

POL 230 Introduction to the Law  
Study Guide 1 Kramer

Short essay questions:

1. What are the basic differences between the legal theories of natural law, rationality or positivism, and realism? How do each of these theories affect U.S. legal tradition? What are the differences between an inquisitorial system of justice and an adversarial system?
2. Describe the major differences and history of civil law (Romano-Germanic) systems and common law systems. Explain how the U.S. common law system differs from that of Great Britain and why codification became common in the U.S. in the mid 1800s. How then does the U.S. get such an odd amalgamation of law—constitutions, statutes, and case law?
3. Explain the differences between “public” and “private” law in the U.S. and give the main examples of each and the subcategories contained within them. (E.g. what is/are administrative law, constitutional law, criminal law, tort, property law, contract law and the relevant subcategories?)
4. Briefly explain the structure of state and federal courts in the U.S. What is “police power?” What is federalism? What factors influence federal jurisdiction (and indeed, what IS jurisdiction)? What are the federal “circuit courts?” What is the role of the U.S. Supreme Court in the U.S. judicial system?
5. What is the Socratic method and why was it introduced in U.S. law schools? What academic skill set is the “case method” designed to produce in law students? What is the standard first year law school curriculum in the U.S.? What types of legal practice exist in the U.S. today? Why do we say the system is heavily segregated as to type of client and potential revenue derived from each type of law practice?
6. What is *voir dire*? Why do you suppose the U.S. persists in using the jury system? Where did the Jury system originate? Why have most common law jurisdictions either eliminated it or changed the way it works?