

COMPARATIVE LEGAL SYSTEMS:

AUSTRIA, GERMANY, AND THE UNITED STATES

**Loyola University School of Law
Foreign Summer Program
The University of Vienna Law School**

July 6, 2009 - July 18, 2009

COURSE SYLLABUS

Professor Herbert Hausmaninger
University of Vienna Law School

Professor Dane Ciolino
Loyola University School of Law

COURSE DESCRIPTION

Comparative Legal Systems: Austria, Germany and the United States is a three credit hour comparative law course designed to provide introductory instruction in the legal systems of Austria and Germany, and to compare their systems, based on the civil law tradition, with the common law system in the United States. The course is presented in the lecture format, supplemented by visits to significant legal institutions of the Austrian legal system and with presentations by judges, practitioners, and professors.

The class meets Monday through Friday for two weeks, as listed in the schedule below. Classes meet in the U18 lecture hall in the Juridicum main building. The course examination will be conducted on Saturday, July 18, in the same room.

The summer program office is located on the third floor of the Institute of Roman Law, Schenkenstraße 8, telephone #4277 34401. The program director and faculty are available in these offices to answer questions and discuss course materials following class and at other designated times. Supplemental reading material (e.g. treatises and law review articles in Comparative Law and European Union Law, and other topics) is available in the summer program office.

Designated readings in preparation of the lectures and special presentations are listed on the schedule below. These readings will enrich the students' understanding of the course and will enable them to contribute to class discussions. Students are expected to prepare for class by reading the assigned materials, and are invited to take advantage of the additional materials available in the program office.

COURSE SCHEDULE	
Sunday, July 5, 2009	Introduction and Orientation Reception Wiener Rathauskeller 6:00 p.m.
Monday, July 6, 2009	Classroom U 18 University of Vienna Law School
9:00 - 10:15	Austrian Political History up to 1945 read H. Hausmaninger, The Austrian Legal System (3rd ed. 2003) pp. 1-7
10:30 - 11:45	The Second Republic (pp. 7-18)
13:00 - 14:10	Constitution, Sources of Law (pp. 21-35)
Tuesday, July 7, 2009	
9:00 - 10:15	Political System: Democracy, Legislation (pp. 39-58)
10:30 - 11:45	Executive (pp. 58-69)
13:00 - 14:10	Federalism (pp. 69-77)
Wednesday, July 8, 2009	
9:00 - 10:15	Courts (pp. 123-128); Administrative Adjudication (pp. 129-138)
10:30 - 11:45	Constitutional Review (pp. 139-159)
13:00 - 14:10	Comparative Discussion
Thursday, July 9, 2009	
9:00 - 10:15	Legal Education (pp. 103-110)
10:30 - 11:45	Discussion with Dr. Helmut Preyer of the Vienna Bar
13:00 - 14:10	Legal Professions (pp. 110-121)
Friday, July 10, 2009	
8:30 - 10:00	Civil Law Tradition (pp. 299-322)
10:15 - 11:45	Civil Codes (pp. 233-240)
Afternoon train to Prague	
Monday, July 13, 2009	
In Prague at Charles University	
9:00 - 10:15	European Union (pp. 79-99)
10:30 - 12:00	Czech Republic and the EU (Czech guest-professor)
Return train to Vienna (departs Holesovice station)	

COURSE SCHEDULE	
Tuesday, July 14, 2009	
9:00 - 10:15	Criminal Procedure I (pp. 189-203)
10:30 - 11:45	Criminal Procedure II (pp. 203-215)
13:15	Meet at the Palace of Justice
13:30	Guided Tour of the Supreme Court by Judge Dr. Michael Schwab
Wednesday, July 15, 2009	
9:00 - 10:15	Fundamental Rights I (pp. 161-171)
10:30 - 11:45	Fundamental Rights II (pp. 171-186)
14:00	Meet at the Constitutional Court Guided tour and discussion
Thursday, July 16, 2009	
8:30 - 9:30	Comparative Review (Merryman)
10:00 - 12:30	Visit of the Parliament (guided tour and discussion)
Friday, July 17, 2009	
9:00 - 10:15	Dr. Barbara Steininger: Comparative European Tort Law
10:30 - 11:45	Final Review
Saturday, July 18, 2009	FINAL EXAMINATION