

PROPOSED SYLLABUS,
LECTURE TOPICS AND SCHEDULE

AMERICAN LEGAL
AND
ADMINISTRATIVE LAW SYSTEMS

Petrozavodsk State University – Fall 2007

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READINGS

On Law School and www.johnaritter.com Websites

- #1 1. Introduction to the American Legal and Administrative Law System
Basic principles of American law:
a. A government of laws and not men;
b. That government is best which governs least;
c. For every wrong there is a remedy;
d. No person can be deprived of life, liberty or property without due process of law – applicable in criminal, civil, and Administrative law.
- #2 2. Legal History of U.S.A.
#3 a. From England – common law;
#4 b. U.S. Constitution – separation of powers into 3 branches
#5 of government - executive, legislative, judicial;
c. Administrative departments consolidate all 3 into a 4th branch of government: Administrative agencies, which have grown slowly in US because of anti-government philosophy and separation of power doctrine;
d. Federalism – 50 state governments, one federal central government;
e. The jury system – in both criminal and civil cases, required by U.S. Constitution, but not in Administrative Agency hearings.
- #6 3. The Common Law System of Precedents
#7 a. Stare Decisis;
#8 b. Holding and dictum of a court case;
c. Comparison of civil law and common law systems.

READINGS

- #13 4. The Federal System in the U.S.A.
a. Division between 50 states and 1 federal government;
b. Federal supremacy;
c. Erie v. Tompkins – which state law to apply in federal case, where state laws differ;
d. Administrative Law use to expand federal power.
- #9 5. Legal Education in the U.S.A.
#10 Is 3 year post graduate degree after 4 year university degree (B.A. or B.S. + J.D.)
- #11 6. The American Legal Profession
#12 a. Bar Examination and Bar Admission – 50 different states;
#26 b. Lawyer Regulation.
Lawyer Canons of Ethics and Code of Professional Responsibility.
- #14 7. Why so many lawyers in the U.S.A. (1,100,000) / How they
#15 earn money.
#16 a. Litigation / Lawsuit explosion
#17 Reasons:
#18 i. Impact of liability and auto insurance
ii. The Contingent Fee (Percentage of Judgment) is legal
iii Referral fees are legal
iv. Juries decide civil suits
b. Major types of lawyers in the U.S.A.:
i. The personal injury and trial lawyer
ii. The criminal lawyer (government prosecutor, public defender, private defense lawyer)
iii. The government lawyer (municipal. state, federal)
iv. The poverty lawyer
v. The real estate lawyer
vi. Administrative lawyers (tax, securities, immigration, environment, land use)
- #19 8. A. Class Action Lawsuits
B. Tort Reform
C. Citizen Group lawsuits in Administrative Law
- #20 9. American Administrative Law
The modern administrative state in U.S.A. combines legislative, executive, and judicial power in many agencies, causing many to say it violates U.S. Constitutional doctrine of separation of power.

READINGS

- #21 10. Basics of Administrative Law
Rule making, adjudication, judicial review, Administrative Procedure Act.
Electronic distribution of rule making.
All rules and regulations must be made available by government and agencies to the public, therefore, they are now all put on the internet.
- _____ 11. Unique Concepts in U.S. Administrative Law
a. Whistle Blower statutes encourage government employees to disclose government wrongdoing;
b. Private Attorney Generals;
c. Deregulation and Privatization;
d. Doctrine of Exhaustion of Administrative Remedies.
- _____ 12. Federalism in Administrative Law – State vs. Federal Government - budgetary power of Congress used to make states change laws to suit federal government and make uniform throughout country;
Preemption of state laws by federal agency rule making.
- #27 13. South American Law and the Legal System in Colombia (Guest Lecturer Marcela Hurtado Vargas, of Colombia)
The rule of law in Colombia is developing with a new Constitution adopted in 1991.
- _____ 14. The Credit System in the U.S.A.
Why so important and how law protects and encourages it.
a. Creditors' Rights;
b. Debtors' Rights;
c. Administrative agencies insure banks and 30 year home mortgages.
- #24 15. Real Property Law
#25 a. Contract for sale of house, condominium;
 b. The mortgage and 30 year amortization.

