I. COURSE INTRODUCTION

This course is an opportunity to do two things: first, work on writing and, second, ask an important question—compared to what? First, this course is fundamentally a writing course. You will write weekly in class and need to prepare a final paper equivalent in quality and length to a law journal note. We will also spend time discussing writing. How do you put an outline together? What makes a good thesis statement? How do you go from a jumble of thoughts to a coherent, written argument? Thinking about these questions now will pay dividends later. Effective writing is an indispensible skill in the practice of law.

Second, as a comparative law seminar, this is an opportunity to put things in perspective. Taking time to ask the question “compared to what?” creates an opportunity to see the forest for the trees, to step back and think about our own legal tradition from a broader perspective. Much of law school, and the practice of law, is about parsing this section of a statute or interpreting that case; this is an opportunity to think about the role of law in society and to do so through comparison. The human eye judges distance by comparing two points. As students, we best evaluate the law, not in a vacuum, but in comparison. Basic questions like, “are there too many lawyers in the U.S.?” are answered best by examining not only the U.S. but also jurisdictions with far fewer lawyers.

In this seminar, assigned reading will focus on Japan. Japanese law combines a native legal tradition, an imported Chinese legal system, imported European Civil Law system, and finally imported U.S. law. The result, juxtaposed against the U.S., raises interesting questions; questions that I hope will cause you to think more about our own legal system in the U.S. Your writing is not limited to Japan. You may write about any law-related subject that interests you and compares the law of two or more jurisdictions. It could be class actions in Mexico and the U.S. or the right to trial by jury in the British Commonwealth nations. Pick something that interests you and that you would like to share. At the end of the course, you will be asked to present and discuss your research, thoughts, and conclusions.
II. COURSE MATERIALS

A. Required Text


B. Recommended Reading

John O. Haley, AUTHORITY WITHOUT POWER (1991)
Ramseyer Nakazato, JAPANESE LAW: AN ECONOMIC APPROACH (1998)
Mark D. West, LAW IN EVERYDAY JAPAN (2005)
LAW IN JAPAN: A TURNING POINT (Daniel H. Foot ed., 2007)

C. TWEN

The TWEN page for this course contains a copy of the syllabus. Sign-ups sheets for individual meetings to discuss drafts will also be posted.

III. GRADES

Grades are based on a final paper (60%); short in-class writing exercises (20%); presentation (10%); and classroom attendance and participation (10%).

A. Final Paper (60%)

Students will be expected to complete a research and writing project on a comparative law subject of their own choosing. As set out above, while the focus of the readings will be on Japan, the research and writing project need not be Japan-related. Pick an area of the world and a law-related topic that interests you.

We will use the class time scheduled for Week 7 (October 1 and 3) to meet individually to discuss a draft thesis statement and outline for your paper. Please sign up in advance on the TWEN course website for a meeting time. If we can’t fit all of the meetings into the regularly scheduled class times, we will schedule additional time during that week.

A copy of your draft thesis statement and outline is due forty-eight (48) hours before the meeting. So if you are scheduled to meet with me starting at 1:00 p.m. on Wednesday, October 3, your draft thesis statement and outline are due Monday, October 1 at 1:00 p.m. If the deadline falls on a weekend day, it’s due then or the preceding business day.
We will use the class times scheduled for Weeks 11 through 13 (October 29 & 31, November 5, 7, 12 & 14) to meet individually to discuss a draft of your paper. Please sign up in advance for a meeting on the TWEN course website. A copy of your draft is due forty-eight (48) hours before the meeting.

The paper itself should be between twenty-five (25) and thirty (30) pages long. Papers should be double-spaced, with one (1) inch margins and standard fonts and font sizes for the text. Citations format for footnotes should follow THE BLUEBOOK requirements for journal articles.

Grades for final papers submitted late will be marked down. Papers submitted within twenty-four (24) hours of the due date will be marked down ten (10) points, with similar deductions for further delay. Delay in submitting or failure to submit the draft thesis, outline, or draft paper discussed above will result in the grade for your final paper being marked down ten (10) points.

B. Class Presentation (10%) 

You will be asked to give an oral presentation on your research at the end of the semester. The length of the presentation will depend on the number of enrolled students, with a likely range of fifteen (15) to thirty (30) minutes. The format for the presentation is up to you. The quality of the presentation will determine ten (10) percent of your grade.

C. Writing Exercises (20%) 

Writing skills come with practice, and we take time to practice them. We will spend time following each substantive section of material writing a short reflection piece in class. The topics may vary, but will be based on the reading and what it says about Japan or suggests about the U.S.

Plan to spend ten to twenty minutes writing each week in class. For those with laptops, afterwards, I’ll ask you to copy and paste your work into email and send to me. For those with pen and paper, I’ll ask you to hand it in at the end of class.

This is not a quiz. I will not grade the work to see if the law is exactly right. I will read your work to see if you’ve thought about the material, and simply score it on a scale of 0-2. As time permits, I may print and provide redacted copies (names removed) to your colleagues to review and re-write the following class. There’s no such thing as good writing, only good re-writing.

D. Attendance & Participation (10%)

Please note that this course adheres to SIU Law’s attendance policy: attendance is required in all classes. Because individual meetings will replace seminar time for four (4) weeks of the semester, the number of absences permitted prior to law
school sanction is reduced. If you accumulate more than four (4) class absences, you will be subject to the sanctions set out in the law school rules. Those sanctions include mandatory withdrawal from the course. Missing part of the class counts as missing all of the class.

In terms of participation, it is incumbent upon you to read the material, come to class well prepared, and participate. Every student who does so will receive the ten (10) class participation points; those who do not will not.

I understand that students have other course, work, and personal commitments. For the purposes of the attendance and participation grade, I will take those commitments explained in advance into consideration in evaluating absences or an inability to prepare. If you miss a class in which there is a writing exercise, you will have an opportunity to complete the exercise either beforehand or afterwards if the absence is explained and excused in advance. Just as in practice, you will find a difference in resolving scheduling conflicts beforehand and simply not showing up.

E. Final Grade

This course follows SIU Law’s grading policy for courses with smaller enrollments. It is, of necessity, subject to mandatory medians.

IV. CONTACT INFORMATION

I encourage you to contact me with any questions you might have. After class, rather than before, is usually a good time. Feel free to drop by my office, Room 214, or email to set up a time.

I will check email sent to apardieck@siu.edu and respond as soon as I can. My response may not come immediately and it may be brief. The ulnar nerve in my left hand periodically objects to typing.

IV. COURSE ASSIGNMENTS

The first assignment is to read “The Historical Context,” pp. 1-30, and “The Civil Law Tradition,” pp. 30-42 in the text. The reading assignments are not uniform in length, but they average out to approximately fifty (50) pages a week—a light load. My hope is that you will use the extra time to work on your paper. Doing so is an investment, not in a grade, but in a skill-set.

Please note the assigned readings do not always follow the order found in the text. If you have any questions about what we will cover in the next class, please ask.
V. TENTATIVE COURSE OUTLINE

Week 1  **Historical Context**

A. The Historical Context, pp. 1-30

B. The Civil Law Tradition, pp. 30-42

Week 2  **The Legal Profession**

A. Introduction, pp. 43-72

B. Legal Education, pp. 72-80

C. The Practice of Law, pp. 100-106

D. Lawyer Scarcity: Comparative Approaches, 107-129

Week 3  **The Judiciary**

A. The Judiciary, pp. 129-165

Week 4  **Dispute Resolution**

A. Disputes in Modern Japan, pp. 166-176

B. Competing Explanations, pp. 176-200

C. Institutional Factors, pp. 200-213

Week 5  **Constitutional Law**

A. Origins, pp. 214-228

B. The Military, pp. 228-248

E. Minority Groups, pp. 274-308

Week 6  **Criminal Law**

A. The Nature of Crime in Japan, pp. 474-505

B. Law Enforcement Institutions, pp. 510-526
C. Criminal Procedure and Police Behavior, pp. 526-536
D. Citizen Participation 544-555

**WEEK 7**

PRELIMINARY OUTLINES DUE & INDIVIDUAL MEETINGS

- No class or assigned reading.
- Individual meetings re preliminary outlines—sign-up on TWEN.
- Outlines emailed forty-eight (48) hours prior to meeting.

**Week 8**

**Contracts & Torts**

**Contracts**

A. Contract Practice, pp. 323-334
B. Contract Law, pp. 334-345
C. Comparative Perspectives, pp. 345-354

**Torts**

A. Core Concepts, pp. 355-368
B. Medical Malpractice, pp. 387-416

**Week 9**

**Family Law**

A. The Traditional Family, pp. 560-587
B. Defining the Modern Family, pp. 598-600
C. Divorce, pp. 600-611
D. Birth Control, pp. 611-618

**Week 10**

**Employment Law**

A. Hiring, Work Conditions, and Firing, pp. 619-658
B. Discrimination, pp. 658-678

**Weeks 11-13**

PAPER DRAFTS DUE & INDIVIDUAL MEETINGS
- No class or assigned reading.
- Individual meetings re paper drafts—sign-up on TWEN.
- Drafts emailed forty-eight (48) hours prior to meeting.

Week 14  Thanksgiving Break!

Week 15  Individual Presentations

- Individual presentations. Time and format to be announced.

DECEMBER 14, 2012  FINAL PAPERS DUE

- Final Papers due, emailed to me, by 5:00 p.m., December 14, 2012.

VI.  FINAL NOTES

Make Up Classes: We are required to make up a class for the Labor Day holiday. At this point, I would anticipate making up the class missed because of the Labor Day holiday by meeting individually with students to discuss the drafts outlined above.

Disability Disclosure Statement: Students with disabilities are entitled to reasonable accommodations and to academic adjustments. See http://disabilityservices.siu.edu/. Any student requiring accommodation because of a disability should contact the Associate Dean’s Office at the law school.

Recording Classes: Absent a request for an accommodation, this course will not be recorded. Individual classes may be on recorded a case-by-case basis.

Emergency Procedures: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.