



## George Mason University Antonin Scalia Law School

### Syllabus

**Introduction to U.S. Law (JM)**

**Fall Semester 2022**

**August 22 – November 21, 2022**

**Mondays (7:00 pm to 9:55 pm)**

<b>Credit Hours</b>	3 Semester Hours
<b>Instructor(s)</b>	Peter C. Cohen, Esq. Partner – Charlson Bredehofft Cohen & Brown (Reston, VA)
<b>Office Hours</b>	Appointments always welcomed – just email me and a time will be arranged
<b>Email</b>	pcohen5@gmu.edu
<b>Course Delivery Format</b>	Online

### COURSE DESCRIPTION

This course will provide students with an overview of U.S. law. Students will study the structure and history of the U.S. legal system and selected, substantive areas of U.S. law. The course will focus on providing students with a professional understanding of the American legal system and a basis for the future study of specific legal topics of U.S. domestic law. Specific topics for the course include the structure of the U.S. government; roles and limits of the Federal and State Courts; constitutional law; torts; contracts; and other topics in American jurisprudence. Through power points, discussions, readings, and written assignments, students will develop their legal analysis and rhetoric skills in the U.S. legal context and a facility in using American legal terminology.

## **COURSE OBJECTIVES**

Upon completion of this course, you should be able to:

- Describe the two-tiered Federal and State Court system and the importance of court rulings in the U.S. common-law system
- Explain the constitutional limits and powers of the Federal Courts including types of jurisdiction
- Explain how the U.S. Constitution protects individual rights, including the sources of various protections, what rights are protected, and who is protected from whom
- Describe some voluntary (contracts) and involuntary (torts) private obligations that courts will enforce and some differences between the two types
- Outline the basic nature of administrative agencies and how they are constrained
- Understand the non-lawyer versus lawyer's role in the U.S. adversary system, and what are some of their ethical obligations and limitations

## **REQUIRED TEXTS AND OTHER MATERIALS**

- William Burnham, **Introduction to the Law and Legal System of the United States** (7th ed. 2016).
- Jay M. Feinman, **Law 101: Everything You Need to Know About American Law** (5th ed. 2018).

Cases can be accessed on WESTLAW or any other service to which students have access. Other materials will be linked to the appropriate web location through the reading assignment listing.

## **COURSE STRUCTURE**

### **ATTENDANCE POLICY**

This course adheres to the Law School's attendance policy. If a student is absent for any reason for more than 20% of the course (or, more than 2 class sessions), then the student is not eligible for credit. A student who misses more than one (1) hour of a class session will be counted as absent from that class session.

## **PARTICIPATION**

Successful participation in class requires having read and thought about the material before attending class.

## **GRADING POLICY**

The final grade for this course will be based upon (1) class participation; (2) a midterm examination; and (3) a final examination. The final exam will be open-book. You may use the textbooks, Power Points used in class, and any notes you have created in the course, but you may not use your laptop or the Internet. Study sessions for the exams with Prof. Cohen will be announced in class.

<b>Graded Event</b>	<b>Percentage</b>
Class Participation	25%
Midterm	30%
Final Exam	45%
<b>Total</b>	<b>100%</b>

Generally, see [https://www.law.gmu.edu/records/exams\\_policies](https://www.law.gmu.edu/records/exams_policies)

## **CLASS ASSIGNMENTS**

Class 1 – Monday, August 22:

**Part A – Introduction to the Course; Introducing Ourselves; Common Law v. Civil Law; Sources of Law; Hierarchy of Law; Precedent and *Stare Decisis***

Burnham: **pages 59-79** (stop at subsection 4)

Burnham: **1211-1227; the *Hoffman v. Jones* case (Florida State Supreme Court)**

Class 2 – Monday, August 29:

**History of the Constitution; Structure of Government; Roles of the Three Federal Branches – Limits on Congress (Commerce Clause)**

Burnham: pages 1-14 (stop at subsection C); BURNHAM: pages 40 (subsection c)-top of 43

***United States v. Lopez*, 514 U.S. 549 (1995) – read only Rehnquist’s opinion and Breyer’s dissent.**

Burnham: pages 1227-1237 (stop at Article IV)

Burnham: pages 14-18 (stop at subsection 2)

***Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 2 L. Ed. 60 (1803)**

**\*\*NO CLASS ON SEPTEMBER 5 – LABOR DAY!\*\***

Class 3 – Monday, September 12:

**State & Federal Court Structure, continued; Subject Matter Jurisdiction – The Article III “Heads” of Jurisdiction (Limits on the Federal Courts); Fed Question & Diversity Jurisdiction**

Burnham: pages 282-286

***McCulloch v. Maryland*, 17 U.S. (4 Wheat) 316, 4 L. Ed. 579 (1819)**

***Louisville & Nashville R.R. v. Mottley*, 211 U.S. 149 (1908)**

28 U.S.C. § 1331

28 U.S.C. § 1332(a)-(c)

***Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806)**

28 U.S.C. § 1441(a)-(b)

Class 4 – Monday, September 19:

**Jurisdiction – Finish Up With Personal Jurisdiction; Civil Actions Start with a Complaint; Getting a Case Dismissed; The Adversary System; The Relationship between Judges and Juries; Rights at Trial**

Burnham: pages 123-138 (stop at subsection C); 174-181 (stop at subsection 5); 365-376 (stop at subsection b); 381-383 (stop at subsection B); 419-430 (stop at subsection B).

Feinman: pages 110-125 (start at “How Does a Lawsuit Begin?”).

(The above readings can be spread over Classes 4 and 5)

Class 5 – Monday, September 26

**Civil Actions and Characteristics of Adversary System (Continuation of Class 4)**

Feinman: pages 130-136 (“What about the Jury?”)

*In re: Winship, 397 U.S. 358 (1970).*

*Gideon v. Wainwright, 372 U.S. 335 (1963).*

Class 6 – Monday, October 3:

**Constitutional Rights - Substantive Due Process - A Defense Against Federal Government & State Government Action**

Nathan S. Chapman & Kenji Yoshino, *The Fourteenth Amendment Due Process Clause*, NAT’L CONSTITUTION CTR., <http://rlevine.com/the-fourteenth-amendment-due-process-clause/#:~:text=the%20fourteenth%20amendment%20due%20process%20clause%20By%20Nathan,incl uding%20many%20of%20our%20most%20cherished%E2%80%94and%20most%20controversial.>

Feinman: “First Freedoms” pages 47-60 (stop at new section heading)

Burnham: pages 611 (subsection C) - 621 (stop at subpart D)

*Roe v. Wade*, 410 U.S. 113 (1973) and the recent decision overturning *Roe* – *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022) (it’s okay to skim through the decisions to get a sense of them)

*Obergefell v. Hodges*, 135 S. Ct. 2584 (2015) (Part III of the Opinion only)

**\*\*MID-TERM EXAM ON TUESDAY, OCTOBER 11!** (Due to Federal holiday on Monday, October 10, Monday classes are being held on Tuesday, October 11) \*\*

Class 7 – Monday, October 17:

**Constitutional Rights – Freedom of Speech**

Burnham: pages 621-638 (stop at subpart 5); 760-769 (top)

*New York Times v. Sullivan*, 376 U.S. 257 (1964) (only the Opinion)

Burnham: pages 630 (subpart 3) – 638 (stop at subpart 5)

*Ward v. Rock Against Racism*, 491 U.S. 781 (1989) (Opinion only)

(Optional) Feinman: pages 60-74

Class 8 – Monday, October 24:

**Constitutional Rights – Free Exercise of Religion and the Establishment Clause**

Burnham: pages 660 (subpart E) – 669 (stop at subpart 2) – The Establishment Clause

*Santa Fe Independent School District v. Doe*, 530 U.S. 290 (2000) (ONLY read the Opinion of the Court)

Burnham: pages 669 (subpart 2) – 675 (stop at subpart 3) – The Free Exercise Clause

*Church of Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520 (1993) (ONLY read PART I, PART II-A-1, PART II-A-3, PART III, and PART IV)

Feinman: pages 74-81

Class 9 – Monday, October 31:**Constitutional Rights – Individual Rights Protected by the Constitution, the 14th Amendment**

Feinman: pages 53-60 (“Does Constitutional Law Require That Everyone Be Treated Equally?”) (stop at new section heading on page 60)

Burnham: pages 595 (subpart B) – 603 (stop at subpart 2)

*Grutter v. Bollinger*, 539 U.S. 306 (2003)

Burnham: pages 603 (subpart 2) – 611 (stop at subpart C)

*Craig v. Boren*, 429 U.S. 190 (1976) (read Intro paragraphs on pg. 192; skip & do not read Part I; read Part II-A through Part II-C; read Justice Stevens concurring opinion)

*Romer v. Evans*, 517 U.S. 620 (1996) (read all, but skim the Scalia dissent)

Class 10 – Monday, November 7:**Criminal Procedure; Constitutional Rights (4th, 5th, and 6th Amendments); Evidence; Privileges**

Feinman: pages 301-322 (stop at new section heading)

*Miranda v. Arizona*, 384 U.S. 436 (1964) (majority opinion only)

Burnham: pages 470-494

Burnham: pages 497-507 (stop at section C)

Class 11 – Monday, November 14:**Administrative Law; Separation of Powers Issues; Practical Function of Agencies**

Burnham: pages 24 (subpart 3) - 31 (stop at D); 303-313 (top); 318 (subpart D) – 324 (stop at subpart 3); look @ 1247

Burnham: pages 324 (subpart 3) – 347 (top)

Class 12 – Monday, November 21:

**Introduction to Torts; Intentional Torts; Strict Liability; Negligence – The Reasonable Person**

Feinman: pages 141-162 (stop at new section heading)

Burnham: pages 733 - 741 (stop at subpart 2); 751 – 757 (stop at subpart C)

Feinman: pages 162-178 (more on strict product liability; damages)

Burnham: pages 741 (subpart 2) - 748

Burnham: pages 769 – 777 (stop at subpart 5)

**\*\*\*FINAL EXAM IS A TAKE HOME THAT CAN BE PICKED UP STARTING WEDNESDAY, NOVEMBER 30. YOU WILL HAVE 48 HOURS TO COMPLETE THE EXAM, AND IT MUST BE TURNED IN NO LATER THAN MONDAY, DECEMBER 12.\*\*\***

### UNIVERSITY POLICIES AND PROCEDURES

All University policies and procedures can be found at:

[www.law.gmu.edu/academics/regulations](http://www.law.gmu.edu/academics/regulations)

At this link you will find the following:

- Academic Standards and Policies
- Administrative Procedures and Student Services
- Examination Policies and Procedures
- Learning Outcomes

### RESOURCES FOR STUDENTS

[www.law.gmu.edu/students/](http://www.law.gmu.edu/students/)