



**HAMLINE UNIVERSITY**  
 School of Law  
 COURSE SYLLABUS

Faculty: **Professor Duncan J. McCampbell**

Course: **Comparative Law**

Semester: **Fall 2010**

Meeting Schedule: **Fridays, 12:00 – 2:50**

Room: **103**

Textbook	Primary Text	Primary Text	Recommended not required
Author	Rudolph B. Schlesinger		
Title and edition of text	Schlesinger's Comparative Law, 7th		
Publisher/year	Foundation Press 2009		
ISBN	9781587785917		

***Instructor Contact:***

Students may contact the instructor by phone during regular business hours, or by e-mail, as follows:

Duncan J. McCampbell  
 651 403 9895  
[duncan@mccampbellglobal.com](mailto:duncan@mccampbellglobal.com)

Students are strongly encouraged to email or talk to the instructor in the event of any concerns or suggestions regarding the course.

***Learning Outcomes for the Course:***

In an era of rampant globalization in nearly every field of human endeavor, it is becoming increasingly difficult for competent American lawyers to remain unaware of legal traditions and systems operating beyond the borders of the U.S. In this class

students will examine and master the essential characteristics of the world's major legal systems, largely by way of comparison to the system that we, as U.S. educated lawyers, tend to know best: the common law legal system.

Instruction will focus on the three legal systems, and the one “transitional” grouping of comparative legal problems, that create the most paying work for lawyers in the world today:

- (1) Common Law (U.S., UK, AU, CAN, HK, etc.)
- (2) Civil Law (Germany, France, etc.)
- (3) Sharia or Islamic Law
- (4) Post-Totalitarian Transitional Law (often, but not always, as part of a move toward the Rule of Law and a market economy)

We will accomplish these outcomes by pursuing the following five goals:

1. Understanding the difference between Comparative Law and its neighboring disciplines: including the various forms of International Law, Transnational Law and Conflict of Laws;
2. Revealing and discussing the primary methods that comparative lawyers employ to study one legal system in the light of another;
3. Learning how people become lawyers in other countries and how they practice law;
4. Appreciating the varied ways that legally impactful information is created, amended, disseminated, understood, and used by legal actors (law makers, judges, lawyers, citizens) in select countries outside the U.S.;
5. Being very practical about, and using real examples to illuminate, the differences in law, procedure, expectations/outcomes that a U.S.-trained lawyer might encounter when representing a client whose legal interests are subject to a non-U.S. legal system.

### ***Grading***

The final grade will be based on:

- (1) a 10-15 page **paper**, written during the semester, on an instructor-approved area of substantive law in a non-common law country;
- (2) presentation of the paper to the class;
- (3) a one hour, closed book **exam**;
- (4) Class participation.

*Final examination:*

Date/Time:	Date/Time TBD
Requirements:	1 hour closed book

Component(s) of your grade: **40%**

*Mid-term exam or quizzes*

Dates/Times: No Mid-term exam

Requirements:

Component(s) of your grade:

*Written Assignments:*

Dates/Times: Date/Time TBD

Requirements: 10-15 pages, double spaced

Component(s) of your grade: **35%**

*Oral Presentation(s)*

Dates/Times: Date TBD

Requirements: Power point presentation of final paper to class

Component(s) of your grade: **15%**

*Participation/Other Grade*

*Components*

Requirements: Attendance and participation per HUSL policies

Component(s) of your grade: **10%**

***Course Expectations:***

*HUSL Policies on attendance, lateness and preparation*

The program of instruction at the School of Law is based on an active and informed exchange between instructor and student and between student and student.

Regular, prepared class attendance helps develop skills essential to the competent practice of law. A student who violates the attendance policy, including the instructor's specification of class expectation described below, may lose his or her right to take the exam in the course, to receive course credit or may receive other penalties described below and in Academic Rule 108. Persistent or frequent lateness or unpreparedness may also be the basis for reduction of the grade awarded in a course. See Academic Rule 108 for further details.

***Attendance Policies in this Course***

Regular class attendance is expected. Students who miss more than three classes risk being removed from the class. Also, since participation is 10% of the grade, students are reminded that a top grade is facilitated to an appreciable degree by regular, punctual and engaged attendance.

### ***Punctuality/Preparation Policies in this Course***

Students are expected to arrive and depart punctually. As with all classes in law school, students should prepare for class as if they were certain of being asked to supply insightful answers to, and engage in informed discussion about, questions arising from the readings and lectures.

### ***Policy on Laptop Use in Class:***

Class sessions are lively and interactive. Students are thus expected to pay attention to discussion, whilst making appropriate use of computing technologies. Accepted uses include note taking, accessing course or reference materials, looking up big words used by colleagues and the instructor, etc. Facebook, Twitter, texting and other forms of mobile or online chat are not considered appropriate during class.

### ***Other Classroom Policies: Civility and Intellectual Curiosity***

Comparative Law, perhaps to a larger degree than any other course offered in law school, takes us out of our native legal, political, social, and even religious systems, exposing us to systems that billions of people in other parts of the world use to successfully run their countries and their lives. Having a point of view is, in my opinion, elemental to being an effective lawyer, and I expect my students to express these views clearly and civilly. Just as important to effective advocacy and, indeed, to leadership in all things, is an attitude of intellectual curiosity that allows one to understand (if not always fully agree with) the way someone else chooses to do or see something.

### ***Reading Assignments***

All references, unless noted, are to the course text: Schlesinger, et al (7<sup>th</sup> Ed.). A TWEN site has been established to share additional course materials, instructor guidance and revised versions of the Syllabus. It is the student's responsibility to remain current on all TWEN materials, amendments, and their requirements.

#### **Week One**

The Nature of Global Legal Problems      p. 1 - 47  
p. 50 - 68

#### **Week Two**

Integrative and Contrastive Comparison      p. 69 - 176

#### **Subsequent Weeks**

*Selections will be assigned from portions of the following Text sections:*

Comparison of History and Sources	p. 282 – 379
Codification of the Law	p. 385 – 473
Case Law	p. 477 – 613
Legal Education and the Profession	p. 628 – 696
Procedure	p. 707 – 855
Select Issues in Private Law	p. 863 - 999

*Additional selected readings will be assigned from:*

Freckmann and Wegerich, *The German Legal System*, (Sweet & Maxwell, 1999) **on reserve and TWEN**

Langbein, *History of the Common Law*, (Wolters Kluwer, 2009) **on reserve**

J. Connors, *Sharia Law: an Introduction*, (London, 2000) **on reserve and TWEN**

Eu Jin Chua, *The Laws of the People's Republic of China: An Introduction for International Investors*, 7 Chi. J. Int'l L. 133 (2006)

Miron Mushkat & Roda Mushkat, *Economic Growth, Democracy, The Rule of Law, and China's Future*, 29 Fordham Int'l L.J. 229 (2005)

Motion Picture: Witness For the Prosecution (DVD) **on reserve**

and other resources as developed and made available by instructor during the term.

### ***Guest Lectures***

Subject to guest availability, guest lectures on areas of particular note, including comparative aspects of Chinese law, European Union law and Sharia law, are often delivered.