



George Mason University Antonin Scalia Law School

Syllabus

Introduction to U.S. Law (JM)

Spring Semester 2022

January 24 – April 25, 2022

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

Credit Hours	3 Semester Hours
Instructor(s)	Peter C. Cohen, Esq. Partner – Charlson Bredehoff Cohen & Brown (Reston, VA)
Office Hours (by phone or online)	Appointments always welcomed
Phone	301-928-4766 (cell)
Email	pcohen5@gmu.edu
Course Delivery Format	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. 2021). ISBN-13: 978-1636595658
- Jay M. Feinman, **Law 101: Everything You Need to Know About American Law** (5th ed. 2018). ISBN-13: 978-0190866327

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.

Graded Event	Percentage
Class Participation	25%
Midterm	25%
Final Exam	50%
Total	100%

Generally, see https://www.law.gmu.edu/records/exams_policies

CLASS ASSIGNMENTS

Class 1 – Monday, January 24th:

Part A – Introduction to the Course; Common Law v. Civil Law; Sources of Law; Hierarchy of Law; Precedent and *Stare Decisis*; Importance of Cases & How to Read Them

Burnham: **pages 40-55** (through C.3)

Orin S. Kerr, How to Read a Judicial Opinion: A Guide for New Law Students (2007),
available at www.volokh.com/files/howtoreadv2.pdf

Burnham: **pages A1–A14; the *Hoffman v. Jones* case (Florida State Supreme Court)**

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

Burnham: pages 1-9 (through B.3.); BURNHAM: pages 26-top of 28

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

Class 2 – Monday, January 31st :

Commerce Clause (continued); Judicial Review; Implied Powers; Judicial System (State & Federal Court Structure, continued)

Burnham: pages A15-A22 (through Article VI, Section 2 only)

Burnham: pages 9-25; 182-195 (through C.3)

Federalist No. 78(Hamilton), *available*

at <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-78>

The Federalist No. 80(Hamilton), *available*

at <https://www.congress.gov/resources/display/content/The+Federalist+Papers#TheFederalistPapers-80>(Only read prior to “The fifth point...”)

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

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

Class 3 – Monday, February 7th:

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

Burnham: review pages 182-195; 200-203; 246-250 (background in Civil Procedure for *Mottley*)

***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)

Burnham: pages 282-290 (through A3)

World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286 (1980)

Feinman: pages 100-108 (easy read, and excellent summary of many concepts covered so far)

Class 4 – Monday, February 14th:

Civil Actions Start with a Complaint; Getting a Case Dismissed; The Adversary System; The Relationship between Judges and Juries; Rights at Trial

Federal Rules of Civil Procedure: Rules 7, 8, 12(a)-(b), and 12(h), available at <https://www.federalrulesofcivilprocedure.org/frcp/title-iii-pleadings-and-motions/>
[All rules may be downloaded here - <http://www.uscourts.gov/file/document/rules-civil-procedure>]

Burnham: pages 86-98; 124-129; 246-250; 260-262 (only B.2)

Feinman: pages 110-125 (start at “How Does a Lawsuit Begin?”); 130-136 (“What about the Jury?”)

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

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

Class 5 – Monday, February 21st:

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%20many%20of%20our%20most%20cherished%E2%80%94and%20most%20controversial.>

Feinman: “First Freedoms” pages 47-60

Burnham: pages 413-419 (subpart C)

Duncan v. Louisiana, 391 U.S. 145 (1968) – read 146-158 only (the Introduction and “Part I” of Justice White’s Opinion)

Roe v. Wade, 410 U.S. 113 (1973).

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

Class 6 – Monday, February 28th:

Constitutional Rights – Freedom of Speech

Burnham: pages 419-426; 521-524 (only (d)(1))

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

Burnham: pages 427-432

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

(Optional) Feinman: pages 60-74

*MID-TERM EXAM – Monday, March 7th

*NO CLASS MONDAY, March 14th – SPRING BREAK

Class 7 – Monday, March 21st:

Constitutional Rights – Free Exercise of Religion and the Establishment Clause

Review of Civil Procedure/Discussion of Mid-term

Burnham: pages 448-454 – The Establishment Clause

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

Burnham: pages 454-457 – 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)

(Optional) Feinman: pages 74-81

Class 8 – Monday, March 28th:**Constitutional Rights – Individual Rights Protected by the Constitution, the 14th Amendment**

Feinman: review pages 53-60 (“Does Constitutional Law Require That Everyone Be Treated Equally?”)

Burnham: pages 401-407 (through subpart b)

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

Burnham: pages 407-413 (B.2—B.3)

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 9 – Monday, April 4th:**Criminal Procedure; Constitutional Rights (4th, 5th, and 6th Amendments); Evidence; Privileges**

Feinman: pages 301-322

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

Burnham: pages 317-330 (stop at “*Stop and Frisk*”)

Burnham: pages 335-355

Edwards v. Arizona, 451 U.S. 477 (1981) (opinion only, not the concurrences)

Class 10 – Monday, April 11th:**Administrative Law; Separation of Powers Issues; Practical Function of Agencies**

Burnham: review pages 15-19 (stop at D); 210-top of 217; 221 (part D)-224; look @ A32-33

Burnham: pages 225-240 (stop at B)

Class 11 – Monday, April 18th:

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

Feinman: pages 141-162

Burnham: pages 497-503 (stop at subpart 2); 511-512 (Liability Without Fault – to the end of 512)

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

Burnham: pages 503-middle of 509 (better discussion of defenses)

Burnham: pages 525-532 (relief available in tort cases)

Class 12 – Monday, April 25th:

Finish up Class 11; possibly Attorney Rules/Ethics (to be decided)

FINAL EXAM IS A TAKE HOME THAT CAN BE PICKED UP STARTING THURSDAY, APRIL 28TH, YOU WILL HAVE 48 HOURS TO COMPLETE THE EXAM, AND IT MUST BE TURNED IN NO LATER THAN MONDAY, MAY 12TH.

UNIVERSITY POLICIES AND PROCEDURES

All University policies and procedures can be found at:

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/