



PO/LW 350 MAJOR ISSUES IN LAW AND SOCIETY: A COMPARATIVE CONTEXT
IES Abroad Amsterdam

DESCRIPTION: The focus of this researched-based course is to introduce students to international and Dutch law, with comparisons to U.S. law, culminating in a supervised research project. Students receive an introduction to research methodologies within the field of law, an overview of the Dutch legal system as well as to international institutions within the Netherlands; focusing on case studies and field visits to key institutions.

CREDITS: 4 credits

LANGUAGE OF INSTRUCTION: English

METHOD OF PRESENTATION:

- Lectures and class discussion
- Course-related trips
- Guest lectures

REQUIRED WORK AND FORM OF ASSESSMENT:

Students will be graded on a Dutch scale of 1-10, with a 5.5 average being required to pass. Final grade will be allocated as follows:

- **Attendance and Class Participation – 10%** Class will follow standard IES attendance policy of one excused absence. All other absences must be accompanied by a written excuse from a medical professional. In any conflict between this policy and that of IES, the IES policy will control. Please complete assigned readings BEFORE class and arrive prepared to discuss them.
- **Case Presentations – 15%** All students are expected to read cases and materials to be discussed in class. Each week, one or more students will be responsible for presenting the case of the week, indicated with a * in the assignments below. A presentation rubric will be posted on Moodle indicating questions and requirements for case presentations.
- **Midterm exam – 30%** This essay exam will be given the week of **30 March (Class 8)** and will cover topics included in readings and class discussions up to that point.
- **Moot Court – 15%** Students will take on roles of advocates and witnesses for a mock trial using strategies and skills discussed in class. An independent jury will decide the results of the case. Students will be graded on preparation and adherence to trial skills and strategy discussed in class.
- **Final Paper – 30%** Assignment will be given approximately six weeks before paper is due at the end of the term.
NOTE: you must turn in and pass the final paper with a minimum grade of 5.5 in order to pass the entire course.

General Rules and Practices Show respect for your fellow classmates and instructor at all times. Respectful behavior includes showing up on time and being prepared. **Late work will not be accepted** without a written excuse from a medical professional. Professor reserves the right to refuse or penalize work handed in late for any other reason.

LEARNING OUTCOMES:

By the end of the course students will be able to:

- Understand and articulate the difference between the civil and common law systems especially as relates to trials and adjudication;
- Understand process of becoming a lawyer in different systems, emphasis on pros, cons & costs of U.S. legal education;
- Understand the powers and limitations of lawyers in solving individual and societal problems;
- Have a general overview of major subjects and controversies in U.S. law; be able to compare these issues to other jurisdictions;
- Have a basic understanding of common law trial practice and strategy with a particular emphasis on oral advocacy;
- Demonstrate the above in written exams, in-class discussion and performance during a mock trial.



ATTENDANCE POLICY:

Since IES Abroad Amsterdam courses are designed to take advantage of the unique contribution of the instructor and the lecture/discussion format is regarded as the primary mode of instruction, **regular class attendance is mandatory**. In addition, students are expected to be on time for classes and related field/study trips.

Excused absence applies in cases of illness (incl. a doctor’s note and compelling circumstances beyond the student’s control – missing a flight on the day of class does not fit in this category). **An unexcused will lead to a deduction of your final grade of 0.5 (out of 1-10 scale) point per missed class**. If a student shows a pattern in (excused and unexcused) absences, students may be subject to an Academic Review including but not limited to a letter sent to their school and a probationary period or exclusion from the program.

CONTENT:

(Details for Assignments found on Moodle)

Class	Content
<p>Week 1</p>	<p>Course Overview</p> <ul style="list-style-type: none"> • Introduction of program, participants, and instructors • Overview of the global legal structures and systems • Role of cases in the US legal system and international systems • Discussion: Executive Orders
<p>Week 2</p>	<p>Dutch Government and Legislative System</p> <ul style="list-style-type: none"> • Overview of Dutch Government and court structure • Legislation for the good of society: US versus Netherlands • Generations of Human Rights • Discussion: Dutch Political Parties & Upcoming Election
<p>Week 3</p>	<p>International and European Law</p> <ul style="list-style-type: none"> • Sources of International Law <ul style="list-style-type: none"> ○ International case law in United States Courts • International Courts • European Convention on Human Rights <ul style="list-style-type: none"> ○ Margin of Appreciation ○ Living Instrument Doctrine • Discussion: Head Covering Bans and Driver License Photo Regulations
<p>Week 4</p>	<p>Civil Rights</p> <ul style="list-style-type: none"> • History and evolution of Equal Protection under the 14th Amendment • Equality through Court Cases – Standards of Judicial Review • Legal Strategies: ‘impact litigation,’ representing individual interests, and public policy advocacy • Discussion: Bakery Discrimination Cases
<p>Week 5</p>	<p>Family Law - Law and legal practice regarding marriage, divorce, sex and children</p> <ul style="list-style-type: none"> • Standard of ‘best interests of the child.’ <ul style="list-style-type: none"> ○ Gestational surrogacy ○ Non-biological parents • Indian Child Welfare Act • Hague Convention on Civil Aspects of International Child Abduction

	<ul style="list-style-type: none"> • Discussion: Switched at Birth - what are the best interests of the child?
Week 6	Legal Ethics & The Practice of Law <ul style="list-style-type: none"> • 2017 Dutch Election Results • History & Evolution of Legal Ethics • What ethical standards and moral boundaries do lawyers face? • Discussion: Considerations before Applying to Law School
Week 7	Course-related trip to the an International Court or Tribunal, The Hague
Week 8	Midterm Examination
Week 9	Freedom of Speech <ul style="list-style-type: none"> • What are the limits on speech and free expression in the United States? What should they be? • Comparison to Dutch, French and other European speech regimes.
Week 10	Criminal Procedure in Comparison (Part 1: Investigations and Charging) What happens before and after someone is arrested and charged with a crime? How are their rights guaranteed? Are these guarantees effective? <ul style="list-style-type: none"> • 4th, 5th & 6th Amendments to U.S. Constitution and their practical implications for U.S. Criminal Practice • Comparative protections, or lack thereof, in European and international practice
Week 11	Criminal Procedure in Comparison (Part II: Charge to Sentencing) <ul style="list-style-type: none"> • What rights and protections are invoked after an individual is charged with a crime? • What are the differences between civil and criminal trials? • What similar protections and procedures are at work in the Netherlands and International Criminal Court?
Week 12	Individuals in the Criminal Justice System <ul style="list-style-type: none"> • Possibilities and obstacles to reform • Working in the criminal justice system • What is incarceration like and what happens afterward? What implications does this have for the behaviour of repeat players in the criminal justice system? • What similar problems of inequality or enforcement are present in European countries?
Week 13	Trial Procedure and Strategy <ul style="list-style-type: none"> • Basic Criminal Procedure • Courtroom Etiquette and Protocol • Body Language • Formulation of Questions and Opening and Closing Statements
Week 14	Course-related trip to the Dutch Criminal Court



Week 15	Moot Court Competition
Week 16	Final Paper Due

REQUIRED READINGS:

- *No required course packet or book for this course. Required reading will be posted here each week or available for loan at the IES office. Check the Moodle regularly for updated readings and assignments*

RECOMMENDED READINGS:

- *Introduction to Law, Hage & Ackermans, eds (2014)*
- *The New Jim Crow, Michelle Alexander (2012)*
- *The Civil Law Tradition, Merryman & Perez-Perdomo (2007)*