



## George Mason University Antonin Scalia Law School

### Syllabus

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

Spring Semester 2024

January 22 – April 22, 2024

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 Bredehoff 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. 2021). **Make sure it's the 7<sup>th</sup> edition!**
- Jay M. Feinman, **Law 101: Everything You Need to Know About American Law** (6th ed. 2023). **Make sure it's the 6<sup>th</sup> edition!**

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, January 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)**

**Dobbs v. Jackson Women’s Health Organization**, 142 S. Ct. 2228 (June 24, 2022) (get on Westlaw – just skim through pages 2261-2279 regarding stare decisis – it’s okay if you don’t get every point made – just get a sense of what is being said).

Class 2 – Monday, January 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)**

Class 3 – Monday, February 5:

**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, February 12:

**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 130 (start at “How Does a Lawsuit Begin?”) to 149 (stop at “What Happens at Trial”).

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

Class 5 – Monday, February 19:

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

Feinman: pages 155 (start at “What about the Jury?”) to 162 (stop at “What Happens After Trial”).

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

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

Class 6 – Monday, February 26:

**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 57-73 (stop at new section heading)

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

*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)

**\*\* NO CLASS ON MONDAY, MARCH 4 \*\***

**\*\* MID-TERM EXAM (ONLINE, CLOSED BOOK) ON MONDAY, MARCH 11! \*\***

Class 7 – Monday, March 18:

**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)

Feinman: pages 73 (start at new section head) – 89 (stop at new section head)

Class 8 – Monday, March 25:

**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) (see next page)

***Kennedy v. Bremerton School District*, 142 S. Ct. 2407 (June 27, 2022) (just skim through the majority opinion at pages 2415-2433 and the dissenting opinion at 2434-2453 (it's okay if you don't read these sections in detail – just get a sense of what their arguments are)**

Feinman: pages 89 (start at new section head) – 98 (stop at new section head)

Class 9 – Monday, April 1:

**Constitutional Rights – Individual Rights Protected by the Constitution, the 14th Amendment**

Feinman: pages 65 (start at new section head) – 73 (stop at new section)

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

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

***Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, 2023 Westlaw (WL) 4239254 (June 29, 2023) (skim through decision – it's okay if you don't absorb every nuance of the case)**

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, April 8:

**Criminal Procedure; Constitutional Rights (4th, 5th, and 6th Amendments); Evidence; Privileges**

Feinman: pages 360-385 (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, April 15:

**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 @ page 1247

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

Class 12 – Monday, April 22:

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

Feinman: pages 166-189 (stop at new section heading)

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

Feinman: pages 192 (start at new section head) - 211 (more on strict product liability; damages)

Burnham: pages 741 (subpart 2) - 748

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

**\*\*\*FINAL EXAM IS AN ONLINE OPEN-BOOK EXAM THAT CAN BE ACCESSED STARTING WEDNESDAY, APRIL 24. YOU WILL HAVE A 6 HOUR WINDOW TO COMPLETE THE EXAM, AND IT MUST BE TURNED IN NO LATER THAN MONDAY, MAY 6.\*\*\***

## 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/)