
Professor Ron E. Davies (rdavies@greenbag.org, 703-991-8049) and Professor Gregory F. Jacob (gjacob@omn.com)

**Classes:** (Limited to 10 students.) [day of the week thb], 10 a.m. to 12 noon in [Room thb]. Note: The course is scheduled for 10 to 11:50 a.m., but we will extend every class session to noon to make up for the fact that we will not meet on March 26. Office hours by appointment.

**Purpose and sketch of the course:** What is the point of studying a bunch of old stuff? Actually, there are at least three points: (1) to practice the healthy skepticism and intellectual initiative that should be parts of every lawyer’s professional reading habits; (2) to enjoy one of the most enriching of work together. So, general law and humor, probing meaning and function we engaged colleagues, and, finally and not least importantly, (3) to develop some useful points of reference for your own understanding of modern law and lawyering, and a sense of trends in the development of legal institutions and law practice. In other words, this is a course opportunity to develop not only your skills in legal research, analysis, and presentation but also your skills as collaborator-in-law. There is a lot of reading, and re-class thinking and research, but if you like those activities you will like this course, because there isn’t much else required (the quizzes are pretty easy for anyone who does a good job of reading and preparing for discussion). To learn more, read this: Gregory F. Jacob, *Using History to Teach Students How to Be Lawyers*, 53 Am. J. Legal History 493 (2013).

**Assignments:** Please (1) do the assigned reading and come to class prepared to be quizzed on it and to discuss it, and (2) do outside research to support your contributions to the discussion. Make no mistake, as heavy as the assigned reading may feel sometimes, that doing reading is only the first half of your mission. The second half is to engage in some investigation of the context and quality of the reading material. So, as you read, note parts of the reading and find something more or feel a bit skeptical of what you follow up (do some research to satisfy your curiosity. Share the results with the rest of us by (a) emailing them to your instructors and classmates, or (b) bringing handouts to class. Do not overdo it— you need not come up with anything big or groundbreaking. We just want short, interesting additions – clever or dull, exotic or mundane – that will help all of us understand what we’re reading. And do not underdo it – you do need to be prepared. Remarks unsupported by reference to specific passages in the reading or specific findings will be rejected – cut off as politely as possible. Think about it this way: This is a moot where you must share your expertise, not a book club where you may share your offhand remarks. If you have a comment to make you must direct us to the relevant page in the reading or research, because you will have no electronics (see below). Each student will: (1) sign up on January 15 to make an oral presentation and lead discussion on one of the books listed for the April class meetings, and (2) provide the rest of the class with a two-page outline of the book (including a half-dozen or so interesting features of the book, which will be discussed in class) no later than one week before the presentation. (A presenting student is the only one who will read the entire book, but everyone else should do enough thinking – and digging, if appropriate – to be ready to contribute to the discussion.) Assignments are subject to change based on the pace of the course and the whim of the instructors. As should be obvious, you must read *All the President’s Men* before the semester begins. It will make interesting break reading.

**Texts:** Some of these books are out of print, but all are available at online stores. You must acquire all of the books for January through March, plus the book for your April presentation. Shop smart and buy early. Failure to bring the current reading to class will affect your class participation grade.

Feel free to pair up with someone on this, and then sit next to each other in class. What’s important is that everyone does the reading, takes notes, does research, and has hands-on access to the books as we work through them. An asterisk (*) next to an assignment means a quiz will be given on it. A dagger (†) next to an assignment means it is available at www.roadavies.org, in which case you may print it out instead of buying it in book form.

*Jan. 8:* Carl Bernstein and Bob Woodward, *All the President’s Men* (1974): the whole book (~140 pg.)

*Jan. 15:* no new reading


*Jan. 29:* no new reading


*Feb. 12:* no new reading


*Feb. 26:* no new reading


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) Leave all electronics outside the classroom or, if you must bring them with you, keep them stowed during class. No laptops, no PDAs, etc. This means, of course, that you must prepare notes for class ahead of time.

(c) Look up words you do not know.

(d) Review the rules of this course, and I know that following those rules is an important part of class participation. I will ask you to determine whether you have, in my opinion, done well, and if not to follow up (do some research to satisfy your curiosity. Share the results with the rest of us by (a) emailing them to your instructors and classmates, or (b) bringing handouts to class. Do not overdo it— you need not come up with anything big or groundbreaking. We just want short, interesting additions — clever or dull, exotic or mundane — that will help all of us understand what we’re reading. And do not underdo it — you do need to be prepared. Remarks unsupported by reference to specific passages in the reading or specific findings will be rejected — cut off as politely as possible. Think about it this way: This is a moot where you must share your expertise, not a book club where you may share your offhand remarks. If you have a comment to make you must direct us to the relevant page in the reading or research, because you will have no electronics (see below). Each student will: (1) sign up on January 15 to make an oral presentation and lead discussion on one of the books listed for the April class meetings, and (2) provide the rest of the class with a two-page outline of the book (including a half-dozen or so interesting features of the book, which will be discussed in class) no later than one week before the presentation. (A presenting student is the only one who will read the entire book, but everyone else should do enough thinking — and digging, if appropriate — to be ready to contribute to the discussion.) Assignments are subject to change based on the pace of the course and the whim of the instructors. As should be obvious, you must read *All the President’s Men* before the semester begins. It will make interesting break reading.

**Grades:** Your grade is based on closed-book quizzes and participation. Quizzes count for 1/3 of the grade. A quiz consisting of a few (ten or so) straightforward questions about the assigned reading is given at the start of most classes in which we discuss new material. They are designed merely to determine whether you have, in fact, done the reading and paid attention. They are easy for anyone who has done the reading but not for someone who has not. There are no make-ups: miss a class in which a quiz is administered, miss that quiz. Skipping class to avoid a quiz can be costless for two reasons: (1) grades are based mostly on participation and someone who is absent will find it hard to participate, and (2) if a student takes all quizzes, the lowest quiz score is excluded from final grade calculations. Participation counts for 2/3 of the grade. Let us be clear about this up front: The evaluation of participation is largely subjective, which means that if you do not like your participation grade there will be no basis for challenging it. Having said that, you are unlikely to get a bad grade if you come to every class prepared to make useful contributions, do in fact make them, and respectfully listen to and comment on the contributions of others. It is because of those expectations that there is an electronics ban for this course.

No one can google whatever we are talking about and then read something off a screen, passing it off as his or her own thought; no one can keyword-search another student’s comment and then pose as having noticed and thought about the same thing. All of us must read and reflect and even do a little bit of our own research before class in order to be sure we have something useful to share. What a wonderful thing! Caution: Do not enroll in this course if you hope (due, for example, to success in a moot court competition) or expect (due, for example, to out-of-town travel) to have a schedule that conflicts with this course. In this course there is no substitute for participation, and a before- or after-class private chat with an instructor about what will or did go in class is no substitute for an absence that deprives your classmates (and instructors) of your contributions to our joint work together. More generally speaking, the more class sessions you miss the lower your grade will be, and a failure to attend the number of class sessions required by our school’s regulations (they are available on the school website, and you are responsible for knowing and following them) will make you ineligible for course credit.

**Intellectual property:** The lead 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): ____________ Signature (scribble): ____________ Date: ___/___/___