

《Introduction to the Judicial System of the United States》

Introduction to the Judicial System of the United States - Syllabus

1. 课程编号 **Course Number:** To be assigned
2. 课程名称 **Course Name:** Introduction to the Judicial System of the United States
3. 课堂讲授学时 **Lecture Hours:** 32
4. 课堂实验学时 **Laboratory Hours:** 0
5. 课下研讨学时 **Colloquia Hours:** 0
6. 学生课下投入学时 **Individual Study Hours:** 16
7. 学分 **Credits:** 2
8. 开课学年学期 **Occurrence:** Summer Course

先修课程 Prerequisite(s)

Civil Law*, Civil Procedure Law*, Criminal Law*, Criminal Procedure Law*, Administrative Procedure Law*

*Recommended, not required as prerequisite. The course is also open to students from science, engineering, foreign language, economics and management backgrounds who are interested in U.S. law, comparative law and foreign-related legal practice.

课程概要 Course Description

This course introduces comparative law, common-law reasoning, federal and state courts, jurisdiction, jury trial, evidence, precedent, litigation, ADR, judicial review, and China-U.S. judicial comparison. It integrates bilingual cases, export control, data security, AI tort and national security review topics, AI-assisted learning, Socratic seminars and mock-court tasks to build foreign-related legal risk analysis and cross-cultural communication.

课程预期学习成果 Course Outcomes

By the end of successful completion of this course, the student will be able to:

1. Explain the historical development, constitutional foundations, legal philosophy, institutional structure and essential features of the U.S. judicial system.
2. Describe the basic rules and practical operation of federal and state courts, jurisdiction, judicial ethics, jury trial, evidence, precedent, litigation, ADR and judicial review in the United States.
3. Search, read and cite U.S. statutes, cases, court opinions and academic materials with basic accuracy, and use AI-assisted learning tools responsibly for case search, preliminary issue-spotting and drafting support while verifying sources, facts and legal reasoning.
4. Apply comparative law methods to analyse the differences between the Chinese and U.S. judicial systems, understand the historical, cultural and institutional causes of such differences, and avoid simple institutional transplantation or emotional rejection.
5. Analyse foreign-related legal risks faced by Chinese citizens and enterprises in the United States, especially in areas such as export control, economic sanctions, data security, AI-related torts and national security review.
6. Participate in seminar discussion, Socratic questioning, group presentation, mock-court or case-brief tasks, express legal arguments in clear English, and develop foreign-related rule-of-law literacy, international vision and cross-cultural communication ability.

教学内容与学时分配 Course Content, Laboratories and Colloquia Hours

Total class hours: 32. Laboratory Hours: 0. Virtual mock-court and AI-assisted learning activities are integrated into the classroom tasks.

Course Content	Main Topics	Lecture Hours	Teaching Methods / Resources
Chapter I General Introduction to the American Judicial System	Historical development; institutional framework; legality and essential characteristics; comparative law method; “power constraints and rights protection” as the analytical theme; introduction to bilingual case reading and AI-assisted learning rules.	4	Mini-lecture, comparative discussion, source-verification exercise
Chapter II The American Court System and Jurisdiction	Federal court system; state court system; subject-matter and personal jurisdiction; appellate structure; judicial ethics; federalism and its influence on litigation strategy.	4	Case map, jurisdiction problem set, bilingual case materials
Chapter III The American Jury System and Adversarial Process	History and constitutional basis of the jury system; jury composition; powers and duties; verdict methods; strengths and limits of jury trial; adversarial procedure and courtroom roles.	4	Video clips, guided seminar, group comparison with Chinese procedure
Chapter IV The American Judicial Evidence System	Types of evidence; relevance and admissibility; burden and standard of proof; witness testimony; hearsay rule; exclusionary rule; evidence issues in technology-related cases.	4	Evidence problem set, classroom quiz, case brief
Chapter V American Judicial Precedent System and Legal Reasoning	History of precedent; stare decisis; distinguishing, overruling and avoiding precedent; case-law research; ratio decidendi and legal reasoning in common-law systems.	4	Case-reading workshop, AI-assisted case search with human verification
Chapter VI The American Judicial Litigation System	Civil and criminal litigation overview; party rights and obligations; pretrial proceedings; discovery; class actions; trial proceedings; cross-examination; res judicata; appeal and enforcement.	5	Mock-court task, discovery exercise, short oral argument
Chapter VII Alternative Dispute Resolution and Legal Risk Resolution	Value of ADR; negotiation, mediation and arbitration; risk prevention and dispute resolution for Chinese citizens and enterprises investing or doing business in the United States.	3	Group negotiation, risk-analysis memo, practitioner-oriented discussion
Chapter VIII Judicial Review, Legal-Tech Cases and China-U.S. Comparison	History and legitimacy of judicial review; standards and procedures; significance and limits; China-U.S. institutional comparison; export control, data security, economic sanctions, AI tort and national security review as frontier case topics.	4	Comparative seminar, group presentation, final paper proposal
Total		32	

考核与成绩评定 Grading

Assessment methods: process assessment + open-book final paper. Students must observe academic integrity rules and indicate how AI tools, if any, are used in learning or drafting.

Assessment Item	Weight	Requirements
Homework / Case briefs	20%	Short written tasks on court structure, jurisdiction, evidence, precedent and litigation procedure.
In-class quizzes and participation	10%	Quizzes, attendance, seminar participation and response to Socratic questioning.
Group presentation / Mock-court or comparative case study	20%	Group presentation on a selected U.S. judicial institution, case or technology-law topic, with China-U.S. comparison.
AI-assisted learning log and source-verification task	10%	Record of case search, source checking, correction of AI-generated errors and reflection on responsible AI use.
Final paper work (open books & materials)	40%	Individual final paper or legal-risk analysis report applying comparative law and U.S. judicial-system knowledge.

教材, 参考书 Text & Reference Book

Textbook:

- 齐树洁：《美国司法制度》（第二版），厦门大学出版社，2010 年，ISBN 9787561526095。

Reference books and materials:

1. 周振雄：《美国司法制度概览》，上海三联书店，2000 年，ISBN 9787542612793。
2. 齐树洁：《美国民事司法制度》，厦门大学出版社，2011 年，ISBN 9787561540329。
3. 范进学：《美国司法审查制度》，中国政法大学出版社，2011 年，ISBN 9787562038283。
4. 罗斯科·庞德：《美国刑事司法制度》[M].北京：商务印书馆，2020，ISBN 9787100187381。
5. 刘卫政、司徒颖怡：《疏漏的天网：美国刑事司法制度》，中国社会科学出版社，2000 年，ISBN 9787500426646。
6. 苗壮：《美国公司法：制度与判例》，法律出版社，2007 年，ISBN 9787503668968。
7. 陈冬：《美国环境公民诉讼研究》，中国人民大学出版社，2014 年，ISBN 9787519777098。
8. 肯尼思·吉普尼斯：《职责与公义：美国的司法制度与律师职业道德》[M].江苏：东南大学出版社，2000，ISBN 9787810505864。
9. 汤维建：《美国民事司法制度与民事诉讼程序》，中国法制出版社，2001 年，ISBN 9787800834103。

编写教师 Course Lecturer

裴轶 Peri PEI, Beijing Institute of Technology School of Law



编写教师 Course Lecturer（签字）：