

# Syllabus

for course at advanced level

**American and English Business Law**  
**Amerikansk och engelsk affärsrätt**

**15.0 Higher Education  
Credits**  
**15.0 ECTS credits**

<b>Course code:</b>	JU59BB
<b>Valid from:</b>	Autumn 2019
<b>Date of approval:</b>	2016-09-01
<b>Changed:</b>	2018-03-28
<b>Department</b>	Department of Law
<b>Main field:</b>	Legal Science
<b>Specialisation:</b>	A1N - Second cycle, has only first-cycle course/s as entry requirements

## Decision

Approved by the Education Committee of the Faculty of Law (by delegation) on 1 September 2016. Revised by the head of department on 28 March 2018.

Technical revision by the Student Services on 9 May 2019.

## Prerequisites and special admittance requirements

For access to lectures and examination, the student must fulfill the general requirement for admission to elective courses through the completion of compulsory courses of at least 150 credits within the law programme. Exchange students admitted by the Department of Law at Stockholm University are also given access to the course. All students must have reached the level of English necessary to fully participate in the course.

## Course structure

Examination code	Name	Higher Education Credits
0100	American and English Business Law	15

## Course content

The course comprises three parts. In order to understand the legal framework that Swedish companies meet in the US and UK, the course starts with a general discussion of the common law method. Thereafter, the course focuses on the general principles of Anglo-American legal systems: federalism, constitutionalism and Rule of Law. The third part addresses specific areas of law, such as contract law, tort law and company law in the context of the Anglo-American legal system.

The focus of the course is on legal development through case law (the common law method). A number of specific themes are followed in the case law, including the development of negligence and tort law (from the 1800's to now), as well as the development of discrimination law (from slavery until the present). During the course, a number of cases are discussed from the common law method perspective, such as the Exxon oil spill case in Alaska. By looking at the different cases and studying the development, the students are given the opportunity to analyze how the same issues are treated by different courts as well as how the discussion of the different legal issues has changed over time, not in the least due to litigation. Comparisons are made in the course between US and EU with respect to federalism as well as interstate commerce.

## Learning outcomes

### Knowledge and understanding

Upon completion of the course, students are expected to be able to:

- demonstrate in-depth knowledge and understanding of the common law method and the functioning of common law-based justice systems, and
- demonstrate in-depth knowledge of certain key legal rules and fundamental legal principles within the Anglo-American legal systems.

### Skills and abilities

Upon completion of the course, students are expected to be able to:

- demonstrate the ability, using the common law method, to systematically, critically and independently identify, and assess legal questions and problems based on the existing constitutional frameworks in the United States and the UK and compare them with Swedish law,
- individually plan and conduct, within specified time limits, an independent, systematic and critical legal analysis of certain Anglo-American legal issues and compare these with the corresponding issues in Swedish law, and
- prepare and conduct a moot court within specified time limits.

### Judgement and approach

Upon completion of the course, students are expected to be able to:

- assess the societal consequences of legal solutions, and
- evaluate, in depth, the legal analysis as well as assess plausible legal solutions from the perspective of the current law and societal consequences.

### Education

Instruction is given in the form of seminars and a moot court. The language of instruction is English.

### Forms of examination

Examination is conducted through active attendance at mandatory seminars (pass/fail), a case brief, a client memo, a court brief, oral participation in a moot court as well as a written final examination. Active attendance is mandatory at all seminars. Active attendance means that the student has prepared the assignments and is ready to participate in discussions about them. The course director may grant a general exemption from the attendance requirement in accordance with the regulations for examinations adopted by the Faculty of Law's education committee. Exemption will not be granted when one's own group assignments are to be presented or when one has to oppose other students' group assignments. The attendance requirement is specified in the course description. Exemptions are solely granted if the student has a lawful excuse, in which case the student should complete a pedagogically equivalent assignment as compensation for their absence. No exemption from attendance will be granted for the moot court, even in case of a lawful excuse.

The language of examination is English.

Assessment criteria applicable to grading of the case brief, client memo and court brief:

- problem formulation and motivation thereof,
- structure and presentation,
- method,
- insight into the topic, as well as materials and factual knowledge,
- investigation and analysis,
- argumentation and conclusions,
- independence,
- language, formal requirements and
- the ability to perform the required work in time.

Assessment criteria applicable to the oral presentations in the moot court:

- ability to identify, analyze and oral present the relevant legal issues,
- ability to work with others and argue in a constructive manner, and
- ability to assess and draw conclusions from the presented court briefs.

The course grade is based on a weighing of the individual presentations within the framework for the different examination moments. Active participation in seminars is for the grade either Pass (G) or Fail (U).

The course grade is based on the sum of the different activities within the course. The maximum score achievable on each examined course moment is stated in the course description. The final grade in the course is based on the students' individual performances in all examined course components.

In order to pass the course, students must achieve all intended learning outcomes. Grading criteria and

permitted aids during the examination are specified in the course description.

Students who receive a failing grade on a regular examination will have the opportunity to retake the examination. Students who have received a passing grade on an examination may not retake the examination to attain a higher grade. A student who has failed the same examination twice is entitled to have another examiner appointed, Unless there are special reasons to the contrary.

The final grade in the course is set using the following seven-point scale: A (Excellent), B (Very Good), C (Good), D (Satisfactory) and E (Adequate). Failing grades are Fx (Inadequate) or F (Totally Inadequate).

A student with a certificate of special pedagogical support issued by Stockholm University has the right to alternative/accommodated forms of examination in accordance with the certificate.

### **Misc**

Completed course requirements are valid for two years. This also applies to students who drop the course during the early course withdrawal period.

The course requirements in effect at the time of the student's first registration on the course may be completed within two years. After two years, the course requirements included in the most recently revised syllabus will apply.

Entry into force

These provisions will apply as of 21 January 2019.

### **Required reading**

The course literature will be determined by the head of department. Please refer to the course website for information about the required reading. The current reading list will be made available at least two months before the course starts.