

**POLS 330 – INTRODUCTION TO THE LEGAL PROCESS:  
UNDERSTANDING THE COURTS IN THEORY AND PRACTICE THROUGH A SIMULATION**

**PROFESSOR:** Comparato  
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**OFFICE HOURS:** T, R: 3:00 – 5:00  
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**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. You will also be introduced to the various resources available to members of the legal profession and you will gain experience using these resources in completing your assignments. 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.

**TEACHING PHILOSOPHY**

Lectures are an important part of the class. In the lectures I will attempt to give you a framework for thinking about the material; hopefully, it will help you build a more comprehensive picture of each topic from the text. As important as the lectures are, you cannot hope to learn everything you need to know just by attending class. Psychologists have demonstrated that people retain only a small fraction of what they hear in a lecture; that is just an unfortunate fact. The more actively we engage the material, the more we retain. While part of every class will involve my presentation of new material, I use a variety of techniques to promote active engagement by the students.

Questions are an obvious aid in learning. Every time you ask a question, it helps break up the one-directional flow of information from the instructor, and re-focuses attention on the material. Furthermore, in your question, you are likely to say things differently than I have, and that helps with retention. Other students are likely to try to answer your question, if only in their heads, and that promotes more active involvement in the material. Consequently, I encourage you to ask questions as they arise.

The majority of this course will consist of case discussions. You are expected to come to class every day having briefed the appropriate cases for that day's topic. I expect student volunteers to lead discussion on the cases. I will also call on students to present the facts of the case, and to provide analysis if no one volunteers. Reading the course material thoroughly and coming to class prepared to discuss cases is expected and, as I discuss later in the syllabus, is essential to learning the material and being successful in this class.

**REQUIRED TEXT**

- The majority of the readings for this course will be contained in a course packet.
- This packet will be available for purchase at **710 Bookstore**
- Additional readings, particularly to assist you with the case simulation, are available on my website at [www.siu.edu/~scompara](http://www.siu.edu/~scompara).
- Other readings will be made available via *WebCT* throughout the semester as necessary.

**COURSE WEB PAGE**

This course will be managed using *WebCT*. During the first week of class, you will be provided with a password to access *WebCT*. You will have access to all course information, including the syllabus and 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 occasionally post messages regarding the schedule, assignments, and grades to the course page. Therefore, you should make a habit of checking the course page on a regular basis. I will provide details to assist you in accessing the course web page in class.

## **COURSE REQUIREMENTS**

Your grade will be based on your performance on **two exams, case briefs, an argument brief, a reply brief, oral arguments, court opinion, and attendance/class participation**. All assignments are to be submitted in class on the date they are due. Late papers will be severely penalized, with ten points deducted for each day that they are late.

### ***EXAMS***

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 not only recall and recite information, but also to convey that information in a clear, concise, and effective manner. The exams are non-comprehensive, and will consist of short answer and essay questions. I do not believe that multiple choice questions are a particularly effective method for evaluating your absorption of the material, so there will be no multiple choice questions on the exams. Students who cannot take the exam at the scheduled time must inform me **at least one week prior** to the exam. Those who miss, or cannot take, an exam on its scheduled date will not be allowed a makeup exam. You will write a 10-12 page paper on a topic of my choosing, and it will be due no later than two weeks after the scheduled date of the exam. *No student will be allowed to take the final exam prior to its scheduled date. If you miss an exam without speaking with me first, you must present a note from a physician or the University to even be allowed to write a makeup paper.* **Each exam is worth 10% of your final grade.**

### ***BRIEFS***

You are expected to brief every case prior to discussion of that case in class. This will make class discussion more worthwhile. The briefs will also help you enormously in preparing for the exams. They also factor directly into your grade. I will collect briefs randomly throughout the semester. If you have not briefed the cases that I collect the day we discuss them in class, you will receive no credit for those briefs. **No late briefs will be accepted.** All briefs must be typed, with your name on each page, and fastened in the upper-left corner. I will discuss the proper format for briefs and what information should be included in the briefs early in the semester. **The briefs are worth 10% of your final grade.**

### ***CASE SIMULATION***

This simulation is designed to teach students about the decision making process of the United States Supreme Court. During the course of the simulation you will be assigned two separate roles to play. First, you will be grouped into teams of four, and will act as legal counsel for either the petitioner or respondent in one of five cases. In this capacity you will write legal briefs and present oral arguments in order to win the case in your client's favor. Second, your group will join another group and act as an eight justice Supreme Court. In this role you will be asked to read the briefs from another case, preside over the oral arguments, and write a short opinion(s) deciding that case. The success of the simulation depends upon your active participation.

Additional information regarding the case simulation is available on my web site, [www.siu.edu/~scompara](http://www.siu.edu/~scompara). We will also use *WebCT* to maintain constant contact between members of each group, as well as to provide information to each group to help them complete each component of the simulation.

You will complete three written assignments and an oral presentation throughout the course of the semester. The first component, the **Argument Brief** is worth **20%** of your final grade, and the **Reply Brief** is also worth **20%** of your grade. The **Oral Argument** comprises **10%** of your grade. And finally, the **Supreme Court Opinion** is **20%** of your grade. The schedule for these assignments can be found on my web site.

***ATTENDANCE AND PARTICIPATION***

**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 one week prior to the day you will be absent in order to be excused from class for religious reasons.

Attendance will be recorded daily, and you are entitled to two absences without explanation. For every absence after that, including illness, ten points will be deducted from your final grade. After using those two excused absences, you may only prevent the deduction of points from your final grade by submitting a two-page, single spaced, analysis paper no later than one week after the day you were absent. In the paper, you should discuss the primary issues that we were scheduled to discuss in class the day that you missed, providing a detailed analysis of the court’s reasoning in those cases covered. Obviously, if you are not in class to learn what material was missed, I suggest that you obtain that information from a fellow student. I will not provide that information for you. A maximum of five analysis papers may be submitted to cover absences. Beyond five absences, ten points will be deducted for every additional absence.

If you have a situation that will force you to miss an exam, then you must notify me immediately so that separate arrangements can be made. I will reschedule exams for students in only the most exceptional of circumstances. If it involves a health issue, I require documented proof of your illness.

**I do not tolerate tardiness.** If you enter class late, I consider that an absence, and points will be deducted accordingly. If you have circumstances that dictate chronic absence or tardiness, I strongly suggest that you reevaluate your decision to take this class.

Mere attendance in class 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 in class, discussing cases in a critical manner. I expect volunteers to lead discussion on cases that are assigned. If there are no volunteers for a given case I will call on students to present their analysis. If you are unprepared, I will deduct points from your grade as if you were absent from class. Deductions for lack of preparation cannot be made up via an analysis paper. In order to do well in this class, you must not fall behind in your reading. You should come to class each day having briefed the appropriate cases, and be prepared to discuss those cases in class. **10% of your grade** will be determined by your attendance *and active participation* in the course.

All students are expected to behave in a courteous manner toward fellow students and the professor during class. Please do not carry on side conversations while others are talking. If you need clarification, or would like to make a point, please wait until the person speaking is finished. All pagers and cell phones should be turned off during class. Eating during class is not permitted.

**GRADING DISTRIBUTION**

- Exam #1:** 50 points
  - Exam #2:** 50 points
  - Case Briefs:** 50 points
  - Litigant Briefs:** 100 points
  - Reply Briefs:** 50 points
  - Oral Argument:** 50 points
  - Court Opinion:** 100 points
  - Participation:** 50 points
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**Total:** 500 points

**GRADING SCALE**

- A** 90 – 100 (450 – 500 points)
- B** 80 – 89 (400 – 449 points)
- C** 70 – 79 (350 – 399 points)
- D** 60 – 69 (300 – 349 points)
- F** 59 – Below ( $\leq$  299 points)

**ACADEMIC INTEGRITY**

You are responsible for your own work. 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. 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 Student Conduct Code, possibly leading to further sanctions.

It is considered cheating to submit someone else's work as your own. Complete your own briefs. During exams, you are not allowed external aids (notes, books, etc.). You are not allowed to work with others on your written assignments. Submission of material that is not your own will result in a failing grade in this course. If you are not clear on what constitutes cheating and plagiarism, contact the SIU office of Academic Advising, or view the policies and procedures of the University online at: <http://www.siu.edu/~advise/policies.html>.

## **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 email. 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. 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.

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

### **I. INTRODUCTION**

### **II. THEORY, HISTORY, AND SOURCES OF LAW**

- A. Common Law
- B. Constitutions
- C. Legislation
- D. Administrative Agencies

### **III. LEGAL BRIEFS AND RESEARCH**

- A. Social Science and the Law
- B. How to Brief a Case

- **Practice Case:** *Cruzan v. Director, Missouri Department of Health*.

### **IV. FUNCTION AND ORGANIZATION OF THE COURT SYSTEM**

- A. Federal Courts
- B. State Courts

- **Cases:** *In Re Rice*, *Calder v. Jones*, *Lockman Foundation v. Evangelical Alliance Mission*, *Marathon Oil v. A.G. Ruhrgas*, *Ramirez de Arellano v. Eastern Airlines Inc.*, *Gatch v. Hennepin Broadcasting Associates Inc.*, *Carson v. National Bank*.

### **VI. JUDICIAL DECISION-MAKING**

- A. Constitutional Interpretation
- B. Statutory Interpretation
- C. Legal Approaches
- D. Extra Legal Approaches

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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.

- **Cases:** *Marbury v. Madison*, *McCulloch v. Maryland*, *U.S. Term Limits v. Thornton*, *Clinton v. New York*, *Dickerson v. United States*, *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*, *Somportex Limited v. Philadelphia Chewing Gum Corporation*.

## VI. JUDICIAL REMEDIES

- Common Law Remedies
- Equitable Remedies

- **Cases:** *Macomber v. Dillman*, *Volz v. Coleman Co. Inc.*, *Lakewood Creative Costumers v. Sharp*, *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*.

## VII. LIMITATIONS ON RELIEF

- Jurisdiction
- Justiciability
- Statute of Limitations
- Res Judicata
- Immunity of Government Officials

- **Cases:** *American Postal Workers Union v. Frank*, *DeFunis v. Odegaard*, *Belk v. United States*, *Marybeth Atkins v. Jiminy Peak Inc.*, *Caporino v. Lacasse*, *Clinton v. Jones*, *Federal Sign v. Texas Southern University*, *Thompson v. Mercy Hospital*, *Hurst v. Capitell*, *Gimpel v. Host Enterprises Inc.*

## VIII. CIVIL PROCEDURE

- Overview
- Deciding to Litigate
- Pretrial Proceedings
- The Trial
- Evidence
- Examples of Civil Litigation

- **Cases:** *Olsen and Brown v. City of Englewood*, *Dorsey v. Gregg*, *Meyers v. Ramada*, *Anderson v. Beatrice Foods Co.*, *Alexander v. Chapman*, *Cline v. William H. Friedman and Assoc.*, *Cody v. Atkins*, *Atlas Food Systems and Services v. Crane National Vendors*.

## IX. CONSTITUTIONAL LAW

- Institutional Authority
- Separation of Powers
- Federalism
- Commerce Power
- Takings Clause

- **Cases:** *Ex parte McCardle* (1869), *McCulloch v. Maryland* (1819), *United States v. Nixon* (1974), *Mistretta v. United States* (1989), *Ex parte Milligan* (1866), *Youngstown Sheet and Tube Co. v. Sawyer* (1952), *National League of Cities v. Usery* (1976), *Garcia v. San Antonio Metropolitan Transit Authority* (1985), *Gibbons v. Ogden* (1824), *NLRB v. Jones and Laughlin Steel Corporation* (1937), *Wickard v. Filburn* (1942), *Heart of Atlanta Motel v. United States* (1964), *United States v. Lopez* (1995), *United States v. Morrison* (2000), *Lucas v. South Carolina Coastal Council* (1992), *Dolan v. City of Tigard* (1994), *Frew v. Hawkins* (2002).

## X. CIVIL LIBERTIES

- A. Incorporation
- B. Expression
- C. Religion: Free Exercise and Establishment
- D. Press
- E. Privacy
- F. Discrimination

- **Cases:** *Barron v. Baltimore* (1833), *Hurtado v. California* (1884), *Palko v. Connecticut* (1937), *Cantwell v. Connecticut* (1940), *Wisconsin v. Yoder* (1972), *Everson v. Board of Education* (1947), *Lemon v. Kurtzman; Early v. DiCenso* (1971), *School District of Abington Township v. Schempp* (1963), *Schenck v. United States* (1919), *Abrams v. United States* (1919), *Texas v. Johnson* (1989), *Virginia v. Black* (2003), *Buckley v. Valeo* (1976), *Boy Scouts of America v. Dale* (2000), *New York Times v. United States* (1971), *Griswold v. Connecticut* (1965), *Roe v. Wade* (1973), *Plessy v. Ferguson* (1896), *Brown v. Board of Education (I & II)* (1954 & 1955), *Craig v. Boren* (1976), *Regents of the University of California v. Bakke* (1978), *Grutter v. Bollinger* (2003).

## XI. CRIMINAL PROCEDURE

- A. Overview
- B. Pretrial Proceedings
- C. Plea Bargaining
- D. The Trial
- E. Sentencing

- **Cases:** *Loving v. Virginia*, *People v. Shaughnessy*, *State v. Gordon*, *Commonwealth v. Berggren*, *United States v. Scott*, *Draper v. United States*, *Adams v. Williams*, *Minnesota v. Dickerson*, *City of Indianapolis v. Edmond*, *New Jersey v. T.L.O.*, *United States v. Salerno*, *Sullivan v. Louisiana*.

## XII. ALTERNATIVE DISPUTE RESOLUTION

- A. Alternative Dispute Resolution Techniques
- B. Arbitration
- C. Judicial Enforcement of Arbitration Awards
- D. Mini Trials

- **Cases:** *Pittsburgh Corning Corp. v. Bradley*, *Kothe v. Smith*, *Gilmer v. Interstate/Johnson Lane Corp.*, *Mastrobuono v. Shearson Lehman Hutton Inc.*, *Gilling v. Eastern Airlines, Inc.*, *Rhea v. Massey – Ferguson Inc.*, *Arabian American Oil Co. v. Scarfone*.