



# JUSTRAC

## Introduction to the American Legal System, Part 1

\*This agenda subject to change\*

December 10–11, 2024

### Virtual Platform: Zoom

Instructions will be provided closer to the dates of the program.

### Additional information:

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*This training is open to personnel from all hiring categories, including U.S. Direct Hires, locally employed staff, PSCs, and TPCs. This training is offered at no cost. If you are a PSC/TPC, please seek approval from your supervisor before registering for the course and your contracting officer. Please contact [rolc@sc.edu](mailto:rolc@sc.edu) with questions about the training or eligibility.*



Rule of Law Collaborative  
UNIVERSITY OF SOUTH CAROLINA





# JUSTRAC

## U.S. DEPARTMENT OF STATE (INL) JUSTRAC Introduction to the American Legal System, Part 1

### Course Objectives

Efforts to help improve the rule of law globally are rooted in several relevant contextual influences: local justice system practices, international standards, political pressures, and responses to system-changing events such as regime change, war, or natural disaster. While the goal of U.S. promotion of rule of law is never to export the U.S. system wholesale, there are elements of the U.S. system that affect the practice of rule of law reform. The U.S. has exerted significant influence over the decades in establishing and shaping international standards. Moreover, as the largest and most active legal system in the world, the U.S. is a source of experimentation and innovation that are deeply studied for impact, providing many examples of successful practice. Finally, from a program design and management perspective, the expertise of USG implementing partners and subject matter experts often stems from the U.S. legal system. Accordingly, a basic understanding of the structure and function of the U.S. legal system is an important skill for rule of law reformers working on U.S.-funded foreign assistance. For non-lawyers, a more fulsome understanding of the system they have been exposed to as citizens will help them more clearly understand the foreign justice systems, they find themselves working with and within.

As such, this course is designed for two audiences. First, for non-U.S. lawyers and Embassy personnel who work closely on U.S. funded rule of law reform. Second, for interagency personnel who do not have a background in the law, but who find themselves working on legal issues in their foreign assistance portfolios. Of course, while many of the concepts will be familiar to U.S.-trained lawyers, they are welcome to join the course for a refresher or a recalibration on their conception of the U.S. system in comparison to the foreign systems in which they work.

The structure of this course follows central concepts of the U.S. legal and governance structure, from their historical antecedents to the unique ways in which core values of fairness, equality, and due process play out in the U.S. legal system. Attention will be paid to the methodology of a system based on the guiding principle of stare decisis, or precedent. The education and practice of U.S. lawyers and judges will be examined, as will the structure and practice of the courts. Some explanation of the ways in which the legal system interacts with social issues in the United States will help participants better understand important legal issues in history and the news. Finally, a brief introduction to the distinct branches of law in the United States will be presented in advance of Part 2 of this core training. Part two of this core training, offered as a separate course, will introduce key delineations in commonly



practiced areas of law such as the difference between criminal and civil law, as well as substantive and procedural law. The training will also cover specific areas of legal practice. The concepts applicable to a career in rule of law reform will be highlighted. The second part of this training introduce participants to vocabulary and concepts that will better prepare them to work on diverse rule of law reform teams containing U.S. trained lawyers, lawyers trained elsewhere, and non-lawyers.

## **DAY ONE: STRUCTURE OF THE AMERICAN LEGAL SYSTEM**

### **Morning Session, December 10, 2024**

#### **8:45AM – 9:00AM      LOGIN AND TECHNOLOGY CHECK**

Participants will be able to sign on to the platform a little early and, if necessary, receive help or a brief introduction to the platform to mitigate any technology issues.

#### **9:00AM – 10:30AM      FOUNDATIONS OF THE AMERICAN SYSTEM**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

This session will focus on the historical influences on the U.S. Constitution and the legal protections and structures found there. Participants will learn about the compromises, negotiation, and amendments that underpin constitutional provisions, as well as the structure of the Constitution itself. The legal protections found in the Constitution will be put into historical context and examined in light of current application.

#### **Learning objectives**

- Participants will be able to summarize the historical roots of the American legal system.
- Participants will be able to describe the structure of the U.S. Constitution and its impact on the U.S. legal system.

#### **Resources**

- “Magna Carta and the Constitution”  
<https://www.youtube.com/watch?v=UWCw4v9yv0>

#### **10:30AM – 10:45AM      BREAK**

**10:45AM – 12:00PM FOUNDATIONS OF GOVERNMENT AND LEGAL SYSTEM STRUCTURE**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

Unique structures of the U.S. governance system, such as federalism, have a profound effect on its legal system. This session will cover the hundreds of legal systems that make up the U.S. legal landscape, and the complications of concurrent federal and state lawmaking power. The hierarchy of laws will be introduced. Participants will discuss the concepts of separation of powers, judicial review, and judicial independence in the U.S. context. An introduction to major elements of U.S. Constitutional law will be provided.

**Learning objectives**

- Participants will be able to describe the difference between State and Federal Law, and be able to identify the correct hierarchy of law in the U.S.
- Participants will be ready to discuss the separation of powers in the United States and some of the significant legal issues rooted in the language of the U.S. Constitution.

**Resources**

- “Sources of Law in the United States”  
[https://www.youtube.com/watch?v=y-rAjwNhp\\_8](https://www.youtube.com/watch?v=y-rAjwNhp_8)

**12:00PM – 1:00PM LUNCH**

**Afternoon Session, December 10, 2024**

**1:00PM – 2:30PM LEGAL METHODOLOGY**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

In this session, participants will explore common law antecedents and their role in the U.S. legal system. In addition, instruction will cover judicial review, and the role of stare decisis, or precedent, as participants learn about caselaw. Participants will learn about statutory interpretation and be introduced to norms affecting judicial decision-making, canons of construction, and the structure of a judicial decision. Participants will learn about reading caselaw, legal research, and legal reasoning in an interactive class discussion.

### **Learning objectives**

- Participants will be able to summarize the concept of stare decisis in the common law as practiced in the United States in comparison to civil law jurisdictions.
- Participants will be able to describe the structure of U.S. judicial decisions.

### **Resources**

- “How to read a case in law school”  
<https://www.youtube.com/watch?v=lQj60weeTTw>

**2:30PM – 2:45PM**

**BREAK**

**2:45PM – 4:30PM**

**LAW AND SOCIETY**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

Participants will explore the ways in which the U.S. legal system have a significant impact on U.S. history and culture. Participants will learn about some significant court cases in U.S. history and the ways in which they paralleled critical themes in U.S. society. The interaction between court decisions and current events will be explored, including a look at the current Supreme Court docket.

### **Learning objectives**

- Participants will be able to describe the connection between significant historical events in the United States and the Supreme Court Cases that shaped them.
- Participants will be able to summarize how jurisprudence is a part of U.S. political culture.

### **Resources**

- “Eyes on the Prize” Documentary found on Amazon Prime

## DAY TWO: FUNCTION OF THE AMERICAN LEGAL SYSTEM

### Morning Session, December 11, 2024

#### 9:00AM – 10:30AM JUDICIAL STRUCTURE

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

This session will explore the basic structure of the U.S. court system, including examples from the federal, state, and indigenous systems. It will also introduce the bodies established to support the judiciary and the primary functions they provide for the administration of justice. The complicated issue of jurisdiction in the U.S. system will be explored, as will other relevant aspects of procedural law.

#### Learning objectives

- Participants will be able to summarize the basic structure of federal courts in the United States, as well as common structures used by state and indigenous courts.
- Participants will be able to recognize the complicated issue of jurisdiction in a federal system.

#### Resources

- <https://www.bia.gov/CFRCourts/tribal-justice-support-directorate>
- <https://www.fjc.gov/>

#### 10:30AM – 10:45AM BREAK

#### 10:45AM – 12:00PM THE ADVERSARIAL SYSTEM

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

This session will cover the practice of law in United States courtrooms. The trial process, including motions practice, trial advocacy, and appellate process will be introduced. The tools that U.S. judges use to manage their courtrooms given their unique position as a neutral referee will be presented. The difference between adversarial and inquisitorial systems will be explored. Unique elements of the U.S. system, such as witness examination, and the use of juries will be discussed.

### **Learning objectives**

- Participants will be able to describe some of the underlying values of the U.S. adversarial system and recognize their application in the U.S. Court System.
- Participants will be able to summarize some of the differences between adversarial and inquisitorial systems.

### **Resources**

- The Role of Judge and Jury  
<https://www.youtube.com/watch?v=TUvG2CzXfc0>

**12:00PM – 1:00PM      LUNCH BREAK**

**Afternoon Session, December 11, 2024**

**1:00PM – 2:00PM      THE LEGAL PROFESSION**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

This session will overview the key nongovernmental justice sector actors in the United States, along with an explanation of their educational paths. Participants will discuss professional self-regulation through bar associations. Participants will also discuss the complicated landscape of judicial selection. Participants will also be introduced to other types of legal practice in the United States.

### **Learning objectives**

- Participants will be able to discuss the different methods of choosing judges in U.S. justice systems.
- Participants will be able to summarize key educational journey of lawyers and judges in the United States.
- Participants will be able to describe aspects of the the role of bar associations in the United States.

### **Resources**

- [Country Analysis: Things to Remember to Build a Lifetime of Learning Map \(youtube.com\)](#)

**2:00PM – 3:00PM**

**LEGAL ETHICS**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

During this session, participants will explore legal ethics and the legal frameworks and enforcement mechanisms they employ. Oversight of the court system will be discussed. Finally, participants will discuss corruption in the judicial system, as well as lessons learned.

**Learning objectives**

- Participants will be able to describe the legal framework supporting judicial ethics in the United States.
- Participants will be able to summarize key aspects of ethics enforcement mechanisms in the United States.

**Resources**

- Reframing the Independence v. Accountability Debate: Defining Judicial Structure in Light of Judges' Courage and Integrity.  
<https://engagedscholarship.csuohio.edu/clevstlrev/vol57/iss1/3/>

**3:00PM-3:15PM**

**BREAK**

**3:15PM-4:30PM**

**AREAS OF LAW AND WHAT COMES NEXT**

Karen Hall, *Deputy Executive Director, Rule of Law Collaborative, University of South Carolina*

This final session will provide a brief introduction to the substantive areas of law in the United States that participants will explore in depth during part 2 of this training. Participant will discuss the hybrid nature of the U.S. legal system. Participants will briefly overview major topics including Administrative Law, Constitutional Law, Contracts, Torts, Commercial Law, Property Law, Tax Law, and the U.S. relationship to International Law.

**Learning objectives**

- Participants will be able to describe some of the differences between criminal and civil law, and between substantive and procedural law.
- Participants will be able to identify and briefly describe a few of the major substantive areas of law in the United States



## Resources

- “What is the difference between civil cases and criminal cases”  
<https://www.youtube.com/watch?v=Zg5ex8WZUao>