

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