

Topics in American Legal History – Seminar (379-001) – Spring 2025

Professors Ross E. Davies (rdavies@gmu.edu)

Prerequisites: Successful completion of the “Constitutional Law I” and “Scholarly Writing” courses.

Class size: No more than 12 students.

Class sessions: We will meet on one Friday morning (Jan. 24) from 8:00 to 8:55 a.m. at the law school; one Saturday morning (Jan. 25) from 9:00 a.m. to 5:00 p.m. in the Manuscript Reading Room at the Library of Congress (101 Independence Av. SE); and five Monday mornings (Jan. 27, Feb. 10, Mar. 24, Mar. 31, and Apr. 14) from 8:00 to 8:55 a.m. at the law school. **Full attendance at the Jan. 24 and Jan. 25 sessions is mandatory. If you fail to attend either those sessions you will not pass the course. No exceptions. There is a good reason they take place before the Jan. 30 drop/add deadline: It gives you time to register for another course, if you miss the Jan. 24 or Jan. 25 class session.**

Sketch of the course and learning outcomes: In this course, you will not learn everything you need to know about American legal history. You will learn (or at least have a reasonable opportunity to learn) enough to get started and then continue to learn through higher-level coursework, independent study, and practical application. That is the purpose of the course – to get you rolling toward expertise in:

- (1) researching the histories of law-related institutions, individuals, doctrines, and other aspects of American law;
- (2) use of primary as well as secondary sources;
- (3) engaging in giving and receiving useful, constructive criticism about legal-historical research, analysis, and writing; and
- (4) generally thinking and acting like a lawyer – critically, constructively, creatively, civilly, ethically, and articulately.

In the classroom, you will engage mostly in two activities: occasionally speaking during discussions of the assignments, and often giving other speakers your undivided attention while working, in your own mind, on the same challenges they are working on out loud. Those in-class activities should inspire you to engage in some outside activities, including reading, researching, outlining, drafting, and generally thinking about the assignments and your own paper. We should have some fun along the way as well.

Assignments: With the exception of two short articles by the instructor that you must read before our first class session on Jan. 24, the only assigned reading will be your classmates’ draft outlines and papers. You will also submit drafts of your own work.

for the Jan. 24 class: Read Ross E. Davies, National Trove (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4868040), and Ross E. Davies, A Legitimate Class of One (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4222566).

for the Jan. 27 class: Show up, having thought about what you learned last week and what you want to research and write.

for the Feb. 10 class: By Feb. 7, email your paper outline to rdavies@gmu.edu and the @gmu.edu addresses of all your classmates, and, by Feb. 9, email to those same addresses your substantive and technical comments on the classmate outlines that have been assigned to you.

for the Mar. 24 class: By Mar. 21, email your draft paper to rdavies@gmu.edu and the @gmu.edu addresses of all your classmates, and, by Mar. 23, email to those same addresses your substantive and technical comments on the classmate papers that have been assigned to.

for the Mar. 31 class: By Mar. 28, email your draft paper to rdavies@gmu.edu and the @gmu.edu addresses of all your classmates, and, by Mar. 30, email to those same addresses your substantive and technical comments on the classmate papers that have been assigned to you.

for the Apr. 14 class: By Apr. 11, email your draft paper to rdavies@gmu.edu and the @gmu.edu addresses of all your classmates, and, by Apr. 13, email to those same addresses your substantive and technical comments on the classmate papers that have been assigned to you.

(a) It is your responsibility to deliver your outline, paper, or comments via email by 9:00 p.m. on each date for which such work is due. The instructor will send you a confirming reply email as soon as he receives your work. If you do not receive a reply from the instructor by 9:05 p.m., call his cell phone and dictate all of your assigned work into his voicemail. The idea, obviously, is to provide a backstop if you have email problems, and to deter the internet from eating your homework.

(b) Note and follow in-class instruction. That means, among other things, if you miss a class you are responsible for acquiring from a classmate notes about what happened. 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 that tradition, but do not abuse it.

(c) Look up words you do not know. Use *Black’s Law Dictionary* for legal terms and a good general dictionary – the *OED*, *American Heritage*, or whatever works for you – for everything else.

Grades: Your grade will be based on (a) class participation (including attendance, thoughtful in-class comments on the assignments, and engagement with classmates); and (b) a short paper (2,500-3,000 words), which is due by 9:00 p.m. on May 12. A paper delivered (via email or voicemail as described above) late but less than one week late will result in your course grade being lowered one step (e.g., from B to B-minus), one to two weeks late, two steps (e.g., from B to C-plus), and so on. Course grades may be adjusted up or down one step from the paper grade based on class participation.

Plagiarism, citation to fake sources, and other honor code violations: They are forbidden, and are grounds for sanctions as specified in law school regulations. The instructor may detect plagiarists, fakers, and other cheaters by any reasonable means.

Disability accommodations: Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Under the administration of University Life, Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. Students can begin the registration process with Disability Services at any time during their enrollment at George Mason University. If you are seeking accommodations, please visit <http://ds.gmu.edu/> for more information.

Intellectual property: The instructor owns all content created for this course, regardless of form (electronic, print, audio/video, oral, etc.), including class sessions, office hours, and other meetings, and recordings of those events. You are free to share copies of such course content with your classmates for the duration of the course, but other than that you and your classmates must keep all such things in any format to yourselves forever.