

SYLLABUS
AMERICAN LEGAL SYSTEMS SPRING 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. I am on campus every Monday, Wednesday, and Thursday. **Do not hesitate to ask me questions.**

Contact Info.: 651-523-2625 (work) / mmiller14@hamline.edu / 230E Law Grad. Building.

Required Reading: You are required to purchase The Bluebook: A Uniform System of Citation. 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.

First Assignment:

Our first class meets on January 26, 2009.

For our first class I 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.

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 the type of legal memorandum 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 point value for each assignment 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 January 26, 2009**
Topic: Introduction / Overview of American Legal System
- Week 2 February 2, 2009**
Topic: American Judicial System: Laws and Courts / Motions and Trials / Case Briefing
- Week 3 February 9, 2009**
Topic: No Class / Field Trip to Courthouse
- Week 4 February 16, 2009**
Topic: Writing an Objective Research Memorandum
- Week 5 February 23, 2009**
Topic: American Legal Research

- Week 6** **February 29, 2009**
Topic: Legal Research continued / American Legal Citation
- Week 7** **March 2, 2009**
Topic: Incorporating Research and citation into an Objective Research Memorandum
 Tutorials this week or early next week – will schedule during class
- Week 8** **March 9, 2009**
Topic: No Class on Monday, March 9- Work on Research memo.
 Memo assignment due Wed. March 11 at 11:00 a.m. in the Registrar's office.
- Week 9** **March 16, 2009**
Topic: Advocating for Your Client/ Writing a Persuasive Motion Brief
- Week 10** **March 23, 2009**
Topic: **No Class – Spring Break**
- Week 11** **March 30, 2009**
Topic: Advocacy Writing Continued/Motions and American Litigation
- Week 12** **April 6, 2009**
Topic: Arguing a Motion / Questions on Motion assignment
 Tutorials this week or early next week – will schedule during class
- Week 13** **April 13, 2009**
Topic: No Class on Monday, April 13
 Motion brief due Wed., April 15 at 11:00 a.m. in the Registrar's office.
- Week 14** **April 20, 2009**
Topic: Practice Arguments
- Week 15** **April 27, 2009**
Topic: Motions Argued -- Last Class – follow up / taking American Law exams