

**Law 602-2**  
**Legal Globalization and Comparative Law: Kenya**  
**Course Memorandum**  
**Spring 2024**

Professor Chris Behan & Dean Camille Davidson  
F, 10:30-11:20 or **as indicated in reading and assignment schedule**  
(Room 108 and MS Teams)  
Onsite Portion of Course: 7-17 March 2024

**Course Overview and Objectives**

This course examines the culture, history, and legal system of Kenya, a vibrant country of approximately 55 million people in East Africa. The first half of the semester focuses on a comparative examination of common law adversary trials in the United States and Kenya. Students will be assigned Kenyan partners for a mock trial competition that will take place in Kenya during the travel portion of the course, which is scheduled for March 7-17, 2024. The case will use Kenyan law and procedures and be set in a Kenyan Magistrate Court.

While in Kenya, students will visit courts, legal offices, and cultural heritage sites throughout Kenya. Students will also go on a safari to a Kenyan national park.

The second half of the semester students will write and submit a white paper on topic of their choosing related to Kenyan law.

By the end of the course students should be able to:

- Gain a basic understanding of Kenyan history, culture, governmental structure, 2010 Constitution, and legal system.
- Work in a collaborative, cross-cultural professional environment with law students from another country and legal system.
- Learn and apply universal principles of trial advocacy, including case analysis, basic presentation skills, opening statements, witness examinations, and closing arguments.
- Compare and contrast the legal systems of Kenya and the United States in an experiential learning environment.
- Display cultural competency and sensitivity to the customs and values of Kenyan society while serving as exemplary ambassadors of the SIU School of Law and the United States of America.
- Write a blog post about the trip and an op-ed piece on a selected and approved issue involving Kenya's legal system.

**Class Meetings**

The class meets on Fridays from 10:30-11:20 in Room 108, starting on Friday, January 19. Some meetings, particularly those focusing on trial advocacy training with Kenyan law students, will occur via

MS Teams on Saturdays. Prior to the beginning of the semester, you'll receive a schedule for the trial advocacy training with your Kenyan counterparts.

We expect you to be prepared, present, and engaged in class. The usual law school expectations apply, but we particularly require you to show consideration for your fellow American students, Kenyan guest speakers and students, and Kenyan logistics and support personnel who will take care of our needs in country. That consideration consists of being well prepared, paying attention, and contributing questions and discussion points. Guest speakers are doing extra work and giving their time to benefit *you*. The golden rule applies to your fellow students as presenters – provide them with the courtesy and attention you hope to receive.

Activities in Kenya from March 9-16 are part of the course. SIU attendance rules and standards of professional behavior apply to the travel portion of the course. We will participate in a variety of activities while in Kenya: visits to museums, courts, and law offices; classroom work with students from the University of Nairobi; a courtroom competition; a safari; and professional receptions and dinners.

In an international group travel situation, there is no place for abusive behavior to drivers, tour guides, hotel personnel, or anyone else who is working hard to ensure the success of our trip. Americans have earned a bad reputation for their treatment of others overseas. **If there are any issues with inadequate service arising in-country that need to be addressed, you must go through a professor for their resolution. We absolutely cannot tolerate “ugly American” behavior on this trip.**

### **Course Materials**

There are no assigned textbooks for the course. All trial advocacy training materials and case files will be provided to you on the D2L page at no expense to you.

The first assignment for the course is to sign up for and read a book from a reading list over the holiday break. The sign-up sheet is under Communication, Groups, Book Sign-Up List on D2L. The books on the reading list are inexpensive and are available in either hard copy or electronic format through Amazon and other booksellers. The booklist is as follows:

- Binyavanga Wainaina, *Someday I Will Write About This Place: A Memoir*
- Margaret A. Ogola, *The River and Its Source*
- Ngugi Wa Thiong'o, *Petals of Blood*
- Yvonne Adhiambo Owuor, *Dust*

We recommend that you obtain a good travel guide to Kenya prior to the trip. There are several excellent guidebooks available through Amazon or other booksellers. They provide a wealth of cultural and travel information that will help you prepare for the trip and will be invaluable during the visit.

### **Contact Information**

Professor Behan's office is Room 154. His email address is [cbehan@siu.edu](mailto:cbehan@siu.edu). His mobile phone is 618-521-1849 (text preferred—please identify yourself).

Dean Davidson's office is in the Dean's Suite. Her email address is [camille.davidson@siu.edu](mailto:camille.davidson@siu.edu). Her mobile phone is 704-564-5492.

### **Attendance and Other Classroom Policies**

Pursuant to School of Law and ABA rules, attendance is required. This applies to live sessions, virtual sessions on MS Teams or Zoom, and scheduled activities in Kenya.

This is a 2-credit course that meets once a week, with some exceptions as noted in the reading schedule. You may miss one class without having to obtain permission. For good cause shown, such as illness or participation in a moot court or mock trial competition, you may obtain advance permission to miss a second class. If you miss class on a day that you are scheduled to give a presentation, you will fail the assignment—unless there was an absolute and unavoidable emergency that caused you to miss.

Please be prepared for all class sessions and lectures by reading, in advance, any assigned materials, thinking about them, and developing well-considered questions that will aid the classroom discussion. Show respect to guest speakers by paying attention in class and remaining engaged.

You are welcome to use laptop computers in the classroom for appropriate purposes, which include taking notes and assisting in the classroom discussion.

### **Assessment**

This course has multiple graded assessments. Late work receives an automatic 50% point reduction.

- Assigned book to be read over holiday break.
  - Individual book report, as per assignment guidance posted on D2L. **15%**
  - Group presentation on assigned book. 10-15 minutes per group, using assignment guidance posted on D2L. **5%.**
- Assigned trial advocacy written work product. Individual assignment memos will be posted on D2L. Written work product must be turned in electronically on D2L each week as assigned and must comply with standards and formats in the assignment memos. Written work product includes the following:
  - Team accountability standards, written with Kenyan partners. **5%**
  - Case analysis memorandum, written individually as per assignment memorandum. **25%**
- 2500-3500 word white paper on an approved topic pertaining to Kenya. **30%**
- Trip timeliness, participation, and demeanor. You will receive a guidance memorandum on expected standards prior to departure. **20%**
  - **Note: if we must send you home because of behavioral issues or misconduct, you will automatically fail the entire course.**

### **Emergency Procedures**

See syllabus addendums on D2L for more information about law school and university emergency procedures.

Prior to travel, each of you will receive materials with emergency contact information and procedures for the travel portion of the class.

### **Students with Disabilities**

The law school's policies and procedures regarding students with disabilities may be found online at <http://www.law.siu.edu/>. Students with disabilities requiring reasonable accommodation should contact the Registrar's office.

## Recording Policy

The class will not be recorded.

## Semester Schedule

Please ensure that you check the D2L page for supplemental reading assignments and preparation materials prior to each class. Schedule is subject to change.

Week	Date	Topic/Responsible Professor	Assignment
1	19 January	<ul style="list-style-type: none"><li>Course orientation and introduction to Kenya's legal system.</li></ul>	<ul style="list-style-type: none"><li>See D2L</li></ul>
2	26 January	<ul style="list-style-type: none"><li>Group book reports</li></ul>	<ul style="list-style-type: none"><li>To be completed during holiday break.</li><li>Sign-ups on D2L</li><li>Guidance and format for reports on D2L.</li><li>Individual book reports due on D2L</li></ul>
3	2 February	<ul style="list-style-type: none"><li>Basic Advocacy Building Blocks</li><li>Introduction to assigned collaborative partnerships and trial teams.</li></ul>	<ul style="list-style-type: none"><li><b>ASYNC: Watch video on basic advocacy building blocks before class.</b></li><li>Materials on D2L</li><li>Turn in team accountability standards as per D2L deadline.</li></ul>
4	9 February	<ul style="list-style-type: none"><li><b>No class this week. Video on case analysis and case analysis memo assignment will be available for SIU students.</b></li></ul>	
5	17 February (Saturday)	<ul style="list-style-type: none"><li>8AM-10AM (5PM-7PM EAT)</li><li>MS Teams</li><li>Case Analysis</li></ul>	<ul style="list-style-type: none"><li><b>ASYNC: Watch video on case analysis prior to class</b></li><li>Materials on D2L</li><li>Case analysis memo (graded) due on D2L</li></ul>
6	24 February (Saturday)	<ul style="list-style-type: none"><li>8AM-10AM (5PM-7PM EAT)</li><li>MS Teams</li><li>Opening statements &amp; Closing arguments.</li></ul>	<ul style="list-style-type: none"><li><b>ASYNC: Watch video on opening statements and closing arguments prior to class.</b></li><li>Materials on D2L.</li></ul>
7	2 March	<ul style="list-style-type: none"><li>8AM-10AM (5PM-7PM EAT)</li><li>MS Teams</li><li>Examination in Chief (Direct Examination)</li><li>Cross examination</li></ul>	<ul style="list-style-type: none"><li><b>ASYNC: Watch video on examination in chief (direct examination) and cross examination.</b></li><li>Materials on D2L.</li></ul>

Week	Date	Topic/Responsible Professor	Assignment
8	7-16 March	<ul style="list-style-type: none"> <li>• Travel to Kenya.</li> <li>• Activities in country.</li> <li>• Return home.</li> </ul>	
9	22 March	<ul style="list-style-type: none"> <li>• No class. Recover from trip.</li> </ul>	
10	29 March	<ul style="list-style-type: none"> <li>• Instruction on White Paper writing assignment.</li> </ul>	<ul style="list-style-type: none"> <li>• Materials on D2L</li> </ul>
11	5 April	<ul style="list-style-type: none"> <li>• No class: work on assignment.</li> </ul>	
12	12 April	<ul style="list-style-type: none"> <li>• No class. Paper conferences with professors as needed.</li> </ul>	
13	19 April	<ul style="list-style-type: none"> <li>• No class. Work on final draft</li> </ul>	<ul style="list-style-type: none"> <li>• Final draft of writing assignment due by 11:59PM on 25 April</li> </ul>
14	26 April	<ul style="list-style-type: none"> <li>• Final class session: Recap of Semester and Discussion of White Papers</li> </ul>	