

FUNDAMENTOS DEL
DERECHO
ANGLOSAJÓN/COMMO
N LAW BASICS
Bachelor's Degree in
Law



COURSE GUIDE

Course: Fundamentos del Derecho Anglosajón/Common law basics

Degree: Bachelor's Degree in Law

Type: Basic

Language: English

Attendance: On site/ Blended

ECTS Credits: 6

Academic course: 1º

Semester: 2º

Professors:

Academic Director: Prof. Dr. D. Luis Armando García Segura

Teaching staff: Profª. Dra. Dª. Begoña del Carmen Lluva Rivera, Prof. D. Daniel Gómez de Arriba, Prof. D. Javier Lacleta Michelena

1. SKILLS AND LEARNING OUTCOMES

1.1. Competences

Basic competences:

- **CB1.**- That students have shown to possess and understand knowledge in an area of study that starts from the base of general secondary education, and is usually found at a level that, although supported by advanced textbooks, also includes some aspects that involve knowledge coming from the forefront of their field of study.
- **CB2.**- That students know how to apply their knowledge to their work or vocation in a professional way and possess the skills that are usually demonstrated through the elaboration and defense of arguments and the resolution of problems within their area of study.
- **CB3.**- That students have the ability to gather and interpret relevant data (normally within their area of study) to make judgments that include a reflection on relevant issues of a social, scientific or ethical nature.
- **CB4.**- That students can transmit information, ideas, problems and solutions to both a specialized and non-specialized public.
- **CB5.**- That students have developed those learning skills necessary to undertake further studies with a high degree of autonomy.

General competences:

- **CG1.**- Properly manage, organize and plan time.
- **CG2.**- Have the ability to communicate orally and in writing in one's own language.
- **CG7.**- Generate high critical reasoning.
- **CG8.**- Develop interpersonal skills: empathy, tolerance and respect for diversity.
- **CG10.**- Develop the ability to learn and autonomy in learning.

Specific competences:

- **CE1.**- Perceive the legal system as a system.
- **CE2.**- Know the historical, social and cultural context of the exercise of the legal profession.

- **CE3.**- Know the figures and institutions that make up the State and supranational organizations.
- **CE18.**- Identify the elements of a legal problem, proposing alternatives for its solution.
- **CED22.**- Interpret legal texts from an interdisciplinary perspective using legal principles and social, ethical and deontological values and principles as analysis tools.

1.2. Learning outcomes

Upon completion of this course, the student should:

- Recognize relevant concepts and reasoning, distinguishing its different parts.
- Analyze and understand an institutional structure.
- Appreciates the diversity of the different legal systems.
- Recognizes and manages the institutions and legal system of Anglo-Saxon law.

2. CONTENTS

2.1. Previous requirements

None.

2.2. Content description

This course analyzes the common law legal system for the countries where it governs, making a special compilation of the fundamentals of Law, of the basic Institutions, and the value of jurisprudence, in each one of them, allowing to understand their legal organization.

2.3. Detailed program

Topic 1. Notion of comparative legal system and classification in families

- What is Comparative Law?
- Objective of Comparative Law
- Principles of Epistemology
- Comparison methods
- Notion of Legal System
- Legal Families
- Classification of legal systems
- Continental Law Family
- Common Law Family
- Family of Oriental Rights
- Family of African and Amerindian Rights
- Religious Legal Systems

Topic 2. Family of Continental Rights. Origin and evolution until the 19th century

- Importance of Roman Law
- Origins of Roman Legal Law
- Division of the Roman Empire
- East, initial work of Justinian
- Justinian Compilation
- Basilika
- Feudalism
- Common law in Europe
- School of Natural Law
- Historical School of Law

Topic 3. Historical evolution. US constitutional sources and bodies

- Geopolitical context
- US Legal History
- Federalism
- Differences between English and North American historical law
- Constitution
- Constitutional Bodies
- Federal statutory law
- State legislated law

Topic 4. US judicial organization

- Jurisprudence and custom
- Federal jurisdiction
- Supreme Court
- Courts of Appeal.
- District Courts
- Other federal courts.
- State Jurisdiction
- Jury
- Criminal jury in the United States

Topic 5. First steps of the Common Law

- Rome until the barbarian invasions
- Barbarian Invasions
- Norman domination "birth of the common law"
- Henry I
- Foundations of the English legal system
- Doctrine of the King's peace
- Royal Commandments (Royal Writs)
- Writs as a form of action
- Fundamental characteristics of the writs
- Types of writing

Topic 6. Birth of Equity until the 19th century

- Evolution of Legislated Law
- Birth of equity.
- The figure of the Lord Chancellor and the birth of the Court of Chancery
- The Court of Chancery
- The Equity
- Fundamentals that inform the principles of Equity
- Conflict between Common Law and Equity
- Apogee of Common Law. Blackstone
- Justice reforms in the 19th century

Topic 7. English law in the 20th century

- New relationship between common law and equity
- Brief notes on the history and politics of the 20th century
- English law and its evolution in the 20th century
- Integration of English Law with European Union Law
- The Europeanization of English Law
- Current concept of Common Law
- Geopolitical context of the United Kingdom today
- Geographical scope of the Common Law
- Political, executive and legislative structure in the United Kingdom
- Brexit

Topic 8. Sources of English Law

- Sources and how to classify them
- Sources of English law
- Jurisprudence
- Case law as a source of law
- Inductive methodology. Analogy
- Court precedent
- Ratio decidendi vs obiter dicta
- Types of precedent
- Principle of stare decisis
- Judicial resolution

Topic 9. Cass Law, exception and other components

- Structure of English sentences
- Rectification
- Exceptions to Case Law
- Jurisprudential repertoires
- Law Reports
- English jurisprudence today
- Advantages and disadvantages of jurisprudence
- Application techniques of the doctrine of precedent
- Ratio and Obiter dicta
- Globalization and its effect on Case Law
- Lawyer in England and Wales
- Mackenzie Friends
- Scotland

Topic 10. Law (Statute Law)

- Definition of law
- Characteristics of the law
- Statutory term in English law
- Acts
- Statute
- Law
- Relationship between statute law and case law
- Types of laws in England and Wales
- Delegated legislation
- Autonomous legislation
- Search for current English law
- Constitution

Topic 11. Custom. Doctrine. Reason

- Social uses
- Custom
- Custom versus law
- Legal custom as a jurisprudential norm
- Analysis for custom application
- English law is not common law
- Doctrine
- Reason
- The test in the Common Law
- Discovery

Topic 12. Judicial organization of the United Kingdom

- Impact of the Constitutional Reform Act of 2005
- Courts
- Courts in England and Wales

- Supreme Court of the United Kingdom
- Court of Appeal
- High Court
- County Courts
- Crown Court
- Magistrates Courts
- Judges and Prosecutors
- Meanings other than Common Law by way of conclusion

Topic 13. Classifications of English Law, Alternative methods of conflict resolution

- Classification of English law.
- How to classify English law?
- Public law versus private law.
- Substantive law versus adjective law.
- Civil law versus criminal law
- Public international law versus private international law.
- Alternative conflict resolution methods.
- Mediation as a conflict resolution system.
- Mediation is not equivalent to jurisdiction.

Topic 14. English Law I

- Criminal law
- Criminal liability
- Crimes and their classes
- Adversary System
- Criminal process
- Constitutional right
- Administrative law
- Welfare state
- Tax Law

Topic 15. English Law II

- Evidence gathering
- Extracontractual civil illicit
- Non-contractual civil liability
- Harmful civil acts
- Family law
- Marriage
- Sons
- Right of succession.
- Goods and property law

Topic 16. English Law III

- Law of trust
- trust classes
- Trust against the English trust
- English contract law.
- Simple contracts
- Formal contracts
- Essential requirements for the validity of contracts
- Lawful causes of termination of contracts
- Unlawful causes of termination of contracts

2.4. Educational Activities

During the course, some of the following activities, practices, reports or projects, or others with similar objectives or nature, may be developed:

Directed Activity 1 (AD1): Activity on the Foundations of Common Law

Carry out an exegesis on the article "Divorce in English: the beginning of the end of "Brexit" by Yturriaga Barberán that has been published in the Diario La Ley, on March 31, 2017. The exegesis will consist of a descriptive explanation of the arguments put forward by the author, which will be accompanied by some final conclusions about them drawn up by the student on how the Brexit process has evolved since the referenced article was published. The objective of this activity is to learn about the impact of Brexit on European Union Law, analyze the evolution of the process and study the differences between Continental Law and Anglo-Saxon Law.

Directed Activity 2 (AD2): Cavern Explorers Case Study

This case study is based on the famous case "The case of the speluncan explorers" by Professor Lon L. Fuller, published in 1949 in the Harvard Law Review. The activity serves to generate debate on the different theories of Law applicable to Anglo-Saxon Law.

Directed Activity 3 (AD3): Case study on the OJ Simpson case

This case is based on the miniseries "The people vs OJ Simpson", available on Netflix. It is intended that students analyze and appreciate the divergent aspects of the US criminal legal system, compared to the Spanish system.

Directed activity 4 (AD4): Group work on the future of justice and virtual courts

This case is based on Professor Richard Susskind's lecture entitled "Online Courts and the Future of Justice". The recognition and management of the institutions and legal regime of Anglo-Saxon Law is sought, based on this conference that deals with the future of justice through information and communication technologies.

Directed Activity 5 (AD5): Presentation on Common Law countries

Each student must select a Common Law country and prepare a presentation on its most outstanding characteristics in the organization of their law. The objective of this activity is to learn about the countries subject to Common Law, analyze the peculiarities of the chosen country and study the differences between Spanish Law and the Law of the chosen country.

Directed Activity 6 (AD6): Forum on the choice of legal system

Common Law –a term that should not be translated if it is not strictly necessary– is made up of a set of unwritten rules (unwritten) and not promulgated or sanctioned (unenacted). It is based, therefore, on adjectival or formal law (adjective law) of an eminently jurisprudential nature. Hence the saying commonly used by Anglo-Saxon jurists of Remedies precedes rights, which could be translated as "the action creates the Law", and which refers to the fact that it is the actions or legal proceedings brought before the courts that give rise to the decisions of the judges who, in turn, create the Law.

Any jurist could ask himself the question: If you could choose which system would you decide on the Continental System or the Common Law System? This question is the one that should be answered in the forum. The objective is to know the meaning of both the Continental System and the Common Law System, as well as to identify the differences that separate both systems, but also what they would share.

Directed Activity 7 (AD7): Wiki. Collaborative work on legal terms in English

Each student must look for three words in English corresponding to the following areas of knowledge of English Law and indicate the homologous or similar term corresponding to Spanish Law. The objective of this activity is to know the terminology used in England, the cradle of Anglo-Saxon Law, to identify the terminology homologous to the Spanish terminology or when they refer to institutions that do not have any equivalent in Continental Law, and to analyze the importance of handling English legal terminology. in a world where business prevails the English language.

2.5. Assignments

Onsite mode

Code	Assignments	Description
AF1	Master Class/ Theoretical Foundations	General explanation by the responsible professor and/or his assistants of the conceptual theoretical framework of each subject or subject of the Degree, as well as all those conceptual orientations that must be taken into account by the student to achieve correct learning in accordance with the planned.
AF2	Practical case	General explanation applied to the case in which the responsible teacher and/or his assistants focus on the issues under study, discussion, debate or conflict, guiding the practical application of the theoretical knowledge that the student has. Resolution of cases raised to the students after their completion and discussion in class.
AF3	Tutorship	Personalized explanation or in much smaller groups aimed at ensuring the acquisition of specific knowledge and skills, the resolution of theoretical or practical doubts, the orientation of the approaches and the monitoring of the procedures used by the students in the subject.
AF4	Individual or group work by students	That activity that the students have to develop and that they have to deliver at the end of each of the subjects. Students will also have to do short assignments (individual and/or in group), as indicated by the teacher.
AF5	Activities through virtual resources	Forums, chats and debates on issues related to the content of the subjects or subjects and their practical application. Self-assessment test and other knowledge tests.
AF6	Access and research on complementary content	Search, selection and hierarchy of information, legislation and doctrine related to the contents of the subjects and/or subjects of the Degree.
AF7	Individual study	Reflection and individual analysis of the theoretical and practical contents of the subjects and/or subjects of the Degree.

Type of activity	Hours	On site percentage %
AF1.- Master Class/ Theoretical Foundations	38	100 %
AF2.- Practical case	16	100 %
AF3.- Tutorship	19	100 %
AF4.- Individual or group work by students	17	0 %
AF5.- Activities through virtual resources	3	50 %
AF6.- Access and research on complementary content	7	0 %
AF7.- Individual study	50	0%

Blended mode

Code	Assignments	Description
AF1		General explanation by the responsible professor and/or his assistants of the conceptual theoretical framework of each

	Master Class/ Theoretical Foundations	subject or subject of the Degree, as well as all those conceptual orientations that must be taken into account by the student to achieve correct learning in accordance with the planned.
AF2	Practical case	General explanation applied to the case in which the responsible teacher and/or his assistants focus on the issues under study, discussion, debate or conflict, guiding the practical application of the theoretical knowledge that the student has. Resolution of cases raised to the students after their completion and discussion in class.
AF10	Distance tutoring	Face-to-face tutoring, but through the use of email, telephone or telepresence (Skype, illuminate, Collaborate,...)
AF11	Individual or group work by distance student	That activity that the students have to develop and that they have to deliver at the end of each of the subjects. Students will also have to do short assignments (individual and/or in group), as indicated by the teacher. They will use the virtual platform and its functionalities to share documents and sources, as well as to work simultaneously on the same job.
AF5	Activities through virtual resources	Forums, chats and debates on issues related to the content of the subjects or subjects and their practical application. Self-assessment test and other knowledge tests.
AF6	Access and research on complementary content	Search, selection and hierarchy of information, legislation and doctrine related to the contents of the subjects and/or subjects of the Degree.
AF7	Individual study	Reflection and individual analysis of the theoretical and practical contents of the subjects and/or subjects of the Degree.

Type of activity	Hours	On site percentage %
AF1.- Master Class/ Theoretical Foundations	29	100 %
AF2.- Practical case	21	100 %
AF5.- Activities through virtual resources	8	50 %
AF6.- Access and research on complementary content	7	0 %
AF7.- Individual study	64	0 %
AF10.- Distance tutoring	3	100 %
AF11.- Individual or group work by distance student	18	50%

2.5. Teaching methods

Code	Teaching methods	Description
MD1	Expository method / Master class	Exposition by the teacher of the contents of each topic through explanations and presentations, together with indications about sources of information and bibliography. The active participation of the student is promoted with debate activities, case discussions, questions and presentations. The student will previously have didactic materials, which will include objectives, scripts, schedule and resources.

		In the blended and distance modalities through the virtual learning platform, students will attend these sessions synchronously or by monitoring their recording asynchronously.
MD2	Resolution of exercises and problems	Approach of situations and practical exercises that the student must solve. In the blended and distance modalities, the teacher will leave the exercises available to the students in the folder provided for this purpose with the explanations and instructions to face their resolution and they will individually deliver the resolutions in the aforementioned folder within the established period.
MD3	Case method	Systematic and in-depth examination and analysis of the different aspects and questions of real and concrete practical cases and proposals for their resolution In the blended and distance modalities, it will act in a similar way to MD2.
MD4	Assignment work	Preparation of reports and documents in which the student must carry out bibliographical research, information gathering, document analysis, case analysis, writing and explanation of conclusions. In the blended and distance modalities, tools such as email, document sharing software, forums, etc. will be used. through the virtual platform for its realization and videoconference sessions for its presentation.
MD5	Project-oriented learning	Learning methodology carried out in the realization, organization and design of projects oriented to the legal field. In the blended and distance modalities, tools such as email, document sharing software, forums, etc. will be used. through the virtual platform.

Modes: On site, On line and Blended

On site: MD1, MD2, MD3, MD4, MD5

Blended: MD1, MD2, MD3, MD4, MD5

3. EVALUATION SYSTEM

3.1. Grading system

The grading system (R.D. 1125/2003, of September 5), will be the following:

- 0 – 4.9 Failed (SS)
- 5.0 – 6.9 Approved (AP)
- 7.0 – 8.9 Very good (NT)
- 9.0 – 10 Outstanding (SB)

The mention of "honours" may be awarded to students who have obtained a grade equal to or greater than 9.0. One enrollment may be granted for every 20 students or fraction thereof.

3.2. Evaluation criteria

Onsite mode

Code	Evaluation systems	Description

SE1	Assistance and participation at class	The teacher will keep track of the class attendance of the students. Likewise, the participation and intervention in face-to-face activities by the students will be evaluated.
SE2	Presentation of works and projects (Individual practices and teamwork)	Realization of works, memories and portfolios, in which the students must write and present all the information collected, reviewed and analyzed.
SE3	Partial test (written/work presentation)	The students will carry out a partial exam of each subject depending on the consideration of the professor of the same.
SE4	Final exam or final work	Students will take a final exam or a final project for each course. To pass the subject, the student must achieve a grade equal to or greater than 5 on a scale of 0-10, with 0 being the minimum grade and 10 the maximum.

First call

Evaluation system	Minimum percentage	Maximum percentage
SE1.- Assistance and participation at class	10%	20%
SE2.- Presentation of works and projects (Individual practices and teamwork)	20%	30%
SE3.- Partial test (written/work presentation)	0%	20%
SE4.- Final exam or final work	50%	60%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Second call

Evaluation system	Minimum percentage	Maximum percentage
SE2.- Presentation of works and projects (Individual practices and teamwork)	20%	50%
SE4.- Final exam or final work	50%	80%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Blended mode

Code	Evaluation systems	Description

SE4	Final exam or final work	Students will take a final exam or a final project for each course. To pass the subject, the student must achieve a grade equal to or greater than 5 on a scale of 0-10, with 0 being the minimum grade and 10 the maximum.
SE7	Participation in scheduled activities	The teacher will keep track of student attendance at synchronous sessions. Likewise, the participation and intervention by the students in the programmed activities will be evaluated.
SE8	Presentation of works and projects (Individual practices and teamwork)	Realization of works, memories and portfolios, in which the students must write and expose by videoconference all the information collected, reviewed and analyzed.

First call

Evaluation system	Minimum percentage	Maximum percentage
SE7.- Participation in scheduled activities	10%	20%
SE8.- presentation of works and projects (Individual practices and teamwork)	20%	30%
SE4.- Final exam or final work	50%	60%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

Second call

Evaluation system	Minimum percentage	Maximum percentage
SE8.- Presentation of works and projects (Individual practices and teamwork)	20%	50%
SE4.- Final exam or final work	50%	80%

Restrictions and explanation of the percentages: In order to make an average with the previous weightings, it will be necessary to obtain at least a grade of 5 in the final test.

Likewise, it will be the power of the professor to request and evaluate again the practices or written works, if these have not been delivered on date, have not been approved or if the grade obtained in both calls is to be improved.

3.3. Restrictions

Minimum calification

In order to make an average with the previous weightings, it is necessary to obtain at least a grade of 5 in the final test.

Assistance

The face-to-face student who, without justification, fails to attend more than 25% of the face-to-face

classes may be deprived of the right to take the exam in the ordinary call.

Writing standards

Special attention will be paid in the works, practices and written projects, as well as in the exams, both to the presentation and the content, taking care of the grammatical and orthographic aspects. Non-compliance with the acceptable minimums may cause points to be deducted from said work.

3.4. Plagiarism warning

The Antonio de Nebrija University will not tolerate plagiarism or copying in any case. Plagiarism will be considered the reproduction of paragraphs from audit texts other than the student's (Internet, books, articles, peer work...), when the original source from which they come is not cited. The use of citations cannot be indiscriminate. Plagiarism is a crime.

If this type of practice is detected, it will be considered a Serious Fault and the sanction provided for in the Student Regulations may be applied.

4. BIBLIOGRAPHY

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