

MINNESOTA STATE UNIVERSITY MOORHEAD
POL 230 INTRODUCTION TO THE LAW
FALL SEMESTER 2016

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Office Hours: M: 7 a.m to 12 Noon; T/TH: 7 a.m. to 9 a.m.; W: 11 a.m. to 12 Noon
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PLEASE NOTE: STUDY GUIDES AND SYLLABI ARE NOT ON D2L. I POST MY MATERIALS ONLY ON THE ABOVE WEBPAGE. I DO NOT USE D2L.

Course Catalog Description: The philosophy of law; its social context; justice and its implications; evolution of legal concepts and systems.

Course Content: This course is an introduction to the American judicial system. We will discuss both the philosophical and historical origins of American jurisprudence as well as the federalist structure of the U.S. court system. We will examine the role of lawyers, legal education, judges and juries in American courts. The course will also discuss both civil and criminal law trials, and finally the appellate system, most notably focused on the politics of the United States Supreme Court.

Outline of Major Content Areas:

1. World legal families---common law, civil (Romano-Germanic) law, regional variations.
2. Philosophies of law---positivism, natural law, realism, sociological jurisprudence.
3. Sources of law---role of constitutions, codes and codification, judge-made law, public vs. private law, bodies of law within each type---constitutional law, criminal law, administrative law, property, tort and contract.
4. Lawyers and legal education, the modern practice of law in the U.S.
5. Organization and functions of civil and criminal trial courts, trial by jury and voir dire, findings of fact and findings of law, jury nullification.
6. Judicial selection---state and federal
7. The appellate process---direct and collateral appeals; constitutional law appellate procedure, history of the U.S. Supreme Court, judicial decision making models, examining SCOTUS as a policy-making institution within the federal system.

Course Learning Objectives:

1. Students shall understand the basic concepts of legal families, major legal philosophies, legal institutions, legal reasoning and specific conceptual areas of public and private law.
2. Students will appreciate the role of modern legal education and the practice of law in the United States.
3. Students shall obtain a rudimentary knowledge of the American trial court system including rules of evidence, jury selection and voir dire, the role of the jury and the role of the trial judge, trial objections.
4. Students shall understand the U.S. appellate court process including the meaning of standard of review, oral argumentation, direct vs. collateral appellate attacks.
5. Students will gain an appreciation of the history of the U.S. Supreme Court and its workings, including opinion assignment, political and internal explanations for judicial votes and social science methodologies employed to measure and predict judicial behavior.
6. Students shall discuss and reflect upon the efficacy of the federal courts in making public policy in the U.S. in the areas of desegregation, abortion, privacy, gay rights, and other contemporary areas of dispute.

Texts: (Required)

Abadinsky, Howard. *Law, Courts and Justice in America*, 7th edition, Waveland Press. 2014.

Baum, *The Supreme Court*, 12th edition, CQ Press, 2016.

Both of these texts have been around a long time. Earlier editions of either should be fine if you can find cheaper copies.

Mock Trial packet—this contains both mock trials and a mock trial rules packet. This is **REQUIRED** for the course or you cannot participate in these exercises. If you have to skimp on books, I understand, but you **NEED** this copy packet.

Course Assignments: 300 points total

---Two exams each worth 100 points for a total of 200 points. There are EXTENSIVE Reading/Study Guides on the webpage for this course. PLEASE utilize them.

---Two sets of assignments relating to the mock trial exercises—60 points for your participation as lawyer/witness in one trial and 40 points for your jury verdict on the case the other half of the case presents. Total of 100 points. More details on that when we get to that section of the course.

Grading:

I usually assign grades by calculating a course “curve.” That may indeed be the final result in this class. However, I will first attempt to assign grades on a straight percentage basis. If that calculation produced what I feel to be lower overall grades than desirable, I will adjust the percentages downward, not upward. In other words, the percentage basis given here is a worst case or minimum points scenario.

The percentage grading system I would use then	A: 90 or higher
	B+: 85 - 89
	B: 80 - 84
	B-: 75 - 79
	C: 60 - 74
	D: 50 - 59
	F: Below 50.

Even if I end up doing a course curve, failure to achieve 50% of the total points for the course will result in your failing the entire course for the semester.

Missed Examinations Policy: If you miss a regularly scheduled examination, you have two options:

- 1) Accept a zero for the exam.
- 2) Take a make-up exam scheduled just prior to the last two weeks of the semester. Your grade on that examination will replace the missing test in your overall grade computation.

Make-up exams will consist of an alternate form of the exam regularly given to the class for a given section of the course and will probably consist of different multiple choice questions on similar topics, and may contain some essay/short answer questions at the instructor's discretion. Because I am providing this option for those who miss a regularly scheduled examination, there will be no opportunity to “make up” a regular exam other than this alternative. If a student must miss a regularly scheduled exam for a

school sponsored event, alternate arrangements must be made as far in advance as possible and the instructor should be made aware of potential conflicts within the first two weeks of the semester. As a consequence of this arrangement, any student missing two or more regularly scheduled examinations will accept a zero for the second and all subsequent examinations missed, irrespective of the reason cited for the absence. There will be no accepted excuses for missing the final examination. Students may appeal to make-up a missed final examination after the semester ends. Any such make-up examination will be administered at the sole discretion of the instructor and at a time convenient to said instructor. To even be considered for a makeup examination, I need DOCUMENTATION of your absence. Illness, child care emergency, family emergency or significant family commitment are the ONLY reasons I will accept for excusing an absence from an examination and I will require some form of written proof of why you were not in class to take the test.

Attendance: Attendance is required at lectures but roll will not be taken.

Weather Emergencies: We live in a cold and snowy climate. Many of us drive in to work/school every day. This creates the potential for problems with course attendance. For the record, you should note that MSUM's weather policies are not very forgiving for the commuter. Classes are rarely cancelled even in the harshest conditions. As a result, I am expected to be here to teach when the University deems it possible to have classes. Therefore, if the University is open, you can virtually guarantee (though it is not an absolute certainty) that I will be here for class. I understand that there are times when weather conditions will make it legitimately impossible or impractical for you to attend class. You must use your own judgment in these situations. I will never penalize a student for missing class due to weather related contingencies, including missing an examination due to weather. Your life and well-being are more important than this class. I trust you will not abuse the privilege.

Special Accommodations: Students with disabilities who believe they may need an accommodation in this class are encouraged to contact Greg Toutges, Director of Disability Services at 477-4318 (Voice) or 1-800-627-3529 (MRS/TTY), Flora Frick 154 as soon as possible to ensure that accommodations are implemented in a timely fashion.

Academic Honesty: Students are expected to conform with the requirements of the MSUM student Academic Honesty Policy as documented in the Student Handbook.

Study Guides: Study guides providing key terms and concepts that may appear on examinations will be posted on my website and can be printed out at your convenience. Additional copies of this syllabus may also be obtained at that site.

Make-Up Work and Reasonable Accommodations:

Generally, I intend to discourage the practice of "make-up" work or examinations. If, however, you have a documented family emergency or long term illness, I will accommodate in rescheduling an examination. In no circumstances, however, will I give an examination BEFORE a scheduled date.

READING ASSIGNMENTS

Note: The reading assignments for this course are fairly lengthy if measured purely in terms of the numbers of pages assigned. However, all are “easy reading” for the most part and can be digested in small bites with relative ease. Do your best to get through most of the material. You have the assignments well ahead of time, most of the reading is interesting and if you can get the basic ideas of what is being said, you will understand the lecture much better than if you skip the reading.

MONDAY AUGUST 22 INTRODUCTION TO THE COURSE

August 24 through September 19---7 classes

NOTE: NO SCHOOL, MONDAY, SEPTEMBER 5—LABOR DAY HOLIDAY

Section I --- Rules

- A. An Introduction to “Law”
Abadinsky, Ch. 1
- B. Structure and Administration of Courts
Abadinsky, Ch. 4
- C. Lawyers and Legal Education
Abadinsky, Chs. 2 and 3

EXAM 1---100 points –Wednesday, September 21.

September 26 through November 2---12 classes

Section II --- Trials

- A. Trial procedure
Abadinsky, Ch. 8 and Ch. 10

MOCK TRIAL EXERCISES

- B. Criminal Case---State v. Lee Darnell (2 days to work, 2 days to present)
- C. Civil Case---Griswold v. United Gauges Co. (2 days to work, 2 days to present)

November 7 through November 30----7 classes

NOTE: NO SCHOOL, WEDNESDAY NOVEMBER 23—THANKSGIVING RECESS

Section III --- Appeals and the US Supreme Court

- A. The Appeals Process and the Role of the Judiciary
Abadinsky, Ch. 5; Baum, Ch. 1
- B. Judicial Selection---State and Federal
Abadinsky, Ch. 7, pp. 200 – 215. Baum, Ch. 2.
- C. The U.S. Supreme Court (SCOTUS)
Baum, Chs. 3 – 6.

December 5 will be used in reserve as a make up day if we fall behind.

EXAM 2---100 points---“The Final” Currently scheduled for Tuesday, December 13 at 11:30 a.m. in MA 167.