

Introduction to the Law of the United States - LAWG 900

University of Baltimore School of Law LL.M. – LOTUS program

Professor Rebecca S. Bainum
Syllabus – Fall 2010

Office Hours: Tuesdays 1pm-3pm; Wednesdays 3pm-4pm

Contact information:

Telephone: 410-837-5283 (x 5283 on campus)

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Class times: Mondays, 4:45pm – 7:30pm
August 23 - November 29 (there will be no class on September 6)

Location: Law Center, Room 212

Course Description:

This course is an introduction to legal and ethical principles driving the U.S. legal system in the context of the history and jurisprudence of American law. It is designed to familiarize the student with the relevant and governing legal principles which are used in American jurisprudence. It will combine both an inquiry into these matters, and a more detailed study of legal issues, through special, current topics. The course seeks to develop a professional level of understanding in the student of a comprehensive approach to legal issues and the relevance of that methodology to professional ethics and life of the law in the United States.

Course Materials:

Required Texts:

- Toni M. Fine, *An Introduction to the Anglo-American Legal System* (2007)
- John Humbach, *Whose Monet?* (2007)

Additional readings and assignments will be posted on the Course Materials link on TWEN at least five days in advance of class.

Course Objectives and Expectations:

This course introduces principles and structures of the legal system in the United States. Students will learn about the U.S. system of government, the U.S. judicial systems at the federal and state levels, U.S. sources of law, common law methodology, dispute resolution processes, law enforcement mechanisms in the U.S. and the roles of legal professionals. Students will develop their facility in using American legal terminology and analysis through class discussions and writing assignments. By completing all reading and writing assignments and consistently participating in class discussion, students will demonstrate that they have read and reflected on the issues raised in the assignment. Students should always bring the assigned reading materials to class.

Grading:

Final grades for this course are consistent with the LLM Program grading standards as articulated in the program Handbook. The grading scale is: H= Honors; S = Satisfactory; U = Unsatisfactory. Grades of "H" or "S" are passing grades.

The final grade will be determined as follows:

50% - Final examination

40% - Written assignments (four)

10% - In-class assignments, including class discussions, role plays and exercises

Attendance:

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. Students who exceed the maximum allowable allowances (two) may be compelled to withdraw from the course, or may be barred from sitting for the final exam. The Attendance Policy can be found online: <http://law.ubalt.edu/template.cfm?page=267> Students who are forced to withdraw for exceeding the allowed absences may receive a grade of WA (withdrawal due to excessive absences) or a grade of WF.

Course Web Page:

This course has a Westlaw page (also known as a "TWEN" webpage) that links to this syllabus, announcements and the weekly class plans. You are responsible for self-enrolling in the TWEN page and you should check it regularly. If you need assistance with Westlaw or accessing the TWEN site, please contact John Lim at John.lim@thomsonreuters.com

Computers

Students may use laptop computers for class related purposes only.

Class Cancellation

If a class is cancelled, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web page or call the University's Snow Closing Line at (410) 837-4201. If the University is not closed, students should presume that classes are running on the normal schedule.

Academic Integrity:

Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports.

The Honor Code can be found online <http://law.ubalt.edu/template.cfm?page=477>

Disability Policy

Students with a documented disability who require an academic accommodation should contact Karyn Schulz, Director of Disability Support Services at 410-837-4141 or via email at kschulz@ubalt.edu at the beginning of the semester.

Assignments

1	August 23, 2010	Overview - Broad themes in the Law of the US & Class Expectations <ul style="list-style-type: none"> <input type="checkbox"/> Fine, An Introduction to the Anglo-American Legal System, Chapter I <input type="checkbox"/> "The Nature of U.S. Common Law, As Compared to Other Legal Systems" in Nadia E. Nedzel, <i>Legal Reasoning, Research & Writing for International Graduate Students</i> (2008), pp. 2 – 18 (posted on TWEN) <input type="checkbox"/> Rule of Law Index Version 2.0, World Justice Project, American Bar Association http://www.worldjusticeproject.org/rule-of-law-index/
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2	August 30, 2010	The U.S. Constitution: Separation of Powers <ul style="list-style-type: none"> <input type="checkbox"/> Fine, Chapter II, pp. 19-27 and Appendix, pp. 115-122 <input type="checkbox"/> CALI exercise "Where Does Law Come From?" <u>Case excerpts</u> <ul style="list-style-type: none"> <input type="checkbox"/> <i>Hamdi v. Rumsfeld</i>, 542 U.S. 507 (2004)

Assignments, continued

September 6, 2010 **No class - Labor Day Holiday**

3 **September 13, 2010** **The U.S. Constitution: Federalism and the Amendments**

- Fine, Chapter II, pp. 28-36 and Appendix, pp. 115-122

Case excerpts:

- United States v. Morrison* 529 U.S. 598
- Gonzalez v. Raich*, 545 U.S. 1
- Granholm v. Heald*, 544 U.S. 460

Guest speaker: Dean Phillip Closius

4 **September 20, 2010** **The Judiciary in the United States - Federal and State Courts**

- Fine, Chapter III
- Whose Monet?, Chapters I-IV
- CALI exercise: *Marbury v. Madison* (link on TWEN)

Case excerpts

- Marbury v. Madison*, 5 U.S. 137 (1803)
 - World Wide Volkswagen Corp. v Woodson*, 444 U.S. 286 (1980)
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5 **September 27, 2010** **Sources of U.S. Law**

- Writing Assignment #1 DUE TODAY
 - Fine, Chapter IV
 - Whose Monet?, Chapters V-VII
 - CALI exercise: Introduction to State and Federal Statutes
 - CALI exercise: Introduction to Secondary Resources
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6 **October 4, 2010** **The Lawyer's Role in the U.S.**

- MacCrate Report - Chapter 5, report of the Task Force on Law Schools and the Profession: Narrowing the Gap, American Bar Association
 - Whose Monet?, Chapters VII-XI
 - Develop a case plan for the analysis of the *DeWeerth v. Baldinger* case
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Assignments, continued

7 October 11, 2010 Common Law Development, Precedent and Stare Decisis

- Fine, Chapter V
 - Whose Monet?, Chapters XII-XV
- Case excerpts:
- Li v. Yellow Cab*

8 October 18, 2010 Civil Litigation

- Writing assignment #2 DUE TODAY
- Fine, Chapter VI, pp. 78-98 and pp. 101-103
- Whose Monet?, finish reading the book

9 October 25, 2010 Other Dispute Resolution Processes

- Fine, Chapter VI, pp. 75-78
- Model Rule of Professional Conduct 2.1 and Comment
- Excerpt from Robert Rubinson, Client Counseling, Mediation and Alternative Narratives of Dispute Resolution, 10 Clinical Law Review 833 (2004)

Guest speaker: Robert Rubinson, Professor of Law

10 November 1, 2010 Criminal Justice System

- Fine, Chapter V, pp. 98-101 and Appendix 1, Amendments IV – VI at pp. 115-116

Case excerpts:

- Mapp v. Ohio*, 367 U.S. 643 (1961)
- Gideon v. Wainwright*, 372 U.S. 335 (1963)
- Miranda v. Arizona*, 384 U.S. 436 (1966)
- Prepare your responses to the “*Miranda* problem” posted on TWEN

Guest speaker: David Saybolt, Assistant United States Attorney for the District of Columbia

Assignments, continued

11 November 8, 2010 Enforcement of Laws – Civil Rights and other examples

- Writing assignment #3 DUE TODAY
- Chapter 6 “Judgment Enforcement” excerpt from Margaret C. Jasper, *Dealing With Debt* (2007) – posted on TWEN
- “Liability Based on Federal Civil Rights Statutes” excerpt from Chester James Anthieau and William J. Rich, *Modern Constitutional Law* (1997) - posted on TWEN
- Prepare the assigned problem posted on TWEN

12 November 15, 2010 Administrative Law

- Pierce, Richard, J., Jr. *Administrative Law* (foundation Press, 2008) excerpt posted on TWEN

**13 November 22, 2010 Regulation of the Legal Profession:
Legal Education, Admission to the Bar, Attorney and Judicial
Conduct, Judicial Support and Training**

- Writing assignment #4 DUE TODAY.
 - Read about requirements for admissions by examination in the District of Columbia: <http://www.dcappeals.gov/dccourts/appeals/coa/index.jsp>
 - Familiarize yourself with the role of the National Conference of Bar Examiners: <http://www.ncbex.org/>
 - Read Rules 1.1, 1.2, 1.3 and 1.4 of the *D.C. Rules of Professional Conduct* and Comments posted at http://www.dctbar.org/for_lawyers/resources/virtual_library/index.cfm
 - Acquaint yourself with the Center for Professional Responsibility resources posted at http://www.abanet.org/cpr/home.html?gnav=global_memberresources_ethicsprofconduct
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Assignments, continued

**14 November 29, 2010 Access to Justice:
The Legal Services System and Pro Bono Representation**

- Read the “Key Issues in Access to Justice” links on the right side of the home page of the ABA Resource Center for Access to Justice
<http://www.abanet.org/legalservices/sclaid/atjresourcecenter/home.html>
- Review the Maryland Access to Justice Commission website
<http://www.courts.state.md.us/mdatjc/about.html>

Read through at least ONE of these links:

- Immigration Advocates Network: <http://www.immigrationadvocates.org/>
or <http://www.probono.net/asylum/>
- Domestic Violence: http://www.abanet.org/domviol/resource_vawa.html
or http://www.abanet.org/domviol/resource_language_access.html
- Civil Liberties: <http://www.aclu.org/key-issues> or
<http://www.naacpldf.org/content.aspx?article=1389>

Guest speaker: Pamela Ortiz, Executive Director, Maryland Access to Justice Commission