

*(As of July 10, 2006)*<sup>1</sup>

**Introduction to Law: U201**

Fall 2006

Monday and Thursday 11:45-1:25

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**How are Law, Policy and Society connected?**

Law doesn't just exist in the courtroom and doesn't just get made by the legislature. Citizens have much greater power than many of us may believe.

Throughout the semester we will explore the following themes: the inner workings of the American Legal System, how the law affects society, and the role of the citizen in the American Legal System.

With our thoughts focused on the aforementioned topics we will discuss such issues as Affirmative Action, Equal Protection, and Law and Economics. We will investigate the role of Law in Society from a regulatory, Constitutional, statutory and judicial perspective, noting the role each of these mechanisms has played in shaping America's current legal framework. Additionally, students will learn about the relationship and interplay between Congress, The Judicial Branch and The Executive Branch in governance over this country's body of law.

**Academic Policy:**

Please be advised that Northeastern University's rules of academic honesty and integrity apply in full in this course. You are on notice of the definitions of violations, including cheating, unauthorized collaboration and plagiarism. The full text of Northeastern University's Academic Honesty and Integrity Policy can be found online on the Office of Student Conduct and Conflict Resolution ([www.osccr.neu.edu](http://www.osccr.neu.edu)).

**Policy on Special Needs:** If you have any special needs whatsoever, please let me know as early as possible so we can ensure that your needs are satisfactorily addressed. Additionally, if you have a documented disability you are protected from discrimination and have the right to a reasonable accommodation pursuant to the Americans with Disabilities Act ("ADA") and section 504 of the Rehabilitation Act of 1973. Additional information can be found at the Northeastern University Disability Resource Center ([www.access-disability-deaf.neu.edu](http://www.access-disability-deaf.neu.edu)).

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<sup>1</sup> Syllabus subject to additional changes. Students will be notified of changes either in class or via email.

## Grading:

- *Attendance, Class Participation: (10%)*
  - You are expected to regularly attend class and be prepared to actively participate in discussion. Participation is essential to your success in this class. However, if anyone has a problem talking in class, please come and speak to me after class so we can figure out an alternative to the class participation requirement. Repeated absences and nonparticipation will affect your grade.
  - Occasionally important announcements will be made in class; it is your responsibility to find out what occurred in, as well as to obtain all lecture material from, any class you have missed.
  
- *Case Briefs/Reaction Papers: (20%)*
  - **Brief:** Additionally, throughout the semester you will be asked to hand in a number of typed case *briefs*. The exercise of briefing a case is crucial to your understanding of it. Even if you aren't asked to hand in *briefs* for the cases you are reading, you should always prepare them. If it says **brief** next to a case in the syllabus, you are expected to hand in your case brief in the class for which the case was assigned. At the end of the semester, I will drop your lowest case brief grade.
  - **Brief/R:** If it says **(brief/R)** you are required to write and hand in both a case brief (per the instructions above) and a reaction paper. A reaction to the Court's decision in the case from a law, policy and society perspective as well as brief the case. The reaction papers should be no longer than four typed pages and should critique the case from a law, policy and society perspective. They should contain a brief synopsis of the legal issues in the case and what was decided and a longer discussion of why the Court decided in that way—do you think it was for policy reasons? political reasons? legal reasons? Were you convinced by the Court's reasoning? What sort of implications do you think the particular decision will have on society at large?
  - **Late case briefs and/or reaction papers will not be accepted for a grade.**
  
- *Moot Court: (35%)*
  - Oral arguments are given by attorneys when appealing a previous judicial (or administrative) decision to a judge. In preparation for the actual oral argument before the judge, many attorney practice first before a group of lawyers in a “moot court” to ensure that they have covered all the bases of their argument and can answer any questions thrown at them by the judge(s).
  - Each team will be assigned a position on the debate over using affirmative action type programs in public institutions. Once you have been assigned a side to defend, your team will develop your arguments in full, in preparation for your moot court, in a memorandum of no more than 12

typed, double-spaced pages. You will want to begin thinking whom you would like to be partnered with for the moot court early on in the semester. **Please email me the name of your partner no later than 9/18.**

- *Final Exam*: Cumulative (35%)

**Required Reading Material:**

- *U.S. Constitution*
- *Black's Law Dictionary*
- *Introduction to Law*, packet available at Bookstore.
- *Handouts*: throughout the semester you will be required to read additional handouts available on this courses Blackboard site ("BB site").

**Class Schedule and Readings:**

**I. Introduction to the Class, Overview:**

1<sup>st</sup> and 2<sup>nd</sup> Class: **What is Law, How is it made, What role does it play in your life?**

(9/7, 9/11)

Read:

- *Packet 1-17*
  - o *What is the Legal System*
  - o *The Structure of American Law: The Courts*
  - o *Briefing a Case*

3<sup>rd</sup> Class: **Overview of Law and Economics: How to apply the notion of Law and Economics to particular cases.**

(9/14)

Read:

- *Packet 18-34*
  - o "What I Am Doing"
  - o "Efficiency and All That"
  - o *Boomer v. Atlantic Cement Co.* (**brief**)

**II. Constitutional Law:**

4<sup>th</sup> Class: **Introduction to Constitutional Law:**

(9/18) *Please email me the name of your moot court partner, by today (9/18).*

Read:

- *Packet 35-46*
  - o "Constitutional Law and Civil Liberties"
- *The U.S. Constitution and the Bill of Rights* (skim)

5<sup>th</sup> Class: **The Equal Protection Clause: Race based Classifications**

(9/21)

Read:

- *Packet 47-65*

- *Loving v. Virginia*
- *Palmore v. Sidote* (brief/R)
- “Black and White”
- Equal Protection handout (*skim*)
- 14<sup>th</sup> Amendment to the Constitution

6<sup>th</sup> Class: **The Equal Protection Clause cont’d:**  
(9/25) Read:

- *Packet 66-83*
  - Fostering Diversity at Northeastern University
  - *Regents of University of California v. Bakke*

7<sup>th</sup> Class: **The Equal Protection Clause cont’d:**  
(9/28) Read:

- *Packet 84-97*
  - *U.S v. Virginia*

8<sup>th</sup> Class: **Discuss Moot Court/Equal Protection Wrap Up**  
(10/2)

- Moot Court materials (BB Site)

### III. **Federalism/Separation of Powers**

9<sup>th</sup> Class: **The Role of the US Supreme Court**  
(10/5) Read:

- *Packet 98-120*
  - Barak, Aharon, *A Judge on Judging*
  - *Bush v. Gore* (brief/R)

(10/9) **Columbus Day, no class**

10<sup>th</sup> Class: **Alternative Dispute Resolution/Preemption**  
(10/12) Read:

- *Packet*
  - Preemption: 198-225
  - ADR: 226-246
    - *Building a Pedagogy of Problem Solving*
    - *ADRs Biggest Compromise*

11<sup>th</sup> Class: **TBA**  
(10/16)

12<sup>th</sup> Class: **Moot Court: in class memo preparation**  
(10/19)

13<sup>th</sup> Class: Moot Court: oral argument preparation, discussion  
(10/23) Watch Oral Arguments (**memos due**)

14<sup>th</sup> Class: Moot Court:  
(10/26)

15<sup>th</sup> Class: Moot Court:  
(10/30)

16<sup>th</sup> class: TBA/Party: Discuss Moot Court  
(11/2)

#### IV. Introduction to Administrative Law

17<sup>th</sup> Class: Administrative Law: Introduction  
(11/6) Read:

- Packet 121-134
  - o *The Structure of American Law: Executing Policy*
  - o *Administrative Process and Administrative Law in Nutshell*

18<sup>th</sup> Class: Administrative Law cont'd  
(11/9) Read:

- Packet 135-145
  - o *Overton Park: A Judicial Review Paradigm*
  - o *Citizens to Preserve Overton Park, Inc. v. Volpe*
- Federal Administrative Procedure Act handout (**BB Site**)

19<sup>th</sup> Class: Administrative Law cont'd  
(11/13) Read:

- Packet 146-159
  - o *Citizen's Attempt to Expand Agency Procedures*
  - o *Vermont Yankee Nuclear Power Corp. v. NRDC*
  - o *Chevron U.S.A. v. Natural Resources Defense Council* (**brief**)

#### V. Statutory Law:

20<sup>th</sup> Class: Clean Water Act  
(11/16) Read:

- Packet 160-183
  - o *Introduction to the Clean Water Act*
  - o *Technology –Based Standard Setting: The Clean Water Act*
  - o *CARE v. Southview Farms*

Skim:

- Packet 184-197
  - o Selected Portions of the Federal Water Pollution Control Act

21<sup>st</sup> Class: Clean Water Act cont'd  
(11/20) Read:

- Packet 204-217
  - o National Wildlife Federation v. Gorsuch (**brief**)

(11/23) **Thanksgiving break, no class**

22<sup>nd</sup> Class: Erin Brockovich  
(11/27)

23<sup>rd</sup> Class: Erin Brockovich:  
(11/30) Read:

- EB Readings (**BB site**)

VI. Review for Final Exam

24<sup>th</sup> Class: Review  
(12/4)