

2016 Course Description:  
American and English Business Law (SPEA-P)

**Course content**

The course comprises two parts. The first part begins with a general introduction to the common law method in order to better understand the regulatory system in which foreign corporations find themselves in both the US and UK. Thereafter the course focuses on the Anglo-American legal systems. Within the framework for the discussion, federalism, constitutionalism and procedural rules are taken up. The second part consists of specific areas of substantive law, for example contract law, tort law and corporate law, against the background of the Anglo-American systems.

The focus of the course is on the development of the law by the courts (common law method). A number of specific themes are followed in the case law, including the development of negligence and tort law (from the 1800's to now), as well as the development of discrimination law (from slavery until the present). During the course a number of cases are discussed from the common law method perspective, such as the Exxon oil spill case in Alaska. By looking at the different cases and studying the development, the students are given the opportunity to analyze how the same issues are treated by different courts as well as how the discussion of the different legal issues has changed over time, not in the least due to litigation. Comparisons are made in the course between US and EU with respect to federalism as well as interstate commerce.

**Learning outcomes**

Knowledge and understanding

After completing the course, the student should be able to:

- demonstrate knowledge and understanding of the common law method and how legal systems based on the common law method function; and
- demonstrate knowledge as to central legal rules and fundamental principles within the Anglo-American legal systems.

**Skills and ability**

After completing the course, the student should be able to:

- demonstrate the ability with the common law method to systematically, critically and independently identify and assess legal and issues from the relevant constitutional frameworks in the US and UK
- within the given timeframes individually plan and complete independent, systematic and critical legal analyses of certain Anglo-American legal issues, legal systems
- within the given timeframes prepare and conduct a moot court.

**Ability to evaluate and problem approach**

After completing the course, the student is expected to:

- assess the societal consequences of legal solutions
- evaluation the legal analysis as well as assess plausible legal solutions from the perspective of the current law and societal consequences.

**Teaching**

The course consists of seminars and a moot court.

All the teaching is in English.

## Examination

Examination is based on active attendance (pass/fail), a case brief (10%), a client memo (10%), a court brief (10%), oral participation in a moot court (10%) as well as written final examination (60%).

There is a requirement of active attendance at all seminars. Active attendance means that the student shall have prepared the seminar assignments and be prepared to participate in seminar discussions. A student can miss one seminar and complete a written assignment based on the missed seminar according to the course director's instructions. In general, an excused absence is given for good cause, for example, sickness. A make-up assignment needs to be turned in for excused absences. The moot court is mandatory and cannot be made up.

Examination is in English.

Assessment criteria applicable to grading of the case brief, client memo and court brief:

- problem formulation
- structure and presentation
- insight into the topic, as well as materials and knowledge
- investigation and analysis
- argumentation and conclusions
- independence
- language, formal requirements and
- the ability to perform the required work in time.

Assessment criteria applicable to the oral presentations in the moot court:

- ability to identify, analyze and oral present the relevant legal issues
- ability to work with others and argue in a constructive manner, and
- ability to assess and draw conclusions from the presented court briefs.

The course grade is based on a weighing of the individual presentations within the framework for the different examination moments.

Active participation in seminars is for the grade either Pass (G) or Fail (U).

The course grade is based on the sum of the different activities within the course. The grade is based on active attendance (pass/fail), a case brief (10%), a client memo (10%), a court brief (10%), oral participation in a moot court (10%) as well as written final examination (60%). The overall course grade is based on an assessment of the different examination forms. All of the course's learning outcomes must be met and all activities passed in order to pass the course.

Students who fail the regular examination are given the opportunity for re-examination. Students who have passed are not entitled to undergo re-examination for higher grades. Students who are failed twice by the same examiner have the right to demand a different examiner when doing additional re-examinations. This does not however apply if there are specific reasons for not appointing a different examiner.

The grading scale for the course is as follows: Pass with distinction (AB), Pass without distinction (BA), Pass (B) or Fail (U).

Students who request at least a week prior to the exam are entitled to a grade on the ECTS seven-grade scale. The request is to be submitted by the student a week before the examination in a manner that has been established by the Department of Law. The grade according to the ECTS seven-grade scale in such cases will be used instead of the Swedish grades. The seven-grade scale uses the following grades: A (Excellent), B (Very good), C (Good), D (Satisfactory) or E (Sufficient). Failing grades are Fx (Insufficient) and F (Wholly insufficient).

Course materials:

Carlson, Laura, *American Business Law, A Civil law perspective*, Iustus förlag, 2004.

Carlson, Laura, *American and English Business Law - Cases and Materials 2017*. Available at Juristernas Bokhandel.

The written and oral assignments (assignment and deadlines are in the schedule):

Case brief (10%)

The first writing assignment is a 1 page case brief on a case that is no older than 30 days and for which key numbers have not been assigned by Westlaw. The format for the case brief can be seen in Appendix C of the course book.

Client memo (10%)

This writing assignment is a client memorandum (3-4 pages, 12 pt Times New Roman, 1.5 spacing) as used in a law firm, an associate attorney informing the senior partner as to the status of the law in a certain area. An example of a memorandum can be found in course compendium. The issues for the memorandum are distributed during class according to the schedule.

Court brief (10%)

This writing assignment is a 4-6 pages brief to be filed in court on behalf of a party much as the sample appellate brief in the course compendium.

Oral participation in a moot court (10%)

The students are to present the arguments made in the course brief, followed by rebuttals, in a moot court.

Written final examination (60%)

The course book, compendium and any course notes can be taken with to the final examination.