COURSE             Law 361 Historical Foundations of the Common Law
UNIT VALUE        1.5 Units (3 hours of instruction per week)
INSTRUCTOR        Mark Gillen
TERM OFFERED      Spring 2019
CLASS TIMES       See Schedule
PREREQUISITES/COREQUISITES  None

OBJECTIVES

One general objective of the course is to explore aspects of the origins of the English common law system to develop a better understanding of the common law and historical development of selected procedural and substantive aspects of the common law such as the development of different courts (e.g., King’s Bench, Common Pleas, courts of equity, and ecclesiastical courts), forms of action, juries and pleadings, judicial review of court decisions, the legal profession and legal literature, and some substantive areas such as contract law, negligence, criminal law, real property law, and reception of English law in the colonies.

Another general objective is to encourage a historical understanding of the common law.

A further objective is to allow students to examine a legal history topic of their own choosing through a term paper.

METHODOLOGY

The reading materials for the course are set out in the syllabus, or Course Outline, which will be handed out at the beginning of the course. The basic text will be J. H. Baker, *An Introduction to English Legal History* (Butterworths, 4th edition, 2002), supplemented with other readings. There will be lectures and discussion. There may also be guest lectures on particular topics. The last four classes will be student presentations of their papers.

EXPECTED EVALUATION METHODOLOGY

The grade in the course will be based on the following:

(i) 50% of the final mark will be based on a paper of a minimum 7,500 words (not counting footnotes, table of contents or bibliography— roughly 30 double-spaced pages) that can count as a major paper. The topic for the paper must be chosen by Friday, February 1, 2019;

(ii) 14% of the final mark will be based on class attendance (from the beginning to the end of the class) with one mark being given for each class attended (to a maximum of 14 marks for 16 classes) beginning in the week of the 21st of January and ending on Thursday, March 21st;

(iii) 4% of the final mark will be based on class attendance (from the beginning to the end of the class) during the last four classes in the term with one mark being given for each of the last four classes attended (with class paper presentations being done during the final two weeks of class);

(iv) 12% of the final mark will be based on the in-class presentation of the paper mentioned in (i) above;

(v) 20% of the final mark based on two 1,000 word comments each based on a chapter of your choosing from the required text for the course.

ACADEMIC INTEGRITY

Attention is drawn to the University’s *Policy on Academic Integrity* at: [http://web.uvic.ca/calendar2014/FACS/UlnIn/UARes/PoAcI.html](http://web.uvic.ca/calendar2014/FACS/UlnIn/UARes/PoAcI.html)

June, 2018

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1 The information in this document is provided for course registration purposes only and is subject to change. More detailed course information about course content and evaluation will be provided upon the commencement of the course. Students seeking additional information about the course prior to its commencement may contact the instructor or, if no instructor is listed, the Manager of Academic Administration and Student Services (lawmaass@uvic.ca).