

SYLLABUS
AMERICAN LEGAL SYSTEMS SPRING 2012
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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, and tutorials.

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
Tutorials	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. **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 January 23, 2012

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): Briefing, *Lestina* Brief, Legal Authorities, Govt. Authorities, Field Trip

Assignment: Read *Whose Monet?* / Study Questions on pp. 20-21 & footnotes on p. 29.

Class 2 January 30, 2012

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 your paragraphs / Prepare to discuss jurisdiction questions on p. 60.

Class 3 February 6, 2012

Topic: **NO CLASS ~~ FIELD TRIP TO COURT HOUSE**

Assignment: Write 3 paragraphs on the case you observed at the court house.

Class 4 February 13, 2012

Topics: Discuss your field trip experience / 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 5 February 20, 2012

Topics: Westlaw Training
Writing an Objective Research Memorandum

Reading: Ch. VII

Assignment: Read cases for memo assignment and plan further research.

Class 6 February 27, 2012

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

*****NO CLASS ON MARCH 5 FOR SPRING BREAK*****

Class 7 March 12, 2012

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 8 March 19, 2012

Topics: Objective Research Memo Tutorials

Assignment: *Research Memo due Wednesday, March 21 at 11:00 a.m.*

Class 9 March 26, 2012

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 April 2, 2012

Topics : Trial / Post Trial Motions

Reading: Ch. XII-XIII

Assignment: Discuss the reading /How are jury trials different in your home country?

Class 11 April 9, 2012

Topics: No Class Meeting

Reading: Ch. XI

Assignment: Take-Home Statutory Interpretation Exercise

Class 12 April 16, 2012

Topics: The Appeal / The Aftermath

Reading: Ch. XIV-XV

Assignment: Study Questions pp. 204-205; 216-17

Class 13 April 23, 2012

Topic: Wrap up / Review / Evaluations / Workshop for Persuasive Motion

Class 14 April 27-28, 2012

Topic: Persuasive Motion Tutorials – We will discuss what this will entail during class on April 23

Your Final in this class is a persuasive motion brief due on Wednesday, May 9, 2012 at 11:00 a.m. that you will submit via TWEN.