SYLLABUS

The Law of the United States
Fall 2015

Robert S. Pomerance
Adjunct Professor
rpomerance@verizon.net
301-656-3716

Class Day, Time and Place: Wednesdays, 10:00 am - 11:50 am, Angelos Law Center, Room 802

Anthony Lewis, Gideon’s Trumpet (Random House 1989)

Course Description: This is an overview of fundamentals of the U.S. legal system. We examine initially the background and provisions of the Constitution, with emphasis on the principles of federalism and separation of powers. We then consider legal methodology, the adversary system of justice, the history of the legal profession, and the structure of the courts. Our final sessions will address administrative law, family law and tax law. The Burnham treatise serves as the principal text, supplemented by Gideon’s Trumpet, the story of a landmark case in which the Supreme Court held that an indigent criminal defendant accused of a felony has a constitutional right to be defended by a lawyer at public expense.

Methodology: Lectures and class discussions are staples of the course. Students are expected to keep up with the reading assignments and to participate actively in class.

Class Attendance: Regular attendance at class sessions is required to comply with the school’s policies and to get the most benefit from the course.

Office Hours: Students are welcome to contact me at the above email address and telephone number. Office hours can be scheduled at a mutually convenient time.

Grades: There will be one or more written assignments, accounting in total for about a third of the grade. The remainder of the grade will be based on the final exam, with possible adjustment for performance in class.

Course Web Site: This course has a TWEN web site in which students are asked to enroll. Judicial opinions (in abridged form) and other assigned materials are accessible by links from this site. If help is needed to use the web site, please contact Robert Pool at rpool@ubalt.edu
Class No. 1  August 19, 2015  History and Governmental Structure

Topics:  Introduction to the Course  
Some Constitutional History  
Governmental Structure Provided for in the Constitution  
Separation and Balance of Powers among Branches of the Federal Government

Readings:  Burnham--  
pp. ix-xii (Reader’s Guide);  
pp. 1-18 (Chapter I, Sections A, B, C);  
pp. A15-A25 (Appendix A) (Constitution and First Ten Amendments)  
Marbury v. Madison, 5 U.S. 137 (1803)

Class No. 2  August 26, 2015  History and Governmental Structure (continued)

Topics:  The States and Federalism  
Impact of Governmental Structure on the Legal System

Readings:  Burnham, pp. 18-37 (Chapter I, Sections D, E)  
Lewis, pp. 1-11 (Chapter 1)  
Martin v. Hunter’s Lessee, 14 U.S. 304 (1816)  
McCulloch v. Maryland, 17 U.S. 316 (1819)  
Petition for a Writ of Certiorari in Gideon

Class No. 3  September 2, 2015  Legal Methodology

Topics:  Sources of Law and Their Hierarchy  
Common Law  
Statutory Law in a Common Law System  
Statutory Interpretation Methods

Readings:  Burnham, pp. 38-64 (Chapter II, Sections A, B, C, D)  
Lewis, pp. 12-30 (Chapter 2)  
Caminetti v. United States, 242 U.S. 470 (1917)  
Holy Trinity Church v. United States, 143 U.S. 457 (1892)
Class No. 4  September 9, 2015  Legal Methodology (continued)

Topics:  The Form and General Nature of Caselaw
         The Legal Reasoning Process in Caselaw
         Legal Research Techniques and the Form of Legal Argument

Readings: Burnham, pp. 64-79 (Chapter II, Sections E, F, G)
          Lewis, pp. 31-45 (Chapter 3)
          Answer to Response to Petition in Gideon

Class No. 5  September 16, 2015  The Adversary System and Jury Trials

Topics:  Characteristics and Rationale of the Adversary System
         Juries

Readings: Burnham, pp. 80-91 (Chapter III, Sections A, B)
          Lewis, pp. 46-81 (Chapters 4, 5)

Class No. 6  September 23, 2015  The Adversary System and Jury Trials (continued)

Topics:  The Adversary Jury Trial and the Lawyer’s Role in It
         Criticisms of the Adversary System

Readings: Burnham, pp. 92-109, 115-126 (Chapter III, Sections C, E)
          Lewis, pp. 82-106 (Chapters 6, 7)

Class No. 7  September 30, 2015  The Legal Profession

Topics:  Legal Education and Admission to the Bar
         Issues in the Regulation of Practice

Readings: Burnham, pp. 127-144 (Chapter IV, Sections A, B)
          Lewis, pp. 107-122 (Chapter 8)
          Application of Griffiths, 413 U.S. 717 (1973)
          LeClerc v. Webb, 419 F.3d 405 (5th Cir. 2005), reh’d denied, 444 F.3d 428 (2006)
          Comprehensive Guide to Bar Admission Requirements (ABA 2014)
          Betts v. Brady, 316 U.S. 455 (1942)
Class No. 8  October 7, 2015  The Legal Profession (continued)

Topics:  Types of Practice
Minorities and Women in the Legal Profession
Legal Ethics

Readings:  Burnham, pp. 144-166 (Chapter IV, Sections C, D, E)
Lewis, pp. 123-145 (Chapter 9)

Class No. 9  October 14, 2015  The Judicial System

Topic:  An Overview of Court Systems and Judges

Readings:  Burnham, pp. 167-188 (Chapter V, Part I, Sections A, B, C, D)
Lewis, pp. 146-168 (Chapter 10)
Sandra Day O’Connor, Take Justice Off the Ballot

Class No. 10  October 21, 2015  The Judicial System (continued)

Topics:  Subject Matter Jurisdiction of State and Federal Courts
Federalism Complications in the Judicial System

Readings:  Burnham, pp. 188-197 (Chapter V, Part I, Section E; Part II)
Lewis, pp. 169-190 (Chapter 11)
Younger v. Harris, 401 U.S. 37 (1971)
Excerpts from oral argument in Gideon case

Class No. 11  October 28, 2015  Administrative Law

Topics:  Types and Purposes of Administrative Agencies
Rule-Making Functions of Agencies
Adjudicatory Functions of Agencies
Judicial Review of Agency Action

Readings:  Burnham, pp. 198-214 (Chapter VI, Part I, Sections A, B, C, D)
Lewis, pp. 191-201 (Chapter 12)
Gideon v. Wainwright, 372 U.S. 335 (1963)
Class No. 12  November 4, 2015  Family Law

Topics:  
Marriage  
Dissolution of Marriages  
Non-Traditional Relationships and Family Law  
Child Custody Issues Outside Divorce

Readings:  
Burnham, pp. 518-543 (Chapter XIII, Sections A, B, C, D)  
Lewis, pp. 218-233 (Chapter 14)  
Loving v. Virginia, 388 U.S. 1 (1967)  

Class No. 13  November 11, 2015  Tax Law

Topics:  
Sources and Basic Concepts of Federal Tax Law  
Federal Income Tax  
Administration of Tax Laws

Readings:  
Burnham, pp. 643-659, 678-682 (Chapter XVI, Sections A, B.1-B.5, F)  
Turner v. Commissioner, T.C. Memo 1954-38  
Moss v. Commissioner, 758 F.2d 211 (7th Cir. 1985)

Class No. 14  November 18, 2015  Course Review

Reading:  
Lewis, pp. 234-250 (Epilogue)