

**Law 590, §2
Senior Writing Seminar
Comparative Evidence, Advocacy,
and Procedure in US and African Commonwealth Countries**

**Course Memorandum
Fall 2020**

Distance Learning
Synchronous via Zoom Fridays from 9:00 am-10:15 am
Additional Asynchronous Online Content

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Office Hours: as needed

1. Course Overview and Objectives

This course broadly examines and compares similarities and differences between the legal systems of the United States and former British Commonwealth countries in Africa, all of which have a common heritage and ancestry in the English common law. Our purpose is to reflect on and analyze how multiple factors influenced the development of laws and procedure in these various systems, such as colonialism and its inherent racial and exploitation issues, independence, trade, customary or traditional law, other legal systems, and culture.

We will be assisted in our endeavor by a series of guest speakers from several different African countries, as well as some subject-matter experts from our own faculty. These speakers have diverse backgrounds, including public service, private practice, and academia. They are gifted lawyers and teachers who have agreed to speak to our class to help foster understanding of their work and legal systems. In addition to these lectures, the course includes assigned readings and podcasts.

Because this is a Senior Writing Seminar, the course also focuses heavily on developing your research, critical analysis, reading, writing, and revision skills. This occurs through writing research and opinion papers on topics related to legal system and procedures in Africa.

By the end of the course, students will achieve the following learning objectives:

- Obtain a broad historical understanding of colonialism and its positive and negative impact on the development of legal systems and procedures in the United States and former British Commonwealth countries in Africa.
- Gain specific knowledge about individual courts, constitutional issues, legal procedures, challenges, and practices in various countries through assigned readings and from guest speakers.
- Identify an appropriate topic and create a sustainable research plan in support of it.

- With the benefit of multiple drafts and formative assessments, produce a 5500-word research paper of publishable quality.
- With the benefit of multiple drafts and formative assessments, produce a 1000-word opinion piece on the same topic of publishable quality.
- Produce one 500-word critical reading analysis of an assigned scholarly reading in the course and 500-word critical analysis of a classmate's research paper.
- Prepare and give a scholarly presentation summarizing the student's research project and defending its thesis.

2. Course Materials

There are no assigned textbooks to purchase for this course. All instructional materials will be provided through the course TWEN page in the form of scholarly articles, podcasts, and assignment memoranda.

Class members are required to have a working computer and webcam, reliable high-speed internet access for the Zoom session guest lectures, and a WhatsApp account for the class WhatsApp group.

3. Course Approach and Philosophy

This course is designated as a senior writing seminar. Rather than focusing on a single 7500-word scholarly article, the course requires four writing assignments and one classroom presentation from each student. Although the amount of work will, in the end, be about the same as writing a 7500-word paper, the grading will be spread out among several assignments. Every assignment includes the opportunity to receive formative feedback and to rewrite the assignment. There will be no final examination.

Much of what we learn in this class will come from guest lectures and panels. Most of our speakers will present live to us via Zoom from their homes in Africa. For some of these lectures, the speaker will assign some preparatory reading. For other lectures, there will be no advance preparation required other than reading the speaker's bio and preparing a few questions to ask during the Q&A section at the end.

After each guest lecture, by the end of the day, every member of the class is required to share on the class WhatsApp group an insight or question that arose in their minds during the lecture. This may be done by written or video message on WhatsApp. Class members are also encouraged to respond to each other's comments.

4. Grading and Evaluation

This course will be graded as follows:

- a. Research Paper (60% of final grade). You'll write a 5500-word research paper on an approved topic of your choice. There are several graded components to this assignment. I will separately provide a guidance memorandum on the TWEN page that explains all components of this assignment, including due dates.
 - 1) Topic Submission Memorandum and Research Plan (5% of final course grade).
 - 2) Zeroth Draft (10%).
 - 3) First Complete Submission (20%).
 - 4) Final Submission (25%).
- b. Op-Ed Piece (10%). This assignment requires you to write a 1000-word op-ed piece on the same subject as your research paper. You'll write it between your Zeroth draft and first complete submission. Its purpose is twofold: (1) to assist you in refining your thesis statement and ideas; (2) to learn the format and skills to write an opinion piece of publishable quality. Resource materials and assignment memorandum provided on TWEN.
- c. Class Presentation (10%). Format and requirements provided by separate memorandum.
- d. Class Preparation and Participation (10%). This includes preparation for asking intelligent questions of our guest speakers, as well as the quality of your comments and insights on the class WhatsApp Group. At the end of the semester, you'll have an opportunity to suggest what kind of grade your preparation and participation merits.
- e. Critical Reading Assignments (two assignments, 5% each, total of 10%). Assignment one is a critical reading analysis of an assigned scholarly article. Assignment two is a critical reading analysis of a peer's first complete paper submission. 500 words each.

5. Weekly Class Rhythm & Workload

This class is offered entirely by distance learning, blending both asynchronous and synchronous components. The asynchronous components of the class consist of work you do on your own time, within the deadlines established in the syllabus. Examples of asynchronous work include podcasts, reading assignments, writing assignments, and WhatsApp Group reflection posts. The asynchronous assignments are listed in the weekly schedule in the Wednesday slot for each week. When there is a podcast or reading assignment, you must complete it and report having done so to me by individual WhatsApp message by the beginning of class on Friday the week it is assigned. If you fail to complete and report an asynchronous assignment by the Friday deadline, you will be assessed a .1 penalty from your final grade for instance. Please be aware

that I can track whether students have accessed assignments through TWEN. Thus, if you falsely claim to have completed an assignment but did not access it, that is an Honor Code violation, and I will report it. The penalties for an Honor Code violation may be much more severe than the penalty for failing to complete an asynchronous assignment.

The synchronous component is a weekly Zoom meeting, every Friday from 9:00-10:15 am. During the weekly meeting, we will have guest speakers the first 12 weeks of the semester and class presentations the final two weeks of the semester.

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time. This is a 3-credit hour class. For a normal class, the amount of assigned reading and out of class preparation would take about 3 hours of class time and 6 hours of preparation time each week. Over a 15-week period, that totals 135 hours. Thus, you should expect to work approximately 135 hours during the semester on this class. Approximately 15 of those hours will be in class. The remaining 120 consist of your out-of-class work. This includes asynchronous assignments such as podcasts, reading assignments, and most importantly your writing project.

Because of the amount of work required to work on research and writing, there will be several weeks in which there will be no assigned readings or work other than attending the guest lecture for the week.

6. Zoom Etiquette

I expect the following from anyone attending class via Zoom:

- Make sure you have a good, high-speed internet connection. If you are attending from home, ensure that no one else is using Zoom or streaming movies or video at that time. If you can plug your computer directly into a router with an ethernet cable or USB connection, you'll find your Zoom connection will be much better than simply using wifi.
- Turn off all programs on your computer except Zoom and a word-processing program if you are using one to take notes. Do not use chat services or instant-messaging services on your computer during class.
- Do not use your cellphone during a Zoom class, or any class, unless it is to participate in an online survey or quiz as directed by me.
- Unless otherwise directed, keep your video camera on and ensure the area around you is free from distractions, including pets and people.
- A few things to consider when your camera is on.
 - You are free to use a virtual background if you'd like, provided it is not

overly distracting.

- If you're attending class from a bedroom or other room in your home, take the time to make your bed, pick up any dirty clothes or dishes that might be lying around, and, in general, straighten the area up to look as uncluttered and professional as possible.
 - The camera should be focused on your face and not on other parts of your body such as up your nostrils, your forehead, your neck, your chest, your midsection, any other non-face part of your body, or the wall behind you.
 - The light source in the room should be in front of you, not behind you.
 - Wear acceptable clothing, such as you would wear to class. Ensure that other people in your home who might pass through camera range are also wearing acceptable clothing. Acceptable clothing does not include pajamas and/or underwear.
 - (This section is derived entirely from experience; my other students and I have, unfortunately, seen far more than we would like to see in classes or meetings in which the participants haven't complied with these recommendations.)
- Unless you are being called on, keep your microphone muted. If you would like to participate, use the Raise Hand function on Zoom to indicate this.
 - If something happens to your internet connection during class, turn Zoom off and on and log back on as soon as you can. There is no need to apologize for this; it happens to everyone. It may happen to me while I'm teaching (has happened before).

An additional note on clothing for guest speakers. African lawyers tend to be more formal than American lawyers. I fully expect that all our guest speakers will wear professional attire such as they would wear to court. While you are not required to wear courtroom attire, as a sign of respect to our guests, please make the effort to ensure your appearance in our Zoom meetings is not overly casual. If all of life were up to me, I would always wear T-shirts, shorts, and Birkenstocks to every event in my life. I plan to wear a collared shirt and tie for every one of our guest speaker sessions.

7. Attendance

I expect you to attend every Friday class. I also understand that sometimes life interferes with your ability to attend. You may miss a maximum of two Friday classes. You may not miss the final two weeks of class, which are research presentations; unless you are gravely ill, you will not be able to make up a missed class presentation. Beyond that, I follow the school attendance policy for grade penalties and course withdrawals.

When major components of your writing assignments are due, I will not schedule any mid-week

asynchronous assignments so you have time to work on your research and writing. This will all be laid out on the detailed reading and assignment schedule on the TWEN page.

8. SIUC and School of Law Policies (including COVID-19 policies).

https://pvcaa.siu.edu/_common/documents/provost-memos/syllabus-attachment-fall-2020.pdf

https://law.siu.edu/_common/documents/courses/fa-20-syllabi/law-school-fall-2020-attachment.pdf

11. Weekly Schedule and Assignment Due Dates

Week	Class	Date	Assignment (ASYNC) Scheduled Guest Speakers (SYNC)
1	1	(ASYNC) 19 Aug	Podcasts: (1) Course Introduction (watch before Zoom class Friday the 21 st); (2) Introduction to Comparative Law (with Professor Andy Pardieck) (by Sunday, 23 August, at 11:59 pm.)
	2	(SYNC) 21 Aug	Guest Lecture. Linda Alinda-Ikanza (Kampala, Uganda) and Sam Akhwale (Nairobi, Kenya): Basic Organization of Court Systems; Becoming a Lawyer in Kenya and Uganda
2	3	(ASYNC) 27 Aug	Podcast: Researching African Law and Policy (with Professor Doug Lind) Reading Assignment (on TWEN)
	4	(SYNC) 28 Aug	Guest Lecture. Jason Green (US Department of State, Karachi, Pakistan. SIU Alumnus). Judicial Capacity Building in Sub-Saharan Africa
3	5	(ASYNC) 2 Sep	Podcasts: (1) How to Write a Seminar Paper. (2) Comparative Constitutionalism (with Professor Cindy Fountaine) Reading Assignment (on TWEN) Volokh excerpt, pages 20-45.
	6	(SYNC) 4 Sep	Guest Lecture. John Chigiti. Nairobi, Kenya. Pro-Bono Litigation and Defending the Rights of Marginalized Populations 6 Sep, 11:59 pm, Topic Selection Memo & Research Plan Due on TWEN
4	7	(ASYNC) 9 Sep	Podcast: Critical Reading of a Scholarly Paper Reading Assignment (on TWEN): Assignment Memo Critical Reading Analysis; Assigned scholarly paper.
	8	(SYNC) 11 Sep	Guest Lecture. Nyambara Mbatia. Khartoum, Sudan. COMESA Court and Its Jurisdiction 13 Sep, 11:59 PM. Critical Reading Analysis Paper 1 (500 words)

Week	Class	Date	Assignment (ASYNC) Scheduled Guest Speakers (SYNC)
5	9	(ASYNC) 16 Sep	Individual Zoom or personal conferences with Professor Behan to discuss topic selection memo and critical reading analysis. See TWEN page for scheduling.
	10	(SYNC) 18 Sep	Guest Lecture. Frederic Odour. Mombasa, Kenya. Anti-Corruption Efforts in East Africa
6	11	(ASYNC) 23 Sep	No assignments. Work on Zeroth draft.
	12	(SYNC) 25 Sep	Guest Lecture. Key Dingake. Gaborone, Botswana. Judicial Selection and Judicial Independence
7	13	(ASYNC) 30 Sep	No assignments. Work on Zeroth draft.
	14	(SYNC) 2 Oct	Guest Lecture. Dr. Sarah Kinyanjui. Mombasa, Kenya. Women and the Criminal Law in Kenya 4 Oct, 11:59 PM, Zeroth Draft Due
8	15	(ASYNC) 7 Oct	Podcast and Reading Materials: How to Write an Op-Ed Piece.
	16	(SYNC) 9 Oct	Open Date (I still have a couple of guest speaker invitations pending, so this could fill) 11 Oct, 11:59 PM, draft Op-Ed due on TWEN
9	17	(ASYNC) 14 Oct	Individual Zoom or personal conferences with Professor Behan to discuss Zeroth draft and Op-Ed draft.
	18	(SYNC) 16 Oct	Guest Lecture. Caroline Katisya and Benjamin Njoroge. Mombasa, Kenya. Constitutional Review Process in Kenya. 18 Oct, 11:59 PM, peer Op-Ed comments due on TWEN (ungraded)
10	19	(ASYNC) 21 Oct	No class. Work on final Op-Ed.
	20	(SYNC) 23 Oct	Tentative Guest Panel: Prosecuting Wildlife Traffickers in Tanzania. 25 Oct, 11:59 PM, final Op-Ed due on TWEN
11	21	(ASYNC) 28 Oct	No class. Work on first submission.
	22	(SYNC) 30 Oct	Guest Panel. Zebida Casley, et al. Mombasa, Kenya. Life as a Newly Admitted Lawyer in Kenya.

Week	Class	Date	Assignment (ASYNC) Scheduled Guest Speakers (SYNC)
12	23	(ASYNC) 4 Nov	No class. Work on first submission.
	24	(SYNC) 6 Nov	Guest Lecture. Njoki Mboce. Nairobi, Kenya. Maritime Law in East Africa. 8 Nov, 11:59 PM, first submission due on TWEN
13	25	(ASYNC) 11 Nov	Podcast: Preparing for In-Class Presentations.
	26	(SYNC) 13 Nov	In-Class Presentations
14	27	(ASYNC) 18 Nov	Individual Zoom or personal conferences with Professor Behan to discuss first Submissions.
	28	(SYNC) 20 Nov	In-Class Presentations
			Critical Analysis Paper #2 (500 words) (of peer First Submission) Due: NLT Saturday, 21 Nov 11:59 PM
			Second Submission Due: 12 December 2020