INTRODUCTION TO THE U.S. LEGAL SYSTEM AND PROCESS
Fordham Law School

ASSISTANT DEAN TONI JAEGER-FINE
SPRING 2019

INTENSIVE SESSIONS HELD DURING ORIENTATION AS NOTED BELOW AND ON THE ORIENTATION SCHEDULE;
AND
THURSDAYS, 9:30 A.M. – 12:20 P.M., ROOM 4-08
OR
THURSDAYS, 6:30 P.M. – 9:20 P.M., ROOM 3-03

COURSE DESCRIPTION

This course examines the principal features of the U.S. legal system, including federalism; the structure and operation of the national government; the federal and state judicial systems; the use of precedent, methods of reading, analyzing, and synthesizing case law; and dispute resolution.

Active discussion among students is an essential component and is expected throughout the course.

CLASS MEETINGS AND ATTENDANCE

Class sessions are reflected on the attached schedule of classes and assignments. The attached schedule is subject to change, and additional classes may be held at the discretion of the instructor or at the request of students. Occasionally, class sessions may have to be rescheduled.

Regular and timely class attendance is required, and students are expected to be on time. Students who need to miss a class or who will be late must email the instructor in advance, explaining the reason for the absence. Excessive absences/tardiness will adversely affect a student’s final grade in the course and may preclude a student from sitting for the exam or receiving credit for the course. Being too busy at work or having too many assignments for your other courses is not a valid excuse for missing classes. Students are responsible for any announcements and materials that they miss when absent from a class, whatever the reason for the absence.

LEARNING OUTCOMES

By the end of the course, students should have the following knowledge and competencies:

• Understand how to read, analyze, and synthesize case law
• Understand the basic principles of the U.S. Constitution, especially:
  o Federalism
  o Separation of powers and checks and balances
  o Supremacy and preemption
• Understand the nature of the U.S. judicial systems, with a particular focus on the structure and functioning of the federal courts
• Understand sources of law, especially:
  o The distinction between primary and secondary authorities
  o The priority of sources of law
  o The binding nature of sources of law, and especially the use of precedent and principles of stare decisis
• Understand the basics of the civil litigation and appellate procedure
• Understand the basics of professionalism in the U.S. context

COURSE MATERIALS

REQUIRED MATERIALS


Important Note: The book is also available on Amazon for Kindle but we strongly recommend that you purchase the book at mastering-the-master.com as that is the version that we will follow in class.

RECOMMENDED MATERIALS


MEETINGS WITH INSTRUCTOR

Dean Jaeger-Fine is available to meet with students by appointment to discuss matters related to this class. Appointments can be scheduled on-line per instructions in the LL.M. student handbook. To schedule an appointment outside of these times, please email Michael Rasmussen at mrasmussen7@fordham.edu, indicating times that you are available. Please note that appointments may not be available within several days of your request, so please plan ahead as much as possible.

EXAMINATION

There will be a closed-book in-class written examination. The tentative date for such examination is listed on the attached class schedule.

We will discuss the exam in class. All questions about the exam must be addressed in class. The instructor will not discuss the exam outside of class with individual students.

GRADERS

The final grade will be based on the final examination. Grades may be adjusted downward by up to twenty (20) percent for failing to meet the professionalism standards outlined above and/or to account for any quiz(zes) given in class.

The instructor may give a quiz in any class session as a means of ensuring that students have been keeping up with the assigned reading. Students not in attendance who have not been excused from class in advance will receive a failing grade for the quiz. The grades on quizzes will count toward the final grade.

ADDITIONAL RULES FOR THIS COURSE

Class Preparation and Participation

Students are expected to be prepared for class and will be called on randomly. Lack of preparation will result in a downward adjustment of a student’s grade.

Professionalism
Up to twenty (20) percent of a student’s grade will be based on professionalism – timeliness, preparation, participation, attention, respect, and following class rules.

Talking in Class

*Ask and Answer Questions!* Students are encouraged to ask questions and to answer questions, but before speaking, students must raise their hand and be acknowledged by the instructor.

*No Side Conversations:* There is a zero-tolerance policy for side conversation between students. This policy will be strictly enforced, and students who talk during class, even briefly, will be asked to leave the class.

Seating Chart

A seating chart will be circulated on the first or second day of class. Please choose the seat you want when the course begins as you will be expected to be in the same seat for the duration of the course.

Arriving Late

As indicated above, arriving late is discouraged and students should make every effort to be on time for class. Being on time means being in your seat, with your computer or notepad/notebook and materials out, ready to engage. If you are late, enter quietly, with as little disruption to your classmates and the instructor as possible. It is within the instructor’s discretion to refuse entry to students until an appropriate time in the class.

Use of Cell Phones

Students may not make or receive phone calls in class. Students should strictly limit texting, emails, and similar forms of communication while in class. The use of social media, web-browsing, etc., is strictly prohibited.

Breaks

The instructor will give students short breaks during each class session. Please return from the break at the time announced.

Talking to the Instructor

The instructor should not be disturbed before class, after class, or during class breaks. This is to ensure that she has sufficient energy to get through the classes held during orientation and her other obligations. There are no exceptions to this rule.

Get Connected

You will need to have Internet connection for the course so be sure that you get connected as soon as possible. If you have any trouble, please contact the Law School Help Desk. Everyone must be connected by the second or third class session.
### SCHEDULE OF CLASSES AND ASSIGNMENTS

ALL DATES, TIMES, TOPICS, AND ASSIGNMENTS ARE SUBJECT TO CHANGE

Note: For readings in the Jaeger-Fine book, please read text and related cases and materials. We will skip some cases and materials in the interest of time. At the end of each class, we will finalize the assignment for the following class session.

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<thead>
<tr>
<th>Date and Time</th>
<th>Topic</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>Friday, January 4 9:00 a.m.-12:30 p.m.</td>
<td>Course Introduction&lt;br&gt;Overview of the U.S. Legal System</td>
<td><em>Mastering the U.S. Legal System</em>, Chapter I; Chapter IV D.1., 2., and 3; Chapter II A., B., and C.&lt;br&gt;<em>American Legal Systems</em>, Chapter 1 (recommended)&lt;br&gt;Constitution of the United States</td>
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<td>Friday, January 4 1:30-5:00 p.m.</td>
<td>Constitution of the United States&lt;br&gt;• The Articles</td>
<td>Same as above</td>
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<td>Monday, January 7 9:00 a.m.-12:00 p.m.</td>
<td>Constitution of the United States&lt;br&gt;• The Articles</td>
<td>Same as above</td>
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<td>Monday, January 7 1:00-4:00 p.m.</td>
<td>Constitution of the United States&lt;br&gt;• The articles&lt;br&gt;• The Amendments&lt;br&gt;• Constitutional Interpretation</td>
<td>Same as above&lt;br&gt;<em>Mastering the U.S. Legal System</em>, Chapter II D. and E.</td>
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<td>Tuesday, January 8 9:00 a.m.-12:00 p.m.</td>
<td>U.S. Judicial Systems&lt;br&gt;• The Dual U.S. Court Systems&lt;br&gt;• The Federal Court System&lt;br&gt;• A Note About State Courts</td>
<td><em>Mastering the U.S. Legal System</em>, Chapter III A., B., C., and D.</td>
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<td>Tuesday, January 8 1:00-3:50 p.m.</td>
<td>U.S. Judicial Systems&lt;br&gt;• Choosing a Court&lt;br&gt;• Choice of Law</td>
<td><em>Mastering the U.S. Legal System</em>, Chapter III E. and F.;&lt;br&gt;<em>American Legal Systems</em>, Chapter 4.A. (recommended)</td>
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<td>Wednesday, January 9 9:00 a.m.-1:00 p.m.</td>
<td>Sources of Law&lt;br&gt;• Overview of U.S. Legal Authorities&lt;br&gt;• Legislation and Statutory Interpretation&lt;br&gt;• Precedent and Stare Decisis</td>
<td><em>Mastering the U.S. Legal System</em>, Chapter IV A., B., C., and D. 1., 2., 3., and 4.&lt;br&gt;<em>American Legal Systems</em>, Chapter 2 (recommended)</td>
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<td>Wednesday, January 9 2:00-4:50 p.m.</td>
<td>Sources of Law&lt;br&gt;• Precedent and <em>Stare Decisis</em></td>
<td><em>Mastering the U.S. Legal System</em>, Chapter IV D. 5.&lt;br&gt;<em>American Legal Systems</em>, Chapter 4.B. (recommended)</td>
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<td>Friday, January 11</td>
<td>9:00 a.m.-12:00 p.m.</td>
<td>Sources of Law</td>
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<td>Case Law Synthesis</td>
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<td>The Legal Professional Persona</td>
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<td>Friday, January 11</td>
<td>1:30-5:00 p.m.</td>
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<td>Thursday, January 17</td>
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<td>Dispute Resolution in the United States</td>
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<td>Thursday, January 24</td>
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<td>Exam Preparation and Exam Taking</td>
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<td>Tuesday, January 29</td>
<td>12:30-1:50 p.m.</td>
<td>The U.S. Judicial System: A View from the Bench</td>
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<td>Thursday, January 31</td>
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<td>Exam Preparation and Exam Taking</td>
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<td>Friday, February 8</td>
<td>1:00-4:00 p.m.</td>
<td>Final Examination</td>
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Draft as of December 5, 2018