

Topics in American Legal History – Seminar (379-001) – Spring 2024

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Class sessions: We will meet on Monday mornings from 8:00 to 8:55 a.m.

Sketch of the course and learning outcomes: In this course, you will not learn everything you need to know about American legal history. You will learn (or at least have a reasonable opportunity to learn) enough to get started and then continue to learn through higher-level coursework, independent study, and practical application. That is the purpose of the course – to get you rolling toward expertise in:

- (1) the complex historical arcs of American law;
- (2) the several ancient and current controversies about proper understandings of American law;
- (3) spotting and dealing with issues involving useful and interesting historical questions; and
- (4) generally thinking and acting like a lawyer – critically, constructively, creatively, civilly, ethically, and articulately.

In the classroom, you will engage mostly in two activities: occasionally speaking during discussions of the assigned reading, and often giving other speakers your undivided attention while working, in your own mind, on the same challenges they are working on out loud. Those in-class activities should inspire you to engage in some outside activities, including reading, outlining, thinking about, and discussing the assigned reading — and either creating and taking your own practice questions in anticipation of the final exam or developing your paper — and so on. We should, by the way, have some fun as well.

Reading assignments: They are subject to change and may be supplemented depending on the direction the course takes.

Our text is Lawrence M. Friedman's *A History of American Law* (4th ed. 2019). You must use the fourth edition. It is significantly different from earlier editions. The reading assignments — which, as you will see, vary a bit and average about 50 pages per week of good, interesting writing by an important and eloquent legal historian — are (numbers are page numbers in Friedman):

Jan. 22: 1-76	Feb. 12: 173-212	Mar. 11: 321-372	Apr. 1: 463-512	Apr. 22: 591-640
Jan. 29: 77-126	Feb. 19: 213-262	Mar. 18: 373-416	Apr. 8: 513-550	
Feb. 5: 127-172	Feb. 26: 263-320	Mar. 25: 417-462	Apr. 15: 551-590	

- (a) Read the assigned material. Stay a bit ahead of schedule, just in case.
- (b) Note and follow in-class instruction. That means, among other things, if you miss a class you are responsible for acquiring from a classmate notes about what happened. Make arrangements in advance as a precaution against unanticipated absences. There is a strong tradition in law of sharing notes with colleagues in need. Be a part of that tradition, but do not abuse it.
- (c) Look up words you do not know. Use *Black's Law Dictionary* for legal terms and a good general dictionary – the *OED*, *American Heritage*, or whatever works for you – for everything else.

Grades: Your grade will be based on (a) class participation (including attendance, thoughtful in-class comments on the readings, and engagement with classmates); and (b) either a one-hour final examination or a short paper (2,500-3,000 words). A few words about the paper option: It must be based on an unanswered question inspired by the assigned reading and discussed in class. Because successful completion of the “Scholarly Writing” course is no longer a prerequisite for enrollment in this course, your work will be graded on the assumption that you have not been taught the fundamentals of scholarly writing. It is your responsibility to deliver your paper via email to the instructor by 9:00 p.m. on May 8. The instructor will send you a confirming reply email as soon as he receives your paper. If you do not receive a reply by 9:05 p.m., call his cell phone and dictate the entire paper into his voicemail. The idea, obviously, is to provide a backstop if you have email problems, and to deter the internet from eating your homework. A paper delivered (via email or voicemail as described above) late but less than one week late will result in your course grade being lowered one step (e.g., from B to B-minus), one to two weeks late, two steps (e.g., from B to C-plus), and so on. Course grades may be adjusted up or down one step from the paper grade based on class participation.

Plagiarism, citation to fake sources, and other honor code violations: They are forbidden, and are grounds for sanctions as specified in law school regulations. The instructor may detect plagiarists, fakers, and other cheaters by any reasonable means.

Disability accommodations: Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Under the administration of University Life, Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. Students can begin the registration process with Disability Services at any time during their enrollment at George Mason University. If you are seeking accommodations, please visit <http://ds.gmu.edu/> for detailed information about the Disability Services registration process.

Intellectual property: The instructor owns all content created for this course, regardless of form (electronic, print, audio/video, oral, etc.), including class sessions, office hours, and other meetings, and recordings of those events. You are free to share copies of such course content with your classmates for the duration of the course, but other than that you and your classmates must keep all such things in any format to yourselves forever.