



# LL.M. Introduction to the Law and Legal System of the United States—General Syllabus

Professor Pedro A. Malavet (<http://www.law.ufl.edu/faculty/pedro-malavet>)

**LAW 7932—Section 26E0—Class Number 15737**

**Fall 2019**

**Tuesday from 4:30 to 6:30 p.m.**

**Holland Hall Room 360**

**LAW-7200—Class Number TBD**

**Spring 2020**

**Date TBD**

**Room TBD**

## (Course Descriptions, Teaching and Expected Outcomes

### Course Descriptions.

**LAW 7932: LLM in Comparative Law Introduction to the Law and Legal System of the United States Part I (2 credits).** An introduction to the comparative method and to legal education, professionalism and the law and legal system of the United States specifically designed for students and legal professionals trained in a system other than that of the United States.

**LAW 7200: LLM in Comparative Law Introduction to the Law and Legal System of the United States Part I (1-2 credits).** Continuing coverage of legal education, professionalism and the law and legal system of the United States, conducted over one or two full semesters. Typically, it will be conducted over two semesters with one teaching hour per semester week. Alternately, it will be taught as a two-credit course with two teaching hours per semester week.

**Prerequisite Knowledge and Skills.** This course is designed for legal professionals or students having completed a basic degree that leads to a legal profession in a country other than the United States.

**Purpose of the Course.** To prepare students to earn the maximum benefit from their pursuit of LL.M. studies at the University of Florida Levin College of Law by providing basic introductions to the Comparative Method and to fundamental principles of U.S. law, legal system and legal professionalism.

**Instructional Methods.** I try to present information in different ways so as to reach students with different learning styles (visual, oral, etc.). I use technology in and outside of the classroom in order to accomplish this goal. This class will be based on lectures that set up discussion that should be driven by each student's particular frame of reference and pedagogical needs.

**My Basic Approach in the Classroom.** I seek to maximize your learning about the law and legal system of the United States by bridging the cultural gap between the system in which you are already educated and trained and ours. I will lecture on basic concepts and then encourage questions from and discussion with the class.

**Classroom and Study Time-Management.** We are scheduled for thirteen (13) 120-minute sessions, we will take a ten minute break between two roughly 55-minute sessions; this will give us slightly more than the minimum 1400 minutes required for a two-credit class by ABA Standards.

In addition to the usual 110-minutes of classroom time each week, a typical U.S. student should plan to allocate about four (4) hours per week to class preparation and review throughout the semester as well as during the examination period.

The specific needs of an international LL.M. student will vary greatly, depending on your level of English-language proficiency and understanding of the law and legal culture of the United States.

The assignments for the course are organized by class session.

Preparation time should initially be spent reading the assigned text prior to each class session.

I provide pdf printouts of the Power Point slides that I use in class in order to assist you and to reduce the need for detailed note-taking so that we may engage in conversation during class.

You should also regularly review your notes and the materials that I post on the website and the course Canvas on eLearning (<http://elearning.ufl.edu>) page

### Syllabus Quicklinks

General Syllabus  
([llmintrosyll.htm](#))

Course Descriptions,  
Teaching and Outcomes  
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Testing, Participation  
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General Information  
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UF and LCOL Policies  
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Etiquette & Netiquette  
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In Distress?  
Please Ask for Help ([#In  
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Schedule and  
Assignments ([#Schedule](#))

Introduction Part I  
— Assignments & Notes  
([llmintromain.htm](#))

Introduction Part II  
— Assignments & Notes  
([tutorialmain.html](#))

Comparative Method  
Handout  
([LLM\\_Malavet\\_Comparative\\_Materials\\_2C](#))

on a weekly basis and as we finish chapters or major topics.

**By the end of this course, I expect you to:**

- have a basic understanding of the Comparative Method and how to use it to accomplish your educational and professional goals;
- have a basic understanding of the legal structures of the United States;
- have a basic understanding of certain general areas of the laws of the United States;
- be able to use this knowledge to maximize your educational experience at the Levin College of Law, given your particular substantive interests and future professional goals.

**The required class materials are:**

**William Burnham, Introduction to the Law and Legal System of the United States (6th Ed. 2016).**

**Handout No. 1: Introduction to the Comparative Method (LLM\_Malavet\_Comparative\_Materials\_2018.pdf), a pdf with edited texts that I have selected.**

## ( )Testing, Participation and Grading

**Testing:** You will have to complete the Syllabus Quiz on the course Canvas page for 5% of your testing score (those of you who complete the quiz in the Fall will not have to repeat it in the Spring, only new students will be required to do so). You will have to complete a practical project that will consist of drafting a short essay on a topic we have covered during the term. This project will be assigned during the second half of the semester and will account for 10% of your testing score and it will be graded on a pass/fail basis. The remaining 85% (90% if you are not required to repeat the Syllabus Quiz) of your testing score will be a points-graded, open-book, take-home examination.

**Exam Make-up and accommodation.** Exam accommodation is managed by the Levin College of Law's Office of Student Affairs. Please visit the Office of Student Affairs (<http://www.law.ufl.edu/student-affairs>)' page to review the College's policies in this regard: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#11> (<http://www.law.ufl.edu/student-affairs/current-students/academic-policies#11>). Exam make-ups will be as authorized by the Professor Malavet in coordination with the Office of Student Affairs. Accommodation, especially language accommodation, is an important part of your educational experience here at the College and I strongly encourage you to seek information on the subject from the Office of Student Affairs.

**Grading and Class Participation:** When determining your final grades, I will consider class participation, to adjust your testing score, in two ways:

1. **Minimum participation.** (20% of the overall grade.) I expect regular engagement in the the classroom. Students should come prepared to answer the questions about the readings that I may ask, as well as to ask pertinent questions about the subjects that we cover. **Minimum Class Participation further includes:**
  1. Regularly accessing the class materials made available online both in my webpage or in the class Canvas page.
    1. The assignments and latest announcements about class will be posted on the webpage. You must check it regularly for any updates.
    2. All students must regularly access the Canvas page. Please note that Canvas analytics log each student's use of the course pages in great detail and I will use that to show your compliance with this requirement.
2. **Quality of Participation.** I will consider the quality of student participation and conduct to further adjust final grades, as I deem appropriate.
3. **Current Grading Scale.** The University of Florida follows a letter grade and grade point average system with a maximum letter grade of "A" and a maximum GPA of 4.0. Please visit the University Registrar's site for information on the current grade scale. [<https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx> (<https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx>)]
  1. **Graduate School Grading Policies.** LL.M. students admitted as University Graduate Students are subject to the Grading Policies of the Graduate Catalog.
  2. Graduate Catalog: Grading Rules (<http://gradcatalog.ufl.edu/content.php?catoid=12&navoid=2750#grades>)

4.

Letter Grade	Point Equivalent
A	4.00
A-	3.67
B+	3.33
B	3.00
(Generally satisfactory for LL.M. and Graduate School)	
B-	2.67
C+	2.33
C (Passing)	2.00
C- (NOT passing; credits will not be counted towards a graduate degree here and below.)	1.67
D+	1.33
D	1.00
D-	0.67
E	0.00

5. **College of Law Grading Policy.** The College of Law's grading policies are published in the Student Handbook (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>). In general, faculty policy specifies that the mean grade for all seminars and course sections in which more than 15 students are enrolled must fall between 3.15 and 3.25 (inclusive). The mean grade for a course section is required to fall within the specified range. If 15 or fewer students are enrolled in a seminar or course section, there is no minimum GPA but the mean grade for a course section may not be higher than 3.60.

The higher mean grade for courses in which there are 15 or fewer students is recommended rather than mandatory but in no event may the mean grade exceed 3.60. Grades are recorded permanently by the Office of the University Registrar. The GPA is determined by computing the ratio of grade points to semester hours of work attempted in courses in which letter grades are assigned.

#### 6. SOME IMPORTANT DIFFERENCES FOR LL.M. STUDENTS REGARDING GRADING.

1. **LL.M. students are NOT included in the mandatory mean** requirements for our courses at the Levin College of Law.
2. **Graduate School Grading.** While LL.M. Students are graded on the standard grading scale of the University of Florida that is described above, some may be subject to additional grading rules set by the Graduate School. These are set forth in
  1. The Graduate Catalog of the University of Florida (<http://gradcatalog.ufl.edu>)
  2. The Graduate Student Handbook of the University of Florida (<http://graduateschool.ufl.edu/media/graduate-school/pdf-files/handbook.pdf>)
3. In addition to the overall GPA rules, LL.M. students must complete no fewer than four (4) credits in 7000-level courses with a minimum grade of 3.0 (a "B") in order to have a "Graduate GPA" required for graduation by the University of Florida Graduate School. Only grades at C or above are considered passing grades, those below are not and credits for courses in which the student earns such a grade will not be counted towards graduation.
4. The College of Law is in the process of converting our LLM programs into purely professional degrees outside of the University of Florida Graduate School. Students admitted under the new policies will no longer be subject to the Graduate Catalog regulations, just the University and Law School regulations.

## (G) General Information and Policies for the Course

### Office Hours:

For the Fall of 2019, I will have regular office hours, on Monday, from Noon to 1:00 p.m.; Wednesday, from 4:15 to 5:15 (starting in my Evidence classroom, Holland 355B); and Thursday, from 2:30 to 4:30 p.m. My office is in Room 337 in Holland Hall.

For the Spring of 2020: TBD.

You may also see me after class or schedule appointments, subject to my having available time.

Take advantage of office hours as early as possible in the semester. Do not wait until the end of the course to review material and bring your questions to me. Review material regularly, at least as we finish different sections. Additionally, if you feel lost, or if you have doubts that cannot be resolved during class or during the period immediately following it, please do not hesitate to come and see me. Office time is also a good opportunity to explore matters that are not directly related to the material being discussed in class.

**E-mail.** You may communicate with me by E-mail, but only for administrative matters. My address is MALAVET@LAW.UFL.EDU (mailto:malavet@law.ufl.edu). E-mail messages from students must include the student's full name, so that I may ensure that I am communicating with a member of the class. I rarely answer substantive questions by E-mail because I find it a very inadequate medium to discuss course content. I rarely reply to attendance-related messages, since I check that at the end of the semester.

**Web Page, eLearning on Canvas.** This Syllabus and the currently-available weekly Assignment Sheets will be posted on my web site (<http://nersp.osg.ufl.edu/~malavet> (<http://nersp.osg.ufl.edu/~malavet>)). I have also created a Canvas course page in which I have posted printouts of the Power Point slides that I used last semester and I will update these printouts as I make changes to the current pages. I do not place materials on reserve in the library and I will not print out the material posted on the web site. It is your responsibility to review the website and the Canvas on eLearning (<https://lss.at.ufl.edu>) course page regularly for updated class information; this is considered as part of your class participation for my course.

If you have any problems accessing the course website, please contact me directly via email.

If you have any problems accessing the course Canvas page, please contact the UF Helpdesk:

Available 24 hours a day, 7 days a week

(352) 392-HELP (4357)

[helpdesk@ufl.edu](mailto:helpdesk@ufl.edu) (mailto:helpdesk@ufl.edu)

**Class Attendance and Conduct:** Attendance is mandatory. Additionally, students arriving late or leaving the room during class are an undue distraction. Because this is a small class, I will take roll for each session by scanning the room. I will allow one (1) unexcused absence per semester on a no-questions-asked basis. Additionally, I am willing to be flexible about allowing a few excused absences, late arrivals or early departures, for good cause —such as a doctor's appointment, child-care problem or job interview— *provided* that the good cause is brought to my attention beforehand or as soon as possible thereafter in the case of unanticipated occurrences. Excuses must be submitted in writing or via E-mail.

### ***Electronics in the Classroom Prohibited.***

***I will not allow the use of electronics of any kind during class. That includes, but is not limited to computers, tablets, cellular telephones and smart watches (put them in "theater" and "do not disturb" mode during class). Pagers and cellular telephones should be turned off during class (unless you need to be "on call" for serious matters; in such cases, however, please put the phone or pager on "vibrate only" mode; you must obtain prior permission from me to do so).***

**Professionalism in the Classroom.** Naturally, you are all bound by the Regulations of the University of Florida, University Student Code of Conduct, the College of Law Honor Code and my rules. But more than obeying rules, classroom behavior is about showing proper professionalism. Proper conduct in the classroom is intended to encourage everyone to participate in, to derive benefit from, and ultimately to enjoy the class. It is perfectly acceptable, and indeed professionally required,

that you demand professional behavior of your classmates in and out of class. If you see conduct that is unprofessional and that affects your quality of life in the classroom or at the college of law, you should privately approach the offending student and ask that they modify their behavior. If private discussion is impractical or unsuccessful, you should bring the matter to the attention of the instructor or an appropriate official at the College of Law or the University of Florida. You should do so privately, though not anonymously, but you are strongly encouraged to bring serious matters to my attention, or that of other pertinent authorities, as soon as possible, so that I, or they, may take appropriate measures.

**University Policy on Academic Misconduct.** Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php> (<http://www.dso.ufl.edu/students.php>).

**Sanctions.** Absences, tardiness and any other unprofessional conduct will be initially dealt with on a case-by-case basis as a matter of course grading, at the discretion of the instructor. The imposition of disciplinary measures will follow the process provided in the Regulations of the University of Florida, University Student Code of Conduct and the College of Law Honor Code. Serious class disruptions may result in expulsion from the disrupted session. Excessive absences -even if an excuse is offered\*- may result in administrative removal of the offending student from the course or in a reduction of his/her grade. Absent waiver, other matters will be referred to the pertinent committee or administrative hearing, without prejudice to the instructor's normal grading discretion.

\* While I would not reduce someone's grade for excessive **excused** absences, I might administratively remove them from the course, although I would ensure that this was done on a "passing" basis. I would do this if, in my judgment, the person has missed so much of the semester that he or she cannot really benefit from the course.

## Other University and College of Law Policies

**Religious Holy Days.** Absences due to observance of a religious holy day shall be treated as excused absences. Please inform me via email.

**The College of Law's Policy on Religious Holy Days states:** The College of Law respects students' observance of major religious holidays. If an instructor has an attendance policy limiting the number of absences, reasonable alternative means shall be established by the instructor to satisfy the attendance policy and accommodate the religious obligations of the student.

**The University of Florida Policy on Religious Holy Days is as follows:** Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. If a faculty member is informed of or is aware that a significant number of students are likely to be absent from his or her classroom because of a religious observance, a major exam or other academic event should not be scheduled at that time. A student who is to be excused from class for a religious holy day is not required to provide a second party certification of the reasons for the absence.

**University Policy on Classroom Accommodation for Students with Disabilities.** Students requesting classroom accommodation must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations. Students are strongly encouraged to communicate with their professor and with the College of Law's office of student affairs (<http://www.law.ufl.edu/student-affairs>) to ensure that they receive proper accommodation.

**GatorEvals.** Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/> (<https://gatorevals.aa.ufl.edu/students/>). Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/> (<https://ufl.bluera.com/ufl/>). Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/> (<https://gatorevals.aa.ufl.edu/public-results/>).

## Etiquette and Netiquette

### *When participating in class discussion:*

- Take what you are about to say seriously
- Be as brief as possible while still making a thorough comment
- Always be respectful of others' opinions even when they differ from your own
- When you disagree with someone, you should express your differing opinion in a respectful manner
- Do not make personal or insulting remarks
- Be open-minded

### *When communicating electronically you should always:*

- Treat the instructor and your classmates with respect, even in email or in any other online communication

Always use your professors' proper title, which in law school is "Professor," not "Mr.," "Mrs.," "Ms." or "Miss," followed by last name

Avoid the generic use of "professor" without a last name

Unless specifically invited, don't refer to a member of the faculty by first name.

Use clear and concise language

Remember that all college of law level communication should have correct spelling and grammar

Avoid slang terms such as "wassup?" and texting abbreviations such as "u" instead of "you"

Use standard fonts such as Times New Roman and use a size 12 or 14 pt. font

Avoid using the caps lock feature AS IT CAN BE INTERPRETTED AS YELLING

Limit and possibly avoid the use of emoticons like :)

Be cautious when using humor or sarcasm as tone is sometimes lost in an email or discussion post and your message might be taken seriously or offensive

Be careful with personal information (both yours and other's)

Sign your e-mail message with your full name (first and last names) and return e-mail address

## *() Are you in distress? Please Ask for Help*

***If you are having real-life problems that are affecting your general well-being or your studies, please let someone know. You are most welcome to come to me if you wish to talk about it. Additionally, the Office of Student Affairs (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs>), the University Counseling and Wellness Center (<http://www.counseling.ufl.edu/cwc/>) and U\_MatterWeCare (<http://www.umatter.ufl.edu>) are good places to start.***

## ()Schedule and Reading Assignments Fall 2019 and Spring 2020

***The schedule and reading assignments will be posted in the course pages for LAW 7932 and LAW 7200, respectively.***