

Comparative Law and Research Methods

Marcelo Rodríguez

Course description

This course will focus on foreign, comparative and international legal research skills. In our interconnected society and global economy, many areas of U.S. law are heavily impacted and influenced by international, multilateral and bilateral agreements and treaties as well as international customary law. While there is no focus on one specific area of law, the idea is that once students understand foreign, comparative and international legal research in general they can use their knowledge to quickly master research in their own areas of interest, either public or private international law.

By the end of the course, students will understand the foundations and challenges in foreign, comparative and international legal research and demonstrate mastery of strategies for finding the primary and secondary information. Towards that end, students will thoroughly examine definitions of terms, judicial and legal systems in foreign countries and international mechanisms, organization of law materials in common law, civil law, islamic law and mixed legal systems, and a variety of online sources of foreign, comparative and international law. Students will learn to efficiently utilize a variety of free and commercial sources and employ a variety of search strategies to find statutes and decisions in foreign jurisdictions, multilateral and bilateral agreements and treaties, and any relevant secondary sources of information. In addition, students will learn different techniques for tracking latest developments at international, regional and supranational levels.

Instructors and Contac Information

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Course objectives

Students will:

- Recognize and use the basic framework of foreign, comparative and international legal research.
- Distinguish the differences between public and private international law.
- Categorize and analyze the different foreign legal systems in common, civil, islamic and mixed jurisdictions.
- Assess, compare and use the different online sources for foreign, comparative and international law research.
- Efficiently use a variety of sources to find decisions, agreements, treaties and other legal materials on a specific topic from different jurisdictions and internationally

- Efficiently use a variety of finding methods (databases, keyword searching, treatises, etc.) to locate primary and secondary sources on an international law topic comparatively and internationally.

Class Sessions

This course meets for 7 two-hour sessions in the first half of the semester. I will be using D2L to communicate and post course materials and assignments so students are responsible for regularly checking the course site.

Office Hours

As a general rule, I will be available following our class. However, feel free to stop by my office anytime during the week or email me to set up an appointment.

Course Components

Class Participation and Attendance

The best way to develop legal research skills is to actually do legal research. Therefore, class attendance and thoughtful participation are essential elements of this course and a critical portion of each student's grade, since the majority of class time is devoted to working on exercises.

Mid-semester Quiz

A one-hour mid-semester quiz will be given in the fourth week of class. Students can prepare for the quiz by reviewing the course d2l and reviewing the materials covered in class, paying special attention to the information that I have repeatedly emphasized. The quiz will be true/false, multiple choice, and short answer.

In-class Exercises

Every week, students will work on their assigned countries to complete one or two sections of their profiles. The sections will correspond to the content explained in class that same week. Students will have time in-class as well as time at home to work on these. These in-class exercises aim to prepare students for the final research project.

Final Research Project

Throughout the semester we will use examples from different subjects of foreign, comparative and international law in class lectures and weekly exercises. The final project is an opportunity for students to explore a particular area more deeply in a 5 – 10 page paper.

Grading

Grades for this course will be calculated as follows:

- 10% Class participation, attendance
- 15% Mid-semester quiz
- 25% In-class exercises
- 50% Final research project

Date	Title	To Read/Watch Before Class	What's due?
xx/xx	Overview of Foreign, Comparative and International Law	Legal Research Strategy - Legal Research Strategy - Research Guides at Harvard Library Legal Research Strategy - YouTube	
xx/xx	Foreign Law and Non-Legal Sources of Information	Brill. Chapter 1: International and Foreign Legal Research: A Coursebook. Brill. Chapter 1: Introduction https://ebookcentral.proquest.com/lib/uaz/reader.action?docID=919556&ppg=25	
xx/xx	Primary and Secondary Sources for Foreign Law	Congressional Research Service Report on Costa Rica (Sept. 2021): IF10908 (Congress.gov) Legal Research Without Official Diplomatic Relations, Slaw, April 2021: Legal Research Without Official Diplomatic Relations: Venezuela, Iran and North Korea - Slaw	Country Profile Points no. 2 and 3 Mid-semester quiz

xx/xx	Comparative Law and Keywords	<p>Introduction (https://ebookcentral.proquest.com/lib/uaz/reader.action?docID=919556&ppg=25) Further readings: Danner, Richard Allen, and Jules Winterton, eds. The IALL International handbook of legal information management. Ashgate Publishing, Ltd., 2011. Chapter 10: Free Access to the Law Movement: ProQuest Ebook Central - Reader</p>	Country Profile Points no. 4 and 5
xx/xx	Comparative Law and Translation	<p>Mattei, U. (1997). Three patterns of law: taxonomy and change in the world's legal systems. The American journal of comparative law, 45(1), 5-44. Sections 1 only. Husa, Jaakko (2023), Bloomsbury Publishing. Introduction to Comparative Law. Chapter 5: Why Compare?</p> <p>Further reading: Danner, Richard Allen, and Jules Winterton, eds. The IALL international handbook of legal information management. Ashgate Publishing, Ltd., 2011. Chapter 15: Comparative Law: Academic Perspectives: ProQuest Ebook Central - Reader</p>	Country Profile Points no. 4 and 5 (Translation)
xx/xx	International and Regional Organizations	<p>From the Reference Desk: But I Want it in English! DipLawMatic Dialogues, FCIL Blog. November 2020. From the Reference Desk: "But I Want it in English!" DipLawMatic Dialogues (wordpress.com)</p>	Country Profile Points no. 6 and 7

		<p>Husa, Jaakko (2023), Bloomsbury Publishing. Introduction to Comparative Law. Chapter 6: Basic Strategies in Comparison</p> <p>Further reading: Researching the Use of Emojis in the Legal Profession, Slaw, October 2020: Researching The Use of Emojis in the Legal Profession - Slaw</p>	
xx/xx	Tracking Developments in International Law	<p>Danner, Richard Allen, and Jules Winterton, eds. The IALL international handbook of legal information management. Ashgate Publishing, Ltd., 2011. Chapter 14: International Organizations and Legal Information: ProQuest Ebook Central - Reader</p> <p>Further readings: Researching Foreign and International Current Events, Slaw, 2022</p>	
xx/xx			Final project

Course Administration

This course will be administered through D2L. All materials and assignments will be posted on D2L. Please update your D2L notifications so you are aware of all new postings.

Attendance

Please discuss with us in advance of any planned absences so we can schedule a make-up class. If you miss class due to an unexpected absence such as illness, please check in with us after you are back in class and we'll schedule a make-up session.

Also, please note the College of Law attendance policy:

The College of Law expects students to attend classes regularly, complete assignments in a timely manner, and be prepared for class.

A student may be (1) dropped from a course, or (2) refused permission to continue to be enrolled in a course, to take the final examination in a course, or to otherwise complete a course, for any of the following reasons: (a) an excessive number of absences, (b) an excessive

number of instances of not completing class assignments or not completing them in a timely manner, or (c) an excessive number of instances of not being prepared for class.

Unexcused absences in excess of ten percent of the regularly scheduled classes in a course shall be considered an excessive number of absences for purposes of this section.

College of Law Honor Code

You are bound by the entirety of the College of Law Honor Code in this class regardless of whether you are pursuing a degree from the College of Law. See https://law.arizona.edu/sites/default/files/Honor_Code_2015.pdf de_2015.pdf for more information.

Student Handbook

Arizona Law students are bound by the entirety of the College of Law Student Handbook and by University of Arizona policies. See <https://arizona.box.com/v/LawHandbook>. This includes policies on classroom professionalism. The American Bar Association and the College of Law require regular and punctual class attendance. Under the College of Law's attendance policy, unexcused absences in excess of 10% of the regularly scheduled classes are grounds for being dropped from the course. Your attendance and active participation are important and appreciated. See <https://arizona.box.com/v/LawHandbook>, Section VI-A for more information.

General University Policies

See this link for general University policies on absence and class participation, the threatening behavior policy, accessibility and accommodations, the Code of Academic Integrity, the nondiscrimination and anti-harassment policy, and the subject to change statement.

<https://academicaffairs.arizona.edu/syllabus-policies>

Accommodations & Accessibility

It is the University's goal that learning experiences be as accessible as possible. If you anticipate or experience physical barriers based on disability or pregnancy, please consult with Dr. Willie Jordan-Curtis, Dean of Students at the College of Law so that you can discuss options.

Name: Dr. Willie Jordan-Curtis

Email:

jordancu@email.arizona.edu

Phone: (520) 621-8602

Office: LAW 150C

You may also contact Disability Resources (520-621-3268) to establish reasonable accommodations.