SYLLABUS
AMERICAN LEGAL SYSTEMS FALL 2009
MARCIA K. MILLER

General Information: This syllabus is a guide to our class. Assignments and class topics may vary depending on class progress, interest in specific topics, and other considerations.
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Required Reading: The required text for this course is William Burnham, Introduction to the Law and Legal System of the United States (West, 4th ed. 2006) (“Burnham Text”).

I will provide supplemental reading for each course topic and will post handouts and the PowerPoints for each class on the Thompson West Educational Network (TWEN). To access the TWEN materials 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.

Purpose: American law is primarily 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 also develop an understanding of state and federal systems, weight of legal authority, legal reasoning and conventions of American legal 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 on a criminal law topic and write motion brief in response to a summary judgment motion on a torts topic, which they will also argue before the class. In addition to the legal research and writing components this course will cover five substantive areas of American law: Criminal Law, Criminal Procedure, Constitutional Law, Torts, and Civil Procedure. Students will be assigned one of these substantive areas and will find a case to present to the class and will lead discussion on that case on the day we cover that topic.

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

Learning Outcomes: By the end of the course students will be expected to know how the American Legal System operates and will be able to explain how it is different or similar to the system in their home country. In addition, 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 Burnham text and any other assigned reading prior to coming to class and be prepared to build on what you have read. Excessive absences will result in a reduced grade.

Grading Policy: Students will complete a research memorandum, a short brief in support of a motion and will also argue a motion. There will be quizzes, exercises, and a field trip to a courthouse. Students are required to abide by the law school code of conduct applicable to writing assignments. The grading is as follows:

- Quizzes/Exercises: 40 points
- Memorandum: 50 points
- Motion Brief: 50 points
- Motion Argument: 30 points
- Attendance/Participation/Tutorials: 30 points

First Assignment: For our first class please read the assigned pages in the Burnham text. I also ask that you look through an American newspaper, news magazine, or online source for a story that highlights an aspect of or event in the American legal system. Then please write at least 3 paragraphs on how this event or aspect would be handled in your home legal system. An example would be a story about a jury trial for check fraud. If in your legal system there would never be a jury trial for such a crime you can write about how these crimes are handled in your home country.

Course Topics / Reading Assignments / Handouts to be distributed during class:

**Week 1**  
August 20, 2009  
Topic 1: Introduction / Overview of American Legal System  
Topic 2: Case Briefing  
Reading: Burnham Text: Chapter I, Chapter II pp. 38-73.  
Handouts (5): Case Briefing, Lestina Case Brief, Legal Authorities, Government Authorities, Field Trip

**Week 2**  
August 27, 2009  
Topic 1: American Judicial System: Laws and Courts  
Topic 2: Starting to do American Legal Research  
Reading: Burnham Text: Chapter V, Chapter II pp. 73 – 79.  
Handouts (4) Crim. Lit. Chart; Civ. Lit. Chart; Analyzing Rules of Law; Starting to Research

**Week 3**  
September 3, 2009  
Topic 1: American Judicial System: The Adversary System Motions and Trials  
Topic 2: Basic Paradigms of American Legal Writing  
Reading: Burnham Text: Chapter III  
Handouts (5) Memo Assignment, Trial Record, IRAC handout, Sample Memo, QP and BA formats
Week 4  September 10, 2009
Topic 1:  Criminal Law
Topic 2:  Writing an Objective Research Memorandum
Reading:  Burnham Text: Chapter VIII

Week 5  September 17, 2009
Topic 1:  Criminal Procedure
Topic 2:  American Legal Research/Incorporating Research into an Objective Memorandum
Reading:  Burnham Text: Chapter XIV
Handout (1):  Blue Book Cheat Sheet

Week 6  September 24, 2009
Topic 1:  Constitutional Law
Reading:  Burnham Text: Chapter IX

Week 7  October 1, 2009
Topic:  NO CLASS ~~ FIELD TRIP TO COURT HOUSE

Week 8  October 8, 2009
Topic:  Research memo. Tutorials
Research Memo due Wednesday, October 14 at 11:00 a.m..

Week 9  October 15, 2009
Topic:  NO CLASS ~~ MID-TERM BREAK

Week 10  October 22, 2009
Topic 1:  Torts
Topic 2:  Advocacy Writing /Motions and American Litigation
Reading:  Burnham Text: Chapter XI
Handouts:  Persuasive Motion Assignment

Week 11  October 29, 2009
Topic 1:  Civil Procedure
Topic 2:  Researching Civ. Pro and Torts issues
Reading:  Burnham Text: Chapter VIII

Week 12  November 5, 2009
Topic:  Arguing a Motion / Questions on Motion assignment

Week 13  November 12, 2009
Topic:  Persuasive Motion Tutorials

Week 14  November 19, 2009
Topic:  Motions Argued