The American Legal System  
Course 91-813

Instructor: Toni Pellegrini, Adjunct Assistant Professor  
Office Hours: Will Attempt to Accommodate Student’s Schedules

Course Description

This course provides the student of public policy with an overview of the American legal system. Its premises are (1) that an understanding of the law is essential to an understanding of the political values of American society and (2) that this study is essential to the development of the student’s sense of justice and capacity for responsible judgment.

This course is intended for the student whose leadership and policymaking responsibilities will require an appreciation of the time, place, function and limits of the law rather than rote memorization of legal rules. It examines the law as an expression of American public policy i.e. how public policy is implemented through the legal system, whether in the recognition of private contractual obligations or the protection of constitutional rights.

Course Method

The “case method” of teaching law, i.e. using judicial opinions from actual court cases, is used to teach students “why the law is what it is.” Consequently the course text, The Nature and Functions of Law, is primarily a “case book.”

Cases give the student a vicarious experience of law and the raw data of cases stimulates generalizations about the nature and functions of law, yet keep generalizations within the bounds of what law is in a technical sense.

Cases, however, cannot be understood apart from the historical, economic, political and other social factors which influence them. Hence the text includes related materials for study.

A Civil Action, the true account of a landmark toxic torts case, will be used as a supplemental text. Students will also review actual court documents from that case. Together they provide the student with “the fullest opportunity to render
[his or her] own judgment about the merits of the case itself and how well or poorly the civil justice system dealt with it.” (Jonathan Harr, *A Civil Action*)

Additionally, guest speakers with expertise in various aspects of the legal system will relate “real life” experiences to academic discussions and students will have the opportunity during the course to observe court proceedings.


Optional Text: A law dictionary

**Course Goals**

Upon completion of the course the student will understand “law” as a process of restoring, maintaining and creating social order whose main functions are (1) to resolve disputes, (2) to facilitate and protect voluntary agreements, (3) to mold and remold the moral and legal conceptions of society and (4) in the Western tradition, to maintain historical continuity and consistency. (Berman, Introduction to text) The course goal is that the student utilizes this knowledge in his or her decisionmaking and considers its impact when making public policy choices.

**Course Requirements and Assignments**

Students are expected to read the assigned text materials and come to class prepared to discuss the same.

Additionally, each week individual students will be assigned primary responsibility for the written analysis and oral presentation of that analysis for one or more cases included in the assigned material. Individual assignments will be given in class one week prior to the date of presentation. The student is also required to provide copies of his or her analysis to the class. A schedule by week of topics to be covered and corresponding reading assignments is attached.
**Student Evaluation**

In keeping with the course objectives, two take home examinations, one at midterm and a final examination will consist of essay questions requiring both identification of relevant legal principles and their application in specific factual contexts.

While the midterm and final examinations and the presentation of individually assigned cases will be the primary method of evaluation, class attendance, preparation and participation will also be used in determining the student's final course graded and each will be weighted as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mid-term Examination</td>
<td>25%</td>
</tr>
<tr>
<td>Final Examination</td>
<td>25%</td>
</tr>
<tr>
<td>Analysis and Presentation of Individual Assignments</td>
<td>35%</td>
</tr>
<tr>
<td>Class Attendance, Preparation and Participation</td>
<td>15%</td>
</tr>
</tbody>
</table>