

Course title	Introduction to Common Law II				
Responsible person to enter grades	CARPENTER Keith		開講区分	単位数	
			2nd semester	2.0	
Numbering Code		Day・Period, etc.	Wed3(対面)	Timetable Slot Code	3J278

#### Lesson topic

Legal systems of most countries in the world are either based on common law or civil law. The English legal system is the source of all common law systems and provides a sound basis for understanding how common law systems work and how they differ from civil law systems. The course will have two parts (part 1 first semester, part 2 second semester). This part 2 covers procedural law.

#### Lesson target

By the end of the course, students will have: :

1. an overview of procedural law in the English legal system, focusing on aspects that are typical of common law systems and differ from civil law systems
2. an understanding of English legal terms and concepts
3. developed their ability to communicate in English generally in relation to legal matters (common law, civil law and other legal systems)

#### Syllabus and plan

The lectures are expected to be conducted with students attending in the classroom. In the event that the infection levels of the covid virus deteriorate and classes are required to be given online, details will be provided on BEEF. Depending on the circumstances, possible changes may be required.

The course (part 2) will consist of 15 lectures. The following gives an indication of the topics to be covered by the lectures:

##### 1-2 Civil Courts

- differences between civil cases and criminal cases
- what kind of cases are brought in the civil courts?
- specialist courts

##### 3-5 Civil procedure law

- adversarial vs inquisitorial
- outline of a civil case
- how to write a claim and defence
- what the court can do: remedies and enforcement

##### 6-7 Criminal courts

- different kinds of crime
- who can be a judge? (case study)
- jury system
- people punished even though they are innocent

##### 8-15 Criminal procedure law

- i. (8-10) catching criminals: police powers
  - is the criminal justice system fair?
- ii. (11-13) prosecution and trial
  - adversarial vs inquisitorial: which is better?
  - who can prosecute?
  - conviction rates: which country has the best prosecutors?
  - case study: you be the judge
- iii. (14-15) sentencing
  - how are sentences decided?
  - case study: you be the judge
  - death penalty

The course instructor has over 20 years' experience working as an English lawyer.

#### Evaluation method

The students will be evaluated as follows:

Class attendance and participation 50%

Tests 50%

[Masters' level students will in addition be evaluated on an end of semester written report. The weighting of evaluation will be 40% written report, 30% class performance, 30% tests.]

#### Evaluation baseline

50% of the evaluation will be determined by the attendance record and positive attitude in participating in discussions in the classroom (focusing on the level of exchange of opinions on the discussion topic). Students will not receive a lower grading for making errors in English.

To obtain a pass grade, in principle a minimum of 12 classes must be attended.

50% of the evaluation will be determined by 2 mini-tests conducted during the semester to check understanding of key concepts and terminology. The tests will mainly consist of choosing the correct answers.

To obtain a pass grade, a minimum score of 60% must be obtained.

[Masters' level students will in addition be required to write a report of 1,500-2,000 words comparing features of the English legal system introduced during the course with a civil law system. Evaluation will be based on the level of understanding shown in relation to the differences and comparative advantages and disadvantages of the compared systems.]

#### Notice (include info. on related class)

Participating in this course will help develop appropriate skills for students who are considering studying at a foreign university under an exchange programme.

Exchange students can attend this course.

#### Review and preparation

Students will be required to do some reading of the hand-out materials in preparation for lectures and to review after lectures.

Kobe University requires 45 hours of study from students to award one credit, including both in-class instructions as well as study outside classes.

Students are required to prepare for each class and complete the review after each class, depending on the respective class goals.

#### Office hour · Contact information

Contact can be made by email to: keith@people.kobe-u.ac.jp

There will also be time to ask questions at the beginning or end of classes.

#### Message for student

The lectures will be interactive and students will be encouraged to express their opinions and ideas in English. However, students should not feel afraid to attend because they are unable to speak English fluently. The lecturer aims to make the lectures understandable by students with a range of English fluency. Discussion times will usually begin by students discussing in pairs, so that they have time to practise speaking before giving their views to the whole class.

Students will be able to speak and ask questions not only about the specific content of the lecture but also on law related subjects generally. Students will also have opportunities to speak with many other attending students. There are likely to be both Japanese and non-Japanese students attending.

Students must bring their laptop to every class

#### Improvements in Teaching

#### Text

It will not be necessary for students to purchase any text book. Information about relevant text books will be given for those students who are interested in further reading. Handouts covering Powerpoint slides and lecture content and related materials will be distributed in BEEF.

#### Reference Material

Please see above

#### Classroom Language

The lectures will be conducted in English

#### Keywords

common law, adversarial, English law,  
Exchange student(Special auditing student)  
Laptop  
A faculty member with professional experience