B551 Comparative Legal Studies Seminar  
Winter 2013  

Professor Dana Raigrodski  
Friday, 1:30-4:20 pm, William H. Gates Hall 207

I. Course Description  
This seminar provides an introduction to comparative legal scholarship and comparative methods for research in Asian, European and American law. The course examines the challenges and controversies found in comparative law and comparative legal studies, as well as methodological innovations in modern comparative legal studies. The course emphasizes the development of analytical skills and comparative critical thinking. Students will engage in active and interdisciplinary analysis and criticism of traditional areas of comparative law and contemporary issues, and develop ability to pursue independent graduate-level comparative legal research.

Required Course Materials:  
* Articles linked for download  

Students are also held responsible for materials posted to the course website and for messages sent to their UW email addresses using the class email list.

Disability-related needs: To request academic accommodations due to a disability, please contact Disability Resources for Students (DRS), 448 Schmitz, (206) 543-8924 (V), (206) 543-8925 (TTY). If you have a letter from DRS, please present the letter to me so we can discuss needed accommodations.

II. Grading Policy  

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<tr>
<th>Summary</th>
<th>Percentage</th>
<th>Points</th>
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<tr>
<td>Class participation</td>
<td>10%</td>
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<tr>
<td>Oral Presentation</td>
<td>10%</td>
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<td>1st Writing Assignment</td>
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<td>2nd Writing Assignment</td>
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<td>Final Writing Assignment</td>
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* All students are expected to attend all classes; class participation points will be deducted for repeated unexcused absences.

* Students should be prepared if called upon to provide a thoughtful response to the discussion questions. If you were unable to prepare for class, please ask the professor for permission to pass before class begins. Asking to pass after being called on may result in lost class participation points.
**Oral Presentation 10% (10 points)**
* Students will be assigned a specific date for which they need to give a 5 minute oral presentation about an example from their own/foreign country which relates to the readings.
* Only one power point slide is allowed, with a maximum of a 100 words; slides must be submitted one day in advance to Professor Raigrodski to post on internal course website.
* The presentation will be assessed on:
  - clarity (3 points);
  - content (3 points);
  - following time limits (2 points); and
  - following format limits (2 points).
* In PowerPoint 2007, to find the word count: Office Button (upper left); Prepare; Properties; Document Properties pull down menu, select Advanced Properties; select Statistics tab to see word count

**Writing Assignments 80%**
* 1st Writing Assignment (15%; 15 points) due Tue. Oct. 22
* 2nd Writing Assignment (25%; 25 points) due Tue. Nov. 19
* Final Writing Assignment (40%; 40 points) due Tue. Dec. 17

* Assignments will be graded using the following criteria:
  - Mastery of legal concept in the reading (both accurate and in-depth) – 2/5 of the points
  - Critical analysis and comparative perspective – 2/5 of the points
  - Formal legal writing style and correct citations – 1/5 of the points

* Assessment and feedback
  - Score below 10 points on 1st assignment or 17 points on 2nd: mandatory meeting with professor; required to re-submit
  - Score between 11-13 1st or 18-22 2nd: optional meeting with professor; optional re-submit
  - Score 14 or above on 1st or 23 or above on 2nd: no follow-up required

* Assignments should be submitted to the course Collect It drop box

### III. Class Schedule and Assignments
Note: links are to HeinOnline copies of articles. If the links do not work, please locate the article directly.

**Comparative Legal Studies – Theory and Method**

**Class 1- Sept. 27**
**Introduction: The Uses of Comparative Law**
  - René David and John E. C. Brierley, MAJOR LEGAL SYSTEMS IN THE WORLD TODAY: AN INTRODUCTION TO THE COMPARATIVE STUDY OF LAW, PP.1-9 (1968) [on course website]

**Class 2- Oct. 4 (class ends at 3:30pm)**
**Comparative Law & Traditional Classifications of Legal Systems**
  - René David and John E. C. Brierley, MAJOR LEGAL SYSTEMS IN THE WORLD TODAY: AN INTRODUCTION TO THE COMPARATIVE STUDY OF LAW, PP.9-20 (1968) [on course website]
* In class: Professor’s sample ‘oral presentation’

Class 3- Oct. 11
The Limitations of Classification
• Ugo Mattei, Three Patterns of Law: Taxonomy and the Change in the World’s Legal Systems, 45 AM. J. COMP. L. 5 (1997)
* In class: student presentations

Class 4- Oct. 18 (class starts at 12:30pm with student presentations)
How and What to Compare
• Esin Orucu, Methodological Aspects of Comparative Law; 8 EUR. J.L. REFORM 29 (2006)
• John C. Reitz, How to Do Comparative Law, 46 AM. J. COMP. L. 617 1998
• Edward J. Eberle, The Methodology of Comparative Law, 16 Roger Williams U. L. Rev. 51 (2011)
* In class: student presentations

Writing Assignment #1 due on Tue. Oct. 22 by midnight

Applied Comparative Law – Context and Institutional Analysis

Class 5-Oct. 25
* In class: student presentations

Class 6- Nov. 1
• Kagan Part I (pp.3-60), Adversarial Legalism: Contours, Consequences, Causes
* In class: student presentations

Class 7-Nov. 8
• Kagan Ch. 7 (pp.126-155) Adversarial Legalism and the Tort Law System
* In class: student presentations

Class 8- Nov. 15
• Kagan Part II (pp.61-96) Adversarial Legalism and American Criminal Justice
• Margaret K. Lewis, Taiwan’s New Adversarial System and the Overlooked Challenge of Efficiency-Driven Reforms, 49 VA. J. INT’L L. 651 (2009)
* In class: student presentations

Writing Assignment #2 due on Tue. Nov. 19 by midnight.
Comparative Law in the Era of Globalization
Class 9-Nov. 22
Comparative Law and Legal Change: Legal Transplants
* In class: student presentations

Class 10- Dec. 6 (2 hour make-up; ends at 3:30pm)
Harmonization, Convergence, or Diversity?

Final Writing Assignment due Tue. Dec. 17.

IV. Writing Assignments

Writing Assignment 1 (due Tue. Oct. 22)
In 1000 words (you must include a word count; papers over 1200 words will not be accepted) please reflect on the following questions:
  1) What legal family does your/foreign country belong to according to the conventional [common law-civil law] classification? Demonstrate with example.
  2) What legal family does your/foreign country belong to according to Mattei’s classification? Demonstrate with examples.
  3) Do you think the conventional classification of legal families or Mattei’s approach is more accurate and useful for comparative researchers? Explain your position.
  4) Cite to both David and to Mattei in support of your answers. You may cite to Orucu as well.

Writing Assignment 2 (due Tue. Nov. 19):
In 1500-2000 words (you must include a word count) please reflect on the following questions:
  1) What are some of the key features of the U.S. adversarial civil procedure
  2) Are these features unique to the U.S? How are they related to the U.S. ‘Adversarial Legalism’?
  3) Are these features a strength or a weakness of the U.S. civil procedure system?
  4) Give one or two examples from another legal system to support your answers
  5) Cite to both Kagan and Langbein in support of your answers. You may cite to Goodman and Haley as well.

Final Writing Assignment (due Tue. Dec. 17):
(You may have your example pre-approved by the professor)
In 2000-2500 words (you must include a word count) please reflect on the following questions:
  1) How is the globalization of legal services and convergence of legal systems affecting your/foreign country or how have the legal institutions of your country resisted globalization and convergence?
  2) Cite to Kagan, Kennedy and Keleman to support your answer. You may cite to other course materials as well.