Introduction to U.S. Law
Fall 2010
Professor Leslie Newman

This course explores the American legal system to enable international law graduates and students to read, analyze, synthesize and prepare arguments based on its authoritative sources. Through readings, written assignments, class presentations and discussion, students will be introduced to issues in judicial decision-making, legal process and the culture of the study and practice of law in the United States. The goal is to enhance students’ abilities to understand the fundamental bases for common law judicial decision-making, the structure and operation of the national and state governmental and judicial systems, the use of precedent and the prevalent methods of case and statutory analysis.

All in-class work and outside assignments will be based on distributed materials. There is no textbook to purchase. There will be two short analytic writing assignments, which will be returned with extensive written comments, but will not be graded. All assignments are due as noted in this syllabus. Late assignments will not be accepted. There will also be several in-class exercises, and a final, graded essay examination, which may be returned with comments upon request. All writing assignments must be submitted electronically in typed form, double-spaced, with one and a half inch margins around the paper.

Reading materials will be distributed electronically both before and after class sessions. Class will take place via video conference each Monday from 2 – 5 P.M., with ten minute breaks each hour. Attendance is required. Material in several sessions will be taught by guest faculty. Individual students may be in contact via e-mail at any time.

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Syllabus and Class Schedule

Class 1: Monday, September 20
2 – 5 P.M.

Introduction and overview of course
Faculty and student introductions

Assignment:
Review *Kelly v. Gwinnell* case and accompanying materials for continuing reference in class discussion throughout the course.
Read distributed materials on case law analysis (“The Common Law”) for Class 2.

Class 2: Monday, September 27
2 – 5 P.M.

Description of the U.S. legal system - the U.S. Constitution; common law; statutory law; the federal governmental structure; the state and federal court system; common law vs. civil law.
Overview description of U.S. legal education and methodology
Common Law analysis exercises

Assignment:

Class 3: Monday, October 4
2 – 5 P.M.

What is a case; what is a case sequence? Why learn through the use of cases and a case sequence?
Case reading and analysis
Approaches to reading cases, formulating arguments
Common law process
Introduce, read and discuss *Barrett* case in class together
Identify and discuss: precedent, *stare decisis*, binding and persuasive cases and authorities; sources of law and authority
Class 4: Monday, October 11
2 – 5 P.M. Class conducted by Professor Alexandra Otis

Legal Research Methodologies
U.S. law school learning practices using electronic research resources and tools
Academic and professional ethics
Exercise on the hierarchy of sources

Assignment:
Review distributed material on case briefing (“The Brief” and “Guidelines for Case Briefing”) for Class 5.

Class 5: Monday, October 18
2 – 5 P.M.

Case briefing
Common law case reading and analysis continued; case sequence continued
In-class exercise:
Collaborative case brief work on Barrett case
Case sequence continued; synthesis of Barrett and Peters cases
Categories of assimilation
Use of precedent, dissents and concurrences

Class 6: Monday, October 25
2 – 5 P.M.

Assimilation of Barrett and Peters; case synthesis continued
Discussion of case sequence related hypothetical problems
Statutory overlay on the common law
Introduction of statutory authority and statutory interpretation
Public Interest legal issues

Assignment:
Submit case brief on Sanchez v. East Contra Costa Irrigation Co., 205 Cal. 515 (1928) case by 5 P.M. Thursday, October 28th to newman@yu.edu.
Class 7: Monday, November 1
2 – 5 P.M.

Return of submitted Sanchez case briefs with written comments; in-class review and discussion
Presentation of case sequence related new scenarios and hypothetical problems
Formulation of arguments
Public Interest legal issues

Assignment:
Read distributed material (“In The Domain of Statutes”) on statutory interpretation in common law analysis, which includes the following cases: Filmore v. Metropolitan Life Insurance Co., 82 Ohio St. 208 (1910), Deem v. Millikin, 6 Ohio Cir. Ct. 357 (1892), Riggs v. Palmer, 115 N.Y. 506 (1889), Wadsworth v. Siek, 23 Ohio Misc. 112 (1970), and Shrader v. Equitable Life Assurance Society, 20 Ohio St. 3d 41 (1985). Review notes and questions following the cases for discussion in Class 9.

Class 8: Monday, November 8
2 – 5 P.M. Class conducted by Professor Jeffrey Mailman

English language structure in writing U.S. law documents including letters, memoranda, litigation documents and appellate court briefs
Argument structure in responding to hypothetical law problems orally and in writing
In-class review and discussion of particular problem exercises

Class 9: Monday, November 15
2 – 5 P.M.

Discussion of Filmore, Deem, Riggs, Wadsworth and Shrader line of cases
In-class exercise:
Short negotiation/oral argument session on Filmore case group issues

Assignment:
Prepare one page written answer to distributed Assignment Question on statutory cases to be submitted electronically to Professor Newman at newman@yu.edu by 5 P.M., Friday, November 19th.
Review distributed materials (“Intro to U.S. Law Articles”) for in-class discussion on other jurisprudential voices for Class 10.
Class 10: Monday, November 22
2 – 5 P.M. Class conducted by Professor Alexandra Otis

Other jurisprudential voices and topics including Law and Economics, Critical Legal Studies, Critical Race Theory, Feminist Jurisprudence, current views on statutory and Constitutional interpretation in the U.S., changing views of the judicial role

Class 11: Monday, November 29
2 – 5 P.M.

In-class review and discussion of submitted writing assignments on Filmore case group
Return of individual writing assignments with comments
Following class discussion Teachers’ Notes on the assignment will be distributed.

Assignment:
Read Holy Trinity case and materials ("Theories of Statutory Interpretation") and review “A Symposium on Statutory Construction,” distributed, and found at 3 Vanderbilt L. Rev. 395-404 (April, 1950) for Class 12.

Class 12: Monday, December 6
2 – 5 P.M.

Statutory interpretation continued
Canons of construction
Discussion of Holy Trinity case

Assignment:
Review and outline response to distributed practice examination question for in class discussion in Class 13.

Class 13: Monday, December 13
2 – 5 P.M. Class conducted by Professor Jeffrey Mailman and Professor Newman

Exam preparation and writing skills
Practice exam review and discussion

Course review

Following class Answer Notes on the reviewed examination and Course Notes will be distributed.
Class 14: Monday, December 20
2 – 5 P.M.

Final Examination

Additional materials to be distributed include:

- Map of United States Courts of Appeals and District Court Districts
- Sources of U.S. Law and Descriptions of U.S. Federal Governmental and Court System
- Description of Case Progression from Complaint to Appeal
- Guidelines for Preparing an Outline
- Student Guidelines for E-Mail Communication
- Memorandum on Plagiarism
- U.S. Bar Examination Information
- Dictionary of Idioms