

**POLS 330: INTRODUCTION TO THE LEGAL PROCESS  
SPRING 2007**

**FANER 1005  
TR 2:00 – 3:15**

**PROFESSOR:** Comparato  
**OFFICE:** Faner 3165  
**OFFICE PHONE:** 453-3193  
**OFFICE HOURS:** TR, 8 – 10 a.m.

**GRADUATE ASSISTANT:** Steven Daily  
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**OFFICE PHONE:** 453-3197  
**OFFICE HOURS:** MW, 1 – 2 P.M.

**COURSE DESCRIPTION/OBJECTIVES**

This course is designed to introduce students to the law, and the legal system in the United States. You will become familiar with specific areas of the law as well as with different approaches to judicial decision making within the legal system. Additionally, you should become adept at briefing legal cases by the end of the course.

The course is broken into two sections. The first covers introductory material about the nature and purpose of law, as well as on the structure of the legal system and the different approaches judges take in making decisions. The second part of the course is devoted to substantive areas of the law. We will cover several specific areas of the law, including constitutional law, criminal law, civil law, and alternative dispute resolution. In a course of this nature, there is no way that we can devote the time to cover these topics in the depth that they deserve, but hopefully you will be motivated to pursue these topics in greater detail in other courses.

**REQUIRED TEXT**

Schubert, Frank. 2004. *Introduction to Law and the Legal System*, 8<sup>th</sup> Edition. Boston: Houghton Mifflin.

Additional cases and readings will be posted on *WebCT*. These are marked in bold throughout the syllabus.

**COURSE REQUIREMENTS**

Your grade will be based on your performance on three exams, case briefs/quizzes, and class participation.

**COURSE WEB PAGE**

This course will be managed using [WebCT](#). You will have access to all course information, including the syllabus, course schedule, reading assignments, resources for your papers, discussion boards, and an email system to contact me or other students in the class. I will regularly post messages regarding the reading, schedule, assignments, and grades to the course page. Therefore, you should make a habit of checking the course page on a daily basis to keep up with reading assignments and other course related announcements. There are numerous computer labs on campus, so access to *WebCT* should not be a problem for anyone. You may also access information related to the course from my web page ([www.siu.edu/~scompara/pols330.html](http://www.siu.edu/~scompara/pols330.html)). Detailed instructions to assist you in creating a *WebCT* account can be found on that page. **You must create an account by the second day of class. Ten points will be deducted daily until you create an account.**

**CONTACTING ME**

You are always welcome to stop by my office during office hours to discuss questions/issues related to the course or other academic matters. If my office hours conflict with your schedule, you may also contact me by phone or *WebCT*. I will do my best to return your call within 24 hours. If you would like a more immediate response, I check my email frequently, and will return messages as promptly as possible. This is a difficult class, and I expect that many of you will encounter problems in completing some of the assignments. Please

take advantage of the opportunity to discuss the course material with me outside of class, particularly if you are having trouble, or would like additional clarification.

### **EXAMS (20% EACH)**

As this is an upper level course, I expect you to develop your analytical and writing skills. The test questions are designed to challenge your ability to extrapolate from the information provided in class and in the readings, and also to convey that information in a clear, concise, and effective manner. I expect you to know the material and be able to analyze it critically. If you are unable to take an exam on the day it is scheduled, you will not be allowed to reschedule it for another time, but will instead complete a written assignment on a topic of my choosing to be completed within two weeks of the date scheduled for the missed exam. There are no exceptions to this rule, including illness, or other personal emergency. No student will be allowed to take the final exam prior to its scheduled date. All exams, including the final are non-comprehensive.

### **CASE BRIEFS/QUIZZES (20%)**

Most of our focus this semester will be on cases decided by the Supreme Court, lower federal courts, and state supreme courts. Briefing will help you to better understand the cases, and make studying for the exams much easier. You are expected to come to class every day having completed all of the reading, and having briefed the appropriate cases for that day's topic. I will randomly assign 5 – 10 cases to be briefed. I will then collect those briefs in class one week from the date they are assigned. All briefs must be prepared on a typewriter or word processor and printed. Make sure that your name is on every page and that all briefs are stapled together. I do not accept briefs via email. **Late briefs will not be accepted under any circumstances.** I will discuss the proper formatting and content of briefs during the first week of class.

The other component of this portion of your grade will consist of quizzes administered randomly throughout the semester. The quizzes will cover assigned reading material including, but not limited to, cases from the Schubert text. Quizzes will be unannounced. Make certain that you bring paper and a pen to class every day so that you can take the quiz. Quizzes will take no more than ten minutes and will be turned in immediately. Books, notes, and other supplementary sources may not be used for the quizzes.

### **PARTICIPATION (20%)**

Attendance in this course is required. For many of you, this is the first time you have been exposed to court cases. We will devote a significant portion of class time to the discussion and analysis of those cases. Because I feel that class time is so important, I do not offer excused absences, except for religious observance, as required by the University. You must notify me at least three class periods prior to the day you will be absent in order to be excused from class for religious reasons.

You will have two "free" absences, meaning that you may miss class twice without points being subtracted from your grade. For every absence after the first two, including illness, ten points will be deducted from your final grade. You may prevent those points from being deducted by submitting a one-page, single spaced, analysis paper, covering the material to be covered in class the day you were absent, within one week from the day of your absence. In the paper, you should discuss the primary legal issues involved, the Court's reasoning, and the outcome of the case. A maximum of five analysis papers may be submitted to cover absences. If you complete five analysis papers (and continue to miss class), ten points will be deducted for every additional absence.

I begin class promptly at the scheduled time. I do not tolerate tardiness. If you enter class late, I consider that an absence, and points will be deducted accordingly. I will not make a point to remind you that you are late or that you are accumulating absences. It is your responsibility to monitor your own attendance and submit analysis papers as necessary. If you have circumstances that dictate chronic absence or tardiness, I strongly suggest that you reevaluate your decision to take this class.

Mere attendance is not sufficient; you must be an active member of the class. In order to receive credit for this portion of your grade you must show a willingness to engage the material, discussing cases in a critical manner.

I expect volunteers to lead discussion on cases that are assigned. I will also call on students to present the facts of the case and to provide an analysis of the Court's decision. Reading the course material thoroughly and coming to class prepared to discuss cases is expected, and essential to learning the material.

### **STUDENT CONDUCT**

Students should behave in a professional and courteous manner at all times. Students are expected to turn off all cell phones and pagers when entering class. **If your cell or pager rings during class, you will lose ten points.** Eating is not permitted. It is essential that students feel comfortable in the classroom, and while disagreement is expected and encouraged, please remain respectful of your fellow students and the professor. Any student behaving in a manner that is in any way disruptive or inappropriate will be removed, and potentially sanctioned as outlined in the [University Student Conduct Code](#).

### **ACADEMIC INTEGRITY**

It is considered cheating to submit someone else's work as your own. Using information from another source (book, article, internet site, another student, etc.) without properly crediting the author is plagiarism. Direct quotations, paraphrased information, and the general use of another person's idea must be properly referenced in your work. During exams, you are not allowed external aids (notes, books, etc.). The penalty for violations such as plagiarism, cheating, or other misconduct will result in a failing grade in the course, and may result in a formal charge of misconduct as outlined in the [University Student Conduct Code](#), possibly leading to further sanctions, including suspension or expulsion.

If you have any questions about what constitutes cheating and plagiarism, contact the Southern Illinois University office of Academic Advising, or view the [Policies and Procedures](#) of the University. I will discuss plagiarism and academic dishonesty in further detail during the first week of class.

### **DISABILITIES**

Students with disabilities who require individualized testing or other accommodations should identify themselves to me immediately. Every effort will be made to accommodate your needs. [Disabilities Support Services](#) can assist you with testing, note-taking, and accessibility issues.

### **GRADING**

Exam One	100 points (20%)
Exam Two	100 points (20%)
Final Exam	100 points (20%)
Briefs/Quizzes	100 points (20%)
<u>Participation</u>	<u>100 points (20%)</u>
<b>Total</b>	<b>500 points</b>

### **GRADING SCALE (PERCENTAGES)**

<b>A</b>	90 – 100
<b>B</b>	80 – 89
<b>C</b>	70 – 79
<b>D</b>	60 – 69
<b>F</b>	59 – Below

## COURSE OUTLINE AND READING ASSIGNMENTS<sup>1</sup>

### I. INTRODUCTION (JANUARY 16<sup>TH</sup>)

### II. LEGAL THEORY AND HISTORY (JANUARY 18<sup>TH</sup>)

- A. Conceptions
- B. Functions
- C. Objectives
- D. Sources
  - **Schubert, pp. 1 – 15; 198 – 212**

### III. LEGAL BRIEFS AND RESEARCH (JANUARY 23<sup>RD</sup>)

- A. Social Science and the Law
- B. How to Brief a Case
  - **Schubert, pp. 15 – 31**
  - **Practice Case:** *Cruzan v. Director, Missouri Department of Health.*

### IV. FUNCTION AND ORGANIZATION OF THE COURT SYSTEM (JANUARY 25<sup>TH</sup> – FEBRUARY 1<sup>ST</sup>)

- A. State Courts
- B. Jurisdiction
- C. Federal Courts
  - **Schubert, pp. 118 – 153**
  - **Cases:** *In Re Rice, Kerry Steel v. Paragon Industries, Mink v. AAAA Development, Cronin v. Sierra Medical Center, Marathon Oil v. A.G. Ruhrgas, Kopp v. Kopp, Gebbia v. Wal-Mart Stores, Inc., Carson v. National Bank.*

### V. JUDICIAL DECISION-MAKING (FEBRUARY 6<sup>TH</sup> – 13<sup>TH</sup>)

- A. Constitutional Interpretation
- B. Statutory Interpretation
- C. Legal Approaches
- D. Extra Legal Approaches
  - **Schubert, pp. 212 – 234**
  - **Cases:** *Marbury v. Madison, McCulloch v. Maryland, U.S. Term Limits v. Thornton, Clinton v. New York, National League of Cities v. Usery, Garcia v. SAMTA, State v. Butler, Adkins v. Sky Blue, Inc., Strunk v. Strunk, Hubbard Manufacturing v. Greeson, Baker et. al. v. General Motors.*

**\*\*EXAM ONE: THURSDAY, FEBRUARY 15<sup>TH</sup>\*\***

### VI. JUDICIAL REMEDIES (FEBRUARY 20<sup>TH</sup> – 27<sup>TH</sup>)

- A. Common Law Remedies
- B. Equitable Remedies
  - **Schubert, pp. 277 – 311**
  - **Cases:** *Macomber v. Dillman, Kansas City Southern Railway Co., Inc. v. J.C. Johnson and Kerry Lynn Johnson, Volz v. Coleman Co. Inc., Gano v. School District # 14, Department of Transportation v. Ronlee, Inc., Campbell Soup Company v. Wentz, Isbell v. Brighton Area Schools, Bloch v. Hillel Torah North Suburban Day School, Iacomini v. Liberty Mutual Insurance Company, State v. Yelsen Land Company.*

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<sup>1</sup> This is a general outline for how I expect the course to progress. I reserve the right to make changes to the syllabus as necessary.

## VII. LIMITATIONS ON RELIEF (MARCH 1<sup>ST</sup> – 8<sup>TH</sup>)

- A. Jurisdiction
- B. Justiciability
- C. Statute of Limitations
- D. Res Judicata
- E. Immunity of Government Officials
  - **Schubert, pp. 238 – 274**
  - **Cases:** *Thomas v. Anchorage Equal Rights Commission, DeFunis v. Odegaard, Belk v. United States, Marybeth Atkins v. Jiminy Peak Inc., Henry B. Y. Shin v. Portals Confederation Corporation, Brent v. Ashley, Federal Sign v. Texas Southern University, Thompson v. Mercy Hospital, Juanita Boone v. Freddie Boone, Gimpel v. Host Enterprises Inc.*

## VIII. CIVIL PROCEDURE (MARCH 13<sup>TH</sup> – 22<sup>ND</sup>)

- A. Overview
- B. Deciding to Litigate
- C. Pretrial Proceedings
- D. The Trial
- E. Evidence
  - **Schubert, pp. 157 – 193**
  - **Cases:** *Olsen and Brown v. City of Englewood, Dorsey v. Gregg, Meyers v. Ramada, Debra Clark v. Frederick J. Klein, Terry L. LaGuesse v. Storytown U.S.A., Raymond Binkley v. Georgette Allen, Cody v. Atkins, Armon v. Griggs.*

**\*\*EXAM TWO: TUESDAY, MARCH 27<sup>TH</sup>\*\***

## IX. CRIMINAL PROCEDURE (MARCH 29<sup>TH</sup> – APRIL 5<sup>TH</sup>)

- A. Overview
- B. Pretrial Proceedings
- C. Plea Bargaining
- D. The Trial
- E. Sentencing
  - **Schubert, pp. 316 – 378**
  - **Cases:** *Loving v. Virginia, People v. Shaughnessy, State v. Gordon, Commonwealth v. Berggren, United States v. Scott, Draper v. United States, Adams v. Williams, Charles T. Dickerson v. United States, Crystal M. Ferguson v. City of Charleston, Adams v. Williams, United States v. Salerno, Sullivan v. Louisiana.*

## X. ALTERNATIVE DISPUTE RESOLUTION (APRIL 10<sup>TH</sup> – 19<sup>TH</sup>)

- A. Alternative Dispute Resolution Techniques
- B. Arbitration
- C. Judicial Enforcement of Arbitration Awards
- D. Mini Trials
- **Schubert, pp. 673 – 706**
- **Cases:** *In Re Atlantic Pipe Corporation, Estate of John Skalka v. Mark Skalka, Sears Authorized Termite and Pest Control, Inc. v. Shelly J. Sullivan, Ronald Crowell v. Downey Community Hospital Foundation., Allstate Insurance Company v. A. William Mottolese, Team Design v. Anthony Gottlieb, Arabian American Oil Co. v. Scarfone.*

## **XI. CONTRACTS (APRIL 24<sup>TH</sup> – MAY 3<sup>RD</sup>)**

- A. Nature of Contracts
- B. Agreement
- C. Consent
- D. Capacity
- E. Illegality
- F. Performance
- G. Remedies

- **Schubert, pp. 457 – 512**

- **Cases:** *Cook's Pest Control, Inc. v. Robert and Margo Rebar, Carter v. Matthews, Modern Laundry and Dry Cleaning v. Farrer, Principal Casualty Insurance Company v. Blair, Redlee/SCS, Inc. v. Carl J. Pieper, Douglas D. Owens v. Leonard Goldammer, Mulford v. Borg-Warner Acceptance Corp., Ronald A. Yocca v. The Pittsburgh Steelers Sports, Inc., Macke Company v. Pizza of Gaithersburg, Inc., Castorino v. Unifast Bldg. Products, Clarkson v. Orkin Exterminating Co., Inc., Anuszewski v. Jurevic, Hibschman Pontiac, Inc. v. Batchelor.*

### **IMPORTANT DATES**

**EXAM ONE: THURSDAY, FEBRUARY 15<sup>TH</sup>**

**EXAM TWO: TUESDAY, MARCH 27<sup>TH</sup>**

**FINAL EXAM: FRIDAY, MAY 11<sup>TH</sup>, 12:50 P.M. – 2:50 P.M.**

**NO CLASS HELD: MARCH 13<sup>TH</sup> – 15<sup>TH</sup> (SPRING BREAK)  
APRIL 12<sup>TH</sup> (MPSA)**

**FINAL DAY TO DROP FOR A FULL REFUND: JANUARY 26<sup>TH</sup>**

**FINAL DAY TO DROP WITHOUT A GRADE: JANUARY 26<sup>TH</sup>**