

POL 201 INTRODUCTION TO LAW

Winter Term II

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Office Hours: Monday, Wednesday, Friday 9:00-9:50, Tues 10-11:00,
Friday 1:00-2:00, and by appointment

Course Description:

This course surveys the American legal system. Students will obtain an understanding of the structure of the American legal system, the strengths and weaknesses of law, and the role law plays in a complex modern society. The course is a blend of theory and case analysis in areas such as constitutional interpretation, due process, criminal law, civil law, torts, contracts, family law, and property.

There are no prerequisites for the course, although a basic understanding of the structure of the courts may assist in understanding the foundational issues. Students will also obtain an understanding of briefing court cases.

Text:

Frank A. Schubert, *Grilliot's Introduction to Law and the Legal System*. 8th Edition
Boston: Houghton Mifflin Company, 2004.

Examination:

There will be two exams worth 40% each. Each exam will cover cases as well as issues. Each exam includes both multiple choice and short-answer essay questions. Students are expected to write with proper spelling and grammar. At least one short answer essay question is a hypothetical case where the student must speculate what violations of law may have occurred. Emphasis on questions is based on integrating the application of law and cases. Some questions may question specific court cases. Emphasis on questions concerning cases is placed on identifying the significance of a case. The court's legal questions and opinions are important. The facts of the case should be limited. Students should study for the exam by identifying cases that develop themes. The themes are often developed with cases that seemingly are unrelated. Cases on different topics from different chapters are often related by a specific judicial philosophy or application. The final exam is not cumulative. **ABSOLUTELY NO MAKE-UP**

EXAMS!!! Students arriving late will have only the remaining allocated time to complete the exam.

Simulation:

Each student will participate in a simulated moot-court session. The whole class will participate in a moot-court representing an issue before the U.S. Supreme Court. Each student will have a role as a judge, plaintiff, respondent, legal counsel, or other actor. Some students will be grouped together as legal staffs or as interest groups. Each student must also submit a report of their activities, their role, and rationale for their position. The report must also contain a copy of the brief submitted to the court, or the decision if the student is playing the role of a judge. The simulation is worth 10% of the final course grade. Attendance is mandatory during all days of the simulation. Every absence during the simulation will result in a full grade reduction in the simulation grade as well as affect the overall attendance policy of the class, as outlined below.

Class Participation:

All cases assigned to be read will be briefed by the students in the class. Each student will be expected to brief 2-3 cases (depending on the class enrollment) during the semester. The brief must be orally presented at the front of the classroom. A written one-page single-spaced copy must be submitted to the professor at the beginning of the presentation. A guideline describing the format of a brief is attached, with another found in the appendix of the text. Missed class briefs will result in a reduction of the participation grade and count toward the class absenteeism policy outlined below. A student arriving late as their case is already being briefed by the instructor or other student will not be allowed to complete the brief. Missed briefs will not be rescheduled.

Extra credit will be given to those students who give a brief that they were not scheduled to give. At no time will extra credit exceed points deducted when a scheduled brief was missed. All briefs will total 10% of the final grade.

Attendance:

Class attendance is especially important in this class. Student understanding of court cases is supported by hearing every case briefed in class. The significance of a case is always discussed in the class and is not always apparent by reading the case. Points will be deducted from the final grade based on the following absences (any student arriving late or leaving early will be considered absent):

0-1 0% deduction, 2-3 5% deduction, 4-5 10% deduction, 6 or more 20% deduction

The instructor reserves the right to deny any student missing 5 or more class meetings participation on any project or exam. The student may be required to withdraw from the course.

Grading Scale:

The following grading scale is used for the final course grade: 92-100% A, 90-91% A-, 88-89% B+, 82-87% B, 80-81% B-, 78-79% C+, 72-77% C, 70-71% C-, 68-69% D+, 60-67% D, 0-59% F.

Notes:

The instructor reserves the right to make necessary changes to these requirements.

The instructor reserves the right to set a seating arrangement at any time.

Students leaving early or arriving late will be considered absent from class.

Plagiarism, fraud, or academic misconduct will result in an F for the course and a report to the Dean's office.

Please remember that moot court meetings and class sessions have mandatory attendance, each missed day will result in a grade deduction and may prevent the student from full participation in the remaining sessions.

Please remember that missed briefs will not be made up. Partial credit will be given for the submission of the written brief.

Please attempt to respect the instructor and the students. If you arrive late, please enter quietly. Try to refrain from leaving and re-entering the classroom, or do so with little distraction to the class.

Readings and Case Schedule
Pol 201

Jan.	5	Introduction
	7	What is Law, Chapter 1
	9	Ethics and Law, Chapter 2
	12	_____ State v. Mobbley _____ Holland v. State of Florida _____ Commonwealth of Pennsylvania v. Bonaldio _____ Commonwealth of Kentucky v. Wasson _____ Textiles Workers v. Darlington Manufacturing Company _____ State v. Jones
	14	The Judiciary, Chapter 3
	16	The Judiciary
	21	_____ In the Matter of the Application of Arthur Hyde RICE ... _____ Lockman Foundation v. Evangelical Alliance Mission _____ Marathon Oil Company v. A. G. Ruhrgas _____ Ramirez de Arellano v. Eastern Airlines _____ Gatch v. Hennepin Broadcasting Associates, Inc. _____ Carson v. National Bank
	23	Civil Procedure, Chapter 4
	26	Civil Procedure
	28	_____ Olsen and Brown v. City of Englewood _____ Dorsey v. Gregg _____ Anderson, et al v. Beatrice Foods _____ Alexander v. Chapman _____ Cline v. William H. Friedman & Associates _____ Cody v. Atkin
	30	Institutional Sources of American Law, Chapter 5
Feb	2	Limitations on Seeking Relief, Chapter 6
	4	_____ American Postal Workers Union v. Frank _____ DeFunnis v. Odegaard _____ Belk v. U.S. _____ Marybeth Atkins v. Jiminy Peak, Inc. _____ Caporino v. Lacasse _____ Thompson v. Mercy Hospital _____ Hurst v. Capitell _____ Gimpel v. Host Enterprises, Inc.
	6	Judicial Remedies, Chapter 7

Oct	9	Midterm EXAM
	11	Criminal Law and Procedure, Chapter 8
Oct	13	Criminal Law and Procedure
	16	_____ Loving v. Commonwealth of Virginia _____ People v. Shaughnessy _____ State v. Gordon _____ Commonwealth v. Berggren _____ U.S. v. Scott
	18	_____ Draper v. U.S. _____ Adams v. Williams _____ New Jersey v. T.L.O. _____ U.S. v. Salerno _____ Sullivan v. Louisiana
	20	Family Law, Chapter 9
	23	Family Law
	25	_____ Wisconsin v. Yoder _____ Moore v. City of East Cleveland, Ohio _____ Zablocki v. Redhail _____ The Adoption of Tammy _____ Nash v. Mulle _____ In re Marriage of Riddle _____ O'Brien v. O'Brien
	27	Contracts, Chapter 9
March	8	_____ Pluhacek v. Nebraska Lutheran Outdoor Ministries _____ Carter v. Matthews _____ Modern Laundry and Dry Cleaning v. Farrer _____ Principal Casualty Ins. Comp v. Blair _____ Diaz v. Indian Head _____ Mulford v. Borg-Warner Acceptance Corp
	10	_____ Jinright v. Russell _____ Macke Company v. Pizza of Gaithersburg _____ Castorino v. Unifast Bldg Products _____ Clarkston v. Orkin Exterminating Co Inc. _____ Anuszewski v. Jervic _____ Hibschman Pontiac, Inc. v. Batchelor
	12	The Law of Torts, Chapter 11
	15	Torts
	17	_____ Estate of Berthiaume v. Pratt, M.D. _____ Ivancic v. Olmstead _____ Hainz v. Shopko Stores, Inc. _____ Elli Lake v. Wal-Mart Stores, Inc.

		<u> </u> Gilhooley v. Star Market Co., Inc.
		<u> </u> Weirum v. RKO General, Inc.
		<u> </u> Wright v. Webb
19		<u> </u> Anglin v. Florida Department of Transportation
		<u> </u> Stein v. Langer
		<u> </u> Laaperi v. Sears Roebuck & Co, Inc.
		<u> </u> Dumas v. Lloyd
		<u> </u> Westberry v. Blackwell
		<u> </u> Leichtamer v. American Motors Corp.
22		Property, Chapter 12
24		<u> </u> Far West Modular Home Sales, Inc. v. Proaps
		<u> </u> In Re Estate of Clayton Gullledge
		<u> </u> Dolan v. City of Tigard
		<u> </u> Feeley v. Borough of Ridley Park
		<u> </u> Favorite v. Miller
		<u> </u> York v. Jones
26		Administrative Law and Administrative Agencies, Chapter 13
		<u> </u> Askildson V. Commissioner of Public Safety
		<u> </u> Yesler Terrace Community v. Cisneros
		<u> </u> Inspector General of U.S. Dept of Agriculture v. Glenn
		<u> </u> Whirlpool Corp. v. Wal-Mart Stores
		<u> </u> Southern Pines Ass'c v. U.S.
29		Simulation--Research Day, meet in library lobby
31		Simulation--Research Day, meet in library lobby
April	2	Simulation--Research Day, meet in library lobby
	5	Simulation
	7	Simulation
	12	Simulation
	14	Simulation
	16	Simulation

FINAL EXAM: *Thursday, April 22, 2004 11:00AM*

Reading and Briefing Supreme Court Opinions

(Please check to see if the edition of the text in use contains an example of a brief)

The title of each case is taken from the names of the two parties of the controversy. Thus, Marbury v. Madison involved one William Marbury who brought suit for his seat as Justice of the Peace in the District of Columbia, and one James Madison, Secretary of State under President Jefferson, whose alleged duty it was to deliver Marbury's commission as Justice of the Peace.

The name which appears first in a case is the Plaintiff or the party which is bringing the action. The Defendant or Respondent is the other party, against whom the action is taken. Each of the parties may be referred to as indicated in the hypothetical case which follows:

<u>Pensyltucky v. Arkansas</u> 335 U.S. 1 (1949)		
Pensyltucky	v.	Arkansas
Plaintiff and		Defendant and
Petitioner		Respondent
(Certiorari) or		or
Appellant (Appeal)		Appellee

In reading and analyzing each case, students will undoubtedly diverge in their study habits and approaches. However, in order to grasp the essential points of each case, the following outline must be followed:

- a. Title of the Case: Who is doing what to whom?
- b. Facts of the Case: Who are the parties to the case? How do they fit into the case. (You may have to dig into the opinion, or even the dissenting opinions to discover all the facts) Get the facts straight or else the opinion will be meaningless.
- c. Legal Question or Questions: What legal question is the Court trying to answer. The Court may include a great deal of obiter dicta in a case, but the crucial material found in the Court's answer to specific legal question which the Court must answer. Most legal questions in Constitutional Law and Civil Liberties/Rights focus on a Constitutional power, amendment, or law/public policy. Usually laws are challenged as unconstitutional or individual/group behavior is challenged as unconstitutional. When a constitutional challenge is presented, a constitutional citation is necessary.
- d. Holding: What was the Court's answer to the legal questions. Usually a yes or no is sufficient at this stage.
- e. Opinion: What were the Court's reasons for its decision. How did they legally arrive at the answer? It is helpful if you can outline the Court's reasons for the decision to see how logical they are.
- f. Concurring and Dissenting Opinions: What are the major points of the conflict with the majority opinion? Who or why did other judges dissent?
- g. Significance of the Case: What impact does this case have? What makes it important enough for us to have discussed it? Are there any major flaws in the case that will need to be resolved in other cases? Does it set a precedent or overturn one?