



## UNSW Course Outline

# LAWS3087 US Legal Systems (Berkeley) - 2024

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## General Course Information

Course Code : LAWS3087

Year : 2024

Term : Term 3

Teaching Period : T3A

Is a multi-term course? : No

Faculty : Faculty of Law and Justice

Academic Unit : School of Global and Public Law

Delivery Mode : In Person

Delivery Format : Standard

Delivery Location : See School

Campus : Sydney

Study Level : Undergraduate

Units of Credit : 6

### Useful Links

[Handbook Class Timetable](#)

## Course Details & Outcomes

### Course Description

The American legal system is one of the most influential and important legal systems in the world. It is quite likely that lawyers outside the United States will come into contact with American law, American lawyers or American clients, and would thus be better served for having

an understanding of the essential characteristics and aspects of the American legal system. In addition, given the influence and role of the United States in the world, American legal concepts, ideas and approaches are often borrowed or considered by non-American courts and legislatures as they develop their own law. Successful transplantation is difficult, but made easier through a knowledge of the borrowed legal system and a corresponding ability to then critically evaluate the value and utility of any proposed transplantation.

The course will focus principally on the study of the federal and state legal systems within the United States of America. The course will include consideration of the primary features of the American legal system, including: U.S. legal history; U.S. judicial structure and operation; the U.S. Constitution; and the legislative and administrative structure and process. The course will also include discussion of American legal actors, including American lawyers, legal education, judges and other participants in the American legal system. Students will also have an opportunity to visit American legal institutions.

For information on that program, please ask Student Services.

## Course Aims

This course aims to introduce students to the American legal system, give them an understanding of the role of different actors in the American legal system and, through comparison, reflect on the Australian legal system.

## Course Learning Outcomes

Course Learning Outcomes
CLO1 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
CLO2 : Engage in critical analysis of the American and Australian legal systems in practice from a range of perspectives (PLOs 5, 7, 8)
CLO3 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLO 9)
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6)
CLO5 : Demonstrate familiarity with the American legal system (PLO 1)
CLO6 : Appreciate the differences between the Australian and American legal systems (PLOs 1, 5, 8)
CLO7 : Engage in debate about contemporary legal issues in America (PLOs 5, 7, 8, 9)

Course Learning Outcomes	Assessment Item
CLO1 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Class Participation</li> <li>• Research Essay (5000 words)</li> </ul>
CLO2 : Engage in critical analysis of the American and Australian legal systems in practice from a range of perspectives (PLOs 5, 7, 8)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Class Participation</li> <li>• Research Essay (5000 words)</li> </ul>
CLO3 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLO 9)	<ul style="list-style-type: none"> <li>• Class Participation</li> </ul>
CLO4 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Research Essay (5000 words)</li> </ul>
CLO5 : Demonstrate familiarity with the American legal system (PLO 1)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Class Participation</li> <li>• Research Essay (5000 words)</li> </ul>
CLO6 : Appreciate the differences between the Australian and American legal systems (PLOs 1, 5, 8)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Class Participation</li> <li>• Research Essay (5000 words)</li> </ul>
CLO7 : Engage in debate about contemporary legal issues in America (PLOs 5, 7, 8, 9)	<ul style="list-style-type: none"> <li>• Research Essay Plan</li> <li>• Class Participation</li> <li>• Research Essay (5000 words)</li> </ul>

## Learning and Teaching Technologies

Moodle - Learning Management System

## Assessments

### Assessment Structure

Assessment Item	Weight	Relevant Dates
Research Essay Plan Assessment Format: Individual	10%	
Class Participation Assessment Format: Individual	20%	
Research Essay (5000 words) Assessment Format: Individual	70%	

# Assessment Details

## Research Essay Plan

### Assessment Overview

The Plan is designed to promote early consideration of a suitable essay topic for the course by the student. Feedback includes formative feedback on the essay topic.

### Course Learning Outcomes

- CL01 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CL02 : Engage in critical analysis of the American and Australian legal systems in practice from a range of perspectives (PLOs 5, 7, 8)
- CL04 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6)
- CL05 : Demonstrate familiarity with the American legal system (PLO 1)
- CL06 : Appreciate the differences between the Australian and American legal systems (PLOs 1, 5, 8)
- CL07 : Engage in debate about contemporary legal issues in America (PLOs 5, 7, 8, 9)

### Assessment information

See Moodle

### Generative AI Permission Level

#### Simple Editing Assistance

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## Class Participation

### Assessment Overview

Class discussion of course materials and topics. Feedback includes formative feedback, peer feedback in class or online.

## Course Learning Outcomes

- CLO1 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CLO2 : Engage in critical analysis of the American and Australian legal systems in practice from a range of perspectives (PLOs 5, 7, 8)
- CLO3 : Demonstrate effective oral communication skills by delivering accurate and insightful contributions in class (PLO 9)
- CLO5 : Demonstrate familiarity with the American legal system (PLO 1)
- CLO6 : Appreciate the differences between the Australian and American legal systems (PLOs 1, 5, 8)
- CLO7 : Engage in debate about contemporary legal issues in America (PLOs 5, 7, 8, 9)

## Detailed Assessment Description

The mark for class participation will be influenced by the general contribution students make across the course to class discussion and group learning. Class participation includes offering an observation based on the readings, by posing a pertinent question or by volunteering a thoughtful response to someone else's comment or question.

The following, while not exhaustive, illustrates the achievement levels in Class Participation that correlate to standard grades:

**Fail:** Unsatisfactory performance and effort, below the minimum expected level. This grade characterises work which shows a significant lack of understanding of the topic or its context, and is therefore unsatisfactory, and/or shows a lack of sufficient effort to contribute. Students who do not participate will receive no marks.

**Pass:** An acceptable level of performance and effort. Indicates that the student has demonstrated an acceptable understanding of the issues entailed and has made some effort to contribute.

**Credit:** A good performance and effort. Indicates that the student has demonstrated: sound technical understandings of the course content, the ability to think analytically and contextually about the course, the ability to understand/present alternative points of view/perspectives and supporting evidence, and has also made a good effort to contribute.

**Distinction:** A superior performance and effort. Indicates that the student has demonstrated superior ability to consider the course from a number of perspectives and to explore their interrelation, while maintaining a strong technical grasp of the topics covered. And has made a substantial effort to contribute.

**High Distinction:** An outstanding performance. Indicates that the student has produced a consistently outstanding level of contribution to group learning, and has demonstrated in class a high level of understanding and critical thinking across the entire content of the course.

**Note:** You can't record a class on a laptop, phone or other device or use a translation app during class unless you have got permission from your teacher or Equitable Learning Services. Law & Justice classes are intended to be safe environments to discuss sensitive issues. Recording fellow students undermines that environment and is a serious breach of the ethical responsibilities of students. It is a criminal offence to share recordings with other people.

### Assessment information

See Moodle

### Generative AI Permission Level

#### **No Assistance**

This assessment is designed for you to complete without the use of any generative AI. You are not permitted to use any generative AI tools, software or service to search for or generate information or answers.

For more information on Generative AI and permitted use please see [here](#).

## **Research Essay (5000 words)**

### Assessment Overview

Essay based on student research and critical thinking. Feedback includes formative feedback, peer feedback in class, online and the use of rubric.

### Course Learning Outcomes

- CL01 : Demonstrate self-management through self-assessment of capabilities and performance and use of previous feedback received in the course (PLO 12)
- CL02 : Engage in critical analysis of the American and Australian legal systems in practice from a range of perspectives (PLOs 5, 7, 8)
- CL04 : Demonstrate effective written communication skills by articulating legal concepts clearly, persuasively and appropriately (PLO 6)
- CL05 : Demonstrate familiarity with the American legal system (PLO 1)
- CL06 : Appreciate the differences between the Australian and American legal systems (PLOs 1, 5, 8)
- CL07 : Engage in debate about contemporary legal issues in America (PLOs 5, 7, 8, 9)

### Detailed Assessment Description

Students are to devise their own essay topic for this course. The topic needs to be squarely

within the content of the course and must be comparative in nature (ie address US and Australian law). A narrow topic is more likely to be able to be well researched and written while staying within the word limit

To assist students in choosing a topic suggested topics will be provided on Moodle. Students are not limited to these topics.

### **Generative AI Permission Level**

#### **Simple Editing Assistance**

In completing this assessment, you are permitted to use standard editing and referencing functions in the software you use to complete your assessment. These functions are described below. You must not use any functions that generate or paraphrase passages of text or other media, whether based on your own work or not.

If your Convenor has concerns that your submission contains passages of AI-generated text or media, you may be asked to account for your work. If you are unable to satisfactorily demonstrate your understanding of your submission you may be referred to UNSW Conduct & Integrity Office for investigation for academic misconduct and possible penalties.

For more information on Generative AI and permitted use please see [here](#).

## **General Assessment Information**

Students are to devise their own essay topic for this course. The topic needs to be squarely within the content of the course and must be comparative in nature (ie address US and Australian law). A narrow topic is more likely to be able to be well researched and written while staying within the word limit

Further, to ensure that the topic is suitable and to encourage early engagement with the essay students must provide an essay proposal/outline. The essay proposal or outline should clearly state the proposed contours of the paper, including the question/topic, overview of the approach to be taken, structure of the essay and reference to a small number of sources.

All written work must be footnoted in accordance with Australian Guide to Legal Citation 4.

For further information on generative AI use in the Faculty of Law & Justice, please review the section titled 'Academic Honesty and Plagiarism' under the 'Other Useful Information' tab.

### **Grading Basis**

Standard

# Course Schedule

## Attendance Requirements

Please see information about attendance requirements in **Law & Justice Assessment Procedure** and **Student Information** located in the Other Useful Information tab in the Academic Information field.

## Course Resources

### Prescribed Resources

The prescribed resources for this course will be set out on Moodle.

### Recommended Resources

Additional recommended resources for this course will be set out on Moodle.

## Staff Details

Position	Name	Email	Location	Phone	Availability	Equitable Learning Services Contact	Primary Contact
Convenor	Michael Legg		room 215 Law Building			Yes	Yes

## Other Useful Information

### Academic Information

Upon your enrolment at UNSW, you share responsibility with us for maintaining a safe, harmonious and tolerant University environment.

You are required to:

- Comply with the University's conditions of enrolment.
- Act responsibly, ethically, safely and with integrity.
- Observe standards of equity and respect in dealing with every member of the UNSW community.
- Engage in lawful behaviour.
- Use and care for University resources in a responsible and appropriate manner.
- Maintain the University's reputation and good standing.

For more information, visit the [UNSW Student Code of Conduct Website](#).



## UNSW Law & Justice Assessment Policy

It is essential that all students undertaking this course read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#). This document includes information on Class Attendance, Late Work, Word Limits, Marking, Special Consideration, Workload, and Academic Misconduct & Plagiarism. More information can also be found at [Assessment & Exam Information](#).

Information regarding Course Outlines are subject to change and students are advised to check updates. If there is a discrepancy between the information posted here and the handbook or the UNSW Law & Justice website, please contact [Student Services via The Nucleus Hub](#) for advice. UNSW Law & Justice reserves the right to discontinue or vary such courses or staff allocations at any time. If your course is not here, please visit [Handbook](#) for information.

## Academic Honesty and Plagiarism

As a student at UNSW you are expected to display [academic integrity](#) in your work and interactions. Where a student breaches the [UNSW Student Code](#) with respect to academic integrity, the University may take disciplinary action under the Student Misconduct Procedure. To assure academic integrity, you may be required to demonstrate reasoning, research and the process of constructing work submitted for assessment.

To assist you in understanding what academic integrity means, and how to ensure that you do comply with the UNSW Student Code, it is strongly recommended that you complete the [Working with Academic Integrity](#) module before submitting your first assessment task. It is a free, online self-paced Moodle module that should take about one hour to complete.

## Generative AI

Using generative AI to conduct research or to organise your argument is not prohibited but is not encouraged. We note that the output from generative AI tools is often incorrect and almost always more superficial than is required to achieve a passing grade. Moreover, any substantive errors in the assessment, such as inappropriate references or incorrect statements, will be regarded negatively by the marker, just as they would if not generated by AI. You should limit your use of AI to simple editorial assistance, such as standard editing and referencing functions in word processing software in the creation of your submission. You must not use any functions that generate or paraphrase passages of text, whether based on your own work or not. If your marker or Turnitin identify the wrongful use of generative AI in the text of your assessment

submission, including the use of paraphrasing software, your assessment may be referred to the Student Integrity team for investigation. Please go to the link for further information about [referencing and acknowledging the use of artificial intelligence tools](#).

### **Prohibition on use of translation apps**

With limited exceptions for language study, the course of study and assessment in Australian universities must be in English (Higher Education Standard Framework (Threshold Standards) 2021 1.5 6(c)).

In Law & Justice many classes have assessable class participation. This must be in English. **Use of a translation device to assist with contributions to class discussion is not allowed.** Marks for class participation may be reduced where use of translation devices is detected. Similar prohibitions apply to use of any other generative text app that is not specifically permitted by the class teacher. However, use of translation software to assist a student to understand material outside of class, or to assist with preparation for assessment is generally permitted.

Further considerations apply to LLB and JD students. International lawyers who seek to be admitted in NSW must satisfy an English proficiency test. That test is expressed as equivalent to IELTS scores of 7.0 -8.0 across the tests. It is assumed that UNSW graduates are at or above those levels of English proficiency. Use of translation apps can impede the attainment of that level of proficiency. Students should avoid behaviours that put them at risk of breach of legal requirements which can have significant consequences, including potential consequences for your admission as a lawyer.

### **Submission of Assessment Tasks**

Before submitting assessment items all students must read and abide by the [UNSW Law & Justice Assessment Policy & Student Information](#).

### **Special consideration**

Special consideration is primarily intended to provide you with an extra opportunity to demonstrate the level of performance of which you are capable. To apply, and for further information, see Special Consideration on the UNSW [Current Students](#) page.

### **Feedback**

UNSW Law & Justice appreciates the need for students to have feedback on their progress prior to the last date for withdrawal without failure. All courses will therefore provide feedback to students prior to this date, as well as throughout the course. However, students should note that feedback does not take the form only of formal grades and written comments on written assessments. Rather, formative feedback, which helps students to self-assess, to identify misunderstandings, and to identify areas requiring further work, will occur during class and possibly online. For example, where a teacher asks the class a question, all students should think about how they might answer. Even though not all students will necessarily be able to respond orally, everyone can reflect on their tentative answer in light of the teacher's response and subsequent class discussion. If you are struggling to understand what is being asked in class, or if your tentative answers prove incorrect and subsequent discussion does not clear things up, then you should continue to ask questions (of yourself, your peers or your teacher). Similarly, you can get a sense of your ability in a course through peer feedback during group work, your teacher's responses to your in-class contributions, and your own response to in-class problems and examples (whether or not you are called on to relay your answer to the class) and also your online activities and responses by others to those activities. Students enrolled in this course may check their Moodle course page for details on the specific feedback used in this course.

## Faculty-specific Information

### Additional support for students

- Student support: <https://www.student.unsw.edu.au/support>
- Academic Skills and Support: <https://student.unsw.edu.au/academic-skills>
- Student Wellbeing, Health and Safety: <https://student.unsw.edu.au/wellbeing>
- Equitable Learning Services: <https://student.unsw.edu.au/els>
- UNSW IT Service Centre: <https://www.myit.unsw.edu.au>

### Course improvement

Student feedback is very important to continual course improvement. This is demonstrated within the Faculty of Law & Justice by the implementation of the UNSW online student survey myExperience, which allows students to evaluate their learning experiences in an anonymous way. myExperience survey reports are produced from each survey. They are released to staff after all student assessment results are finalised and released to students. Course convenors will use the feedback to make ongoing improvements to the course. Students enrolled in this course may check their Moodle course page for details on the actions taken in response to evaluation feedback in Student Survey.

## School Contact Information

Please contact [Nucleus Student Hub](#) for all enquiries. The Nucleus acts as a central communications hub for UNSW and will distribute your enquiry to the best person to respond.