

American Law and the Legal System
 University of Bergen
 March, April/May 2014
 Syllabus

Prof. Larry Bakken

Email: lbakken@hamline.edu

Required Reading: Introduction to the Law and Legal Systems of the United States
 4th ed., William Burnham, Thomson-West 2006 ISBN 0-314-15898-7

Recommended Reading: American Law and the American Legal System In A Nutshell, Lloyd Bonfield,
 Thomson-West 2006 ISBN 0-314-23888-3

Day	Topic	Burnham
Day 1 Tue 4 March 10:15-12:00	Introduction: Foundation and History of the American Legal System; Reception of the Common Law; Government Structures; and Federalism	pp. 1-37
Day 2 Thur 6 March 10:15-12:00	Criminal Law and Criminal Procedure; Crimes and Offenses; Sanctions, Trials and Appeals Guest Speaker: Peter Thompson	pp. 226-318 535-563
Day 3 Mon. 10 March 12:15-14:00	General Principle: Sources of Law, Precedent; Statutes, Case Law; and Legal Method; Alternative Dispute Resolution - Negotiation, Mediation, Arbitration	pp. 38-79
Day 4 Wed. 12 March 12:15-14:00	Judicial System, and Ethics	pp. 80-194
Day 5 Fri. 14 March 12:15-14:00	Administrative Law and the Regulatory Process: Agencies, Delegation; Procedure; Rulemaking; Adjudication Judicial Review; and Government Data	pp.195-225
Day 6 Mon 28 April 10:15-12:00	Constitutional Law and Individual Rights: Separation of Power; Federalism; Equal Protection; Due Process; Alternative Dispute Resolution	pp. 319-388
Day 7 Wed. 30 April 10:15-12:00	Contracts and Commercial Law Formulation	pp. 389-423
Day 8 Fri 2 May 10:15-12:00	Business Law & Tax	pp.564-623

Day 9 Mon 5 May 10:15-12:00	Tort Law and Property Law	pp.424-486
Day 10 Wed 7 May 10:15-12:00	Property Law and Family Law	pp. 486-534
TBA	Final Exam	

Purpose: Provides a summary of the principle features of the law and legal system of the United States and introduces foreign lawyers to basic legal research, writing and oral advocacy skills as taught in American law schools. Law in the United States is primarily derived from judge made common law and statutory (code) law. Early American law was taken in most part from England and its common law system. Later with the increased activity of state and federal legislatures American law has become a mixture of common law and code-based law. Generally American law is less theoretical and more practical than many other legal systems. When examining the course material it will become obvious that the American legal system is a comprehensive collection of case law and statutory law. When studying American law it is necessary to remember that even if there is significant similarities between many civil law systems the influence of common law principles and approaches must be understood to appreciate the legal system found in the United States. The study of the role of individual cases is an important part of any law student's education and the ability to "read cases" is an important skill to develop when learning American law. In order to help understand the law and legal system of the United States several substantive areas of the law will be examined and then put in a general context for foreign students.

Coverage: The American legal system requires a significant amount of time to fully appreciate and one course cannot accomplish such a task but it can introduce students to many basic principles and create a foundation for further study. This course will introduce students to the history and structure of the American legal system. It will also introduce students to the legal methodology of American law and to the process of reading cases. The American legal system is unique in its use of the jury and the development of the adversary system. The judicial system and the American legal profession will be examined and several substantive areas such as constitutional law, administrative law, contracts and commercial law, tort law business law, alternative dispute resolution and trials will be covered. Particular attention will be paid to the idea of federalism and its influence on American law.

Class Format: Lecture, guest speakers, class discussion, questions/answers, writing exercises, case analysis, research papers, exams, and common law/civil law comparisons.

Objective: Introduce students to the law and legal system of the United States. In addition students should become familiar with constitutional law principles, trial procedures and the role of lawyers and judges in the adversarial process and the fundamentals of American legal research and writing. Students will also be introduced to several substantive areas of American law.