

DePaul University, School For New Learning

Law in America: Its History and Relevance in Today's World Syllabus, Fall 2009

Class Day/Time: O'Hare Campus, Mondays, 6:30 - 9:30 p.m.
Sept. 14 – Nov. 16, 2009

Instructor: Frederick N. Bates, J.D.
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Overview and Course Description:

This course is designed to enhance students' awareness of how critical American law is in their personal, professional, and community life. The purpose is to help students achieve a better grasp of current realities through understanding of the history, the structure, and inherent problems of the American legal system. The course will discuss the role of lawyers and the public in the legal process (e.g., the role of civil rights groups and lobbyists in forming laws). It will begin with the colonial underpinnings and the essentially Western and British foundations of American legal institutions. There will be some discussion of alternative legal systems. It will then review the American Constitution, the nature of a federal system, and specific topics in American law. These topics will include the basic rights in our system, and the law as it has evolved in dealing with race ("the strange career of Jim Crow"), speech (free and otherwise), labor (its rough course), criminality and its outcomes, religion (how religious is the law), and business regulation (how much can we trust antitrust). We will review and analyze the rise of the regulatory state. We will also discuss the emerging constitutional concepts arising from the unitary executive construct and the cases of Roe v. Wade and District of Columbia v. Heller. Finally we will discuss the evolution of property, contract and tort law, the three basic areas of American civil law. In connection with this we will review some aspects of courtroom practice and procedure and the TV side of the law. The course will be relevant for students interested in law as a career, law in the workplace, law in not-for-profit settings, and those generally interested in law in business contexts, as well as those seeking to understand the role of law in our social and cultural context. Students will be asked to bring their own experiences with the American legal system into our discussions and to share their perspectives on the various topics.

The objective of this course is to facilitate students' ability to relate legal matters to their own experiences and perspectives. It will enable them to:

- (1) understand the historical underpinnings of American legal institutions;
- (2) understand the role that lawyers and nonprofits play in the evolution of the American legal system;
- (3) understand the nature of, and distinctions and scope of, Federal and State law, law and regulation, criminal and civil law, and other fundamental concepts and divisions in the law;
- (4) analyze the role of law in maintaining our class, gender and economic systems; and,
- (5) examine issues of human rights, and whether our legal system achieves what it claims to do with respect to human rights.

Reading Materials and Required Textbooks:

This course uses one textbook and one pamphlet as follows:

Hall, Kermit L., Finkelman, Paul, and Ely, James. W., Jr., American Legal History Cases and Materials. 2005, Oxford University Press, Inc. (Third Edition). ISBN 0-19-516225-0. (paperback)

Jordan, Terry L., The U.S. Constitution And Fascinating Facts About It. 2006 Oak Hill Publishing Company. ISBN 1-891743-00-7. (paperback)

These materials are available at the Barnes & Noble loop campus bookstore or can be ordered through MBS direct from Barnes & Noble. **Because readings are assigned for completion prior to the first week's class, please be sure you have purchased these in advance.**

In addition, two books with selected supplemental readings will be placed on e-reserve and other supplementary readings will be distributed in class.

Faculty Biography:

Frederick N. Bates has been a practicing lawyer for 40 years. He earned his J.D. degree from the University of Illinois in 1969. He has focused his legal practice on international business transactions, labor law and tort law. He has extensive courtroom experience in both federal and state courts. In addition, he has done substantial pro bono legal work representing indigent clients in both criminal and civil matters. He has taught seminars in labor law, antitrust law, basics of American law, and legal ethics in the corporate world. He serves as a trustee of several nonprofit organizations.

Competencies:

This course is offered for the following possible competencies (students may select up to two competencies from among the following):

F-X: Can describe legal issues that arise within an organization based upon an understanding of legal institutions, legal culture, and legal decision making within the American judicial system.

This is an example of an appropriate F-X competence statement for this class. Please confirm with your Faculty Mentor and PA that this will fit within your individual curriculum. I am available to discuss revisions as needed.

H-1-D: Can explain a system of law that governs a society.

Students will demonstrate that they can:

1. Identify a system of law for analysis.
2. Understand the interrelationships among the laws of that system.
3. Interpret the presuppositions or applications of the laws of that system.

H-4: Can analyze power relations among racial, social, cultural, or economic groups in the United States.

Students will demonstrate that they can:

1. Describe the unequal power relations between at least two racial, social, cultural, or economic groups in the U.S.
2. Discuss the historical, sociological, or economic dynamics under which these groups came to be in conflict.

A-3-X: Can explore fundamental questions about one's experience of the American legal system.

Evidence of Learning:

Each student is expected to complete all work assigned during this class, demonstrating a commitment to standards of excellence, thoroughness and timeliness. All homework assignments are due on the date assigned, even if a student is unable to attend class.

All students will provide the following as evidence demonstrating that they have gained competence:

- *complete assigned readings and come to class prepared with ideas and questions;
- *contribute thoughtfully to class discussions and activities;
- *make a short presentation to the class on a current legal topic as reported in the news media;
- *submit a short paper based on a site visit to a court room; and
- *submit a research paper on either a legal subject that you have encountered and experienced personally, or on one you have encountered in the workplace. You will analyze how effectively the law deals with the subject. Your paper must be written in MLA style, including citations and bibliography. If you are unclear about the requirements of MLA style please consult MLA Handbook for Writers of Research Papers and work with DePaul's Center for Writing Based Learning (<http://condor.depaul.edu/~writing/>).

Assessment Criteria:

Each session of this course will cover vital information needed to meet course objectives. In addition, the benefits from interacting with classmates are built into the design of the course and its objectives. Therefore, attendance and participation are essential. Absences will result in missed educational experiences that cannot be recaptured simply by reading another student's notes. In the event of an absence it is imperative that you (1) let me know ahead of time, and (2) contact a classmate ahead of time to be your "tutor" for the missed session. Students missing more than two classes of our ten week course will not have met the requirements for a passing grade. Please note that failure to complete the course requirements within the quarter will not automatically result in the opportunity to receive an "I" grade. "Incompletes" must be requested in writing prior to the final class and will be granted only in instances when unusual personal circumstances have interfered with the completion of required assignments. A formal request will involve completion and signing of a form specifying the deadline and academic requirements for receiving a changed grade. Failure to meet this criteria within the agreed upon time frame will result in a grade change to "F."

Students' grades will be based upon the following:

Completion of weekly readings (evidenced by weekly submission of answers to questions on the readings)	20%
Participation in classroom discussions	20%
A short presentation on law in the media	15%
A report on a site visit	15%
Individual research paper	30%

Academic Integrity Policy:

This class will be conducted in accordance with the University's guidelines on academic integrity. The Code of Student Responsibility (http://studentaffairs.depaul.edu/code_StudentResponsibility/code16.html) details your obligations and the standards to which you will be held. Please remember that plagiarism is unethical behavior and will result in appropriate penalties if disclosed, possibly including dismissal from the university.

Plagiarism, for those who may be unclear, includes but is not limited to the following:

The direct copying of any source, such as written and verbal material, computer files, audio disks, video programs or musical scores, whether published or unpublished, in whole or in part, without proper acknowledgement that it is someone else's work.

Copying of any source, in whole or in part, with only minor changes in wording or syntax even if acknowledged.

Submitting as one's own work a report, examination paper, computer file, lab report or other assignment which has been prepared by someone else. This includes research papers purchased from any other person or agency.

The paraphrasing of another's work or ideas without proper acknowledgement.

As a matter of courtesy to others and self-respect for your own work, be sure that you both credit ideas generated by others and engage in the challenging educational task of developing your own independent thinking on the subjects explored in this course.

Disability Accommodations:

Students who feel they may need an accommodation based on the impact of a disability should contact me privately to discuss their specific needs. All discussions will remain confidential. Reasonable accommodations will be provided for students with disabilities on an individualized and flexible basis. The Office of Students with Disabilities (OSD) determines appropriate accommodations through consultation with students. They may be reached at 773-325-7290 (phone) or 773-325-7296 (TTY). For certain learning disabilities and/or attention deficit disorders, the Productive Learning Strategies Program (PLuS) determines the appropriate accommodations. They may be reached at 773-325-1677, or, 773-325-7296 (TTY). The Chronic Illness Initiative (CII) provides access to higher education for students disabled by a chronic illness. Students who struggle with illnesses that unpredictably increase and decrease in severity, such as chronic fatigue

syndrome, rheumatoid arthritis, lupus or illnesses requiring frequent hospitalizations such as cancer or heart disease, may have found it difficult, if not impossible, to meet the requirements of a conventional college program. At the School for New Learning, staff and faculty are compassionate and committed to helping CII students achieve their educational goals. For more information, contact CII at CII@depaul.edu.

Calendar:

Session One: Sept. 14.

Topic for Tonight's Class: Introduction to the course. English, Colonial, and Biblical Underpinnings of American law.

Reading for Tonight: Hall et. al. pp 1-77, Bible (any edition), Exodus chap. 20-23, Leviticus chap. 18-19.

Session Two: Sept. 21.

Topic for Tonight's Class: The American Constitution.

Reading for Tonight: Hall et. al. pp. 78-134, Jordan, read entire pamphlet.

Session Three: Sept. 28.

Topic for Tonight's Class: Crime and Punishment.

Reading for Tonight: Friedman pp. 207-222, 434-453, and 567-575 on reserve or handouts. Hall et. al., pp. 332-350, 443-449, and 548-553.

Session Four: Oct. 5. Each student will schedule on an individual basis a court room or governmental agency site visit in lieu of this class session. Each student will then write an analysis of this visit as an additional short paper using a format provided by the instructor.

Session Five: Oct. 12.

Topic for Tonight's Class: Economics and the Law, a primer on Contracts, Torts and Property Law.

Reading for Tonight: Hall, et. al., pp. 126-127, 184-214 and 581-616.

Sessions Six and Seven: Oct. 19 and 26.

Topic for Tonight's and Next Week's Class: Race, Gender, Family and the Law.

Readings for the two Classes: Friedman pp. 140-166, 373-389, and 576-582 on reserve or handouts. Hall, et. al., pp. 218-350, 434-443, 450-459, and 495-534.

Session Eight: Nov. 2.

Topic for Tonight's Class: Economics and the Law, the Laissez-Faire State (real or imagined) with a note on the centrality of the Sherman Act. .

Reading for Tonight: Hall, et. al., pp.148-184, 351-395 and 398.

Session Nine: Nov. 9.

Topic for Tonight's Class: Administrative Law and the Regulatory State.

Reading for Tonight: Hall et. al., 459-492 and 554-581. (National Labor Relations Board v. Jones & Laughlin Steel Corp. and other readings to be handed out and assigned on e-reserve e.g. Horowitz).

Session Ten: Nov. 16.

Topic for Tonight's Class: Labor Law and the Regulatory State.

Reading for Tonight: Hall et. al., pp. 177-184, 369-373, and 395-410. (Other readings on reserve or a handout on The Fair Labor Standards Act or other labor legislation e.g. 1964 Civil Rights Act , e.g. Labor and Employment Law pp.35-62.).

Session Eleven: Nov. 23.

Topics for Tonight's Class: The Legal Profession and Public Interest Groups. The Court System, the "liability explosion," religion, speech, guns, war and the Assertion Of the Imperial Presidency; where we are now.

Reading for Tonight: Hall et. al., pp. 135-147, 351-362, 411-449, 535-553, 573-581, and 617-674. (Other readings on reserve or handouts may include parts of Friedman pp. 226-241, 483-500, 516-537, and 538-553.)