Topics in American Legal History – Seminar (602-001) – Spring 2014 (2 or 3 credits)

Professor Ross E. Davies (rdavies@greenbag.org; 703-993-8049)

Class:
(Limited to a total of 15 students.)

2 credits: Tuesdays, 10 to 11:50 a.m., plus one mandatory half-day (8:30 a.m. to noon) Saturday session on Jan. 18 or Jan. 25 at the law school.

Failure to attend for any reason – including a family emergency, a wedding, an opportunity for personal or professional growth, a defective alarm clock, or anything else – will disqualify you from the course. So attend the Jan. 18 session. That way you won’t risk disqualification if you cannot attend on Jan. 25. One other good reason to attend the Jan. 18 session: The first two hours will be conducted by GMU Reference Librarian Cattleya Concepcion, who will give us some excellent training and advice about legal history research online and elsewhere.

3 credits: Tuesdays, 10 to 11:50 a.m., plus two mandatory all-day (8:30 a.m. to 4:30 p.m.) Saturday sessions on Jan. 18 and Jan. 25 at the law school.

If you miss all or part of either one for any reason – including those listed above – your grade will not be affected, but you will be switched to the 2-credit course and the associated requirements. So, if you enroll for 3 credits, hedge (by not relying on that third credit in order to graduate) or be prepared to make a sacrifice (by missing a big event, leaving home early enough to be certain of arriving on time even if there is heavy traffic, postponing graduation, or whatever) in the event that you miss all or part of a session.

Note that both Saturday sessions occur before the Jan. 28 cut-off date for drop/add. If you fail to attend the mandatory session(s) and must do a drop/add in order to graduate, you will be able to.

Purpose and sketch of the course:
Think of this as an opportunity to develop your skills in legal research, writing, and analysis. We will (a) take a close look at some aspects of legal biography – at ways of telling the story of a life in the law – and (b) try our hands at the digging, drafting, and editing that are required to do a good job of understanding and telling such stories. We will begin with some commentary on writing, some commentary on biography, some samples of legal biography, and some consideration of paper topics. Then, while we continue with those discussions, we will hear from Cattleya Concepcion on Saturday, Jan. 18 on the use of online and other resources for legal and historical research, and spend 4 or 16 hours together (over the course of two Saturdays) doing some serious, focused research. That will be followed by several more weeks of additional reading and discussion. We will spend most of the Jan. 16 class on students’ ideas for paper topics. Your paper will be a thoroughly revised, informatively annotated, and generally much-improved – by you, that is – version of one of the biographies in volumes 2 through 8 of William Draper Lewis’s 8-volume "Great American Lawyers" series published in 1907-09. You should begin rummaging soon in those volumes (they are available at archive.org) for the biography of your choice. The only biographies that are off limits are the ones a student is to give a presentation based on that outline.

They should begin by 12 noon on the day before the Jan. 18 session at GMUSL. That way you won’t risk disqualification if you cannot attend on Jan. 25. One other good reason to attend the Jan. 18 session: The first two hours will be conducted by GMU Reference Librarian Cattleya Concepcion, who will give us some excellent training and advice about legal history research online and elsewhere.

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Reading Assignments: (They are subject to change at the discretion of the instructor.) Buy the three underlined books. All articles are online.


Feb. 4: Garner, pages 211-35; Garment, chapters 5-7; Stout, parts II-III

Feb. 11: Garner, pages 543-62; Garment, chapters 8-9; Stout, part IV


Class schedule:

Jan. 7: discuss assigned reading
Jan. 14: discuss assigned reading and paper topics; sign up for presentation dates
Jan. 18: all research sessions at GMUSL, with Cattleya Concepcion presentation
Jan. 21: discuss assigned reading
Jan. 25: all-day research session at GMUSL

For each class session, please:
(a) Read, take notes, research, and think about the assigned material. Stay an assignment or two ahead of schedule, just in case.
(b) Note and follow in-class instruction. If you miss a class you must get notes from a classmate. Make arrangements in advance as a precaution against unanticipated absences. There is a strong tradition in law of sharing notes with colleagues in need. Be a part of it.
(c) Look up words you do not know. I recommend the latest editions of *Black’s Law Dictionary*, the *OED*, and *American Heritage*, plus a couple of roughly contemporary dictionaries – for example, *Black’s (1910)* and *Weisner’s New International Dictionary (1909)* for the Livingston biography.

Presentations: They are required. You will deliver a 45-minute work-in-progress presentation based on an outline emailed to everyone in the course (including me) by midnight on the Friday before you are to give a presentation based on that outline.

Commentary: Also required. You must email at least one specific, substantive comment on each fellow student’s outline to everyone in the course (including me) by 12 noon on the day before that student is to give a presentation based on that outline. Your comment must be unique – no echoing, amplifying, or piggybacking on a classmate’s comment – which makes reading and commenting promptly a good idea.

Grades: They are based on your 3,000-word paper (5,000 words if you opt for 3 credits), presentation, commentary, and participation. It is your responsibility to deliver and confirm delivery by the appropriate deadline of (a) your outline to everyone in the course (including me), (b) your comments on others’ outlines to everyone in the course (including me), and (c) your final paper to me. An outline, comment, or paper turned in late but less than one week late will result in your grade being lowered one step (e.g., B to B-minus), one to two weeks late, two steps (e.g., B to C-plus), two to three weeks late, three steps (e.g., B to C) and so on. Fair warning: Plagiarism is forbidden and I reserve the right to detect plagiarists by any reasonable means, including, but not limited to, plagiarism-detection software.

Intellectual property: The instructor owns all course content, regardless of form. You may share copies of that content with classmates during the course, but other than that you must keep all of it in any format to yourself forever. Recording of class sessions is forbidden.

I have read and do understand the rules of this course, and I know that following those rules is an important part of class participation. I will abide by all of them. Name (print): ______________________________ Date: ______________/___/____. Signature (scribbled): ______________________________