

UČNI NAČRT PREDMETA / COURSE SYLLABUS**Predmet:****Course title:**

COMPARATIVE LAW: AMERICA'S COMMON LAW SYSTEM

Študijski program in stopnja
Study programme and level**Študijska smer**
Study field**Letnik**
Academic
year**Semester**
Semester

Vrsta predmeta / Course type**Univerzitetna koda predmeta / University course code:****Predavanja**
Lectures**Seminar**
Seminar**Vaje**
Tutorial**Klinične vaje**
work**Druge oblike**
študija**Samost. delo**
Individ.
work**ECTS**

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Nosilec predmeta / Lecturer:

Ben Barton

Jeziki /**Languages:****Predavanja /****Lectures:**

English

Vaje / Tutorial:

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Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:**Prerequisites:**

The course is available mainly to fourth year students.

Vsebina:**Content (Syllabus outline):**

1. Course overview – Discussion of the methods and purposes of the study of comparative law. Special introduction to the American common law system.
2. Comparative history of the common law and the civil law - We discuss the shared history of the civil law and common law systems and the causes of the development of the two different systems. Special focus on the United Kingdom's common law system.

	<ol style="list-style-type: none"> 3. Comparison of the judicial function in civil law and common law jurisdictions. Special focus on the French civil law system. 4. Comparison of the nature of statutes and judicial precedent in the common law and civil law systems. Special focus on the German civil law system. 5. Comparison of the nature of law schools and law professors. Special focus on Canada's common law system. 6. Comparison of legal licensing to practice and lawyer regulation. Special focus on the Australian common law system. 7. Comparison of civil procedure. Special focus on Mexico's civil law system. 8. Comparison of criminal procedure. Special focus on the civil law system of China. 9. Comparison of constitutional review. Special focus on the United States Supreme Court. 10. Comparison of business law/contracts. Special focus on the Japanese civil law system. 11. Conclusions and overview on the course. Special focus on Russia's civil law system.
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Temeljni literatura in viri / Readings:

The Civil Law Tradition, by John H. Merryman and Rogelio Perez-Perdomo.
Other readings will be provided by the instructor.

Cilji in kompetence:

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Objectives and competences:

The purpose of this course is to provide students with a thorough introduction to America's common law system of courts and to compare that system with the civil law system. Each class will choose a particular facet of a legal system and compare America's common law system with civil law systems from around the world, but especially Slovenia. The class will

	also provide an overview of the legal systems of various countries from around the world. At the end of the class the students should have a deeper understanding of the nature of law and legal systems as well as the strengths and weaknesses of various different types of legal regimes.
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Predvideni študijski rezultati:

Znanje in razumevanje:

Intended learning outcomes:

Students will be expected to learn: 1) the basic structure of the legal system in the United States; 2) a broad overview of other common law and civil law jurisdictions from around the world; 3) the methods and purposes of the study of comparative law; 4) some higher level analysis of the strengths and weaknesses of each system.

Metode poučevanja in učenja:

Learning and teaching methods:

This class will consist of lecture, class discussion, and student presentations. The grade will be half from student presentations and class participation and half from a take home exam at the close of the semester. It is expected that students will be fully prepared to discuss assignments during each class.