B551 Comparative Legal Studies Seminar
Winter 2013

Professor Dana Raigrodski
Wednesday, 1:30-3:30* pm, William H. Gates Hall 207
*12:30-3:30 on 2/6, 2/20, 2/27, 3/6, 3/13
+ attend at least 5 Global Monday lectures

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 the accommodations you might need in this class.

II. Grading Policy

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<th>Points</th>
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<tr>
<td>Class participation</td>
<td>10%</td>
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<td>Oral Presentation</td>
<td>10%</td>
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<tr>
<td>1st Writing Assignment</td>
<td>15%</td>
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<td>2nd Writing Assignment</td>
<td>25%</td>
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<td>Final Writing Assignment</td>
<td>40%</td>
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<td><strong>Total</strong></td>
<td><strong>100%</strong></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.
* Students may be and be prepared to share those with the class.

**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 Feb. 1 by noon
* 2nd Writing Assignment (25%; 25 points) due March 1 by noon
* Final Writing Assignment (40%; 40 points) due March 25

* 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 the faculty and required to re-submit
  - Score between 11-13 1st or 18-22 2nd: optional meeting with the faculty and may chose to 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- Jan. 9**

**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- Jan. 16**
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]
- Christian Hertel, Comparative Law: Legal Systems of the world – An Overview, Notarius International 1-2/2009, pp.128-141 (read only parts that are not crossed out) [on course website]

Class 3- Jan. 23
The Limitations of Classification

  * In class: Professor’s sample ‘oral presentation’

Class 4- Jan. 30
How and What to Compare

- Esin Orucu, Methodological Aspects of Comparative Law; 8 EUR. J.L. REFORM 29 (2006)

Writing Assignment #1 due by noon on Feb. 1st.

Class 5-Feb. 6 (Guest Lecture-Prof. Carl Goodman) – class starts at 12:30pm
Applied Comparative Law – Context and Institutional Analysis

  * In class: student presentations

Class 6- Feb. 13

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

Class 7-Feb. 20– class starts at 12:30pm

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

Class 8- Feb. 27– class starts at 12:30pm

- Kagan Part II (pp.61-96) Adversarial Legalism and American Criminal Justice
  * In class: student presentations

Writing Assignment #2 due by noon on March 1st.

3
Comparative Law in the Era of Globalization
Class 9–March 6– class starts at 12:30pm
Comparative Law and Legal Change: Legal Transplants
* In class: student presentations

Class 10- March 13– class starts at 12:30pm
Harmonization, Convergence, or Diversity?
* In class: student presentations

Final Writing Assignment due Monday March 25th.

IV. Writing Assignments

Writing Assignment 1 (due Friday Feb. 1 by noon)
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 David and to Mattei in support of your answers. You may cite to Orucu and Hertel as well.

Writing Assignment 2 (due Friday March 1 by noon):
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 Monday March 25):
(You may have your example approved by the faculty by March 15)
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.