

**SYLLABUS**  
**AMERICAN LEGAL SYSTEMS FALL 2008**  
**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. This fall I will be on campus every Monday, Wednesday, and Friday. **Do not hesitate to ask me questions. Contact Info.:** 651-523-2625 (work) / 651-216-5599 (cell) / mmiller14@hamline.edu / 230E Law Grad. Building.

**Required Reading:** There is no set text for this course. I will provide supplemental reading for each course topic and will, when possible, post the readings on TWEN – the Thompson West Educational Network. To access these materials you will need a Westlaw password, which you can obtain from Barb Kallusky in the Hamline Law Library. Barb's email address is: [BKallusky01@hamline.edu](mailto:BKallusky01@hamline.edu). I will notify you of the reading for the first class 2 weeks prior to the start of class.

**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 client letter and a legal memorandum both of which U.S. lawyers commonly write. Students will also write a short brief in support of a motion and argue an oral motion in a moot court setting.

**Class Format:** Lecture, PowerPoints, quizzes, court visits, class discussion, questions/answers, writing exercises, motion argument and a take home final exam.

**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; visiting web sites that the class has not been instructed to visit; and using cell phones, pagers, or any other communication device. Failure to abide by this policy will result in further restrictions on the use of technology in the classroom.

**Attendance:** Students are expected to attend and be prepared for each class session. Students are also required to attend 2 half-hour tutorials: One ½ hour tutorials before the research memorandum and the other ½ hour tutorial before the motion brief.

**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 final take-home exam. Students are required to abide by the law school code of conduct applicable to writing assignments. The grading is as follows:

Quizzes/Exercises	30 points
Memorandum	40 points
Motion Brief	40 points
Motion Argument	20 points
Attendance/Participation/Tutorials	30 points
Take Home Exam	40 points

**Course Topics:**

**Week 1**      **August 25, 2008**  
Topic:      Introduction / Case Briefing / Overview of American Legal System

**Week 2**      **September 1, 2008**  
Topic:      **No Class / Labor Day Holiday**

**Week 3**      **September 8, 2008**  
Topic:      American Judicial System: Laws and Courts / Motions and Trials

**Week 4**      **September 15, 2008**  
Topic:      **No Class / Field Trip to Court**

**Week 5**      **September 22, 2008**  
Topic:      Writing an Objective Research Memorandum

**Week 6**      **September 29, 2008**  
Topic:      American Legal Research

**Week 7**      **October 6, 2008**  
Topic:      Incorporating Research into an Objective Research Memorandum  
Tutorials Thursday, October 9

**Week 8**      **October 13, 2008**  
Topic:      **No Class on Monday, October 13-** Tutorials October 9 – Work on Research memo.  
***Memo assignment due Wed. Oct. 15 at 11:00 a.m. in the Registrar's office.***

**Week 9**      **October 20, 2008**  
Topic:      Advocating for Your Client/ Writing a Persuasive Motion Brief

- Week 10**      **October 27, 2008**  
Topic:          Advocacy Writing Continued/Motions and American Litigation
- Week 11**      **November 3, 2008**  
Topic:          **No Class – Tutorials**
- Week 12**      **November 10, 2008**  
Topic:          Arguing a Motion / Questions on Motion assignment  
*Motion brief due Wed. Nov. 13 at 11:00 a.m. in the Registrar's office.*
- Week 13**      **November 17, 2008**  
Topic:          Practice Arguments
- Week 14**      **November 26, 2008**  
Topic:          Motions Argued
- Week 15**      **December 1, 2008**  
Topic:          Last Class – follow up / taking exams / applying what you've learned