Fall 1996

American Legal System

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AMERICAN LEGAL SYSTEM

POLS 3327                        Autumn 1996
Dr. Samson

Hardy 10   Office: MWF 8-10, MF 2-4; TR 9-9:30, 12-1, 2:30-3   Phone: 939-4551

DESCRIPTION

An examination of American legal institutions and processes, with particular emphasis on courts and judicial behavior.

REQUIREMENTS

1. Each student is responsible for assigned readings and should keep a looseleaf notebook of class materials, including notes for discussion of readings.
2. Participation is an essential part of class. Reading assignments should be completed before the class meets. Be prepared to discuss textbook material and readings. Each student occasionally will lead discussion of specific assigned and supplementary readings.
3. Regular attendance is required. Lengthy absences (three sessions or more) and erratic attendance will result in lower grades. Exams must be taken at the scheduled date and time.
4. Students will be tested on the lecture, reading, and discussion material through two short answer and essay exams. (40% apiece)
5. Each student will make an oral presentation (10-20 minutes) on a topic related to the American legal system. Presentations will be scheduled in November or December, and are to be accompanied by a 5-7 page brief, typed and double-spaced. Do not use plastic covers or tabs. (10%)
6. Each student will write a 5-7 page book abstract (10%) or two 2-3 page journal article abstracts (5% apiece), typed and double-spaced. Due December 6.

READING

Textbooks

Friedman, Lawrence M. American Law: An Introduction. [F]
Harr, Jonathan. A Civil Action. [H]

Reserve Desk

Murphy and Pritchett. Courts, Judges, and Politics, 4th ed. [M]
SCHEDULE

INTRODUCTION  (September 3-10)

Lecture and Discussion  Sources, Types, and Functions of Law
Legal Systems
Reading  F. [Friedman, chapter] 1-2
M. 1 Introductory Essay, 1.4, 1.5

HISTORY OF WESTERN LAW  (September 12-19)

Lecture and Discussion  Medieval Background of American Law
Americanization of the Common Law
Reading  F. 3; M. 2.1; Berman: Introduction
Suggested:  N. 1

JUDICIAL PROCESSES  (September 24-26)

Lecture and Discussion  Court Organization and Procedure
Selection of Judges
The Jury System
Reading  F. 4; M. 4.2
Suggested:  Rothwax 10; N. 2

LEGISLATIVE PROCESSES  (October 1-3)

Lecture and Discussion
Reading  F. 5
Suggested:  N. 3

EXECUTIVE PROCESSES  (October 8-10)

Lecture and Discussion
Reading  F. 6
Suggested:  N. 4

FEDERALISM  (October 15-17)

Lecture and Discussion  The Political Context
Reading  F. 7
Suggested:  N. 5

MIDTERM EXAM:  Tuesday, October 22

SUBSTANTIVE DIVISIONS  (October 24-29)

Lecture and Discussion  Divisions of the Law
Readings  F. 8

CRIMES AND PUNISHMENTS

Lecture and Discussion
Reading  F. 9
Suggested:  N. 6

CONSTITUTIONAL LAW AND CIVIL LIBERTIES  (October 31-November 5)

Lecture and Discussion  Rights and Liberties
Reading  F. 10
Suggested:  N. 7

LEGAL BEHAVIOR  (November 7-12)

Lecture and Discussion
Reading  F. 11
Suggested:  M. 9.1; 9.2

LEGAL CULTURE  (November 14-19)

Lecture and Discussion
Reading  F. 12

LEGAL PROFESSION  (November 21-26)

Lecture and Discussion
Reading  F. 13

LAW AND SOCIAL CHANGE  (December 3-5)

Lecture and Discussion
Reading  F. 14
Suggested:  N. 8; M. 2.10
Reading
F. 15; M. 2.3, 2.9, 2.10
Suggested: N. 9

SELECTED BIBLIOGRAPHY

Fuller, Lon L. Anatomy of the Law, 1968.
Holmes, Oliver Wendell, Jr. The Common Law, 1881.
Hurst, James Willard. Law and the Conditions of Freedom, 1956.
Jackson, Robert H. The Struggle for Judicial Supremacy, 1941.
McDowell, Gary L. Equity and the Constitution, 1982.