

Global Perspectives on Law

Fall 2026

Prof. Conley

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Office Hours: Tuesday 3:30 – 5:00 & Wednesday 10:30-11:30

OVERVIEW OF COURSE

This course introduces students to the diversity of legal systems and legal traditions operating throughout the world. It begins by examining foundational comparative law concepts, including the anatomy of a legal system, legal traditions, pluralism and legal transplants. The course then explores customary law, code-based systems associated with the civil law tradition, the common law tradition, and the relationship between religion and law. Rather than treating countries as belonging exclusively to a single legal tradition, the course emphasizes pluralism through illustrating how legal systems are shaped by multiple legal traditions and other normative forces. This course utilizes judicial opinions, constitutions, statutes, codes, religious texts, Indigenous legal sources, and other primary materials from multiple regions of the world to facilitate direct student engagement with foreign law.

This course also introduces students to comparative law methodology by which students will research and write their own comparative analysis. The course guides students through the process of developing a research question, selecting legal systems and an appropriate analytical lens, locating legal rules and interpretations, and answering the research question. Students will learn to use primary and secondary sources, comparative-law databases, and other research tools while accounting for language barriers, limited access to foreign legal materials, and differences between law “on the books” and law “in action.”

Learning Outcomes

- Develop conceptual framework for comparing rules and systems
- Understand concepts relating to law and legal systems outside U.S. legal system
- Build foreign law legal research skills
- Build legal research, writing and analysis skills
- Analyze complex legal materials such as foreign cases and statutes
- Ability to discuss and explain complex legal materials

READING: All reading is on Canvas.

GRADING: Your grade will be determined as follows:

Assignment	Percentage of Grade	Generative AI Category
Reading Question Responses	20%	Prohibited
Class Participation	10%	Responsible Use Allowed as Set Forth Below
Methodology Exercises	10%	Prohibited
Student Comparative Analysis	60%	Responsible Use Allowed as Set Forth Below

20% Reading Question Responses – *Generative AI Prohibited*

- Reading Questions are included throughout the book. Some reading questions will be the basis for class discussion. Other reading questions, listed below each class as Assignments, must be turned in via Canvas by 10:30 am prior to class.
- Responses to reading questions listed as assignments will be graded as follows:
 - **2 points:** Thorough answer showing that student completed and meaningfully engaged with reading to answer the question.
 - **1 point:** Incomplete answer that shows student attempted to answer reading question but did not provide meaningful analysis.
 - **0 points:** No answer or answer that does not attempt to answer question.
- The purpose of Reading Questions is to direct students' reading and analysis of the excerpts. An answer need not be perfect or absolutely complete to receive full credit. It needs to reflect cognitive effort by the student to engage with the reading and answer the question. Because reading questions measure cognitive effort, students are prohibited from utilizing generative AI to answer reading questions. After reading questions are completed and turned in, students are welcome to utilize generative AI to better understanding readings.

10% Class participation – *Responsible Generative AI Allowed*

- Students' class participation grade includes in-class contributions and student facilitator participation.
- ***In-class contributions:*** Each student is expected to come to each class having read the assigned reading for that class. Each student should be prepared to answer questions and engage in discussion regarding the reading materials.
 - **Student Facilitators:** Most classes will have two assigned student facilitators. Student facilitators can work with each other to divvy up facilitating responsibilities. For example, if reading includes two cases, one student can facilitate discussion about one case, and the other student can facilitate discussion about the other case.
 - Student facilitators will lead discussions regarding the reading, including cases read and reading questions. Each student will be assigned as a facilitator for two classes. Student facilitators are expected to provide a minimal context and background regarding the legal system(s) being discussed.
 - Students who are not assigned facilitators will be expected to actively engage in discussions.
 - **Generative AI and Student Facilitators:** After turning in Reading Questions, student facilitators may responsibly utilize generative AI to prepare for facilitating class discussions. Responsible generative AI use means generative AI supplements, but does not replace, students' cognitive efforts to understand and discuss the material.
 - **Generative AI and Class Prep:** After Reading Questions are completed and turned in, students may responsibly utilize generative AI and/or outside research to better understand the reading and prepare for class. Responsible generative AI use means generative AI supplements, but does not replace, student's cognitive efforts to understand and discuss the material.

10% Methodology Exercises – *Generative AI Prohibited*

- 12 classes include very short Chapter 6 readings and associated Methodology Exercises. The purpose of these Methodology Exercises is to assist students with their Student Comparative Analysis by developing comparative analysis skills.
- Responses to Methodology Exercises listed as assignments will be graded as follows:

- **2 points:** Answer includes substantive and complete response
- **1 point:** Answer includes substantive but incomplete response
- **0 points:** No response or response that is not substantive or complete.
- The timing of these Methodology Exercises complements the Student Comparative Analysis deadlines.
- These exercises are designed to develop students' legal reasoning and research skills. Therefore, students may not utilize generative AI to answer Methodology Exercises with the exception of Methodology Exercise 15.

60% Student Comparative Analysis and Presentation – *Responsible Generative AI Allowed as Set Forth Below*

- There is a detailed explanation of paper requirements, deadlines, and point allocation included with this syllabus.

Attendance Requirements: The law faculty assumes that students will attend all classes in each course for which the student is enrolled. The law school adheres to the ABA policy on attendance which requires “regular class attendance.” At a minimum, regular attendance means that a student is present for at least 70 percent of the class sessions. For purposes of meeting the law school’s minimum attendance requirement in courses other than clinics, “present” means that the student must attend class in-person unless the course is designated as a remote class. A student who does not regularly attend this course cannot earn credit in this course. Students who are late for a class will not be considered as having regularly attended that class.

In this course specifically, students who are absent during classes in which they are assigned as student facilitators, and/or absent for more than 3 classes, will have their class participation grade reduced.

Accommodations: The University of Montana is committed to providing equal access for all students. If you anticipate or encounter barriers to learning due to a disability, please contact the Office Disability Equity (ODE) at 406-243-2243 or visit umt.edu/disability to request accommodations. Please note that accommodations are not retroactive, so do not delay in making your request.

Recording During Class: Recording class is prohibited unless student has a specific accommodation to record. Students should be aware that class may be recorded should a student in the course have such accommodation.

Academic honesty: All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and/or a disciplinary sanction by the University pursuant to the Law School’s Honor Code. In addition, all law students are also subject to the Student Conduct Code of the University of Montana as it also applies to law student conduct.

CLASS SCHEDULE

8/25 – Class 1: Introduction to Course and Comparative Law

- Reading
 - Chapter 1, pp. 1-19
- Assignments
 - Reading Questions 1-3, 1-4

8/27 – Class 2: Introduction cont’d.

- Reading
 - Chapter 1, pp. 19-36
- Assignments
 - 1-5, 1-6, 1-11

9/1 – Class 3: Introduction cont'd.

- Reading
 - Chapter 1, pp. 36-55
 - Chapter 6, §§A-D.2 (pp. 1-4)
- Assignments
 - Reading Questions 1-15, 1-17
 - Methodology Exercises 1 and 2

9/3 – Class 4: Introduction cont'd.

- Reading
 - Chapter 1, pp. 55-73
 - Chapter 6, §§ D.3-E (pp. 4-7)
- Assignments
 - Reading Questions 1-18, 1-19, 1-20
 - Methodology Exercises 3 and 4

9/8 – Class 5: Customary Law

- Reading
 - Chapter 2, pp. 1-23
 - Chapter 6, §F (pp. 7-9)
- Assignments
 - Reading Questions 2-4, 2-5, 2-6
 - Methodology Exercise 5

9/10 – Class 6: Customary Law, cont'd.

- Reading
 - Chapter 2, pp. 23-26, 30-49
 - Chapter 6, §§G-H (pp. 9-12)
- Assignments
 - Reading Questions 2-14, 2-15
 - Methodology Exercises 6 and 7

9/15 – Class 7: Customary Law, cont'd.

- Reading
 - Chapter 2, pp. 49-65
- Assignments
 - Reading Questions 2-17, 2-18

9/17 – Class 8: Customary Law, cont'd.

- Reading
 - Chapter 2, pp. 66-84
- Assignments
 - Reading Questions 2-20, 2-21, 2-22

- Proposed Topic of Research (5 pm)

9/22 – Class 9: Customary Law, cont’d.

- Reading
 - Chapter 2, pp. 84-98
- Assignments
 - Reading Questions 2-23, 2-24, 2-25

9/24 – Class 10: Customary Law, cont’d.

- Reading
 - Chapter 2, pp. 98-124
 - Chapter 6, §§I-J (pp. 12-15)
- Assignments
 - Reading Questions 2-26, 2-27
 - Methodology Exercise 8

MAKE UP CLASS FRIDAY 9/25 – Class 11: Guest Lecture by Kekek Stark – Anishinaabe Customary Law

9/29 – NO CLASS

10/1 – Class 12: By Zoom – Civil Law

- Reading
 - Chapter 3, pp. 1-22
 - Chapter 6, §J.1 (pp. 15-16)
- Assignments
 - Reading Questions 3-1, 3-5
 - Methodology Exercise 9

10/6 – Class 13: Civil Law, cont’d.

- Reading
 - Chapter 3, pp. 38-60
 - Chapter 6, §J.2 (pp. 16-18) (& J.5 if comparing international legal rule)
- Assignments
 - Reading Questions 3-10, 3-11
 - Methodology Exercise 10 (& 13 if comparing international legal rule)

10/8 – Class 14: Civil Law, cont’d.

- Reading
 - Chapter 3, pp. 60-82
 - Chapter 6, §J.3 & J.4 (pp. 18-19)
- Assignments
 - Reading Questions 3-12, 3-13, 3-14
 - Methodology Exercises 11 & 12

10/13 NO CLASS (Monday Schedule)

10/15 – Class 15: Civil Law, cont’d.

- Reading
 - Chapter 3, pp. 84-96
- Assignments
 - Reading Questions 3-17, 3-18
 - Bibliographic Essay Due (5 pm)

10/20 – Class 16: Civil Law, cont'd.

- Reading
 - Chapter 3, pp. 97-104, 108-124
- Assignments
 - Reading Questions 3-19, 3-21, 3-22

10/22 – Class 17: Civil Law, cont'd.

- Reading
 - Chapter 3, pp. 124-145
 - Chapter 6, §J.6 (pp. 21-22)
- Assignments
 - Reading Questions 3-23, 3-24, 3-25
 - Methodology Exercise 14

10/27 – Class 18: Common Law

10/29 – Class 19: Common Law, cont'd

- Reading
 - TBA
 - Chapter 6, §J.7 (p. 22)
- Assignments
 - Reading Questions: TBA
 - Methodology Exercise 15

11/3 – Class 20: Common Law, cont'd.

- Reading
 - TBA
 - Chapter 6, §K (pp. 22-23)
- Assignments
 - Reading Questions: TBA
 - Methodology Exercise 16

11/5 – Class 21: Common Law, cont'd.

- Reading
 - TBA
 - Chapter 6, §L (pp. 23-24)
- Assignments
 - Reading Questions: TBA
 - Methodology Exercise 17

11/10 – Class 22: Common Law, cont'd.

- Reading

- TBA
- Assignments
 - Reading Questions: TBA

11/12 – Class 23: Islamic Law

- Reading
 - TBA
- Assignments
 - Reading Questions: TBA

11/17 – Class 24: Islamic Law

- Reading
 - TBA
- Assignments
 - Reading Questions: TBA
 - First Draft of Paper (5 pm)
 - Peer Review Process Begins

11/19 – Class 25: Islamic Law

- Reading
 - TBA
- Assignments
 - Reading Questions: TBA

11/23 – Peer Review Process Ends (5 pm)

12/2 – Class 26: Islamic Law

- Reading
 - TBA
- Assignments
 - Reading Questions: TBA

12/7 – Student Comparative Analysis Final Draft Due (5 pm)

STUDENT COMPARATIVE ANALYSIS – REQUIREMENTS AND GRADING

Length

- For students seeking to obtain their Advanced Writing Requirement (“AWR”), their Student Comparative Analysis must be between 5,000-5,100 words, including footnotes.
- For students not completing their AWR, their Comparative Analysis must be between 3,500 and 3,600 words, including footnotes.

Deadlines

All assignments will be submitted via Canvas. Deadlines for assignments are as follows:

Proposed Topic of Research	September 17, 5 pm
Bibliographic Essay	October 15, 5 pm
First Draft of Paper	November 17, 5 pm
Peer Review Process	November 17-23. Students must provide their paper by email to the assigned peer reviewer by 5 pm on November 17. Student must provide peer review feedback by email on November 23 at 5 pm.
Final Draft	December 7, 5 pm
Oral Presentations (AWR Only)	Week of December 7

Requirements & Allocation of Points

Proposed Topic of Research – Completion Credit

Proposals should include:

- The U.S. legal rule or issue to be compared
- The foreign country chosen
- Draft research question
- Student’s reasons for choosing the project.

Bibliographic Essay—15 points

- Formulation of the project’s theses or major themes
- Indication of open or difficult questions that remain
- Indication of further research that needs to be done
- One or two-page outline of paper
- Research report: Report on status of student’s research, which must include the following:
 - **Summary of extractive research completed**
 - **Secondary Source Databases:** List secondary source databases searched. This must include at least three secondary source databases. Examples include databases set forth in Chapter 6, J.3 & J.6.
 - **Primary Source Databases:** List primary source databases searched. This must include at least two primary source databases. Examples include databases set forth in Chapter 6, J.1, J.2, & J.5
 - Must be primary source databases for two countries/international tribunals
 - **Natural Language searches:** List at least two natural language searches conducted.
 - Specify the natural language used and the databases used

- **Terms and connector searches (i.e., Boolean language searches):**¹ List at least two terms and connector searches conducted.
 - Specify the terms and connectors used and the databases used
- **Summary of Generative AI research conducted**
 - List all generative AI platforms searched
 - For results from generative AI searches, list extractive AI steps taken to verify results
- **Summary of relevant secondary sources, including**
 - Author, title, year, and publication type
 - For each secondary source listed, a one-paragraph summary of source and relevance to research question
- **Summary of relevant primary sources**
 - Country, court, year of case
 - Promulgating body (e.g., Congress or Parliament) and year of legislation
 - For each primary source listed, a one-paragraph summary of source and relevance to research question

Failure to provide a complete bibliographic essay will result in loss of points and may result in the student not being able to proceed with AWR process.

First Draft—20 points

- First draft has required outline with all sections (see required sections in final draft below)
- First draft has identified and analyzed primary sources in two legal systems
- First draft has identified and analyzed secondary sources relating to research question
- First draft must disclose all generative AI used to draft any portion of the first draft. Such disclosures should include
 - Which generative AI tool was used for drafting
 - Which portion(s) of the first draft was drafted using the tool
 - In general terms, what edits or changes the student made to the AI-drafted portions
 - All other uses of generative AI other than drafting (i.e., editing, cite checking, etc.)
 - What steps the student took to verify outputs received from generative AI
- Failure to provide generative AI disclosures will result in a significant loss of points and may result in the student not proceeding with the AWR process, as well as potential honor code violation actions.

Final Draft—50 points

Introduction—4 points

- Provides adequate introduction to the subject matter and actively captures the attention of the reader
- States an identifiable research question & thesis and provides a brief outline of the paper to follow

Background—8 points

- Develops the reader's understanding of all relevant background information necessary to follow research question & thesis

¹ An example of a terms and connector search regarding damages for contract disputes is “contract & damages & expectation”.

- Includes background on primary sources of law in two countries

Analysis—18 points

- Provides thorough and complete analysis.
- Includes analysis of secondary sources
- Includes analysis of history, legal culture, legal reasoning, and/or evidence of practical application of legal rules compared
- Incorporates feedback and respond to substantive criticisms from peer review to strengthen arguments

Conclusion—5 points

- Provides partial or complete answer to research question
- Addresses conclusions regarding thesis.

Overall organization—5 points

- Utilizes persuasive organizational scheme
- Shows interrelationships of issues and uses appropriate transitions

Writing—5 points

- Uses clear, assertive sentences and effective word choice
- Uses correct grammar, spelling and punctuation
- Cites to authority and uses proper citation format
- Overall well-written and thoroughly edited

Rigor, creativity—5 points

- Degree of difficulty/complexity of issue(s) addressed
- Novelty of issues, arguments
- Addressed issues raised in feedback on first draft

Oral Presentation—15 Points

(Applicable for AWR Students Only. Non-AWR students' paper grades will not include these points. The total points for non-AWR students will be calculated without these points and constitute 60% of the course grade). For example, a non-AWR student's total possible final paper points is 85 points. A perfect final paper would receive 85 out of 85 points.

To complete the Oral Communication Component, students must develop an oral presentation of the position or thesis taken in their written paper or brief. The presentation must be appropriate for the particular audience, whether it consists of classmates, the public, or mock appellate judges. It must be a formal demonstration of preparation, organization, use of authority, analysis, and communication skills. As part of the oral presentation, the student will be questioned about his or her positions and ideas by faculty, classmates, or judges.

Assessment of Student Oral Performance: Student performance will be assessed against the criteria set forth below:

1. **APPROPRIATE DRESS:** The presenter is dressed to project a professional and credible image to the particular audience.
2. **SELF-INTRODUCTION:** The presenter introduces herself or himself to the audience in a comfortable and confident manner, providing the audience with as much of the presenter's affiliations and background as necessary to understand the presenter's relationship to the subject.

3. **SUBJECT BACKGROUND:** The presenter educates the audience by providing basic background and subject information necessary to the audience's understanding and appreciation of the presentation.
4. **THEME:** The presentation is structured around an appropriate theme.
5. **OUTLINE OF CONTENT OF ARGUMENT:** The presenter starts with a brief synopsis or summary of the main points that will be presented or the main subjects that will be covered.
6. **PREPARATION:** The presentation reflects that the presenter is well-prepared and that the argument is thorough and reasoned
7. **ORGANIZATION AND STRUCTURE:** The presentation is organized in a logical progression to persuade. It contains an introduction, the body of the presentation, and a conclusion.
8. **USE OF AUTHORITY:** The presenter relies on relevant legal or interdisciplinary authority and uses the authority in a meaningful way to persuade the audience of his or her position.
9. **LEGAL REASONING:** The presenter's interpretations, conclusions, inferences and deductions drawn from cited authority and from the facts are fair, reasonable, and otherwise appropriate.
10. **ANALYTICAL QUALITY:** The presenter demonstrates that he or she has accurately and thoroughly analyzed facts pertinent to the subject and authorities and can present the analysis persuasively to the audience.
11. **RESPONDS APPROPRIATELY TO QUESTIONS:** The presenter invites the audience's questions, is flexible enough to deal with questions during the presentation, and responds appropriately.
12. **EYE CONTACT:** The presenter maintains appropriate eye contact with the audience.
13. **POSTURE:** The presenter's posture does not distract and projects an appropriate image to the audience.
14. **RESPECTFULNESS:** The presenter's demeanor and conduct reflect respect for the audience.
15. **DICTION AND DELIVERY:** The presenter's diction and delivery are clear and demonstrate a deliberate and appropriate choice of words and phrases.
16. **PACE, TIMING, AND PAUSES:** The presenter employs a proper pace to the presentation, varying speed to make certain points, and pauses where appropriate.
17. **VOICE TONE, PITCH, AND VOLUME:** The presenter speaks in a clear, modulated voice with varying pitch and volume.
18. **AVOIDING VERBAL TICS:** The presenter avoids distracting verbal glitches such as "Aah" and "you know."
19. **SPEAKING STYLE:** The presenter uses a style of speech appropriately formal for addressing the audience and avoids being inappropriately informal or colloquial.
20. **GESTURES:** The presenter's gestures are not distracting or artificial.
21. **CONFIDENT AND COMFORTABLE:** The presenter's demeanor displays that he or she is not overly nervous or uncomfortable and is confident of his or her position.
22. **CONCLUSION:** The presenter makes a short synopsis or summary of what he or she has established and closes with an appropriate conclusion.

Student Comparative Analysis Generative AI Use and Disclosures

Generative AI Disclosure – Required

- Final papers must disclose all generative AI used to draft any portion of the final draft. Such disclosures should include
 - Which generative AI tool was used for drafting
 - Which portion(s) of the paper was drafted using the tool
 - In general terms, what edits or changes the student made to the AI-drafted portions
 - All other uses of generative AI other than drafting (i.e., editing, cite checking, etc.)
 - What steps the student took to verify outputs received from generative AI
- A generative AI disclosure is required for students to obtain AWR credit. Failure to provide a generative AI disclosure will result in the student not obtaining AWR credit, as well as potential honor code violation actions.

Generative AI Policy for Student Comparative Analysis

Students may responsibly utilize generative AI when drafting their Student Comparative Analysis subject to the research and disclosure requirements set forth below. Responsible generative AI use includes (1) using generative AI to supplement, not replace, extractive AI research, (2) using generative AI as a drafting tool, not as a primary or sole drafter, (3) retaining cognitive agency by engaging in critical analysis and legal reasoning throughout research and drafting process, and (4) tracking and disclosing generative AI use as required.

The following is a graphic by Professor Kirsten Davis illustrating how to use generative AI responsibly as one tool in a large toolbox of research techniques. Please review it and use it as your guide when researching for this project.

