

Introduction to the Legal System of the United States
LAW 7932, Class # 14688 – 2 credits LL.M. in
Comparative Law – American Law
Spring 2021

Prof. Timothy McLendon
Tuesdays, 3:30 PM
Holland Hall, Room 360

SYLLABUS

Professor: Timothy McLendon
Office: 320 Holland Hall (on the 3rd floor at the far west of the building, in the office suite of the Center for Governmental Responsibility)
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Office Hours: Mondays, 9.30-10.30am
Thursdays, 3.30-4.30pm and always by appointment.
The Zoom link for Office Hours will be provided on the Canvas page.

Required Textbook: William Burnham, *Introduction to the Law & Legal System of the United States* (2nd ed., 2020).
Additional course materials will be placed on Canvas

Zoom link for Course. Join URL:
<https://ufl.zoom.us/j/99926189615?pwd=YnBWNnJYUlh3MllxdmpXbHVpc29CZz09>

Course Objectives:

To prepare students to earn the maximum benefit from their pursuit of LL.M. studies at the University of Florida Levin College of Law by providing basic introductions to the Comparative Method and to fundamental principles of U.S. law, its legal system and legal professionalism.

By the end of this course, you should:

- Have a basic understanding of the Comparative Method and how to use it to accomplish your educational and professional goals;
- Have a basic understanding of the legal structures of the United States;
- Have a basic understanding of certain general areas of the laws of the United States;
- Be able to use this knowledge to maximize your educational experience at the Levin College of Law, given your particular substantive interests and future professional goals.

Grading:

This class is graded by letter grade.

Your final grade in the course will be determined by:

1. Final Exam and Mid-term Essay Project (Testing Score): 80%

You will have to complete a practical project that will consist of drafting a short essay on a topic we have covered during the term. This project will be assigned during the second half of the semester and will account for 10% of your testing score and it will be graded on a pass/fail basis. The remaining 90% of your testing score will be a points-graded, open-book, take-home examination.

2. Participation: 20%

This includes satisfactory work on all assignments and compliance with course policies and class expectations. (See Class Expectations below)

You must complete all assignments to pass the course.

Information on UF Law Grading Policies:

Letter Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E
Grade Points	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	.67	0

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>.

Class Participation:

Students are expected to complete all readings prior to class. Your readings are outlined in the syllabus. Additional readings may be assigned during the semester and posted to the Canvas site.

Your participation grade is based on not only in class participation, but also on your successful completion of all assignments. Each assignment will be evaluated for completeness, accuracy and timeliness.

This 2-credit course complies with ABA Standard 310. It is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in-class assignments for every 1 hour in class.

Attendance:

Attendance is mandatory. I will allow one unexcused absence per semester on a no-questions-asked basis. Additionally, I am willing to be flexible about allowing a few excused absences, late arrivals or early departures, for good cause —such as a doctor's appointment, illness, child-care problem or job interview— provided that the good cause is brought to my attention beforehand or as soon as possible thereafter in the case of unanticipated occurrences. Absences due to observance of a religious holy day shall be treated as excused absences. Requests for excused absences must be submitted to me via E-mail.

Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence.

Other Policy Statements:**A. Policy related to Make-up exams or other work.**

The law school policy on delay in taking exams can be found at:

<http://www.law.ufl.edu/students/policies.shtml#12>.

B. Statement regarding accommodations for students with disabilities.

Students with disabilities seeking accommodations should first register with the UF Disability Resource Center (tel: 352-392-8565, www.dso.ufl.edu/drc/) with appropriate documentation. After registering, students will receive a letter to give to the instructor when requesting any accommodations. Students with disabilities should follow this procedure as early as possible in the semester.

C. Evaluations.

Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at: ufl.bluera.com/ufl/. Evaluations are typically open during the last two or three weeks of the semester, and students will be informed when they are open. Summary results of these assessments are available to students at: <https://gatorevals.aa.ufl.edu/public-results/>.

D. Academic Misconduct.

Academic honesty and integrity are fundamental values of the UF community. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

Academic honesty and integrity are fundamental values of the University community. UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with me.

Plagiarism

Representing another's work as your own constitutes plagiarism. Also, paraphrasing or quoting from a case or a law review article without properly acknowledging the source or without including quotation marks where such marks are appropriate constitutes plagiarism.

Any paper evidencing plagiarism will automatically receive a failing grade and will be referred to the law school's Honor Committee. It is no defense to a charge of plagiarism to plead ignorance of what constitutes plagiarism or lack of intent to plagiarize.

E. Health and Wellness.

U Matter, We Care:

If you or a friend is in distress, please contact umatter@ufl.edu or 352-392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center:

<http://www.counseling.ufl.edu/cwc/Default.aspx>, 352-392-1575, and the University Police Department: 352-392-1111, or 911 for emergencies.

Sexual Assault Recovery Services (SARS)

Sexual Health Care Center, 352-392-1161.

University Police Department

352-392-1111, or 911 for emergencies.

<http://www.police.ufl.edu/>

F. Zoom Policy.

We will likely use Zoom for some sessions this semester. Please observe the following during any Zoom sessions:

- Keep your camera ON during the entire session.
- Use the 'Raised Hand' button under the Chat icon to ask questions during a session. (Alternatively, there will be at least one TA assigned to monitor Zoom, and the question can be submitted to the TA using Chat.)
- Please dress appropriately, as though you were attending class in person.

G. Policy on Recording Classes.

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule may be referred to the College of Law Honor Code Council and the University's Office of Student Conduct and Conflict Resolution

H. Policies in Response to CoVid-19 Pandemic.

In response to the CoVid-19 pandemic, the Levin College of Law has adopted the following policies and requirements to allow for in-person classroom interactions:

- All persons are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus. Finally, noncompliance may be reported to the relevant state board of bar examiners.

- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between students. Please do not move desks or stations.
- Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down or at the end of class.
- Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing symptoms of CoVid-19 (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Please use the UF Health screening system and follow the instructions about when you are able to return to campus. (See <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>).
- In the event you are quarantined, course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. (See <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>).

Class Meetings – Topics and Assignments

This syllabus represents my current plans and objectives. As we go through the semester, those plans may need to change to enhance the class learning opportunity. Additional readings will be posted on the Canvas page for the course.

Tuesday, January 19, 2021

Topic

- Overview of Introduction to the Law and Legal System of the United States; History & Governmental Structure

READ: Syllabus with class rules and expectations; Burnham Chapter I: History and Governmental Structure, pages 1-39.

Tuesday, January 26, 2021

Topic

-History and Governmental Structure

READ: Burnham Chapter I: History and Governmental Structure, pages 1-39

Readings posted on Canvas: From John Locke, *An Essay Concerning the True Extent & End of Civil Government* (1690)

From Charles de Montesquieu, *The Spirit of Laws* (1748)

Federalist No. 10 (1787)

Federalist No. 51 (1788)

From William J. Brennan, *State Constitutions and the Protection of Individual Rights*, 90 HARV. L. REV. 489 (1977)

Tuesday, February 2, 2021

Topic

-Legal Methodology

READ: Burnham Chapter II: Legal Methodology, pages 40-85

Readings posted on Canvas: Common Law & Precedent:

From SIR WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND (1st ed., 1765), Section III “Of the Laws of England”

FLA. STAT. § 2.01

Rylands v. Fletcher, [1868] UKHL 1, (1868) LR 3 HL 330

Cities Service Co. v. State, 312 So. 2d 799 (Fla. 2d DCA 1975)

CUNY, John Jay Law Library, “How to Brief a case”, *available online at:*

<http://www.lib.jjay.cuny.edu/research/brief.html>

Role of Statutory Law:

From SIR WILLIAM BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND (1st ed., 1765), Section III “Of the Laws of England”

Tuesday, February 9, 2021

Topic

-Legal Methodology, continued

READ: Burnham Chapter II: Legal Methodology, pages 40-85

Tuesday, February 16, 2021

Topic

-The Adversary System and Jury Trials

READ: Burnham Chapter III: The Adversary System and Jury Trials, pages 86-134

Tuesday February 23, 2021

Topic

-The Legal Profession in the United States & Information session on Legal Research

READ: Burnham Chapter IV: The Legal Profession, pages 135-175

Tuesday, March 2, 2021

Topic

-The Judicial System

READ: Burnham Chapter V: The Judicial System, pages 176-209
Readings posted on Canvas: Judicial Review and Power of the Courts:

Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

Cooper v. Aaron, 358 U.S. 1 (1958).

Tuesday, March 9, 2021

Topic

-The Judicial System, continued

READ: Burnham Chapter V: The Judicial System, pages 176-209

Tuesday, March 16, 2021

Topic

-Civil Procedure Personal Jurisdiction & Choice of Law

READ: Burnham Chapter VII: Civil Procedure Personal Jurisdiction, pages 282-294
Choice of Law, related to *Erie*, pages 294-301

Readings posted on Canvas: Rules of Civil Procedure:

Selected excerpts from *Federal Rules of Civil Procedure & Florida Rules of Civil Procedure*

Personal jurisdiction & service of process

Venetian Salami Co. v. Parthenais, 554 So.2d 499 (1989).

Civil Procedure Case Study – *Partridge v. Two Unidentified Police Officers*:

Partridge v. Two Unidentified Police Officers, 791 F.2d 1192 (5th Cir. 1986).

Tuesday, March 23, 2021

Topic

-Constitutional Law - Judicial Review & Federalism

READ: Burnham Chapter IX: Constitutional Law
Part I. Judicial Review. 371-385 Part I. Federalism, 386-399

Readings posted on Canvas:

Federalism issues - supremacy & pre-emption:

United States v. Lopez, 514 U.S. 549 (1995).

Reno v. Condon, 528 U.S. 141 (2000).

Geier v. American Honda Motor Co., 529 U.S. 861 (2000).

Tuesday, March 30, 2021

Topic

-Constitutional Law – Individual Rights

READ: Burnham Chapter IX: Constitutional Law

Part II. Individual Rights Protected by the Constitution, pages 399-457

Readings posted on Canvas: Freedom of Speech:

U.S. v. Cohen, 403 U.S. 15 (1971).

Texas v. Johnson, 491 U.S. 397 (1989).

Citizens United v. Fed. Election Comm'n, 558 U.S. 310 (2010).

University of Cincinnati Cha. of Young Americans for Liberty v. Williams,
Case No. 1:12-cv-155, 2012 WL 2160969 (S.D. Ohio, June 12, 2012)
(order granting plaintiffs' motion for a preliminary injunction).

Tuesday, April 6, 2021

Topic

-Constitutional Law - Judicial Review & Federalism

READ: Burnham Chapter VI: Administrative Law

Part I. Law & Procedures of Administrative Agencies, pages 210-233

Tuesday, April 13, 2021

Topic

-Review

Tuesday, April 20, 2021

Topic

-Review

Final Exam: Take-home