

PROGRAMA PENN STATE LAW: INTRODUCCIÓN AL IDIOMA DE DERECHO EN EEUU

PENN STATE LAW LEGAL ENGLISH FOR LAWYERS PROGRAM

SYLLABUS

Welcome to Penn State Law Legal English for Lawyers Program, which is undertaken together with the Universidad Latina de Panamá. The principal object of the short program is to introduce students to U.S. law and legal systems. The reason for this approach is both simple and important. The legal system of the United States tends to be more complex, formally and in operation, than many systems grounded in the civil law tradition. It is not just that the United States is deeply embedded within legal cultures of common law and equity, but also that those cultures of law that created an ideology of law and government that then permeates the approach to constitutional, statutory and administrative regulation. In that context it is not enough to study the vocabulary of “legal English;” words lose meaning without ideological and cultural context. Nor is it sufficient to run quickly through descriptions of the fields of substantive law into which the obligations of individuals to each other and the state are divided. Catalogues do not help lawyers think strategically. Instead it is necessary to acquire at least a working knowledge of the basic premises and principles about the way that law “works” in the United States, as well as an understanding of the origins of those principles in the four quite distinct origin sources of U.S. legal culture—the common law, equity, statutes, administrative regulation. It is also important to understand the role of social norms in the construction of legal principles and practice. Lastly, the relationship between law and the role of the courts in its development and application evidences unique features that are substantial importance for understanding the way that law is administered in the U.S.

It is our hope that the student will be able to acquire a basic knowledge of these themes as we work together through the materials. The course text itself provides substantially more background and explanations that it is hoped the student can use as a resource especially after the short course ends.

All readings will be drawn from the textbook, Larry Catá Backer, *Introduction to the Law and Legal System of the United States: Structures, Functions, Principles, and Practices in National and International Context* (Carolina Academic Press, forthcoming 2019), the pdf version of which you should have received via email. If you have not received a copy please let us know. You will also receive “Program Course Materials” which provide practical exercises and legal English vocabulary. Lectures will be given in English and Spanish.

Introduction to U.S. Law and Legal Systems
Larry Catá Backer
Penn State Law Legal English for Lawyers Program
July 2019

Please feel free to contact me with questions. I can be reached at lcb11@psu.edu. All the course teaching assistants Isa Ferrara Baca and Brandon Ruggiero are also available to help you.

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Bienvenido al Programa de *Inglés jurídico para abogados de Penn State Law*, que se realiza junto con la Universidad Latina de Panamá. El objetivo principal de este programa corto es presentar a los estudiantes el derecho y los sistemas legales de los Estados Unidos. La razón de este enfoque es simple e importante. El sistema de derecho de los Estados Unidos se presenta un poco más complejo, en sus aspectos formal y en su funcionamiento, que muchos sistemas basados en la tradición del derecho civil. No es solo que Estados Unidos esté profundamente arraigado en las culturas de derecho común y “equity”, sino también que esas culturas de derecho crearon una ideología de derecho y gobierno que luego impregna el enfoque de la regulación en forma de estatutos, constitución, y reglamentos administrativos. En ese contexto, no basta con estudiar el vocabulario del idioma de “inglés legal”; palabras pierden significación sin contexto ideológico y culturales. Ni es suficiente con introducir de manera rápida y brevemente unas descripciones de los campos del derecho sustantivo en que se dividen las obligaciones de los individuos entre sí y con el estado. Los catálogos no ayudan a los abogados a pensar estratégicamente. En lugar de esta fórmula de estudio, mejor es necesario adquirir al menos un conocimiento práctico de las premisas y principios básicos por los cuales se opera la forma en que el derecho “funciona” en los Estados Unidos, así como una comprensión de los orígenes de esos principios en las cuatro fuentes de origen bastante distintas de los Estados Unidos. Cultura jurídica: el derecho común, el “equity”, los estatutos, la regulación administrativa. También es importante comprender el puesto de las normas sociales en la construcción de principios y prácticas legales. Por último, la relación entre el derecho y el papel de los tribunales en su desarrollo y aplicación evidencia características únicas que son de importancia sustancial para comprender la forma en que se administra el derecho en los EE. UU.

Esperamos que el estudiante pueda adquirir un conocimiento básico de estos temas mientras trabajamos juntos a través de los materiales. El texto del curso en sí proporciona sustancialmente más antecedentes y explicaciones que se espera que el estudiante pueda usar como recurso, especialmente después de que termine el curso.

Todas las lecturas (menos una) se tomarán del libro de texto, Larry Catá Backer, *Introducción a la Ley y al Sistema Legal de los Estados Unidos: Estructuras, funciones, principios y prácticas en el contexto nacional e internacional* (Carolina Academic Press, de 2019), la versión en pdf. de los cuales deberías haber recibido por correo electrónico. Si no ha recibido el “pdf”, por favor háganoslo saber. Recibirán también materiales adicionales de curso (“Program Course Materials”) los cuales incluyen ejercicios prácticos y vocabulario básico. Las clases se dan en Inglés y Español.

Por favor, no dude en ponerse en contacto conmigo con preguntas. Me pueden contactar en

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lcb11@psu.edu. Todos los asistentes del curso, Isa Ferrara Baca y Brandon Ruggiero, también están disponibles para ayudarlo.

Syllabus:

8 July: Introduction to the Course

Readings Please prepare the and discuss TEXT pp. 4-14 (focus on Problem 1-1: Five Immigrants: The Story; Problem 1-2: Apparel Mart)

Close case reading: U.S. v. Thomas, 116 F.3d 606 (2nd Cir., 1997) TEXT pp. 29-37

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants) to be drawn from the “Program Course Materials” distributed to you by the Teaching Assistants.

9 July: Common Law

Readings: Prepare Problem pp. 65-66 and try to read background materials pp. 66-78)

Close case reading: Marvin v. Marvin, 18 Cal.3d 660, 557 P.2d 106, (Dec. 27, 1976)

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants)

10 July: Equity

Readings: Prepare Problem pp. 118-119 and try to read background materials pp. 119-123

Close case reading: EBAY Inc. et al., Petitioners v. MercExchange, L.L.C., 547 U.S. 388 (2006) TEXT pp. 141-146

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants)

11 July: Statutes

Readings: Prepare Problem 5-1 pp. 186-187 and try to read TEXT pp. 187-195

Close case reading: Thomas Berreman v. West Publishing Company, 615 N.W.2d 362 (Minn. App., 2000), TEXT pp. 221-227

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants)

12 July: Administrative Regulations

Prepare Problem pp. 303-304, and try to read materials TEXT pp. 304-319.

Close case reading: *Humphrey's Executor v. U.S.*, 295 U.S. 602 (1935) or *Dept. of Commerce v. N.Y.* (No. 18-966, decided June 27, 2019; access here:

https://www.supremecourt.gov/opinions/18pdf/18-966_bq7c.pdf)

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants)

13 July: Statutory and Constitutional Interpretation

Read: Brandon J. Murrill, *Modes of Constitutional Interpretation* (7-5700; R45129; Washington, D.C.; Congressional Research Service, March 15, 2018) TEXT pp. 940-941

Close case reading: *Rector, etc. of Holy Trinity Church v. United States*, 143 U.S. 457 (1892), TEXT pp. 273-278

Read: Yule Kim, *Statutory Interpretation: General Principles and Recent Trends* CRS Report for Congress, Order Code 97-589, Updated August 31, 2008. TEXT pp. 805-820

Additional Speakers to be announced.

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants)

15 July: Judicial Review and Interpretation

Read: Yule Kim, *Statutory Interpretation: General Principles and Recent Trends* CRS Report for Congress, Order Code 97-589, Updated August 31, 2008. TEXT pp. 820-823

Read: Brandon J. Murrill, *Modes of Constitutional Interpretation* (7-5700; R45129; Washington, D.C.; Congressional Research Service, March 15, 2018) TEXT pp. 940-941

Close case reading: *Doe v. Ullman*, 367 U.S. 497 (1961), TEXT pp. 930-939.

Legal English Vocabulary and Practical Exercises (led by Teaching Assistants).