

LAW 093: INTRODUCTION TO UNITED STATES LAW (LLMs)

2 Credits

Fall 2021

**Online course: Mondays, 6:05 p.m. – 8:05 p.m. Professor
Angel Martinez**

SYLLABUS

I. Description and Learning Outcomes

This course provides the principles of U.S. law and explores major topics in American jurisprudence. Students will develop a professional understanding of the American legal tradition and judicial system, and will gain a foundation to pursue further study of specific legal areas of U.S. law. Through lectures, discussions, written assignments, and oral arguments, students will strengthen their legal analysis and rhetoric skills in the U.S. legal context and develop a facility in using American legal terminology.

II. Course Materials and Reading Assignments

Required: Abernathy, Charles F. Law in the United States, 2nd Ed. (West Academic Publishing 2016). ISBN 9780314267016.

Optional: Feinman, Jay. Law 101: Everything You Need to Know About American Law, 4th Ed. (Oxford University Press 2014) ISBN 9780199341696.

The class generally follows the structure and required readings from the Abernathy book. Although optional, for additional clarity I strongly recommend that students follow in parallel the Feinman book, which presents the material in an alternative manner for lay audiences.

Additional course materials are available on TWEN. Students should ensure they have access to the course's TWEN site. Contact Library staff if assistance is needed accessing TWEN and/or CALI. The password for the course materials will be distributed on the first day of class.

III. Grading

The final grade will comprise of:

- Attendance and class participation (20%)
- Two reaction papers (20%)
 - Grammar, attention to detail, and analysis are factors in grading.
- Final exam (60%)

IV. Participation

Success in the course requires students to be highly interactive and inquisitive. A large part of class will be devoted to lecture. In class, however, I will encourage a discussion of the material and the topic by asking questions or prompting a student to discuss a case or reaction paper. Although I will ask for volunteers, I may call on any student without warning. Meaningful participation and contribution will earn a higher participation grade. Conversely, a student's participation grade will be lower through a lack of participation in class or unpreparedness for class.

V. Attendance

Timely attendance to every class is mandatory. Students are expected to attend and participate in every class, and attendance is part of the participation grade. If a student must miss a class, please contact me in advance. I reserve the right to reduce a student's final grade one entire grade (e.g., A to B, B+ to C+) if more than two classes are missed during the semester without justification. Furthermore, the law school's policy dictates that a student may not get credit for a course that meets once a week, like this, if more than three classes are missed. However, at the professor's discretion and if circumstances merit, a student who misses four classes could submit substituted work to receive credit for the course. A student who misses more than four classes will not receive credit for this course.

VI. Scheduling

This syllabus is not absolute. We may need to have meetings in addition to the ones listed below and/or to change dates. Reading and other assignments may likewise be changed or added. Students will be notified in advance of any changes over the course of the semester and are responsible for knowing the required material and assignments for each particular class.

VII. The Honor Code and Plagiarism

The law school's Honor Code is set out at: http://www.law.gmu.edu/academics/honor_code. The Honor Code is extremely important to protect the equity and integrity of students' legal educations, faculty take it seriously, and it will be strictly applied in this class. Students must observe it. I encourage students to familiarize themselves with it.

Plagiarism is the practice of taking someone else's work or ideas and passing them off as one's own. Plagiarism will not be tolerated in this class, and any potential instance of plagiarism will be investigated and processed according to the law school's Honor Code.

VIII. Additional Matters

The use of cell phones, smart phones, or other mobile communication devices is disruptive, and is therefore highly discouraged during class. If you must use your cell phone, please leave the room.

Photographs and electronic video and/or audio recording are not permitted during class unless the student obtains permission from the instructor.

My lectures and course materials, including presentations, tests, exams, outlines, and any other materials, are protected by copyright. I am the exclusive owner of copyright in those materials I create. I encourage you to take notes and make copies of course materials for your own educational use. However, you may not, nor may you knowingly allow others to reproduce or distribute lecture notes and course materials publicly without my express written consent.

IX. Office Hours and Contact Information

I can meet with students by appointment: pmarti24@gmu.edu.

X. Course Outline

1. Introduction to the Course, Class Expectations, Outlining, Briefing, and Legal Research and Writing in the United States (August 23)

- a. In class: Presentations, objectives, expectations, assignments, and grading
- b. Plagiarism
 - Watch in advance: CALI: Plagiarism - Keeping Out of Trouble
- c. Briefing cases
 - Read in advance:
 1. Orin S. Kerr, How to Read a Legal Opinion - A Guide for New Law Students, *available at* <http://www.volokh.com/files/howtoreadv2.pdf>
 2. LexisNexis, How to write a case brief for law school: Excerpt reproduced from Introduction to the Study of Law: Cases and Materials, Third Edition (LexisNexis 2009) by Michael Makdisi & John Makdisi, *available at* <https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page>.
 3. *Abernathy*: CH 4: pp. 127-137
 4. Optional: *Feinman*: Pp. 1-7
- d. Legal Research and Writing
 - Watch in advance CALI: Legal Research Methodology
 - Watch in advance CALI: Learning Legal Analysis Through Its Components: Issue, Rule, Application, Conclusion – IRAC
 - Read in advance:
 1. California State University Northridge-USING THE I-R-A-C STRUCTURE IN WRITING EXAM ANSWERS, *available at* https://www.csun.edu/sites/default/files/IRAC%20ANALYSIS_Saunders.pdf
 2. *Abernathy*: CH 4: pp. 137-140
 - In class exercise: Negligence hypothetical; working through IRAC together (fact pattern will be distributed in class)
 - Take-home exercise: Mock exam applying IRAC (mock exam distributed in class)

2. **United States Law: Common Law, Sources of Law, Statutory Interpretation, Stare Decisis, Precedent and Overturning Precedent, Federal Common Law, Uniformity of Law, International Law, Hierarchy of American Law (August 30)**

• Read in advance:

1. *Abernathy*: CH1 pp. 3-5, 13, end of 16-17, 25–top of 30, 31-32, end of 38–top of 41,
CH2 pp. middle of 91, end of 97–98
CH3 pp. 123–125
CH9 pp. 396–398, 401

3. **LABOR DAY – University Closed – No Class (September 6)**

4. **Federal and State Courts, Subject Matter Jurisdiction, Federal Question Jurisdiction, Diversity Jurisdiction, Personal Jurisdiction, Application of Law (September 13)**

• Read in advance:

1. *Abernathy*: CH3 pp. 99–104, middle of 114–118, end of 120–top of 121
CH13 pp. 563–568, middle of 573–574, 577–586, 592–third paragraph of 595, end of 601–first paragraph of 602, end of 604–first paragraph of 605, end of 617–618
2. Optional: *Feinman*: Pp. 95–110

5. **Civil Procedure: Right to a Jury Trial, Starting a Civil Action, Civil Lawsuit Process, Motions to Dismiss, Motions for Summary Judgment, Discovery, Appeals (September 20)**

• Read in advance:

1. *Abernathy*: CH14 pp. 623–633, 645–middle of 647, middle of 648–middle of 649, 651–middle of 655, end of 657–658
2. Optional: *Feinman*: Pp. 110–140

6. **Overview of the U.S. Constitution: Federalism and Separation of Powers, Judicial Review, Justiciability, Commerce Clause, Spending Power, International Affairs (September 27)**

• Read in advance:

1. *Abernathy*: CH5 pp. 143–150, middle of 155, end of 164–middle of 170, end of 185, end of 188–192
CH7 pp. end of 292, middle of 296–third paragraph of 298, 300–top of 301
CH8 pp. 309– first paragraph of 310, middle of 319–top of 322, 346–top of 347, 349–350
CH9 pp. 363–top of 365, end of 381–middle of 383
2. Optional: *Feinman*: Pp. 9–47

7. Constitution continued – Civil Rights: Substantive and Procedural Due Process; Personal Rights: Privacy, Procreation, Sex, and Marriage (October 4)

• Read in advance:

1. *Abernathy*: CH10 pp. 405–407, 422–middle of 428, 431–37, middle of 441–middle of 442, middle of 443–top of 447, 452–458, 472–end of 475, middle of 478–middle of 479
2. Optional: *Feinman*: Pp. 49–55, 83–94

8. Constitution continued – Freedom of Speech (October 12) – MEETS ON TUESDAY

• Read in advance:

1. *Abernathy*: CH12 pp. 531–middle of 535, middle of 537–538, 540–middle of 547, 549–middle of 554
2. Optional: *Feinman*: Pp. 62–83

9. Constitution continued – Civil Rights: Equal Protection (October 18)

• Read in advance:

1. *Abernathy*: CH11 pp. 483–middle of 486, top of 489–end of 493, middle of 495–top of 499, middle of 503–top of 512, middle of 517–top of 518
2. Optional: *Feinman*: Pp. 55–62

- *Constitutional/civil rights litigation moot: Fact pattern distributed in class; Litigation teams (Plaintiffs/Defendants) formed in class.*

10. Criminal Law and Procedure: Criminal Justice Systems, Prosecutions and Trials, Constitutional Rights (October 25)

• Read in advance:

1. *Abernathy*: CH6 pp. 208–210
2. *Arizona v. Evans*, 514 U.S. 1 (1995) pages 10-16 [4th Amendment]
3. *Wiggins v. Smith*, 539 U.S. 510 (2003) pages 521-523 [6th Amendment]
4. *United States v. Willis* materials, available on TWEN:
 - a. Willis Indictment
 - b. Willis Motion to Suppress
 - c. Willis Motion to Suppress brief
5. Optional: A. *Feinman*: Pp. 255-343
B. *Mapp v. Ohio*, 367 U.S. 643 (1961) [4th Am.]

- C. Miranda v. Arizona, 384 U.S. 436 (1966) [5th Am.]
D. Maryland v. Shatzer, 559 U.S. 98 (2010) [5th Am.]

11. Torts: Introduction to Torts, Intentional Torts, Strict Liability, Negligence, the Reasonable Person, Elements of a Negligence Claim, Contributory and Comparative Negligence, Compensatory and Punitive Damages (November 1)

- Read in advance:
 1. *Abernathy*: CH15 pp. 693–top of 704, middle of 706–bottom of 709, top of 711–714, end of 715–middle of 720
 2. Optional: *Feinman*: Pp. 141–179
- Constitutional/civil rights litigation moot:

Plaintiffs Litigation Team: By tonight’s class (i.e. by 6:04 p.m. tonight), draft one complaint (for the whole team) with all the claims you can identify from the fact pattern and email it to class.

12. Contracts: Elements of a Contract, Voluntariness, the UCC, Unconscionable Contracts (November 8)

- Read in advance:
 1. *Abernathy*: CH15 pp. 661–664, middle of 665–end of fifth paragraph of 667, 669–middle of 677, bottom of 680–683, 687–bottom of 689, middle of 691–second paragraph of 692
 2. Optional: *Feinman*: Pp. 181–212
- Constitutional/civil rights litigation moot:

Defendants Litigation Team: By tonight’s class (i.e. by 6:04 p.m. tonight) draft one motion to dismiss (for the whole team) (setting forth arguments to oppose the Plaintiffs’ claims, based on the applicable tests for each Constitutional claim raised) and email it to the class.

13. Final Course Review/Mock Oral Arguments (November 15)

- *Plaintiffs/Defendants Litigation Teams: Oral argument on motion to dismiss. Plaintiffs’ litigation team (one person) will first present to the (moot) court the claims from the complaint. Defendants will then argue for dismissal of each claim. Subsequently, Plaintiffs will respond to Defendants’ arguments. In its discretion, the court may allow a rebuttal and surrebuttal.*

14. Make-up Class (November 22)

15. Final Exam (TBD)