SYLLABUS
AMERICAN LEGAL SYSTEMS FALL 2011

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Do not hesitate to ask me questions.
I check email very often throughout the regular business day.

General Information: This syllabus is a guide to our class. Assignments and class topics may vary depending on class progress and other considerations.

Required Reading: The **required text** for this course is John Humback, *Whose Monet? An Introduction to the American Legal System* (Aspen, 1st ed. 2007). This text follows one civil case through the American legal system. You will also complete assignments and exercises based on other hypothetical cases.

I will provide **supplemental reading** for some classes and will post handouts and PowerPoints on the Thompson West Educational Network (TWEN). **To access TWEN you will need a Westlaw password**, which you can obtain from Megan Jens in the Hamline Law Library. Megan's email address is: mjens01@hamline.edu. **I will not print copies of the TWEN handouts. If you prefer hard copies please print them out from TWEN before class.**

Purpose: American law is derived from a combination of statutory law and common law. Early American law was taken in most part from England and its common law system. But with the increased activity of state and federal legislatures, American law has become a mixture of common law and code-based law. Because individual cases play such an important role in the American Legal system, students must learn to research and analyze case law. To properly analyze case law, students must develop an understanding of state and federal systems, weight of legal authority, legal reasoning, and conventions of American legal research and writing. This class provides an overview of the American legal system and introduces foreign lawyers and law students to American legal reasoning, research, and writing.

Coverage: This course will cover basic principles and create a foundation for further study. It will introduce students to the structure of the American legal system and the legal methodology of American law, including legal reasoning, research, and writing. Students will write a research memorandum and summary judgment motion and navigate the American legal system through classroom exercises and a court room visit.

Class Format: Lecture, PowerPoints, quizzes, court visit, class discussion, questions/answers, writing exercises, legal research.

Learning Outcomes: By the end of the course students will know how a case moves through the American legal system and will understand the role of American lawyers, courts, and juries.

Students will have a working knowledge of how to approach legal issues using American methods of legal research, writing, and analysis.

Classroom Environment and Technology Use: I will make every effort to make the classroom a welcoming, respectful place that is conducive to a shared learning experience for all. Technological devices, while extremely useful, can be distracting to your classmates and to me and thus may undermine that goal. Accordingly, during class, in addition to the usual courtesies, please refrain from using text messaging, instant messaging, or email, tweeting, facebooking etc; visiting web sites that the class has not been instructed to visit; and using cell phones. Failure to abide by this policy will result in further restrictions on the use of technology in the classroom and may affect your final grade.

Attendance: Students are expected to attend and be prepared for each class session. Please read the assigned pages in the text and prepare to discuss the assignment prior to coming to class. Excessive absences will result in a reduced grade.

Grading Policy: Class participation requires preparation. Please come prepared to participate. **Students are required to abide by the law school code of conduct applicable to writing assignments.** Grading is as follows:

Quizzes	20 points
Research Memorandum	50 points
Motion Brief	50 points
Participation/Exercises	60 points
Tutorial	20 points

First Assignment / Explanation of the Text: The text for this course was written for an orientation course for first-year American law students. It works well for LL.M and foreign exchange students as well because it traces an American civil dispute from the client's realization that there's a problem through the lawyer's fact-finding and legal research through trial and appeal. Ideally you should read through the entire text by the time you get to our first class – don't worry about understanding every nuance—just get the big picture for now. Read through it like you would read a novel. Come to the first class with questions and be ready to discuss the first three chapters.

Course Topics / Handouts/ Assignments (to be completed for that week's class) :

Class 1 **August 22, 2011**
Topics: Introductions / What are legally relevant facts? / Sources of law / Deciding whether to sue / Case Briefing
Reading: Chs. I-III and bottom of pp. 79-81
Handouts (5): Case Briefing, *Lestina* Case Brief, Legal Authorities, Government Authorities, Field Trip
Assignment: Read *Whose Monet?* / Study Questions on pp. 20-21 & footnotes on p. 29.

Class 2 **August 29, 2011**
Topics: Open Book Quiz / Where to sue / Commencing a civil action
Reading: Chs. IV-V
Handouts (3): Crim. Lit. Chart, Civ. Lit. Chart, Synthesizing Cases
Assignment: Brief a case you need to read for another class / Come with any questions you have on case briefing / Find a news article on something in American law and write 3 paragraphs on how it would be handled differently in your home country / Prepare to discuss jurisdiction questions on p. 60.

NO CLASS ON SEPTEMBER 5 –Labor Day Holiday

Class 3 **September 12, 2011**
Topics: The Adversarial System / Motions and Trials / The Complaint
Basic Paradigms of American Legal Writing
Reading: Ch. VI (except bottom of p. 79-81)
Handouts (4): Memo Assignment and cases, IRAC handout, Sample Memo, QP and BA formats
Assignment: Study Questions on page 76

Class 4 **September 19, 2011**
Topics: Westlaw Training
Writing an Objective Research Memorandum
Reading: Ch. VII
Assignment: Read cases for memo assignment and plan further research.

Class 5 **September 26, 2011**
Topics: More fun with Westlaw / Citation practice / The Answer
Reading: Ch. VIII
Handout (1): Blue Book Cheat Sheet
Assignment: Study Questions on page 124 / Begin outlining your research memo

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Class 6 **October 3, 2011**
Topics: Quiz 2 on reading assignment / Discovery
Reading: Ch. IX
Assignment: Study Questions on page 127 / Our research memo hypothetical is in the discovery phase of litigation. Who do you depose? What documents do you request?

Class 7 **October 10, 2011**
Topic: **NO CLASS ~~ FIELD TRIP TO COURT HOUSE**
Assignment: Write 3 paragraphs on the case you observed at the court house.

Class 8 **October 17, 2011**
Topics: Discuss your experience at the court house / Research Memo Workshop
Assignment: ***Research Memo due Wednesday, October 19 at 11:00 a.m.***

Class 9 **October 24, 2011**
Topics: Summary Judgment / Moving from objective to persuasive
Reading: Ch. X
Handouts (2): Persuasive Facts Section Exercise / Motion brief Assignment
Assignment: Study Questions p. 151-52

Class 10 **October 31, 2011**
Topics: Statutory interpretation / Statutory research / Questions on summary judgment
Reading: Ch. XI
Assignment: Find Minnesota cases on statutory interpretation.

Class 11 **November 7, 2011**
Topics : Trial / Post Trial Motions
Reading: Ch. XII-XIII
Assignment: Discuss the reading / Jury trials different in your home country.

Class 12 **November 14, 2011**
Topics: The Appeal / The Aftermath
Reading: Ch. XIV-XV
Assignment: Study Questions pp. 204-205; 216-17

Class 13 **November 21, 2011**
Topic: Wrap up / Review / Evaluations / Workshop for Persuasive Motion

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Class 14 **December 3-4, 2011**
Topic: Persuasive Motion Tutorials – We will discuss what this will entail during class on November 21

Your Final in this class is a persuasive motion brief due on December 8, 2011 at 11:00 a.m. that you will submit via TWEN.