



Faculty of Law

JUAN09, Legal Reasoning and Analysis in a Common Law System, 15 credits

*Legal Reasoning and Analysis in a Common Law System, 15
högskolepoäng*

Second Cycle / Avancerad nivå

Details of approval

The syllabus was approved by Faculty of Law Board of education at undergraduate and postgraduate levels on 2015-10-29 to be valid from 2015-10-29, autumn semester 2015.

General Information

The course is scheduled to require 10 weeks of full-time studies.

Language of instruction: English

Lectures and course materials are in English.

Main field of studies

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Depth of study relative to the degree requirements

A1N, Second cycle, has only first-cycle course/s as entry requirements

Learning outcomes

The aim of the course is to enable students to work comfortably with legal arguments in common law contexts. The main components involve 1) reading and analyzing cases, and exploring the core methods of argument involved; 2) using secondary resources to help to delve into questions of interpretation and application of case-law-created legal rules; and 3) making arguments, both orally and in writing, about the nature, content or application of legal rules.

Knowledge and understanding

To pass examination the student must show familiarity with the basic processes of common law legal systems, including the different sources of legal authority, the basic rules governing case law, and the role of case law and of judges in the ongoing development of legal norms. The student must demonstrate the ability to read case

law effectively: that is, to identify legal issues, arguments and rules in the cases he or she reads and to engage with them critically.

Competence and skills

To pass examination the student must demonstrate an ability to examine arguments and rulings from multiple cases and draw on them synthetically and critically, using well-established tools of analysis and argumentation, in order to make effective arguments of his or her own concerning the appropriate legal rule(s) to be applied in particular circumstances. The student must be familiar with methods for presenting facts and making effective arguments, both in speaking and in writing.

Judgement and approach

To pass examination the student must show an ability to draw on relevant sources, including e.g. case law and scholarly literature, to propose new legal approaches in situations where case law or legislation does not already or fully address a legal problem.

Course content

This course introduces students to the core processes involved in legal reasoning and argumentation in a common law system.

In common law countries, judges, and the lawyers who argue before them, are in a constant process of proposing, defending and critiquing approaches to law. Through studying and debating telling lines of cases, along with their dissents, we examine and practice how arguments are typically constructed, justified, construed, and opposed, all within the common law judicial system. We also use secondary material, including scholarly legal analysis, both to help explain the processes and in order to explore the role of legal scholarship in explicating and informing case law. The course includes one or more moot-court-style exercises.

The course is recommended for those who wish to delve critically into the arguments that underlie central legal norms; to understand the case method so as to practice in a common law context, including in hybrid international courts; and for those who simply wish for more experience working with legal concepts in English. Because of the emphasis on effective legal argumentation, the course is also likely to prove of value to those who wish to gain practice in legal justification in non-judicial contexts, such as in negotiation as part of the practice of commercial law.

Course design

The course is based on readings, classroom lectures and discussions, and class exercises (including oral presentations of cases and moot court-like projects). Note that the course is taught in using an interactive method, and all or almost all class sessions will require advance preparation and will involve participatory discussion.

In order to pass, students must attend at least 80% of the class sessions.

Assessment

Method of evaluation

1. Attendance and participation (20 %)
2. Written work (80 %)

Attendance and participation. Students are expected to do readings in advance of each class and be prepared to discuss and debate them during the class sessions, as well as to take part in assigned class exercises. Students must attend at least 80% of the class sessions in order to pass the course, unless they can provide formal documentation (e.g., a doctor's note) of illness or other major mitigating factor.

The participation component of the grade is based primarily on individually assigned exercises and projects. In addition, consistent well-prepared participation in the general class discussions may be used to raise the final grade for the course in borderline situations.

Subcourses that are part of this course can be found in an appendix at the end of this document.

Grades

Marking scale: Fail, Pass, Pass with credit, Pass with distinction.

One of the following grades is given: Pass with Distinction (AB), Pass with Credit (BA), Pass (B) or Fail (U).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and values and attitudes as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

B – Basic command

In order to achieve this grade, the student must show a fair ability to identify legal arguments and rules set out in case law; to present the arguments, rules and relevant facts accurately; and to make his or her own logical arguments, using well-established methods of analysis, concerning the application of the law. The student must show a fair ability to make use of concepts and ideas set out in scholarly legal material.

BA – Advanced command

In order to achieve this grade, the student must show a good ability to identify legal arguments and rules set out in case law; to present the arguments, rules and relevant facts clearly and accurately; to make his or her own logical arguments, using well-established methods of analysis, concerning the application of the law; and to propose novel legal approaches as needed. The student must also show a good ability

to find and effectively use scholarly material to help him or her to understand or make arguments about a particular legal rule or set of rules stemming from case law.

AB – Mastery

In order to achieve this grade, the student must show a strong ability to identify legal arguments and rules set out in case law; to present the arguments, rules and relevant facts clearly and accurately; to make persuasive and creative arguments, using well-established methods of analysis, concerning the application of the law; and to propose novel legal approaches as needed. The student must also show a strong ability to find and effectively use scholarly material to help him or her to understand or make arguments about a particular legal rule or set of rules stemming from case law.

Entry requirements

For students studying for the professional Degree Master of Laws: prerequisites for studies in the 7th or 8th semester stated in the Curriculum for the Law Study Program.

Prerequisites for international exchange students: relevant undergraduate studies corresponding to three years at a university level.

Further information

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Subcourses in JUAN09, Legal Reasoning and Analysis in a Common Law System

Applies from H15

1501 Legal Reasoning and Analysis in a Common Law System, 15,0 hp
Grading scale: Fail, Pass, Pass with credit, Pass with distinction