

“The law is reason free from passion...Man, when perfected, is the best of animals, but when separated from law and justice, he is the worst of all.”

- Aristotle

PSCI 260

Introduction to American Law

Maymester 2015

Commons Center Room 320

M-F, 9:10 – 12:00 p.m.

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Office Hours: Thursdays 1:30 – 3:00 p.m., and by appointment

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Course Description: This course will serve as an introduction to American law and the American legal system through: a survey of substantive and procedural law as laid out in our text; field trips to court and discussions with practitioners; and preparing legal memorandum and legal documents for a hypothetical legal problem. Topics will include many of the substantive topics covered one’s first year in law school: Constitutional Law, Torts, Criminal Law and Procedure, Contracts, Property, Civil Procedure and Litigation Process. Guest speakers and field trips will be a prominent feature of this course.

Required Texts

Feinman, Jay (2010). *Law 101: Everything You Need to Know About American Law*, Third Edition. Oxford University Press. Hereinafter referred to as *Feinman*.

George, Tracy and Suzanna Sherry (2009). *What Every Law Student Really Needs to Know*, Aspen Publishers. Hereinafter referred to as *George*.

Ancillary Readings will be posted on OAK and noted in the syllabus.

Student Evaluation: Your grade in this class will be based upon class participation, which encompasses regular attendance (35%), one hypothetical case memorandum (20%) and the preparation of an accompanying legal document (15%), and a final presentation (30%).

I. *Class participation:* In this class, participation is really important. While I realize that not everyone enjoys talking in class, life is full of mandatory practices that we would all rather opt out of, e.g. paying taxes, being inoculated to attend school, having to take driver's license exams, etc.; but for the good of the group, we as citizens comply. Thus in this class, 35% of your grade will be determined by the *quality* of your class participation, meaning the degree to which you help us establish and maintain a productive classroom community.

This class will utilize a modified Socratic method, much like what you would experience your first year in law school. This means that students will be randomly called upon daily to report on the key components of the material covered in the readings. To create an atmosphere where this is the norm, I expect that all voices, questions and answers will be treated with civility and respect. You will also be expected to prepare questions for our guest speakers based on the readings, common knowledge or current affairs in the legal world.

Respect for others encompasses other aspects of our community as well: showing up on time for class, turning off your cell phones while we are in the classroom, and completing your assignments in a timely manner. Perpetual tardiness will be reflected in your class participation grade.

Class participation grades are, in a sense, distributed along a curve. If you thoughtfully answer the questions about the readings when called upon, and make informed comments or ask intelligent questions when comments or questions are solicited, you can expect an A for class participation (barring excessive/more than three absences.) If you never offer insightful comments in class and fail to answer questions about the readings correctly, you can expect a C-/D+ for your class participation grade. Performance between these two extremes will fall in the middle of the grade distribution in comparison with the participation of the other students. It is my hope that you all participate enthusiastically and that the distribution will be between 95 and 100.

Please note that attendance is also factored in to your class participation grade: more than two unexcused absences will result in an incrementally lower participation grade (i.e. from a B- to a C+ for the third absence, a C+ to a C for the fourth, etc.)

Laptop use: Due to the discussion intensive nature of the course, laptops are not allowed in our classroom unless you have documented need of a laptop from the Disability Services Office.

II. *Hypothetical Case Memorandum and Entertainment Contract:* In most classes taken in law school, students are tested once at the end of each semester through the medium of hypothetical fact scenarios to determine if students have mastered the most important facets of legal doctrine (this is the same format of testing utilized by state bar exams as well.) Near the middle of our term, I will post a hypothetical Torts question on OAK and you will be required to write a “decision memorandum.” You will answer this hypothetical outside of class, using your notes, our text and the ancillary cases posted on OAK. Your answers will require identification of the potential tort actions and analysis and application of case law and doctrine to the legal issues presented. Your answers will not involve library research. In fact, points will be deducted if you use any materials other than your notes, text and the cases provided. The answers must be typed and no more than six (6) pages, double-spaced, 12 point font size, with one inch margins.

Your approach to writing the memorandum is to assume you are a law student writing the answer for your Torts final exam. You will be provided an assignment prompt with specific instructions. But in general, you will be expected to: 1) identify the “Issues” i.e. the legal questions (law students call this “issue spotting”) presented in the hypothetical; 2) articulate the “Rules” of Tort law, as explained in lecture and the text, and 3) explain how you believe these rules should be applied to the issues presented in the hypothetical.

III. *Preparation of a Legal Document:* Most attorneys will tell you that a vast majority of their time is spent on document preparation, i.e. paper work. And most of that paper work, format-wise, has already been drafted a million times over in the form of Contracts, Decrees, Motions, Briefs, etc. Legal publishers charge \$hundreds\$ of dollars for access to form books. It is your job as an attorney to find and understand the appropriate template or form and, essentially, fill in your client’s information. You will draft a legal document that corresponds with the hypothetical memorandum. Details will be announced closer to the due date.

A. Further instructions for all written assignments

!!*!Your writing must be grammatically correct, with proper usage and attention to style. If you wish to argue persuasively, you must write in language that your reader will easily understand. The law is a written medium and proficient writing is essential. **Proofreading is expected.** Papers with excessive grammatical errors will be ineligible for an A no matter the brilliance of the content. If you have a hard time with grammar, I highly recommend employing an editor. The Writing Studio can connect you with editors for hire.*!*!*!

In all legal writing, you should avoid long quotes. However, if you do have a quotation that is longer than 50 words, use block quotes; i.e., create a new paragraph that is indented and single spaced. Do not place quotation marks at either end of a block quote. Include any citation in parentheses at the end.

Punctuation belonging to a quote belongs “inside the quotation marks.” You do not need a comma before all quotations, although it may be appropriate in particular instances. The use of ellipses to begin or end a quote ... is discouraged. When using a parenthetical citation, end the quote, insert the parenthetical citation, and finish with a period (Author 2014, 10000).

Simple writing is powerful writing. Avoid flowery prose and limit your use of adjectives.

You should provide a citation when referring to or quoting from a case. For example, if you are citing *Marbury v. Madison*, the first time you cite it, type this: *Marbury v. Madison*, 5 U.S. 137 (1803). The next time you cite it, simply use the first party’s name, unless it is the government of the United States or a state; use the second party’s name in such cases. So the second time you cite *Marbury v. Madison*, type this: *Marbury* (1803). If you are quoting, you will cite a specific page number. For example, if you are quoting from page 140 of the *Marbury* decision, you would type this: *Marbury v. Madison*, 5 U.S. 137, 140 (1803).

All assignments will be due in hard copy in class on the due date. Papers handed in after class are officially considered “late.” If you hand in an assignment up to 24 hours late and you earned a B+ on that assignment, your grade will be a B, and your grade will be a B- if you hand in that same assignment between 24 hours and 48

hours late, etc. No variation on the computer/printer/hard drive catastrophe excuse will be accepted. You should keep adequate backups of all written work to prevent such a problem.

IV. Final Presentation: American Law is primarily Common Law; meaning it is the product of all of the cases/judicial decisions that came before it. There are certain cases that are “classics” or “landmark” legal decisions. We will discuss these “landmark” decisions in almost every class period. In the final week of class, you will work with a partner to present to the jury (your classmates) the opening and closing arguments for a specific landmark legal decision as well as direct and cross-examination of the Plaintiff and the Defendant (each other.) Successful courtroom practice is primarily a function of connecting with one’s audience, and in many ways, it is dramatically rendering the story that brought the parties to Court in the first place. Costumes, and high-drama are encouraged in the presentation of these landmark cases. They will be judged on their 1) creativity in presentation; 2) ability to inform the audience as to the true issues faced by the Court in the case (hand-outs might be relevant); and 3) ability to explain how the case now shapes modern law.

Grading Scale for the Course: A = 100% - 96%; A- = 95% - 91%; B+ = 90% - 87%; B = 86% - 84%; B- = 83% - 81%; C+ = 80 - 77%; C = 76% - 74%; C- = 73% - 71%; D+ = 70% - 67%; D = 66% - 64%; D- = 63%- 61%; F = 60% & below

A Note on Grading: An “A” grade given on any assignment or as a final cumulative grade signifies “excellent” work (reserved for those students who have not only demonstrated an excellent understanding of the course material, but who have also shown an excellent ability to analyze the material); a “B” signifies “good” work (a “good” understanding of and ability to analyze the material); a “C” signifies “satisfactory” work (a “satisfactory” understanding of and ability to analyze the material); a “D” signifies “passing” work (a “passing” understanding of and ability to analyze the material); and an “F” signifies “failing” work (an inability to understand or analyze the material).

Class Attendance: Attendance shall be recorded and considered with regard to your class participation grade. More than three unexcused absences will result in an incrementally lower participation grade (i.e. from a B- to a C+ for the third absence, a C+ to a C for the fourth, etc.) Students are responsible for all missed assignments and should seek to secure the class notes from a class mate for any classes that are missed.

Disclaimer Statement: The information contained in this syllabus is a guide for this course. However, I reserve the right to make necessary changes should the need arise. In such case, every effort will be made to announce changes to the syllabus in a timely fashion.

If you need course accommodations due to a disability, or if you have emergency medical information to share with me, please make an appointment to see me as soon as possible.

Honor Code: Vanderbilt's Honor Code governs all work in this course. Failure to properly credit sources in any written assignment is considered an honor code violation. I have a zero-tolerance policy re: plagiarism. If you do not properly credit others/other sources for their work or try to pass off the work of others as your work, you will be turned over the Honor Council.

If you have any doubts, please ask me - not another student - for clarification. Uncertainty about the application of the Honor Code does not excuse a violation.

Course Schedule

Monday, May 4: Meet and Greet, Introduction to the Course, Logistics; Homework (i.e. what we will discuss/what is due next class) = Read pp. 1-42 of *George*.

Tuesday, May 5: Discuss the readings. Homework: Read pp. 43-62 of *George*.

Wednesday, May 6: Discuss the readings. Homework: Read pp. 63-89 of *George*. Read, in its entirety, *Morse v. Frederick*, 551 U.S. 393 (2007) posted on OAK, and using the template on OAK and the guidance of *George*, create a case brief for *Morse* (2007).

Thursday, May 7: Discuss the readings. No Homework.

Friday, May 8: Graduation Day – no class

Monday, May 11: Field Trip to Vanderbilt Law School- we will meet in the main lobby/entrance of the lawschool at 9:15. Homework: 1) Choose one issue area: Healthcare Law; Entertainment Law; Environmental Law; Criminal Law; Intellectual Property and Patent Law; Human Rights Law or an area of interest to you – 2) now, research online or in the library and find two law schools that seem to offer strong programs in these issue areas. For class, using the websites of these two schools or other internet information, 3) answer the following question in a one-page document to be turned in at the beginning of class on Tuesday. Why did you choose these two schools as exemplars for legal study in this issue area? Be specific.

Tuesday, May 12: In class film – *The Paper Chase* - answer questions re: film posted on OAK to be turned in on Wednesday. Read pp. 1 - 48 of *Feinman*.

Wednesday, May 13: Discuss the readings. Homework: Read 49 – 94 of *Feinman*.
Field Trip to ACLU of Tennessee -

Thursday, May 14: Discuss previous readings. Homework: Read pp. 95 – 140 of *Feinman*. Constitutional Law Hypothetical in class and discussion.

Friday, May 15: Field Trip to Circuit Court for Motion Docket. Homework: Read pp. 141-180 of *Feinman*.

Monday, May 18: Discuss Readings and Hypothetical Case assignment. **Trip to Rocky McElheney's office.** Homework: Read pp. 181-212.

Tuesday, May 19: Discuss Readings. Homework: Work on your Hypothetical Case Assignment.

Wednesday, May 20: Turn in your Hypotheticals. Trip to Sports and Entertainment Law Attorney Chris Vlahos' Office. Homework: Read pp. 213-254.

Thursday, May 21: Discuss Readings. **Trip to Register of Deeds Office.** Homework: Read pp. 255 – 300.

Friday, May 22: Field Trip to District Attorney and Public Defender's Offices. Homework: Read pp. 301 – 346.

Monday, May 25 = Memorial Day – Class Cancelled.

Tuesday, May 26 = Discuss previous Readings and Final Presentations.

Wednesday, May 27 = In class Film and discussion. Work on your Final Presentations.

Thursday, May 28 = Final Presentations.

Friday, May 29 = Field trip to the State Supreme Court; lunch downtown with the Chief Justice.

Enjoy the rest of your summer!

Relevant Addresses:

ACLU of Tennessee

Circuit Court – Judge Gayden – First Circuit

One Public Square
Nashville, TN
(615) 862-5910

Register of Deed's Office

501 Broadway, Nashville, TN 37203
(615) 862-6790

District Attorney's Office

Washington Square, Suite 500
222 2nd Avenue North Nashville, TN 37201
Phone: (615) 862-5500

State Capitol

600 Charlotte Ave, Nashville, TN 37243
(615) 741-1621

