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| COURSE TITLE: | HISTORY OF AMERICAN LAW |
| COURSE NUMBER: | LAW E559 |
| UNITS: | 2 |
| COURSE TYPE: | Elective |
| PROFESSOR(S) NAME: | Rex Grady |
| PROFESSOR CONTACT INFO: | jrg@classattorneys.com |
| SCHEDULE: | One-semester class: Summer 2014, Thursdays 6:00-8:00 p.m., Room No.103 |
| PREREQUISITES: | Successful completion of Introduction Courses |
| COREQUISITES: | None |
| TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.) | <i>American Legal History: Cases and Materials, 4th ed.</i> ; by Kermit Hall, Paul Finkelman and James W. Ely Jr. ISBN-13: 978031427646 Optional: <i>A History of American Law, 3rd ed.</i> ; by Lawrence M. Friedman New York: Simon & Schuster, 2005. ISBN-0-671-52807-6 |
| COURSE DESCRIPTION: | The Course provides an overview of major themes in the development of the legal system of the United States, relevant legal theories, and the life and work of significant legal professionals (both judges and lawyers), from Colonial Times until the present. |
| COURSE OBJECTIVES / ANTICIPATED LEARNING OUTCOMES: (Description of what students will be expected to know and be able to do at the end of the course. What skills or knowledge will be gained by the end of the course.) | To acquire a rudimentary understanding of the origin, nature and history of American legal culture so as to broaden the student's perspective when contemplating the law in its application; to develop a respect for the traditions and trends in which attorneys are moving participants; and to construct a conceptual framework wherein the substantive law which is studied and learned in law school can be placed in context and better understood. |
| FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.) | Approximately 70 pages from the text-books and hand-outs will be assigned each week. Students must be prepared for presentations and be able to articulate issues, respond to questions and take part in general discussions related to the assigned material. |
| EXAMS: | Exams will be in the form of papers that must be submitted to the Law School office by 6 p.m. on the assigned exam due date, unless otherwise noted. |
| GRADING / ASSESSMENT CRITERIA/CLASS POLICIES: | This course is graded as follows: Pass/Fail Classes: 65 - 100 P Pass/Credit 64 and Below F Fail/No Credit This course is for credit only. A passing grade will result in the student being credited 2 units. Grades will be based on attendance and participation as well as on three short essays (no less than five pages) |

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| | <p>on subjects related to assigned material, but chosen by each student. These essays will be due the 5th and 10th class sessions, and the third essay will be due on the date of the final exam.</p> |
| ATTENDANCE: | <p>Regular and punctual attendance is essential for the successful completion of the course. Students should plan to attend every class. Students must attend a minimum of 80% (36 hours— 12 of 14 classes) of the class sessions during each semester. Roll will be taken at each class. Class attendance is of particular importance in learning the language and concepts of the law. Make-up classes will be scheduled on evenings when classes are not usually held or on weekends or made up on another night by staying longer. Class sessions which are delayed or canceled because of holidays or policy of Empire College School of Law, and which are re-scheduled for a different date are considered regularly scheduled class sessions, not make-up classes. A student who has exceeded the absence limits outlined will be automatically dropped from the course. A student who is dropped from a course will be required to repeat the course at its next offering in order to meet graduation requirements.</p> <p>Attendance has further significance in that it is an opportunity to reinforce understanding of readings and to acquire <i>additional</i> knowledge from lectures and discussions that may prove useful and necessary at the time of examination and beyond.</p> |
| ASSIGNMENTS: Summer 2014 | |
| Week 1: 5.8.14 | <p><i>English Traditions and the Colonies: the Tudor and Stewart Eras in England; the Establishment of the Colonies and the Colonial Legal System.</i> Hall, pp. 1-43, 63-67. Friedman, pp. xi-xx, 3-7.</p> |
| Week 2: 5.15.14 | <p><i>The American Revolution and the Revolutionary Settlement: Rights and Authority in Conflict; the Declaration of Independence; the Creation of Constitutional Government in the New States; the Constitution of the United States.</i> Hall, pp. 83-98, 105-110 Friedman, pp. 65-95</p> |
| Week 3: 5.22.14 | <p><i>Law and the New Republic: States v. Federal Government; Speech and Sedition; the Role of Judiciary; Law as a Vehicle for Growth in the Early Republic.</i> Hall, pp. 110-148</p> |
| Week 4: 5.29.14 | <p>John Marshall: <i>The Foundations of American Constitutional Law</i> <i>Marbury v. Madison (1803)—Judicial Review of Federal Law, etc.</i> <i>Fletcher v. Peck (1810) & Dartmouth College v. Woodward (1819)— Contracts Clause & Judicial Review of State Law</i> <i>Sturges v. Crowninshield (1819)— Law of Bankruptcy & Limits on State Power</i> <i>McCulloch v. Maryland (1819)— Federal Supremacy & the Scope of Federal Power</i> <i>Gibbons v. Ogden (1824)—Federal Supremacy & the Nature of Commerce</i></p> |

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| | <p><i>In re The Antelope (1825) & Boyce v. Anderson (1829)-- Slavery</i> <i>Cherokee Nation v. Georgia (1831) & Worcester v. Georgia (1832)— America’s</i> <i>Native Peoples & the American Governments</i> <i>Barron v. Baltimore (1833)— the Scope of the Bill of Rights</i></p> |
| Week 5: 6.5.14 | <p><i>*1st PAPER DUE</i> <i>The Development of the Common Law in the Early 19th Century: Corporations, Labor, Property, Contract, and Tort, with a Special Focus on Lemuel Shaw as the Pre-eminent Common Law Judge of the First Half of the 19th Century.</i> <i>Hall, pp. 148-218</i> <i>Optional: Friedman, pp. 24-31, 38-46, 120-139, 167-206, 222-225</i></p> |
| Week 6: 6.12.14 | <p><i>Slavery, State’s Rights, and the Union: Origins and Early History of Slavery in the Colonies; Slavery in the Early Republic; Solidification of the Institution via Positive Law; Antebellum Eradication in the States;</i> <i>Colonial Origins of Slavery: Hall, pp. 51-63, 98-105; Friedman, pp. 46-49</i> <i>Slavery and the Constitution: Hall, pp. 221-245; Friedman, pp. 154-166</i></p> |
| Week 7: 6.19.14 | <p><i>The Civil War and Reconstruction</i> <i>Hall, pp. 245-287</i> <i>Friedman, pp. 253-278</i></p> |
| Week 8: 6.26.14 | <p><i>Family and Gender:</i> <i>Hall, pp. 43-51, 316-336</i> <i>Friedman, pp. 140-149, 373-381, 576-582</i></p> |
| Week 9: 7.3.14 | <p><i>Criminal Law</i> <i>Hall, pp. 68-81, 331-355, 446-453, 554-559</i> <i>Friedman, pp. 31-38, 207-222, 434-462, 567-575</i></p> |
| Week 10: 7.10.14 | <p><i>*2nd PAPER DUE</i> <i>Law as Instrument: the Role of the Lawyer; the Codification Movement; the Role of the Judge; the Origins of the Law School; Legal Theory and the Rise of Holmes</i> <i>Hall, 1st Edition, pp. 355-367</i> <i>Optional: Friedman, pp. 7-23, 50-61, 95-104, 226-249, 279-308, 351-366, 463-500, 516-523, 538-553</i></p> |
| Week 11: 7.17.14 | <p><i>Labor, Industrialization and Regulation: Regulation by State and by Congress, Interstate Commerce and the 14th Amendment.</i> <i>Hall, pp. 367-414</i> <i>Friedman, pp. 309-349, 390-417, 419-433</i></p> |
| Week 12: 7.24.14 | <p><i>Civil Liberties</i> <i>Hall, pp. 289-316, 414-446, 453-463, 494-554, 661-684</i> <i>Friedman, pp. 381-389</i></p> |
| Week 13: 7.31.14 | <p><i>The New Deal Era: Holmes, Cardozo and the Realists; the New Deal and the Court; the “End” of Substantive Due Process and the Rise of Equal Protection</i> <i>Hall, pp. 578-624</i> <i>Friedman, pp. 523-537</i></p> |

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| Week 14: 8.7.14 | The Future of the Law Readings to be announced. |
| Week 15: 8.14.14 | FINAL EXAM: 3rd PAPER DUE |