



INTRODUCTION TO THE COMMON LAW COURSE

This course is ideal for law students and legal practitioners wanting to develop a strong understanding of a **system of law** which is used in the **USA** and the **UK**, including many other countries around the world.

The focus is on developing a true understanding of a system of law which clearly separates civil from criminal law. This has a strong influence on the way in which law students in the common law are trained at law schools across the UK and the USA.

Knowing how to recognize this separation, helps students to **use legal terminology accurately** when dealing with different scenarios. These include learning how to cite **precedents** when representing clients in and out of court and to develop the skill of advocacy. **Advocacy** is the skill of speaking in front of a judge in court.

Understanding the vocabulary that is used in litigation can open the doors to students who are looking to have more confidence when interviewing English speaking clients or when attending an **LLM**.

SYLLABUS

UNIT 1. Differences between the UK and the USA

- Court systems
- Sources of legal authority
- Roles of lawyers
- Legal education

UNIT 2. Difference between the Common Law system and the Civil Law system

- The historical origins of Common Law and Civil Law systems
- Roles of lawyers and judges in each system
- Common Law countries and Civil Law countries

UNIT 3. The judicial system of law in the USA

- A dual system of courts
- State Courts
- Federal Courts
- Federal jurisdiction



UNIT 4. An overview of the development of law in the UK

- Customs (general and local customs)
- Common Law (development of common law)
- Equity (development of equity, operation of equity, equitable remedies)

UNIT 5. Judicial precedent in the UK

- The doctrine of precedent
- Ratio decidendi
- Obiter dicta
- Judgements
- Original precedent
- Binding precedent
- Persuasive precedent

UNIT 6. Case law in the UK and in the USA

- A comparative study
- Form of reported cases
- Finding case law
- Techniques for use of precedent

UNIT 7. Statutory interpretation in the UK and in the USA

- What is statute?
- The language of statute
- Parliament in UK v Congress in the USA
- Judicial attitudes towards interpretation in the USA
- The Human Rights Act 1998

UNIT 8. Procedure

- Civil v criminal procedure
- Which court to use
- Issuing a claim
- The language of civil claims in the UK and in the USA

UNIT 9. Alternative methods of dispute resolution

- Negotiation (an introduction)
- Mediation (an introduction)
- Arbitration (an introduction)
- Tribunals (advantages and disadvantages of tribunals in the UK)