

Introduction to the United States Legal System 2013 / 2014



Prof. William Kevin Sheehy

Learning outcomes of the curricular unit

This course is a comprehensive survey of the American legal system, its structure and its methodology, which details both the theory underlying case law and the methodology and thinking employed by American judges in applying that theory to specific fact-patterns.

By taking this course, students will obtain an understanding of the basic structure of the American legal/political system, with contrasts to the civil law system, by focusing on: (1) the adversarial approach; (2) sources and interpretation of United States law (with emphasis on customary law and the role of judicial precedent and on constitutional law); (3) United States Federal and State governmental and judicial structures; and (4) relationships between governments and individuals.

Syllabus

1. Weeks 1 and 2
 Analysis and Comparison of Common Law and
 Civil Law Legal Systems
2. Weeks 3 and 4
 The U.S. Constitution--Structure and Overview 3.
3. Week 5
 United States Constitution --The Fourteenth Amendment and the Bill of
 Rights (First 10 Amendments to the U.S. Constitution)
4. Week 6
 U.S. Federal Legislative Process
5. Week 7
 U.S. Federal and State Judicial Systems
6. Weeks 8

Jurisdiction of Courts

(a) Jurisdiction of Federal District Courts and Specialized Courts

(b) Personal Jurisdiction and Subject Matter Jurisdiction

7. Weeks 9 and 10

(a) Jurisdiction and Policy Making Boundaries

(i) Comparison of Subject Matter Jurisdiction and Personal Jurisdiction---

(ii) Policy Making Boundaries

a. Case or Controversy

b. Specific Pleading

c. Role of the Appellate Court--Legal Issues v. Facts

d. Exhaustion of Remedies

e. Political Questions

f. "Wisdom of Legislation"--a Factor in Judicial Review?

(b) Speech and Expression--Function of Freedom of Expression

8. Weeks 11 and 12

(a) Civil Trial Process

(b) U.S. Corporate Law

9. Weeks 13 and 14

(a) Speech and Expression--Hate Speech

(b) Speech and Expression--Historical Denial

(c) Review of Course

Teaching methodologies (including evaluation)

To achieve the goal of producing students familiar with the legal structure and solutions adopted in the United States legal system, we will use the Socratic methodology in every class---students will be asked questions regarding the subject matter being covered in each class and will also be expected to pose their own questions and raise their own issues in connection with a rigorous dialogue between professor and student.

Demonstration of the coherence between the teaching methodologies and the learning outcomes

The continuous evaluation of students in each class that follows from the use of the Socratic methodology will enable students to improve their acquisition and understanding of the intricacies of the United States legal system without useless rote memorization.

Course materials

Professor Sheehy has developed substantial course materials that he will distribute to students during the 14-week course