiarities which will be of use to you in a placement during the internship phase (if you are taking an internship), and in the future

Grading

The following Boston University table explains the grading system that is used by most faculty members on Boston University's Study Abroad London Programmes.

<u>Grade</u>	<u>Honour Points</u>	<u>Usual %</u>
A	4.0	93-100
A-	3.7	89-92
B+	3.3	85-88
B	3.0	81-84
B-	2.7	77-80
C+	2.3	73-76
C	2.0	69-72
C-	1.7	65-68
D	1.0	60-64
F	0.0	Unmarked

Grading Criteria

'Incomplete' or **I** grades are not permitted because of the obvious difficulty in making up missed work once the student has left the country. All work must be completed on time. We also do not allow **'Audits'** (AU), **'Withdrawals'** (W), or **'Pass/Fail'** (P) grades.

The grades reflect the quality of the work. Lecturers and students should use the following criteria for an understanding of what each grade means.

A This exceptional grade is assigned only to work that has persistently outstanding quality in both substance and presentation. The student must demonstrate a sustained capacity for independent thought and extensive study, producing rigorous and convincing analyses in well-ordered prose.

A- Awarded to work that is clearly focused and analytical, and based on wide reading. The student must cover all the principal points of a question and systematically develop a persuasive overall thesis, allowing for one or two venial omissions or inapt expressions.

B+, B, B- This range of grades indicates that the student has shown some evidence of original thought and intellectual initiative. The student has cited sources beyond the class materials, and shown a degree of originality in perception and/or approach to the subject. The work will show thoughtful management of material, and a good grasp of the issues. The differences between a B+, a straight B and a B- may reflect poor presentation of the material, or mistakes in punctuation, spelling and grammar.

C+, C, C- Work in this grade range is satisfactory, but uninspiring. If the work is simply a recitation of the class materials or discussions, and shows no sign of genuine intellectual engagement with the issues, it cannot deserve a higher grade. Should an essay fail to provide a clear answer to the question as set, or argue a position coherently, the grade will fall within this range.

Quality of presentation can lift such work into the upper levels of this grade range. Work of this quality which is poorly presented, and riddled with errors in grammar, spelling and punctuation, will fall into the lower end of the range. To earn a C grade, the work must demonstrate that the student is familiar with the primary course material, be written well enough to be readily understood, be relevant to the assignment, and, of course, be the student's own work except where properly cited.

D A marginal pass can be given where some but not all the elements of the course have been completed satisfactorily.

F The failing grade indicates the work is seriously flawed in one or more ways:

- Obvious lack of familiarity with the material
- So poorly written as to defy understanding
- So brief and insubstantial that it fails to properly address the subject
- Material presented is not relevant to the assignment
- Demonstrates evidence of plagiarism (see the relevant section in the Academic Conduct Code)

Please refer to the Academic Handbook for detailed grading criteria and policies on plagiarism. This can be accessed via Blackboard Learn: <http://learn.bu.edu>

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

Attendance Policies

Classes

All Boston University London Programme students are expected to attend every class session, seminar, and field trip to fulfil 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:

The Authorised Absence Approval Request Form is available through the Academic Affairs section of the BU London Personal Page: <https://fm.bu-london.co.uk/fmi/webd/>

Please note: Submitting an Authorised Absence Approval Request Form does not guarantee an authorised absence

Students who expect in advance to be absent from any class should notify a member of Academic Affairs and complete an Authorised Absence Approval Request Form ten working days in advance of the class date.

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 notify Academic Affairs as soon as possible by submitting an Authorised Absence Approval Request Form in advance of the class. If it is the student's first absence of the semester (from any class) a doctor's note is not required.
- **Illness (multiple days):** If a student is missing more than one class day due to illness, the student must complete an Authorised Absence Approval Request Form and a sick note from a local doctor excusing their absence from class. Once well enough, the student will need to meet with Academic Affairs.
- 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 Academic Affairs 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 Disability & Access Services to request accommodations for the semester they are abroad. Students are advised by BU-DAS 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-DAS. We cannot accept letters from other universities/centres.

All disabilities need to be known to the DAS 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 Academic Affairs and if the lateness continues, may have their final grade penalised.