

**WESTERN LEGAL TRADITIONS AND SYSTEMS: LOUISIANA IMPACT**  
**LAW 5015-3**  
**FALL 2013**

**SYLLABUS**

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Course Day/Time: T, Th 1:50-3:20

Exam: Thursday, December 5, 1:30 p.m.

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**I. Course Overview and Learning Objectives**

The primary objectives of this course are to expose you to the two predominant legal traditions of the Western World and provide you with an overview of the philosophy, structure, and vocabulary of the Louisiana legal system. This class is introductory and is designed to familiarize you to the discipline of comparative law and provide you with the fundamental points of knowledge required for comparative legal studies. In addition, the course is designed to prepare you for your future studies of Louisiana civil law.

This course is divided into four segments. First, we will study **Comparative Legal Traditions and Systems**. We will begin by examining the distinctive characteristics of the Civil Law Tradition and the Common Law Tradition and the historical contexts in which those characteristics emerged. We will then explore the impact of each tradition on Louisiana's unique legal heritage as a mixed jurisdiction. Second, we will study **Comparative Legal Methodology**. In this part of the course we will study the methodologies employed by judges and jurists to interpret and apply law in the Civil Law Tradition, the Common Law Tradition, and the Louisiana Legal System. The third portion of this course will cover **Comparative Retroactivity of Laws**. This part of the course will cover the rules employed by the Civil Law Tradition, Common Law Tradition, and Louisiana Legal System to determine whether and when newly-enacted law applies to pre-existing legal disputes. Finally, we will study **Juridical Relations**—the legal relationships governed by the Louisiana Civil Code. In this portion of this course, we will study in detail the structure and vocabulary of the Louisiana Civil Code with the goal of preparing you for in-depth study of civil law concepts in your future coursework.

This course is primarily doctrinal, meaning that the learning objectives for students are essentially knowledge-based. By the end of this course, you will be able to do the following:

- (1) identify the major historical and cultural forces that have shaped the civil law tradition, the common law tradition, and the Louisiana legal system;

- (2) describe how the civil law tradition and the common law tradition differ in their recognition and application of sources of law and in the operation of their court systems, and identify ways in which Louisiana's mixed system has been influenced by both traditions;
- (3) articulate and apply the methods of legal reasoning used most frequently in the civil law tradition, the common law tradition, and Louisiana;
- (4) articulate and apply the rules governing retroactivity of laws in the civil law tradition, the common law tradition, and Louisiana; and
- (5) identify the major classifications of juridical relations contained within the Louisiana Civil Code and articulate and apply basic rules of law governing some of those juridical relations.

Although primarily doctrinal, this course will also assist you in developing your legal reasoning and writing skills and your professional identity. In particular, after completing this course you should be able to (1) use the *IRAC* method to draft a legal memorandum or law school exam answer; and (2) reflect on how your professional identity as a lawyer is shaped by historical and cultural context of the legal system(s) in which you are trained and in which you will practice.

## II. Materials and Resources

### Required Materials

1. JOHN W. HEAD, *GREAT LEGAL TRADITIONS* (Carolina Academic Press, 2011)
2. EDGAR BODENHEIMER ET AL., *AN INTRODUCTION TO THE ANGLO-AMERICAN LEGAL SYSTEM: READINGS AND CASES* (West 4th ed. 2004).
3. LOUISIANA CIVIL CODE, VOLUME I (West 2013).

There is no "primary" textbook in this course; rather, we will be using a number of texts and supplemental materials as the semester progresses. We will refer to *GREAT LEGAL TRADITIONS* during our exploration of **Comparative Legal Traditions and Systems**. This text contains introductory materials on comparative law as well as readings on the historical development and modern-day operation of the civil law and common law traditions. (The text also contains extensive materials on the historical development and modern-day operation of the Chinese legal tradition; however, we will not cover that material in this course.) *AN INTRODUCTION TO THE ANGLO-AMERICAN LEGAL SYSTEM: READINGS AND CASES*, which contains materials focusing exclusively on the common law tradition, will be used throughout the semester during our coverage of **Comparative Legal Traditions and Systems**, **Comparative Legal Methodology**, and **Comparative Retroactivity of Laws**.

The LOUISIANA CIVIL CODE will be most relevant to our coverage of **Juridical Relations** at the semester's end. However, we will refer to the CIVIL CODE throughout the semester to find examples of various principles that we will study in earlier portions of the course. Note that the reading list indicates that you need only purchase Volume I of the Civil Code. Volume II (The

Civil Code Ancillaries) is not a required text for this course. Please also note that the reading list specifies that you should purchase a copy of the Civil Code published by West Publishing. We will frequently refer to the official legislative commentary of the Civil Code articles. While the West version of the Civil Code contains the official commentary, other versions of the Code (such as the LexisNexis version) do not. You will find yourself at a significant disadvantage if you do not have access to the legislative commentary during class.

In addition, throughout the semester I will provide you with a number of supplemental reading materials. In the past, these materials were bound together as a loose-leaf supplement sold in the LSU Publications Office. The cost of these materials was \$58. This year, the materials will be made available to you free of charge. You will find individual pdf files on the Moodle page for this course containing supplemental reading assignments. If you choose, you may print these pdfs in the Law Center Library as the semester progresses. Law students receive \$90 per year for printing at a cost of \$0.06 per page. Your printing allowance therefore covers 1500 free pages—far more than you will need to print the supplemental readings. **However, I strongly encourage you not to print the materials at all.** Instead, consider downloading the pdfs and using your laptop or tablet to complete the reading assignments. Annotation software and applications are available to permit you to underline, highlight, and make notes on the text. Going “paperless” diminishes waste, saves you and the Law Center money, and also teaches you the important skill of managing electronic documents.

### Recommended Resources

Please note that the following materials are not required. However, you may find them to be useful supplemental reading.

1. MARY ANN GLENDON, PAOLO G. CAROZZA, COLIN B. PICKER, COMPARATIVE LEGAL TRADITIONS IN A NUTSHELL (3d ed. 2008) (available in Law Library).
2. A.N. YIANNOPOULOS, CIVIL LAW SYSTEM: LOUISIANA AND COMPARATIVE LAW, A COURSEBOOK: TEXTS, CASES AND MATERIALS (2d ed. 1999) (available in Law Library).

### Moodle

The Moodle page for this course contains extensive information and materials to support your mastery of the material. Specifically, the Moodle page includes the following resources:

- A list of all reading assignments;
- Comprehensive detailed outlines for each unit of material covered in the course;
- All PowerPoint slides used in class (note that some PowerPoint slides are intentionally made available *after* the class in which they are presented);
- All handouts and demonstrative documents;
- Materials for review, including quizzes and past examinations;

- All video lectures and video recordings of review sessions and makeup classes;
- A forum containing all email communication from me regarding class cancellations, reading assignment changes, and other announcements;
- A forum for posting your questions about this course.

Please take the time before this course begins to log onto the Moodle page and familiarize yourself with its content. If you have any difficulties with the Moodle page, you should consult the staff in our Instructional Technology department, located on the first floor of the Law Center Library. They may also be reached at [media@law.lsu.edu](mailto:media@law.lsu.edu).

### **III. Assignments**

#### Reading Assignments

Reading assignments are available on Moodle. Under each subject matter block on the Moodle page you will find a list of reading assignments corresponding to the material to be covered. We will cover approximately one assignment per day, although we may spend more than one class period on more complex assignments. You are responsible for attending to our pace and keeping up with the assigned reading.

#### Moodle Choice

Some classes will begin with a short quiz or poll consisting of one or more questions on the last night's reading assignment. These quizzes will be administered in class through the "Choice" feature of the Moodle page for this course. Therefore, it is imperative that you bring your laptop, tablet, or smartphone to each class so that you can access the Moodle page when quizzes are administered.

The goals of these quizzes are to assist me (the professor) and you (the student) in assessing your understanding of the reading assignments and to jump-start class discussion. Moodle Choice questions will not be graded; however, your participation in Moodle Choice quizzes is mandatory. Your completion or noncompletion of each quiz will count toward your class participation grade in the course.

#### Review Quizzes

Some units will end with quizzes on the doctrine covered in that unit and preceding units. The goals of these quizzes are to assist me (the professor) and you (the student) in assessing your understanding of the doctrine and to provide you with immediate and specific feedback throughout the semester regarding your mastery of the material. Review quizzes will not be graded; however, your participation in review quizzes is mandatory. Your completion or noncompletion of each quiz will count toward your class participation grade in the course.

## Writing Exercises

You will be expected to complete several writing exercises during this course. The goals of these exercises are varied and include the development of basic legal writing skills (both exam and practice-related) and the development of your professional identity. These writing exercises will not be graded; however, your participation in these exercises is mandatory. Your completion or noncompletion of each writing exercise will count toward your class participation grade in the course.

## Group Work

You will also be expected to engage in group work during this course. The primary goals of group work are to develop your collaborative learning and problem-solving skills, to enhance the quality of class discussions, and to make assignments more manageable for you. Groups have been assigned randomly using Moodle, and you will find a list of the members of each group on the Moodle page under “General Course Materials.”

Group work will occur both in class and outside of class, and your participation in group exercises is mandatory. Your willingness to participate in group activities and the quality of your contributions will be evaluated by your group members at the end of the semester, and their evaluations of your performance will be reflected in your class participation grade.

## **IV. Evaluation**

Examination. Your grade in this class will be determined almost exclusively by a final examination to be administered on Thursday, December 5. The format of the exam is not yet determined, but will likely consist of a combination of multiple choice, short-answer, and essay questions. We will discuss the format of the exam in more detail as the end of the semester approaches.

Class Participation. I reserve the right to adjust your final grade up or down by up to 0.3 points based on the quality (not necessarily the quantity) of your class participation. Your class participation adjustment will be based upon your command of the materials, your willingness/ability to engage in classroom dialogue, and your participation in all in-class and out-of-class exercises and assignments. You need not necessarily provide correct answers when called upon in class to receive an upward adjustment; I am looking for well-reasoned and thoughtful responses.

**Please be aware that an upward or downward adjustment of 0.3 points can significantly affect your final grade in the course.** For example, a student who earns a 3.0 on the final exam but receives maximum points for participation will earn a final grade of 3.3. Conversely, a student who earns a 3.0 on the final exam but receives zero points for participation will earn a final grade of 2.7. Also, please be aware that completion of all required assignments will not automatically guarantee that a student will earn maximum participation points. Rather, the full +0.3 is reserved for those students who participate *regularly* by *volunteering* to discuss cases and problems in class and offering *thoughtful* commentary in class. The goal of class

participation credit is to motivate you to be well-prepared for each class and to be fully involved in your own learning and the learning of your classmates.

**Finally, please note the following change in my class participation policy.** In the past, I have awarded an automatic 0.1 grade points for class participation to students with perfect attendance. This policy is no longer in effect. However, extreme absenteeism or tardiness may serve as a basis for a downward adjustment of your final grade.

## V. Policies

Classroom Demeanor. I expect you to conduct yourself in a professional manner in this class. You should at all times be respectful of your classmates and the instructor (me). You cheat yourself and your classmates when you are not prepared to discuss the day's material and/or when you do not fully engage in class either by verbal participation or "active" listening. If I determine that you are acting in a nonprofessional or disrespectful manner, I reserve the right to ask you to leave class (resulting in an absence for the day) and/or to adjust your class participation grade accordingly.

Laptops, Tablets, and Smartphones. The use of laptops, tablets, and smartphones is permitted in this course. In fact, your use of a device in class to view electronic course materials and access the Moodle page is **strongly encouraged**. However, you are expected to use these devices for educational purposes only. **You should be aware that quite a bit of empirical evidence demonstrates conclusively that you do not "multi-task" as well as you think you do.** Your learning, and the learning of the students who sit near you, is significantly affected by your use of your electronic devices for non-educational purposes in class. You owe it to yourself and your classmates to refrain from unauthorized activity. Surfing the internet, texting, emailing, or instant messaging while in class are strictly prohibited. Additionally, although cell phones are permitted for educational use, they should be silenced during class so that they do not interrupt class discussion. If I suspect that you are inappropriately distracted or are distracting others by your use of these devices, I reserve the right to ask you to leave class (resulting in an absence for the day) and/or to adjust your class participation grade accordingly. Note passing, instant messaging, texting, or otherwise communicating with your classmates in order to assist them in responding when questioned in class may be an honor code violation.

Attendance & Roll Sheet. School policy requires that you sign the roll sheet each class period. You must sign the roll during the class period for which you are present – I do not permit back-signing of the roll sheet. If you are more than 10 minutes late for class, you will not be permitted to sign the roll sheet. **By school policy, if you miss more than 7 classes, the registrar will remove you from the course. I cannot excuse absences for purposes of the Law Center's absence policy.**