



George Mason University Antonin Scalia Law School

Syllabus

Introduction to U.S. Law (LLM)

Spring Semester 2024

January 17 – April 17, 2024

Wednesdays (6:05 – 8:05 pm)

Credit Hours	2 Semester Hours
Instructor(s)	Peter C. Cohen, Esq. Partner – Charlson Bredehoft Cohen & Brown (Reston, VA)
Office Hours	Appointments always welcomed – just email me and a time will be arranged
Email	pcohen5@gmu.edu
Course Delivery Format	In-Class

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 TEXT AND OTHER MATERIALS

- William Burnham, **Introduction to the Law and Legal System of the United States** (7th ed. 2021). **Make sure it's the 7th 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), 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	30%
Final Exam	45%
Total	100%

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

CLASS ASSIGNMENTS

Class 1 – Wednesday, January 17:

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 – Wednesday, January 24:

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)**

Class 3 – Wednesday, January 31:

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 – Wednesday, February 7:

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).**

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

Class 5 – Wednesday, February 14:

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

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

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

Class 6 – Wednesday, February 21:

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

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 (IN CLASS, CLOSED BOOK) ON WEDNESDAY, FEBRUARY 28!****

**** NO CLASS ON WEDNESDAY, MARCH 6 ****

Class 7 – Wednesday, March 13:

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)

Class 8 – Wednesday, March 20:

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)

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)

Class 9 – Wednesday, March 27:

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

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 – Wednesday, April 3:

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

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 – Wednesday, April 10:

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) – 343 (stop at section 3)

Class 12 – Wednesday, April 17:

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

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

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

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/