



Fundamentals of Anglo-American and Polish Legal Systems

Educational subject description sheet

Basic information

<p>Field of study Public Administration</p> <p>Speciality -</p> <p>Department Faculty of Law and Administration</p> <p>Study level second cycle</p> <p>Study form full-time degree programme</p> <p>Education profile General academic</p> <p>Mandatory elective</p>	<p>Education cycle 2023/24</p> <p>Subject code UJ.WPAADMS.250.5cac67ca9e44b.23</p> <p>Lecture languages English</p> <p>Subject related to scientific research Yes</p> <p>Disciplines Legal science</p> <p>ISCED classification 0421 Law</p> <p>USOS code WPA-A-II-404, WPA-10.P-3107</p>
Subject coordinator	Jan Halberda
Lecturer	Jan Halberda

Periods Semester 1, Semester 3	<p>Examination exam</p> <p>Activities and hours lecture: 30</p>	Number of ECTS points 5.0
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Goals

C1	The main goal is to master the student's knowledge of specific legal doctrines characteristic of legal systems in Anglo-American jurisdictions and in Poland.
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Subject's learning outcomes

Code	Outcomes in terms of	Effects	Examination methods
Knowledge - Student knows and understands:			
W1	The student who has completed the course knows the basic similarities and differences between the United Kingdom system based on supremacy of the parliament and the US and Polish systems adopting the separation of powers and the principles of judicial review of constitutionality of laws. The student knows the analogies and differences between solutions known to Polish law and their equivalents in Anglo-American law (premises for the conclusion of the contract; defects in the declaration of intent in the Civil Code and doctrines of mistake, misrepresentation, undue influence, fraud, duress, unconscionability; impossibility, clausula rebus sic stantibus, frustration). He/she Has knowledge of the different features of the common law and equity law systems, as well as of the structure of private law in the discussed jurisdictions.	ADM_K2_W09	written exam
Skills - Student can:			
U1	The student who has passed the lecture is able to describe - using English - the basic concepts of private and public law of the United Kingdom, USA and Poland. He/she is able to conduct research and gather information taking into account the specific features of the legal sources and the structure of individual legal orders.	ADM_K2_U02, ADM_K2_U04	written exam
Social competences - Student is ready to:			
K1	The student who has completed the course will find it easier to provide legal assistance to foreign entities. By using English, he will be able to point out to the party operating in a foreign language - legal remedies available to him/her in Polish law.	ADM_K2_K01, ADM_K2_K07	written exam

Calculation of ECTS points

Activity form	Activity hours*
lecture	30
preparation for the exam	30
preparation for classes	20
self-study regarding classes	20
analysis of literature given by the teacher	10
foreign language terminology acquisition	15

Student workload	Hours 125	ECTS 5.0
Workload involving teacher	Hours 30	ECTS 1.0

* hour means 45 minutes

Study content

No.	Course content	Subject's learning outcomes
1.	Sources of law in the United Kingdom, in the United States and in Poland (case law and statute law) - Brexit issues - The division of powers and the supremacy of parliament - Relations between legislative and executive powers - Judicial review	W1, U1, K1
2.	Equity law and common law in Anglo-American law - Structure of private law - Contract law (contract formation, consideration, defects in a declaration of intent, impossibility and frustration, clausula rebus sic stantibus) - Tort law (premises of liability) - Property law - "Safety valves" (abuse of law, good faith, unjust enrichment, promissory estoppel)	W1, U1, K1

Course advanced

Teaching methods:

conversation lecture, lecture with multimedia presentation, case study

Activities	Examination methods	Credit conditions
lecture	written exam	The exam [open book] consists in three problem questions, including 1 - a comparison of selected institutions in the field of constitutional law in Poland, the United Kingdom and the USA, 2 questions - a comparison of selected institutions in the field of private law in Poland and in common law.

Entry requirements

Lecture for English-speaking students.

Literature

Obligatory

1. Peter Birks, This Heap of Good Learning: The Jurist in the Common Law Tradition, w: B. Markesinis (red.), Law Making, Law Finding and Law Shaping: The Diverse Influencies, Oxford 1997, s. 113-138,
2. Jan Halberda, The principle of good faith and fair dealing in English contract law, Právovedenie 2020 (2021), t. 64, nr 3, s. 312-325,

Optional

1. Mindy Chen-Wishart, In Defence Of Consideration, w: Oxford University Commonwealth Law Journal 2013, s. 209-238,
2. Jan Halberda, Mistake of law and mistake of fact in English law of restitution, w: Tijdschrift voor Rechtsgeschiedenis 2014, s. 261-283,
3. Geoffrey Samuel, Can the Common Law be Mapped?, w: The University of Toronto Law Journal 2005, s. 271-297.

Effects

Code	Content
ADM_K2_W09	Absolwent zna i rozumie funkcjonowanie w sferze administracji instytucji prawa materialnego oraz procesowego w Polsce, Unii Europejskiej oraz organach i organizacjach międzynarodowych
ADM_K2_U02	Absolwent potrafi wykorzystywać i prawidłowo posługiwać się wiedzą z zakresu nauk o prawie i administracji oraz podstawową wiedzą interdyscyplinarną i pozyskiwać dane dla analizowania procesów i zjawisk w tym zakresie
ADM_K2_U04	Absolwent potrafi prawidłowo posługiwać się terminologią z zakresu prawa i administracji
ADM_K2_K01	Absolwent jest gotów do doskonalenia oraz uzupełniania nabytej wiedzy i umiejętności a także rozumie potrzebę stałego dokształcania się
ADM_K2_K07	Absolwent jest gotów do myślenia i działania w sposób kreatywny