

American Law Introductory Courses 2001

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[1] For those considering pursuing an LL.M. program in the United States, a wise place to begin would be participation in one of the German Lawyers' Association's (DAJV) *American Law Introductory Courses* (offered in cooperation with the Atlantic Academy Rhineland-Palatinate and the University of Michigan Law School). The ALICs consist of two weeks of lectures in Germany on American law in a genuine American law-school-atmosphere.

[2] In the Summer 2001 a group of thirty law students, law school graduates participating in their *Referendarzeit* (the practical training portion of the German legal education) and a small handful of attorneys (primarily working in the insurance industry) gathered at Hambach Castle in Germany to study American Tort Law, Civil Procedure, Securities Regulation and American Constitutional Law. To begin, Professor Mathias Reimann, LL.M., of the University of Michigan Law School introduced us to the American Law School teaching style – "the Socratic method". If you were not acquainted with this pedagogical method from reading Scott Turow's *One L* or seeing the movie *Paper Chase*, this was the chance to experience what is still a popular method in the venerable law faculties of the Ivy-League. All of the students were expected to prepare themselves for class sessions by reading the assigned literature in advance. In class we examined the subjects by way of a thorough conversation with the Professor in which all were expected to participate. The Professor, by opposing and challenging the students' answers, forced them to give more and better arguments.

[3] Everybody – at one time or another - has heard of the (in)famous "McDonald's coffee case", often taken as representative of contemporary American Tort Law. This case served as the focus of our examination of American Tort Law, although we began with cases drawn from an earlier period in American Tort Law and followed its development up to present. Against this background, we analyzed why (and if at all) someone had been awarded US \$ 3m for burns resulting from spilled McDonald's coffee. A Summer course can only give limited exposure to a field so intricately linked to a country's economic and legal culture as is the case with Tort Law. For those interested in learning more about comparative legal culture especially in the field of Tort Law, I suggest Robert Kagan's recent book *Adversarial Legalism* (Harvard 2001).

[4] Our introductory (and necessarily comparative) journey continued in the field of American Civil Procedure, taught by Professor Craig T. Smith of Vanderbilt University Law School who treated us to a very interesting and differentiated perspective on Civil litigation. This was put to a test during our last lecture's "moot court:" during which two groups presented a case to a jury while representing either the plaintiff or the defendant in a civil action. This experience made a significant impression as the participants were required to confront the difficulties of convincing a completely uninformed jury, providing a small taste of what "real" American lawyers do.

[5] With a faculty change in the second week we were then given an introduction to Securities Law by Professor Adam C. Pritchard of the University of Michigan Law School. We read and discussed leading cases on liability issues concerning initial public offerings (IPO's), undue influence on market prices, insider-trading and fraud class actions. These sessions were extremely interesting, even for those participants with little experience in business and economic law.

[6] Finally, in American Constitutional Law with Professor Joan L. Larsen of the University of Michigan Law School we took a close look at basic principles (founding documents, judicial review, federalism) and later focussed on contemporary topics such as Civil Rights and Affirmative Action. This, albeit short, look at American "Con Law" emphasized the common truism that, regardless of the specific field of law on which one concentrates, every lawyer is also essentially working with Constitutional Law. We were reminded that the underlying structuring and influencing of 'private' law by public, Constitutional Law principles has long been the subject of legal scholarship and the work of judges. The short introduction to the American perspectives on Constitutional Law proved for all of the participants to be a strong invitation to consider the reciprocal influence of these legal orders from a new light.

[7] As to the technicalities of the ALICs: there are two daily classes of three hours each, providing the participants with sufficient time during lunch breaks or in the evenings for making contacts and for class preparation. Nearby swimming-pool facilities attracted our attention after intensive discussions and the neighboring Neu stadt/Weinstrasse region offered itself as a wonderful setting to explore and enjoy during the weekends. The Hambach Castle [http://www.hambacher-schloss.de/html_en/] is worth a visit, and the region of Palatine is famous for its pleasant climate, fine wines and excellent food. The School's location, the Pfalzakademie, is itself a nice place to stay at, furnished with modern rooms, good service, ideally located in close vicinity to forest preserves. Those with rooms to the forest eventually claimed to have spotted occasional wild boars in the mornings.

[8] This year's ALICs are scheduled for the period from July 28th through August 10th in Lambrecht/Palatine (between Ludwigshafen and Kaiserslautern, all within a good 1.5 hour's drive from Frankfurt). There still are places available and for further information and registration, one may call the Atlantic Academy at the addresses indicated below.

[9] Although hard work, the American Law Introductory Courses are a splendid opportunity to get an authentic impression of what is awaiting future LL.M. candidates in the United States.

Further information available at:

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