

Fall 1996

American Legal System

Steven Alan Samson

Liberty University, ssamson@liberty.edu

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AMERICAN LEGAL SYSTEM

POLS 3327
Dr. Samson

Autumn 1996

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]
(optional) Neely, Richard. How Courts Govern America. [N]

Reserve Desk

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

Study Aids and Supplementary Readings Notebook. [S]

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
Harr, A Civil Action. Read complete book by September 24.

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

FUTURE OF LAW (December 10)

Reading F. 15; M. 2.3, 2.9, 2.10
Suggested: N. 9

SELECTED BIBLIOGRAPHY

- Baum, Lawrence. American Courts: Process and Policy, 1986.
 Berman, Harold J. Law and Revolution, 1983.
 Corwin, Edward S. The "Higher Law" Background of American Constitutional Law, 1955.
 Fried, Charles. Order and Law, 1991.
 Fuller, Lon L. Anatomy of the Law, 1968.
 Hall, Kermit L. The Magic Mirror, 1989.
 Hand, Learned. The Spirit of Liberty, 1959.
 Hogue, Arthur R. Origins of the Common Law, 1966.
 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.
 Levi, Edward H. An Introduction to Legal Reasoning, 1949.
 McDowell, Gary L. Equity and the Constitution, 1982.
 Neely, Richard. Why the Courts Don't Work, 1982.
 Pound, Roscoe. The Development of Constitutional Guarantees of Liberty, 1957.
 Rothwax, Harold. Guilty: The Collapse of Criminal Justice, 1996.
 Schubert, Glendon. Judicial Policy Making, 1974.
 White, G. Edward. The American Judicial Tradition, 1976.
 Woodward, Bob, and Carl Bernstein. The Brethren, 1979.
 Wu, John C. H. Fountain of Justice, 1955.