

ACADEMIC COURSE SYLLABUS

COURSE TITLE:	Jurisprudence
COURSE NUMBER:	LAW E553
PROFESSOR(S) NAME:	Rudy Gerber, JD, LLM, PhD
PROFESSOR CONTACT INFO:	RGerber5@att.net ; students may also visit during office hours before class begins.
SCHEDULE:	Term: Fall Semester 2016, Mondays, 6:00-8:00 PM , Room # 104
UNITS:	2
COURSE TYPE:	Elective
PREREQUISITES:	Completion of LAW I401–Introduction to Law and LAW I402–Legal Research and Writing, or equivalent.
COREQUISITES:	None
TEXTS AND MATERIALS: (Identification of any texts, materials and references used throughout the course.)	Jurisprudence, Classical and Contemporary: From Natural Law to Postmodernism , Hayman, Levit, and Delgado's 2 nd edition, 2008 (American Casebook Series), West, ISBN-13: 978-0314252074
COURSE DESCRIPTION:	This course covers six legal philosophies addressing basic questions such as where does the law come from? Who are the true lawmakers? What is the relation between law and morals and economics? What is the goal of lawmaking? What is the relation between law and justice? The six theories are natural law, positivism, realism, sociological jurisprudence, law and economics, and critical legal studies. They are not happy bedfellows, ie., resist the temptation to make a stew of them.
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.)	Goals of this course include acquiring the ability to analyze conceptual differences among the six theories above, to evaluate the strengths and weaknesses of each position, and to assist students in determining which of the theories is most cogent. These skills are relevant to fields such as legislation, politics, constitutional law, morals and personal values. Assignments: (1) read assigned text pages plus any cases not in text; (2) 15-20 min oral presentation re how the selected case or thinker reflects (or doesn't) the underlying philosophy; for this oral presentation you need to sign the blank line on the Professor's Master copy of the Syllabus; (3) publishable- quality 20- 25 pg term paper on a narrow jurisprudence topic of your choice. Presentations are graded P/F; papers are graded numerically.

	<p>Students generally can expect to spend a <u>minimum</u> of two hours/per hour of instruction time on assigned readings and briefing cases. For example, a 3-hour class would require at least 6 hours of outside preparation time per week.</p>
<p>FORMAT OVERVIEW / METHOD OF INSTRUCTION (Description of how the course will be taught, including breakdown of lecture, practicum, etc.)</p>	<p>Format for class meetings is a combination of lecture, discussion and student presentation of cases and theories as indicated on this syllabus.</p> <ul style="list-style-type: none"> • Course material will be presented in a lecture-discussion and Socratic method format. • Students should be prepared to discuss all assigned cases. • Class participation and attendance are mandatory.
<p>EXAMS:</p>	<p>No final exam; final grade is determined by attendance, participation and mostly by the quality of the term paper.</p>
<p>GRADING / ASSESSMENT CRITERIA:</p>	<p>Empire College uses the following grading system for elective classes.</p> <p><u>Pass/Fail Classes:</u> 65 - 100 P Pass/Credit 64 and Below F Fail/No Credit</p> <p>The final course grade will be comprised of: 70% for the final version of the paper 10% for the first draft 10% for attendance and 10% for participation.</p>
<p>ATTENDANCE:</p>	<p>Under the standards of the Committee of Bar Examiners of the State Bar of California, “regular and punctual attendance” at classes is necessary to satisfy residency requirements. Students should plan to attend all classes. A minimum of 80 percent attendance is required in each course. The instructor will take role at each class session. A student must attend the entire class session in order to be counted as present for that class session. Students who arrive excessively late, as determined by the instructor, or who leave class before it is dismissed by the instructor, will not be counted as present for that class session.</p> <p>Make-up classes will be scheduled on evenings when classes are not usually held or on weekends. Attendance at make-up classes, while strongly encouraged, is not required. 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>ASSIGNMENTS:</p>	<p>Weekly assignments</p>

Week 1: 8/29/16	Introduction & overview; assignments; need to start soon on paper. Read Rawls, pp. 18-24; Brown v. Bd of Education. Pp. 267-69 & US v Calley, p. 58.
Week 2: 9/5/16 – Holiday Empire closed	Material will be made up another date.
Week 3: 9/12/16	Read Finnis & Moore, pp. 26-38; MLK “Jail” Letter, pp. 46-52 _____ & Wash. v. Glucksberg, pp. 60-69_____
Week 4: 9/19/16	Read Austin, pp. 81-87 & Hart, pp. 88-96; Riggs v. Palmer, 115 NY 506, 22 NE 188_____ (NIT=not in text)_ Outlines due.
Week 5: 9/26/16	Read Dworkin, pp. 112-123; PGA v Martin, p.147-53 _____; presentation on a contemporary natural law thinker_____.
Week 6: 10/3/16	Read Holmes & Pound, pp. 168-78; Roe v Wade, 410 US 113 (NIT) _____ Read Frank and Leiter, pp. 191-227; Buck v. Bell 279 US 200 (1927) (NIT)_____; Emplmt Div v. Smith, pp. 286-90_____.
Week 7: 10/10/16	Work up your final outline in detail for submission next class. The outline should be detailed enough to cover your introduction, all subsections, your conclusion and the major paragraphs within the body of the paper. Do this work in lieu of a formal class meeting on this date.
Week 8: 10/17/16	Read Intro, pp. 299-308 & Cooter, pp. 323-24; Dpt of Water v. Manhart, 98 S. Ct. 1370 (1978)_____.
Week 9: 10/24/16	Read Adler, Posner & Epstein, pp. 338-61 ; Sedmark v. Charlie’s Chevrolet, 622 SW 2d 694 (1981)(NIT)_____
Week 10: 10/31/16	Read Nussbaum, pp. 385-95; Bates v. State Bar of Az, 433 US 350 (1977) (NIT)_____; presentation on a law and econ critic_____
Week 11: 11/7/16	Read Kelman & Kennedy, pp. 405-12; McCheskey v. Kemp, 481 US 279 (NIT)_____

Week 12: 11/14/16	Read Williams, pp. 417-20; Fiss, pp. 436- 441; Korematsu v US, 323 US 214;(NIT) _____
Week 13: 11/21/16	Read Balkin & Tushnet, pp. 441-458; _____; presentation on an additional critic of CLS_____. An effort at synthesis of the competing positions & implications.
Week 14: 11/28/16	Last class; Oral presentations based on student papers.
Week 15: Exam date TBA - Exam period runs 12/5 – 12/15/16	No final exam; see above for grading criteria. The final paper will be due on the "exam date assigned" on the published exam schedule distributed during the semester. Watch for the exam schedule for the exam date communicated by the law school office."

Syllabus is subject to change.