

- Faculté de droit
- [www.unine.ch/droit](http://www.unine.ch/droit)

## Introduction to American Law (4DR2241)

Filières concernées	Nombre d'heures	Validation	Crédits ECTS
<b>Master bilingue en droit</b>	<b>Cours: 2 ph</b>	<b>écrit: 2 h</b>	4
<b>Master en droit</b>	<b>Cours: 2 ph</b>	<b>écrit: 2 h</b>	4

ph=période hebdomadaire, pg=période globale, j=jour, dj=demi-jour, h=heure, min=minute

### Période d'enseignement:

- Semestre Automne

### Objectifs:

- introduce students to American law and legal institutions that is taught in the U.S. first-year curriculum
- teach students to isolate and identify ideas, ideologies and institutions that are primary to American Law
- familiarize students with the Socratic method
- instill students with the ability to conduct doctrinal analysis, including reading of cases, understanding precedents, and the application to facts
- students will have an understanding of the historical development of law and legal institutions in the U.S.

### Contenu:

The purpose of this course is to introduce basic concepts in American legal thought and practice to students who have not previously studied the American legal system.

Through reading and critical discussion of cases and materials spanning the fields of constitutional law, private law, and criminal law, among others, the course offers a selective survey of the typical first-year American Juris Doctor curriculum. Among the topics covered are judicial review, federalism, the Erie rule (the doctrine that federal courts must apply state common law when deciding state issues), the jury system, the exclusionary rule (the doctrine that prevents illegally gathered evidence from being presented to the court), the relevance of the Civil War, consideration in contracts, and punitive damages. Further, the course covers the basic structure and function of U.S. legal institutions : congress, the president, and regulatory agencies, and, especially, the federal courts. It examines the role of state law and state courts in the American system of federalism. The course also studies the American judicial processes of constitutional analyses, interpretation of statutes, and development of common law. Finally, students study a few topics that are illustrative of the treatment of individual rights in American law, such as freedom of speech, antidiscrimination law, and protection of private property.

### Forme de l'évaluation:

Two hour written exam and class attendance/participation.

### Documentation:

Information available on syllabus.

### Forme de l'enseignement:

Socratic method.