

LAW 320 U.S. Legal System/ PLS325 U.S. Judiciary

Winter 2010

Instructor: Takeshi Akiba

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Office Hours: TBA

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Course Objectives

- 1) Explain the basic structure, institutions, and procedures of the U.S. legal system
- 2) Identify and explain key concepts in major areas of U.S. law
- 3) Understand the role that law, rights, and rights-oriented discourse play in society

Course Description

In this course, we will learn about the U.S. legal system and think about the role of law in society. First, we will study the structure of the U.S. legal system; various actors and their roles; and its unique aspects such as the jury system and selection of judges. Second, we will study public law, which is the relationship between the government and the people. In the process we will consider the effectiveness of legal decisions on issues that divide society. Third, we will study private law, which is the ordering of day-to-day interactions between people by law. This course is *not* meant to train you to become a lawyer. It is a course for each of you to begin to think about the effects and limits of law on U.S. society as well as on your own life as we live in an increasingly law-oriented society.

Classroom Activities

**Course format:** Lectures by the instructor combined with class discussion and debate. There will be occasional use of audio-visual material to facilitate learning. **Assignments:** You are expected to read assigned readings and submit a response paper for each class. Details will be announced in the first class. **Policies:** Attendance is mandatory for all sessions. All assignments need to be submitted on time. Exceptions may be made only with approval by the instructor for legitimate and documented reasons. **Feedback:** You are encouraged to ask questions or provide relevant comments at any time during class. Your feedback is always welcome. Please feel free to contact me via e-mail or visit my office.

Prerequisites

None

## Evaluation

Mid-term examination	30%
Final examination	40%
Response papers	15%
Participation	15%

Since this is a very condensed course (7.5 weeks), attendance and participation in all sessions is critical.

## Course Materials

Main texts:

Jay M. Feinman, *Law 101: Everything You Need to Know About the American Legal System*

Gerald Paul McAlinn, Dan Rosen, John P. Stern, *An Introduction to American Law*

John M. Scheb and John M. Scheb II, *An Introduction to the American Legal System*

*Additional articles and materials will be distributed or placed on reserve at the library.*

## Class Schedule

*This schedule is tentative due to a planned change of textbook. Below I only indicate a broad outline of the topics. Specific readings (textbook pages) aside from those already indicated will be announced in the first class.*

### **Week 1 (Jan. 12) Introduction**

Overview of the course, grading, assignments, policies

Sources of law and the role of the Constitution

### **Week 2 (Jan. 18, 20) Constitutional rights and interpretation**

Judicial review and the role of the courts

Case law: text and interpretation—The Fourteenth Amendment, *Plessy* and *Brown*

Constitutional rights and constitutional interpretation

**Week 3 (Jan. 25, 27) Tort Law**

Intentional and unintentional torts (negligence)

Product liability

Selections from Robert Rabin & Stephen Sugarman ed., *Torts Stories*

Mass torts and “tort reform”—tobacco industry, medical industry

**Week 4 (Feb. 1, 3) Property Law**

Ownership and acquisition

Eminent domain, land use regulation (zoning)

Selections from Gerald Korngold, Andrew P. Morriss ed., *Property Stories*

Intellectual Property: Copyright, digital media, file sharing

**Week 5 (Feb. 8, 10)**

*Mid-term examination*

The Jury System: “*Twelve Angry Men*” (film-viewing and discussion)

**Week 6 (Feb. 15, 17) Criminal Law and Procedure**

Procedural rights and justice

Punishment and rehabilitation

**Week 7 (Feb. 22, 24) Gender, Family, and the Law**

Gender and the law

Phoebe A. Morgan, “*Risking Relationships: Understanding the Litigation Choices of Sexually Harassed Women*”

New forms of family and the law

International marriage, divorce and child custody

Surrogate motherhood

Carol Sanger, “*Developing Markets in Baby-Making: In the Matter of Baby M*”

**Week 8 (Mar. 1, 3)**

Concluding discussion

Final examination (Mar. 3)