

**Introduction to the Legal System of the United States for LL.M. in U.S. Law**

Course # 7932, Section 14587 – 2 credits

Prof. Henry T. Wihnyk

Fall 2021

**SYLLABUS**

Henry T. Wihnyk, J.D., LL.M.  
Senior Legal Skill Professor  
339 Holland Hall  
U.F. Levin College of Law  
Gainesville, FL  
wihnyk@law.ufl.edu  
352-273-0881

**Office Hours**

Tuesday & Thursday: 1:00 p.m. – 2:00 p.m. and by appointment.

**Course Description, Grading Policies, My Expectations, Class Meetings and Assignments**

**Purpose of the Course:** 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 about the Comparative Method and the fundamental principles of U.S. law, legal system and legal professionalism. Topics will include History and Governmental Structure, Legal Methodology, The Adversary System and Jury Trials, The Judicial System, The Legal Profession in the United States, Civil Procedure Personal Jurisdiction & Choice of Law, and Constitutional Law - Judicial Review & Federalism.

By the end of this course, I expect you to:

- 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.

It is anticipated that you will spend approximately 2 hours out of class reading and preparing for every 1 hour in class.

**Required Text**

William Burnham, Introduction to the Law and Legal System of the United States (6th Ed. 2016).

**eLearning on Canvas.**

This Syllabus, “handouts,” extra reading assignments, and other course materials will be posted on our Canvas course page. I do not place materials on reserve in the library and I will not print out the material posted on the Canvas page. It is your responsibility to review the Canvas course page regularly for updated class information; this is considered as part of your class participation for my course. If you have any problems accessing the course Canvas page, please contact the UF Helpdesk:

Available 24 hours a day, 7 days a week

(352) 392-HELP (4357)

helpdesk@ufl.edu (mailto:helpdesk@ufl.edu)

**Grading**

This class is graded by letter grade.

Your final grade in the course will be determined by:

1. Final Exam: 80%
2. Participation: 20%

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

**Information on UF Law Grading Policies**

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

LL.M. students are NOT included in the mandatory mean requirements for our courses at the Levin College of Law.

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>

### **Exam Make-up and Accommodation**

Exam accommodation is managed by the Levin College of Law's Office of Student Affairs. The law school policy on exam delays and accommodations can be found [here](#)."

Exam make-ups will be as authorized by Professor Wihnyk in coordination with the Office of Student Affairs. Accommodation, especially language accommodation, is an important part of your educational experience here at the College, and I strongly encourage you to seek information on the subject from the Office of Student Affairs.

### **Class Expectations**

I expect you to:

- (1) satisfactorily and timely complete all reading and writing assignments,
- (2) attend and demonstrate preparedness in class, and
- (3) demonstrate professionalism.

What this means:

#### **Timely complete assignments**

I expect your work on assignments and the exam to be submitted no later than the specified deadline

#### **Demonstrate preparedness in class**

I expect regular engagement in the classroom. Students should come prepared to answer the questions about the readings that I may ask, as well as to ask pertinent questions about the subjects that we cover.

I will consider the quality of student participation and conduct to further adjust final grades, as I deem appropriate.

#### **Professional Conduct in Class**

Naturally, you are all bound by the Regulations of the University of Florida, University Student Code of Conduct, the College of Law Honor Code and my rules. But more than obeying rules, classroom behavior is about showing proper professionalism. This means arriving on time, focusing on what is going on in class and not distracting others. I expect each of you to listen courteously to your colleagues, even if they express ideas you do not agree with. You will be given the same uninterrupted opportunity to express your own ideas.

- Do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

-Do not call out in class. I welcome and encourage class participation. If you want to contribute to the class discussion raise your hand and wait to be recognized.

## **Recording of Classes**

Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third-party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

## **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.

Requirements for class attendance and makeup exams, assignments, and other work in this course are consistent with university policies that can be found at:

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

### **Getting in Touch with Me**

Get in touch with me by e-mail if you have any questions regarding this course or an assignment. [wihnyk@law.ufl.edu](mailto:wihnyk@law.ufl.edu)

### **Academic Honesty & The 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. Click [here](#) to read the Honor Code. 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 the instructor."

#### 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.

### **Accommodation for Students with Disabilities**

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester.

## Health and Wellness Resources

- *U Matter, We Care*: If you or someone you know is in distress, please contact [umatter@ufl.edu](mailto:umatter@ufl.edu), 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center*: [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center*: Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department*: [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center*: For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#).

## Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click [here](#) for guidance on how to give feedback in a professional and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).”

## **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. Such changes, communicated clearly, are not unusual and should be expected.

### **◆Week 1**

**Tuesday**

**August 24, 2021**

#### ***Topic***

- Overview of Introduction to the Law and Legal System of the United States Part I:  
-History and Governmental Structure

#### **READ:**

- Burnham Chapter I: History and Governmental Structure, pages 1-39
- Readings Posted on Canvas:

Syllabus and class rules and expectations

**Thursday**

**August 26, 2021**

#### ***Topic***

-History and Governmental Structure

#### **READ:**

- Burnham Chapter I: History and Governmental Structure, pages 1-39
- Readings Posted on Canvas: TBA

### **◆Week 2**

**Tuesday**

**August 31, 2021**

#### ***Topic***

-History and Governmental Structure, continued

**Thursday**

**September 2, 2021**

*Topic*

-History and Governmental Structure, continued

**◆Week 3**

**Tuesday**

**September 7, 2021**

*Topic*

-History and Governmental Structure, continued

**Thursday**

**September 9, 2021**

*Topic*

-Legal Methodology

**READ:**

- Burnham Chapter II: Legal Methodology, pages 40-85
- Readings Posted on Canvas: TBA

**◆Week 4**

**Tuesday**

**September 14, 2021**

*Topic*

-Legal Methodology, continued

**Thursday**

**September 16, 2021**

*Topic*

-Legal Methodology, continued



## ◆Week 5

Tuesday

September 21, 2021

### *Topic*

-Legal Methodology, continued

-Information Session on Legal Research

Thursday

September 23, 2021

### *Topic*

-The Adversary System and Jury Trials

### **READ:**

- Burnham Chapter III: The Adversary System and Jury Trials, pages 86-134
- Readings Posted on Canvas: TBA

## ◆Week 6

Tuesday

September 28, 2021

### *Topic*

-The Adversary System and Jury Trials, continued

Thursday

September 30, 2021

### *Topic*

-The Adversary System and Jury Trials, continued

## ◆Week 7

Tuesday

October 5, 2021

-The Adversary System and Jury Trials, continued

Thursday

October 7, 2021

*Topic*

-The Legal Profession in the United States

**READ:**

- Burnham Chapter IV: The Legal Profession, pages 135-175
- Readings Posted on Canvas: TBA

## ◆Week 8

Tuesday

October 12, 2021

*Topic*

-The Legal Profession in the United States, continued

Thursday

October 14, 2021

*Topic*

-The Judicial System

**READ:**

- Burnham Chapter V: The Judicial System, pages 176-209
- Readings Posted on Canvas: TBA

## ◆Week 9

Tuesday

October 19, 2021

*Topic*

-The Judicial System, continued

Thursday

October 21, 2021

*Topic*

-The Judicial System, continued

## ◆Week 10

Tuesday

October 26, 2021

*Topic*

-The Judicial System, continued

Thursday

October 28, 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: TBA

## ◆Week 11

Tuesday

November 2, 2021

*Topic*

-Civil Procedure Personal Jurisdiction & Choice of Law, continued

Thursday

November 4, 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: TBA

## ◆Week 12

Tuesday

November 9, 2021

*Topic*

-Constitutional Law - Judicial Review & Federalism, continued

Thursday

November 11, 2021

NO CLASS – Veterans Day

## ◆Week 13

Tuesday

November 16, 2021

*Topic*

-Legal Research - Westlaw

**Thursday**

**November 18, 2021**

***Topic***

**-Legal Research - Lexis**

**◆Week 14**

**Tuesday**

**November 23, 2021**

***Topic***

**-Review**

Final Exam: Take-home