INTRODUCTION TO ENGLISH AND AMERICAN LAW
(in English)

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**Description**

The purpose of special course “Introduction to English and American Law” (in English) is to introduce the origins of English and American law, its sources and foundations, the basics of constitutional systems of Great Britain and the USA, American federalism, legal education and legal practice, legal culture of the Americans and the British (in comparison with other countries, including Russia), legal and political implications of British membership in the European Union, other topical issues of contemporary English and American law.

As an introduction to this special course students will explore English and American methodology of comparative legal studies. They will also study how to do research of English and American law.

Particular topics of the course include: U.S. Constitution and (unwritten) Constitution of the United Kingdom; separation of powers in Great Britain and USA; civil rights and freedoms; main decisions of the US Supreme Court; political parties and electoral systems; impeachment; death penalty; foundations of criminal law, foreign relations law, national security law; peculiarities of application of international law in Great Britain and USA; legal education in Great Britain and USA, and how to pass Law School Admission Test (LSAT), etc.

In order to make the course more interactive, all students will be divided into two groups (not more than 20 students in each group) with more or less advanced knowledge of English.

We will consider a possibility of visiting Moscow offices of major international law firms; bringing practicing lawyers to the classroom as guest speakers; discussing English, American, Russian and comparative law with English and American students via Skype; observing sessions and hearings in the British Parliament and U.S. Congress via the Internet; holding a moot court, mock parliamentary sessions, etc.

**Topics and structure of the course**

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<th>Topics</th>
<th>Hours</th>
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<th>Home work</th>
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<td>2.</td>
<td>Foundations and sources of English and American law. The</td>
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<td>Precedent. Basics of constitutional law of Great Britain and USA</td>
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<td>Legislative branch of government and legislative process. US Congress and British Parliament: formation, structure, powers</td>
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<td>Executive branch of government: status, powers, apparatus. Presidency in the USA</td>
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<td>Judicial branch of government</td>
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<td>Federalism in the USA. Administrative and territorial composition of Great Britain</td>
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<td>Political parties and party system. Election law, electoral system, and electoral process</td>
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<tr>
<td>Foundations of criminal law and criminal procedure. Constitutional mechanism of emergency powers and states of emergency</td>
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<tr>
<td>International law in Great Britain and the USA. National security law. Foreign relations</td>
<td>3</td>
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Forms of control and evaluation of knowledge of students

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<th>Types of Control</th>
<th>Forms of Control</th>
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<td>Current</td>
<td>Home tasks, discussions, reports, short essays, moot court, mock parliamentary sessions</td>
<td>Mainly oral; short essays - written</td>
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<tr>
<td>Final</td>
<td>Exam</td>
<td>Oral</td>
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Elaborated topics

Topic 1.
Legal education in the USA and Great Britain

Legal education in the USA and Great Britain: sources, development, specifics. Law schools. Preparations for Law School Admission Test (LSAT) to pass it successfully. Continuous legal education in the USA and Great Britain. Comparative law: English and American perspective.

Topic 2.
Foundations and sources of English and American law.
The precedent.
Basics of constitutional law of Great Britain and USA
Emergence of English and American law.  
Sources and hierarchy of law.  
The precedent.  
Basics of constitutional law of Great Britain.  
Declaration of Independence (1776).  
American Constitution: adoption, structure, amendments.  
American Constitution: main features.  
Separation of powers, and the system of checks and balances.  
Civil war and subsequent development of American law.  
Great Britain in the European Union. Specifics of British law and EU law.

**Topic 3.**  
**Legislative branch of government and legislative process.**  
**US Congress and British Parliament: formation, structure, powers**

Legislative branch of government and legislative process: general features.  
US Congress: formation, structure, powers.  
British Parliament: formation, structure, powers.  
War and emergency powers.  
Parliamentary investigations.  
“Power of the purse”.

**Topic 4.**  
**Executive branch of government: status, powers, apparatus.**  
**Presidency in the USA**

Executive branch of government: status, powers, apparatus.  
Presidency in the USA.  
Cabinet and apparatus.  
Impeachment in Great Britain and the USA.  
War and emergency powers.

**Topic 5.**  
**Judicial branch of government**

Judicial branch of government in Great Britain.  
Judicial branch of government in the USA.  
The jury.  
The U.S. Supreme Court: structure, formation, functions.
Selected decisions of the U.S. Supreme Court: Marbury v. Madison; Miranda; Korematsu v. United States and other American Japanese internment cases; Roper v. Simmons.

**Topic 6.**

**Legal status of the individual. Human rights and civil freedoms**

British historical acts: the Magna Carta (1215), the Petition of Right (1628), the Bill of Rights (1679), etc.  
The U.S. Bill of Rights (1789) and its main provisions.  
The Habeas Corpus Act and its suspension by President Lincoln during Civil War (1861-1865).  
Enforcement of rights and freedoms.

**Topic 7.**

**Federalism in the USA.**  
**Administrative and territorial composition of Great Britain**

Federalism in the USA.  
Administrative and territorial composition of Great Britain.  
Local government in Great Britain and the USA.  
National Guard and Posse Comitatus Act.  
Federal intervention in the states for the suppression of domestic violence.  
The Commonwealth of Nations (The British Commonwealth).

**Topic 8.**

**Political parties and party system.**  
**Election law, electoral system, and electoral process**

Political parties and party system.  
Election law and electoral system.  
Campaign finance.  
Primaries in the USA.

**Topic 9.**

**Criminal law and criminal procedure.**  
**Constitutional mechanism of emergency powers and states of emergency**

Criminal law and criminal procedure: general features.
Constitutional foundations of criminal procedure.
Constitutional mechanism of emergency powers and states of emergency

Topic 10.
International law in Great Britain and the USA.
Foreign relations law
National security law.

International law in the hierarchy of laws in Great Britain and the USA.
Peculiarities of application of international law in Great Britain and the USA.
Foundations of foreign relations law.
Foundations of national security law.

Topic 11.
Legal culture: legality and morality.
Penitentiary systems in the U.S. and Great Britain. Death penalty

The First Amendment.
«Civil society» and the state.
Nongovernmental organizations (NGOs) and their regulations.
Penitentiary systems in the U.S. and Great Britain.
Death penalty in the USA.

Topic 12.
Legal practice in the U.S. and Great Britain

Bar exams and bar admission.
Legal ethics, and lawyers’ code of professional responsibility.
Peculiarities of legal profession in Great Britain and the USA.

Model questions for exam preparations

1. Comparative law: English and American perspective.
2. Emergence of English and American law.
3. Sources and hierarchy of law.
4. The precedent.
10. Legislative branch of government and legislative process: general features.
13. Parliamentary investigations and “power of the purse”.
15. Presidency in the USA.
16. Impeachment in Great Britain and the USA.
17. War and emergency powers.
18. Judicial branch of government in Great Britain.
19. Judicial branch of government in the USA.
20. The U.S. Supreme Court: structure, formation, functions.
21. Selected decisions of the U.S. Supreme Court: Marbury v. Madison; Miranda; Korematsu v. United States and other Japanese internment cases; Roper v. Simmons.
22. British historical acts: the Magna Carta (1215), the Petition of Right (1628), the Bill of Rights (1679), etc.
23. The U.S. Bill of Rights (1789) and its main provisions.
24. Enforcement of rights and freedoms.
25. Federalism in the USA.
27. Local government in Great Britain and the USA.
29. Political parties and party system.
30. Election law and electoral system.
32. Constitutional mechanism of emergency powers and states of emergency.
33. International law in the hierarchy of laws in Great Britain and the USA.
34. Peculiarities of application of international law in Great Britain and the USA.
35. Foundations of foreign relations law.
37. «Civil society» and the state. Nongovernmental organizations (NGOs) and their regulations.
39. Legal education in the USA and Great Britain: sources, development, specifics.
40. Legal ethics, and lawyers’ code of professional responsibility.
41. Peculiarities of legal profession in Great Britain and the USA.
**Estimation procedure of the final grade**

The final grade in the special course “Introduction to English and American Law” (in English) is estimated according to the following formula:

The final grade = O (accumulated) + O (exam).

The share of the relative importance of the controls:

Accumulated score - 0.5

Exam - 0.5

Cumulative score is calculated using a weighted sum of estimates for certain forms of monitoring (current performance at seminars - 0.5; abstract - 0.5). Rounding method and the resulting cumulative count: 0.4 and up - in favor of the student.

**Documents and basic sources**

**Documents**


**Basic sources**

5. The English Legal System. См.: http://www.sagepub.com/upm-data/50943_01_Avery_CH_01.pdf

Supplementary Reading Materials

Books


**Articles**

2. Домрин А.Н. Конституционная процедура импичмента в США. - Журнал российского права. 2004, №.7.
5. Домрин А.Н. Правовые институты чрезвычайного режима в Великобритании. - Право и экономика, 1996, No.15-16 (85-86).

**Electronic resources of the HSE**

Electronic library system “Znanium”:
http://znanium.com/

Scientific electronic library (NEB):
http://elibrary.ru/defaultx.asp

Universal encyclopedia “Rubicon”:
http://www.rubricom.com/default.asp

**Material and technical support**

Notebook computer, video projector, PowerPoint presentations, internet access for the instructor and students.