Instructor: Paul H. Ladehoff  Phone: 573-884-7813  
Office: 206D Hulston Hall  E-mail: ladehoffp@missouri.edu

COURSE INFORMATION AND SYLLABUS

COURSE DESCRIPTION:

This course will introduce fundamentals of the U.S. legal system. Topics include the basic structure and function of U.S. legal institutions, the adversarial system and judicial process, the interaction of state and federal law in the American system of federalism, sources of law including statutory, common and administrative law, selected topics in constitutional law and civil and criminal procedure, and brief overviews in selected areas of substantive law such as contracts, property, family, tax, or torts.

CLASS MEETINGS: Fridays 2:00 – 3:40 p.m. Room 107 Hulston Hall

REQUIRED TEXTS:


Cases and articles placed in the “Required Reading” folder on the course TWEN site.

RECOMMENDED TEXTS: These optional texts are available in the Law Library or may be purchased from many booksellers in stores or online.


COURSE METHODOLOGY AND GOALS:

The teaching method will be lecture with class discussion based on required readings. There may be guest lectures on certain topics and a tour of a local courthouse to observe hearings. Students will be required to participate in class and there will be several writing assignments. See the attached syllabus for details on topics, required
reading, grading and assignments.

Learning outcomes and goals include:

• Basic knowledge of the legal system in the United States, including a basic understanding of the goals, structure, values, rules, and processes;

• Knowledge and ability to perform basic legal analysis and reasoning as practiced in the U.S. legal community.

COURSE GRADING: Your grade will be based on the following:

Class participation and contribution 10%
Written Assignments 90%

CLASS PARTICIPATION AND CONTRIBUTION (10%):

You are expected to read the assigned material before class, to prepare for and participate in class discussions. You will be evaluated on the quality of your participation and contributions in class. A quality comment usually possesses one or more of the following attributes:

• It offers a relevant perspective;
• It contributes to moving the discussion and analysis forward;
• It builds on (rather than repeating or ignoring) other comments;
• It transcends mere opinion as it includes some evidence, demonstrates recognition of basic concepts, integrates concepts, reading, and/or current events with reflective thinking.

WRITTEN ASSIGNMENTS (90%):

Three written assignments worth 30% each. As part of these assignments you will use legal analysis and reasoning as practiced in the U.S. legal community to assess the validity and strength of potential authorities with respect to a legal claim, such as statutory, administrative, and case law. These assignments will allow you to demonstrate your understanding of the goals, structure, values, rules, and processes of the U.S. legal system.

Summary of Key Dates

• Friday, Sept. 22, 5:00 p.m. First Written Assignment due.
• Friday, Oct. 27, 5:00 p.m. Second Written Assignment due.
• Friday, Dec. 1, 5:00 p.m. Third Written Assignment due
POLICIES

OFFICE HOURS: I have set aside Mondays from 10:30 to 11:45 for formal office hours to meet with Overview students. At other times, I am happy to schedule an appointment to meet with you or you may stop by the Center for the Study of Dispute Resolution in room 206 to see if I’m available to meet with you on a “drop in” basis.

NOTEBOOK COMPUTERS AND SMART PHONES: Computers and smart phones may be used in class only for purposes directly related to the class such as note taking, reading course materials, or capturing video of simulations. Social networking, reading or sending email messages, surfing the Internet, game playing, or doing any work not related to this class is not permitted. Likewise, the use of cell phones and pagers in class is prohibited. Any cell phones or pagers brought to class must be turned off before you enter the classroom. If you have an extraordinary situation which might require you to answer your cell phone during class (e.g., child care issues), please let me know before class and exit the classroom quietly if a call comes.

AUDIO OR VIDEO RECORDINGS: Classes may not be recorded, except in cases of special need with the instructor’s express permission. To foster a safe environment for learning, the redistribution of audio or video recordings of statements or comments from the course to individuals who are not students in the course is prohibited without the express permission of the instructor and of any students who are recorded. In accordance with Executive Order #38, the unauthorized distribution of such materials is a violation of academic standards and may violate copyright laws and/or privacy rights. Students found to have violated this policy are subject to discipline in accordance with the provisions of Section 200.020 of the Collected Rules and Regulations of the University of Missouri.

STATEMENT OF INTELLECTUAL PLURALISM: The University and this instructor welcome intellectual diversity and respect student rights. I encourage free discussion, inquiry, and expression in this course. Student performance shall be evaluated solely on an academic basis, not on opinions or conduct in matters unrelated to academic standards. Students who have questions concerning the quality of instruction in this class may address concerns to either the Dean of the Law School or the Director of the Office of Student Rights and Responsibilities (http://osrr.missouri.edu). All students will have the opportunity to submit an anonymous evaluation of the instructor at the end of this course.

ACADEMIC HONESTY: Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether or not the effort is successful. The law school community regards breaches of the School of Law’s Honor Code as extremely serious matters. Sanctions for such a breach may include academic sanctions from the instructor, including failing the course for any violation, to disciplinary
sanctions ranging from probation to expulsion. When in doubt about plagiarism, paraphrasing, quoting, collaboration, or whether something might be seen as a form of cheating, consult the course instructor. Please understand that the instructor will follow university procedures on cases of academic dishonesty, and in such cases it may be necessary to assign a failing grade for the assignment or even the entire course.

INCOMPLETES:
My general policy is not to grant incompletes, but I will do so when three conditions are met: 1) that the student has a verifiable emergency situation that makes it impossible to complete the coursework on time, 2) that the student sign an agreement with the instructor prior to the final examination period about the requirements to be met for completing the class, and 3) that all required work be completed within a short period of time, usually not to exceed 3 months. Otherwise, I will turn in a grade reflecting the work completed, including a zero for any incomplete assignments.

STATEMENT FOR ADA-STUDENTS WITH DISABILITIES:
If you anticipate barriers related to the format or requirements of this course, if you have emergency medical information to share with me, or if you need to make arrangements in case the building must be evacuated, please let me know as soon as possible. If disability-related accommodations are necessary, please contact Associate Dean Mitchell or Registrar Denise Boessen. You may also register with the MU Disability Center, S5 Memorial Union, 882-4696. Please note that unlike the rest of campus, the Law School does not rely on the Disability Center for the administration of exams to students in need of accommodation; but rather handles accommodation issues internally. For other resources for students with disabilities, visit http://disabilitycenter.missouri.edu.
OVERVIEW OF THE U.S. LEGAL SYSTEM

LAW 6955 – FALL 2017  COURSE SYLLABUS

Class No. 1  History and Governmental Structure
Topics: Introduction to the Course
        Some Constitutional History
        Governmental Structure Provided for in the Constitution
        Separation and Balance of Powers among Branches of the Federal Government

Readings: Burnham--
          pp. ix-xii (Reader's Guide);
          pp. 1-18 (Chapter I, Sections A, B, C);
          pp. A15-A25 (Appendix A) (Constitution and First Ten Amendments)
          Marbury v. Madison, 5 U.S. 137 (1803)

Class No. 2  History and Governmental Structure (continued)
Topics: The States and Federalism
        Impact of Governmental Structure on the Legal System

Readings: Burnham, pp. 18-37 (Chapter I, Sections D, E)
          Martin v. Hunter's Lessee, 14 U.S. 304 (1816)
          McCulloch v. Maryland, 17 U.S. 316 (1819)

Class No. 3  Legal Methodology
Topics: Sources of Law and Their Hierarchy
        Common Law
        Statutory Law in a Common Law System
        Statutory Interpretation Methods

Readings: Burnham, pp. 38-64 (Chapter II, Sections A, B, C, D)
          Caminetti v. United States, 242 U.S. 470 (1917)
          Holy Trinity Church v. United States, 143 U.S. 457 (1892)

Class No. 4  Legal Methodology (continued)
Topics: The Form and General Nature of Caselaw
        The Legal Reasoning Process in Caselaw
        Legal Research Techniques and the Form of Legal Argument

Readings: Burnham, pp. 64-79 (Chapter II, Sections E, F, G)
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<tr>
<th>Class No. 5</th>
<th>The Adversary System and Jury Trials</th>
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<tr>
<td>Topics:</td>
<td>Characteristics and Rationale of the Adversary System Juries</td>
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| Readings:   | Burnham, pp. 80-91 (Chapter III, Sections A, B)  

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<th>Class No. 6</th>
<th>The Adversary System and Jury Trials (continued)</th>
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| Topics:     | The Adversary Jury Trial and the Lawyer’s Role in It  
|             | Criticisms of the Adversary System |
| Readings:   | Burnham, pp. 92-109, 115-126 (Chapter III, Sections C, E)  

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<tr>
<th>Class No. 7</th>
<th>The Judicial System</th>
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<tr>
<td>Topic:</td>
<td>An Overview of Court Systems and Judges</td>
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| Readings:   | Burnham, pp. 167-188 (Chapter V, Part I, Sections A, B, C. D)  

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<th>Class No. 8</th>
<th>The Judicial System (continued)</th>
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| Topics:     | Subject Matter Jurisdiction of State and Federal Courts  
|             | Federalism Complications in the Judicial System |
| Readings:   | Burnham, pp. 188-197 (Chapter V, Part I, Section E; Part II)  
|             | Younger v. Harris, 401 U.S. 37 (1971) |

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<tr>
<th>Class No. 9</th>
<th>Administrative Law</th>
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| Topics:     | Types and Purposes of Administrative Agencies  
|             | Rule-Making Functions of Agencies  
|             | Adjudicatory Functions of Agencies  
|             | Judicial Review of Agency Action |
| Readings:   | Burnham, pp. 198-214 (Chapter VI, Part I, Sections A, B, C, D)  
|             | Gideon v. Wainwright, 372 U.S. 335 (1963) |
Class No. 10  The Legal Profession

Topics: Legal Education and Admission to the Bar
       Issues in the Regulation of Practice

Readings: Burnham, pp. 127-144 (Chapter IV, Sections A, B)
          Application of Griffiths, 413 U.S. 717 (1973)
          LeClerc v. Webb, 419 F.3d 405 (5th Cir. 2005), reh’g denied, 444 F.3d 428 (2006)
          Comprehensive Guide to Bar Admission Requirements (ABA 2015)
          Betts v. Brady, 316 U.S. 455 (1942)

Class No. 11  The Legal Profession (continued)

Topics: Types of Practice
       Minorities and Women in the Legal Profession
       Legal Ethics

Readings: Burnham, pp. 144-166 (Chapter IV, Sections C, D, E)

Class No. 12  Specific Subject Matter

Topics: For the final three class meetings, the instructor will overview specific subject areas in procedural or substantive law such as civil procedure, tort, contract, property, family, tax, or administrative law. These would also be possible guest lectures by faculty teaching those topics and readings.

Readings:

Class No. 13  Specific Subject Matter

Topics: For the final three class meetings, the instructor will overview specific subject areas in procedural or substantive law such as civil procedure, tort, contract, property, family, tax, or administrative law. These would also be possible guest lectures by faculty teaching those topics and readings.

Readings:

Class No. 14  Specific Subject Matter

Topics: For the final three class meetings, the instructor will overview specific subject areas in procedural or substantive law such as civil procedure, tort, contract, property, family, tax, or administrative law. These would also be possible guest lectures by faculty teaching those topics and readings.

Readings:
Unit Plans for Specific Subject Matter for Possible Use in Classes 12 -14

Class No. Civil Procedure

Topics:
Pleadings and Discovery; Motion and Trial Practice
Resolving Cases Without Litigation
“Full Faith and Credit”

Readings:
Burnham, pp. 229-253 (Chapter VII, Part I Sections A to G)
Pennoyer v. Neff, 95 U.S. 741 (1878)
Asahi Metal Industry Co. v. Superior Court, 480 U.S. 102 (1987)

Class No. Tort Law

Topics:
Types of Torts and Degrees of Fault; Relief Available
Administration of Tort System of Compensation

Readings:
Burnham, pp. 434-470 (Chapter XI, Sections A to E)

Class No. Property

Topics:
Nature and Forms of Property; Copyright, Patent, and Trademark law

Reading:
Burnham, pp. 471-476, 499-517 (Chapter XII, Parts I and III)

Class No. Contracts

Topics:
Formation and Interpretation of Contracts; Breaches and Remedies

Reading:
Burnham, pp. 398-413 (Chapter X, Part I)

Class No. Family Law

Topics:
Marriage
Dissolution of Marriages
Non-Traditional Relationships and Family Law
Child Custody Issues Outside Divorce

Readings:
Burnham, pp. 518-543 (Chapter XIII, Sections A, B, C, D)
Loving v. Virginia, 388 U.S. 1 (1967)
Class No.  ??

Tax Law

Topics:
- Sources and Basic Concepts of Federal Tax Law
- Federal Income Tax
- Administration of Tax Laws

Readings:
- Burnham, pp. 643-659, 678-682 (Chapter XVI, Sections A, B.1-B.5, F)
- Turner v. Commissioner, T.C. Memo 1954-38
- Moss v. Commissioner, 758 F.2d 211 (7th Cir. 1985)