



# Principles of Common Law

Professor Kern Alexander

Professor Elisabetta Fiocchi Malaspina

HS19

KOL-G-204; 12:15-13:45

<https://www.uzh.ch/cmssl/rwi/de/lehreforschung/alphabetisch/alexander/lv/vorl/hs17/pcl17.html>

## Books:

- Oliver Wendell Holmes, 'The Common Law' (Barnes and Noble, NY)
- Benjamin Cardozo, 'The Nature of the Judicial Process' (New Haven, Yale)
- William Geldart, edited by DCM Yardley, 'Introduction to English Law' (Oxford Univ Press, Oxford)
- David J. Hayton, 'The Law of Trusts', (Thomson Sweet & Maxwell, 4<sup>th</sup> edition)
- Glanville Williams, 'Learning the Law' (Sweet & Maxwell, 16<sup>th</sup> edition, ed. A.T.H. Smith)

## Lecture 1 (17.9.2019) – Introduction / admin / general sources

- Williams, chap 1 'The Division of the Law' (1-26)
- Geldart, chap 1
- Llewellyn – 'The Bramble Bush' (11-24)

Optional

- Holmes, chaps 1 & 2

## Lecture 2 (24.9.2019) – Case Law Method and Precedent, Role of Judges and Juries

- Williams, 'The Case Law Technique', chap 6, (95-125)
- Llewellyn, 'The Bramble Bush', (41-69)
- Optional: Cardozo, chaps 1, 3 & 4

## Lecture 3 (1.10.2018) – History and the Common Law (Public Law and/or private law) – Prof. Fiocchi Malaspina

- Padoa Schioppa, A European History of Law, chap 26
- Padoa Schioppa, A European History of Law, chap 16

## Lecture 4 (8.10. 2019) – Public Law, the Constitution and Statutory Interpretation

- Introduction to Public Law
- Williams, 'The Interpretation of Statutes', chap 7, (127-149)
- Llewellyn, 'The Bramble Bush', (70-81)
- Oxley, CityAM, 'Creating new friendly peers is practically a political tradition', 29.08.2019

Optional

- Poole - Back to the Future? Unearthing the Theory of Common Law Constitutionalism
- Jenkins - From Unwritten to Written: Transformation in the British Common Law Constitution

## Lecture 5 (15.10.2019) – Criminal Law I – Substantive Aspects

- Adapted lecture handout
- Aaron Hernandez case



- Note: you do not need to know any case names for the exam. Please read the handout to understand the *principles* behind each chapter. It serves as an introduction to Criminal Law.

**Lecture 6 (22.10.2019) – Criminal Law II – Procedural Aspects**

- idem

**Lecture 7 (29.10.2019) – Torts**

- Holmes, chaps 3 & 4
- Geldart, chap 7
- Handout: Accident: in Tort and beyond
- North Broward Hospital District vs Susan Kalitan case (Florida Supreme Court)

**Lecture 8 (5.11.2019) – Contract law I**

- Holmes, chaps 7 & 8
- Llewellyn, 'The Bramble Bush', (81-89)

**Lecture 9 (12.11.2019) – Contract law II**

- Geldart, chap 6
- Gordley, Introduction
- Alexander, A Bank's Duty of Care, chap 9
- Additional readings and briefs on website

**Lecture 10 (19.11.2019) – Property – Prof. Fiocchi Malaspina**

- Geldart, chap 5

**Lecture 11 (26.11.2019) – Equity and Trusts – Prof. Fiocchi Malaspina**

- Geldart, chap 2
- Hayton, chap 1
- Additional chapter tba

**Lecture 12 (3.12.2019) – European Dimension of UK Law and Brexit**

- Williams, 'The European Dimension' chap 3, 51-70
- Readings on website (to be provided)

**Lecture 13 (10.12.2019) – Business and Corporate Aspects & Exam review**

- Baskind, Osborne, Roach, *Commercial Law*, pp. 1-17

Available at Google books (click on the cover):

[https://books.google.ch/books?id=Zd4dDAAQBAJ&hl=de&source=gbs\\_navlinks\\_s](https://books.google.ch/books?id=Zd4dDAAQBAJ&hl=de&source=gbs_navlinks_s)

- Llewellyn, 'The Bramble Bush', p. 119-129

Optional

- Hannigan, *Company Law*, chap. 1-3 = pp. 1-78

Available at Google books (click on the cover): [https://books.google.ch/books?id=vslyc8PSG-UC&dq=%22company+law%22&hl=de&source=gbs\\_navlinks\\_s](https://books.google.ch/books?id=vslyc8PSG-UC&dq=%22company+law%22&hl=de&source=gbs_navlinks_s)

**Exam review Week 14 (17.12.2019)**

- No new readings
- Review session
- We recommend that you use this time to catch up on previous readings and prepare questions