

UNIVERSIDAD AUTÓNOMA DE BAJA CALIFORNIA

COORDINACIÓN GENERAL DE FORMACIÓN PROFESIONAL

LEARNING MODULE

I. GENERAL INFORMATION

1. **School:** Facultad de Derecho, Mexicali; Facultad de Derecho, Tijuana; Facultad de Ciencias de la Ingeniería, Administrativas y Sociales, Tecate; y Facultad de Ciencias Administrativas y Sociales, Ensenada.
2. **Major:** Law
3. **Study Program:** 2025-1
4. **Learning module name:** Approach to Legal Justice
5. **Number:** 48897
6. **CH:** 02 **WH:** 02 **LH:** 00 **FPH:** 00 **CLH:** 00 **EH:** 02 **CR:** 06
7. **Stage:** Terminal
8. **Module type:** Elective
9. **Course enrollment requirements:** None



Learning Module Design Team

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II. PURPOSE OF LEARNING MODULE

The objective of this learning unit is to provide final-stage law students with an introduction to fundamental knowledge of the United States legal and justice system. This will allow students to comprehend the basis, structure and functioning of a legal system different from that of Mexico, broadening their comparative legal perspective. The course also provides students with the conceptual tools to critically analyze the similarities and differences between the two systems, developing comparative legal analysis skills that will be of great value in their education and future professional practice in an increasingly interconnected and global world. This Course is taught in the terminal stage, as an optional subject that belongs to the Area of Basic Knowledge. In order to take this course, students must have at least a B1 and B2 English Level. Students are also expected to read, write, speak and understand the English Language.

III. COMPETENCE OF THE LEARNING MODULE

Critically the legal and justice system of the United States in comparison with the Mexican legal system, through the analysis of the theory of justice, regulations, structure, procedures and emblematic cases of the American jurisdiction, in order to develop a comprehensive understanding of the similarities and differences between the two legal systems, with an analytical attitude and respect for the diversity of legal traditions.

IV. EVIDENCE OF LEARNING/ACHIEVEMENT

- Simulation of a Criminal Trial according to U.S. Law.
- Evidence Portfolio with all the activities, assignments and oral presentations included in this learning unit.

V. UNIT DESCRIPTION
UNIT I. Common law

Competency:

Analyze the genesis and foundations of the United States legal system through historical and theoretical reflection in order to understand and compare the composition of the US and Mexican systems, with an open attitude to diversity of legal traditions and ideologies.

Content:

Time Allotted: 5 hours

- 1.1. Historical context
- 1.2. Structure of law
 - 1.2.1. Federal Law
 - 1.2.2. State Law
 - 1.2.3. Common Law
- 1.3. Legal sources
 - 1.3.1. Precedents
 - 1.3.2. Statutory Law
 - 1.3.2.1. Federal Constitution
 - 1.3.2.2. International Treaties
 - 1.3.2.3. Federal Statutes
 - 1.3.2.4. State Constitutions
 - 1.3.2.5. State Statutes
 - 1.3.2.6. Books of authority
- 1.4. Case Law
 - 1.4.1. Stare Decisis
 - 1.4.2. Ratio Decidendi
 - 1.4.3. Obiter Dicta
 - 1.4.4. Binding precedent
 - 1.4.5. Overruling and Reversing Precedents

UNIT II. Constitutional law

Competency:

Examine the fundamentals of constitutional law through the Constitution of the United States to identify similarities and differences with the Political Constitution of the United Mexican States with critical and reflective thinking.

Content:

Time Allotted: 6 hours

- 2.1. The Constitution of the United States of America
- 2.2. Interesting Facts About the Constitution
 - 2.2.1. The Declaration of Independence
 - 2.2.2. Articles of Confederation
 - 2.2.3. Bill of Rights (1689)
- 2.3. Structure of the Constitution
 - 2.3.1. Preamble
 - 2.3.2. Amendments.
 - 2.3.3. Amendments 1-10 Also known as the Bill of Rights
 - 2.3.3.1. Amendments (11-27)
 - 2.4.4. Articles
 - 2.4.4.1. Article One. Legislative Branch
 - 2.4.4.2. Article Two. Executive Branch
 - 2.4.4.3. Article Three. Judicial Branch
- 2.4.5. Contents and Summary of Articles 4,5,6, and 7 of the United States Constitution

UNIT III. Criminal law:

Competency:

Distinguish between the US criminal procedure and the accusatory criminal system in Mexico by means of the US criminal procedure, in order to structure the differences and similarities between both systems with an analytical and critical attitude.

Content:**Time Allotted:** 8 hours**3.1. Crimes**

- 3.1.1. Definition
- 3.1.2. Classification
- 3.1.3. Types
- 3.1.4. Elements of a crime

3.2. Defenses

- 3.2.1. Alibi
- 3.2.2. Entrapment
- 3.2.3. Insanity
- 3.2.4. Self Defense

3.3. Doctrines

- 3.3.2. Miranda rights
- 3.3.1. Knock and announce
- 3.3.2. Hot Pursuit
- 3.3.3. Plain view doctrine
- 3.3.4. Exclusionary Rule
 - 3.3.4.1. Exception to the exclusionary rule
- 3.3.5. Fruit of the poisonous tree doctrine
- 3.3.6. Law Enforcement in the United States.
 - 3.3.6.1. Functions
 - 3.3.6.2. Federal Police
 - 3.3.6.3. State Police
 - 3.3.6.4. Local Police
- 3.3.7. Steps in the Criminal process
 - 3.3.7.1. Investigation
 - 3.3.7.2. Charging
 - 3.3.7.3. Initial hearing/arraignment
 - 3.3.7.4 Discovery
 - 3.3.7.5. Plea bargaining
 - 3.3.7.6. Preliminary hearing

3.3.7.7. Pre-trial motions
3.3.7.8. Trial
3.3.7.9. Post-trial motions
3.3.7.10 Sentencing
3.3.7.11. Appeal

UNIT IV. Civil law

Competency:

Analyze the stages of civil procedure and civil contracts through the study of legislation with the aim of differentiating the positions or bases of Mexican civil law with an analytical and critical attitude.

Content:

Time Allotted: 5 hours

- 4.1. Civil law
- 4.2. Differences between civil and criminal law
- 4.3. Contracts
 - 4.3.1. Elements of a contract
 - 4.3.2. Types
 - 4.3.3. Requirements for valid contracts
 - 4.3.4. Ways to end a contract
- 4.4. What are damages
- 4.5. Defenses to a contract
- 4.6. Different types of contracts
 - 4.6.1. Rent
 - 4.6.2. Lease
 - 4.6.3. General partnership
 - 4.6.4. Limited liability partnership
 - 4.6.5. Joint venture
 - 4.6.6. Trust
 - 4.6.7. Franchise
 - 4.6.8. Concession
 - 4.6.9. Donation
 - 4.5.10. Commodatum
- 4.7. Civil Procedure
 - 4.7.1. Steps of the civil process

UNIT V. Case law

Competency:

Examine the fundamentals of case law through the emblematic cases of the United States Supreme Court to understand their relevance in the construction of the legal systems of the United States of America and Mexico, through critical thinking and analytical attitude.

Content:

Time Allotted: 8 hours

5.1. Relevant Historical cases

- 5.1.1. Marbury vs. Madison (1803)
- 5.1.2. Dred Scott vs. Sanford (1857)
- 5.1.3. Plessy vs. Ferguson (1896)
- 5.1.4. Buck vs. Bell (1927)
- 5.1.5. Brown vs. Board of education (1954)

5.2. Other contemporary cases

- 5.2.1. Gideon vs. Wainwright (1963)
- 5.2.2. Tinker vs. Des Moines (1969)
- 5.2.3. Roe vs. Wade (1973)
- 5.2.4. Regents of the University of California vs. Bakke (1973)
- 5.2.5. U.S. vs. Nixon (1974)
- 5.2.6. Texas vs. Johnson (1989)
- 5.2.7. Cruzan v. Missouri Dept. of Health (1990)

VI. STRUCTURE OF WORKSHOP PRACTICES

| No. | Practice Name | Procedure | Support resources | Time |
|----------------|---|---|---|---------|
| UNIT I | | | | |
| 1 | Mind Map | <ol style="list-style-type: none"> 1. Teamwork 2. Make a mind map about the history and structure of the United States Law. 3. Share answers with your classmates 4. Receive Group feedback | <ul style="list-style-type: none"> • Internet • Reading :An introduction to the American legal system • Computer • Electronic Devices | 1 hour |
| UNIT II | | | | |
| 2 | Interesting Fact about the United States Constitution | <ol style="list-style-type: none"> 1. On your own 2. Answer Questions about the facts, contents and structure of the United States Constitution. 3. Share answers with your classmates 4. Receive Class Feedback | <ul style="list-style-type: none"> • Internet • Reading: Interesting Fact About the Constitution. • Computer • Electronic Devices | 1 hour |
| 3 | Comparison Table between the first ten amendments(Bill of Rights) and the Mexican Constitution. | <ol style="list-style-type: none"> 1. Teamwork 2. Make a comparison table between the contents of the first ten amendments of the United States Constitution and find them in the Mexican Constitution | <ul style="list-style-type: none"> • Internet • U.S. and Mexican Constitutions • Computer • Electronic Devices | 2 hours |
| 4 | Article One Legislative Branch | <ol style="list-style-type: none"> 1. Work on your own 2. Find the contents of Article One in the United States Constitution 3. Find the Structure of the United States Legislative Branch and the Mexican Legislative Branch 4. Class Feedback | <ul style="list-style-type: none"> • Internet • United States and Mexican Constitution • Computer • Electronic Devices | 1 hour |
| 5 | Article Two Executive Branch | <ol style="list-style-type: none"> 1. Work on your own | <ul style="list-style-type: none"> • Internet • United States and Mexican Constitution | 1 hour |

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|-----------------|-------------------------------|---|--|---------|
| | | 2. Find the Seals of the United States Executive Department and the Mexican Executive Branch. 3. Feedback | <ul style="list-style-type: none"> • Computer • Electronic Devices | |
| 6 | Article Three Judicial Branch | 1. Work on your own 2. Make an Organization Chart of the United States and Mexico's Federal Judicial Branch 3. Share your work 4. Receive group Feedback | <ul style="list-style-type: none"> • Internet • United States and Mexican Constitution • Computer • Electronic Devices | 2 hours |
| 7. | Summary Articles 4-7 | 1. On your own 2. Write a summary of contents of articles 4,5,6 and off the United States Constitution 4. Share your work 5. Group Feedback | <ul style="list-style-type: none"> • Internet • Reading: Interesting Facts About the Constitution and United States Computer • Electronic Devices | 2 hours |
| UNIT III | | | | |
| 8 | Crime Chart. | 1. Follow teachers instructions 2. Make teams 3. Do a Chart of Crime Classifications 4. Share your work 5. Receive feedback from classmates. | <ul style="list-style-type: none"> • Internet • Legal Terminology Gordon Brown • Computer • Electronic Devices | 1 hour |
| 9 | Bonnie and Clyde | 1. Teamwork 2. Fill in the blanks with the correct words using the reading about Bonnie and Clyde 3. Discuss your answers 4. Feedback. | <ul style="list-style-type: none"> • Internet • Legal Terminology Gordon Brown • Computer • Electronic Devices | 2 hours |
| 10 | Law Enforcement | 1. On your own 2. On the open internet find the different types of police in the United States and the functions of each. 3. Share your work | <ul style="list-style-type: none"> • Internet • Computer • Electronic Devices | 2 hours |

| | | | | |
|----------------|-------------------------------|--|--|----------|
| | | 4. Receive feedback from classmates. | | |
| 11 | Steps in the Criminal Process | <ol style="list-style-type: none"> 1. Follow teachers instructions 2. Work on your own 3. Review the document (steps-federal-criminal-process) 4. Write the steps of the Criminal process in Chronological Order. h. 5. Share your work 6. Receive feedback from classmates. | <ul style="list-style-type: none"> • Internet • Computer • Electronic Devices | 2 hours |
| UNIT IV | | | | |
| 12 | Contracts Table | <ol style="list-style-type: none"> 1. Work Individually 2. Using the information seen in class, make a contract table adding the Mexican Legislation where those contracts are found. 3. Share your work 4. Group feedback. | <ul style="list-style-type: none"> • Internet • Computer • Electronic Devices | 2 hours |
| UNIT V | | | | |
| 13 | Oral Presentation | <ol style="list-style-type: none"> 1. Follow Teacher's Instructions. 2. Teamwork. 3. Analyze the cases with teammates. 4. Discuss the case. 5. Present the case 6. Receives feedback from teacher and peers | <ul style="list-style-type: none"> • Notes | 12 hours |

VII. METHODOLOGY AND STRATEGIES

Course framework: The first day of class the teacher must establish the form of work, evaluation criteria, quality of academic work, rights and obligations for teacher and students.

Teaching strategies:

- Expository techniques
- Oral Presentations
- Argumentation
- Case studies
- Guided discussion
- Learning based on Case study
- Learning based on Projects

Learning strategies:

- Case studies
- Graphic organizers
- Teamwork
- Information Analysis

VIII. EVALUATION CRITERIA

The evaluation will be carried out permanently during the development of the course as follows:

Accreditation criteria

To be entitled to ordinary and extraordinary exam, the student must meet the attendance percentages established in the current School Statute.

Scaled from 0 to 100, with a minimum approval of 60.

Assessment criteria

| | |
|---------------------------------|-------------|
| - Partial exams..... | 50% |
| - Activities and homeworks..... | 25% |
| - Oral trial Simulation..... | 15% |
| - Portfolio of evidence..... | 10% |
| Total..... | 100% |

IX. Bibliography

| Required | Suggested |
|--|--|
| <p>Chemerinsky, E. (2023). <i>Constitutional law</i>. Aspen Publishing.</p> <p>Edling, M. M. (2020). <i>Perfecting the Union: National and State Authority in the US Constitution</i>. Oxford University Press.</p> <p>Kauffman, K. D., & Brown, G. W. (2019). <i>Legal terminology</i> (Seventh edition). Pearson.</p> <p>Reimann, M., & Zimmermann, R. (Eds.). (2019). <i>The Oxford handbook of comparative law</i>. Oxford University Press.</p> <p>National Constitution Center. (2023). <i>The Constitution The National Constitution Center</i>. National Constitution Center – Constitutioncenter.org. https://constitutioncenter.org/the-constitution</p> <p>Scheb, J. M., & Sharma, H. (2023). <i>An introduction to the American legal system</i> (Sixth edition). Aspen Publishing.</p> <p><i>The U.S. Constitution and fascinating facts about it</i> (Eighth edition). (2020). Oak Hill Publishing Company.</p> <p>United States Department of Justice. (2016, January 15). <i>Steps in the federal criminal process</i>. Justice.gov. https://www.justice.gov/usao/justice-101/steps-federal-criminal-process</p> | <p>Cámara de Diputados del H. Congreso de la Unión. (1917). <i>Constitución Política de los Estados Unidos Mexicanos</i>. https://www.diputados.gob.mx/LeyesBiblio/pdf/CPEUM.pdf</p> <p>Lippman, M. R. (2021). <i>Law and society</i> (3rd edition). SAGE Publications, Inc. [clásica]</p> <p>Waldron, J. (2016). <i>The Rule of Law (Stanford Encyclopedia of Philosophy)</i>. Stanford.edu. https://plato.stanford.edu/entries/rule-of-law/ [clásica]</p> |

X. TEACHER PROFILE

Law degree, preferably with graduate studies in comparative law, U.S. law or related areas. Must have advanced proficiency in English, level C1 or equivalent, and experience teaching legal subjects, preferably with a comparative or international focus. Solid knowledge of the U.S. legal system, including its historical foundations, constitutional structure, common law, civil law, criminal law, and case law. In addition, the teacher must have pedagogical skills in designing didactic strategies that foster critical thinking, active and collaborative learning among students, and an attitude of openness to intercultural dialogue, fostering respect and appreciation for diversity of legal systems, as well as a commitment to the integral formation of students.