

Introduction to the Law and Legal System of the United States
Course # 7805, Section 15638 – 2 credits
LL.M. in Comparative Law – American Law
Prof. Henry T. Wihnyk
Fall 2020

SYLLABUS

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Mandatory COVID-19 Classroom Safety Protocols

We will have face-to-face instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of our in-classroom interactions:

- You 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, Dean Inman will also report your noncompliance 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 and at the end of the class.
- Follow your TA's guidance on how to enter and exit the classroom. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<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. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>.
- 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. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

Our class will have an assigned Teaching Assistant to help administer the student-initiated attendance protocol and to oversee compliance with classroom safety protocols.

Virtual Office Hours

Because of the COVID-19 pandemic, I am not permitted to meet with students in my office. My office hours will be conducted remotely using Zoom. If you wish to meet with me during my office hours connect to the Zoom URL. My ID for the office hours is 512 463 9546

Wednesday

2:00 p.m. – 3:00 p.m.

Zoom URL:

<https://ufl.zoom.us/j/91414293008?pwd=cjlQRzgwSUNSumMvb3dsd0JLejJKQT09;>

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Thursday

11:00 a.m. – 12:00 p.m.

Zoom Url:

<https://ufl.zoom.us/j/95781988899?pwd=Mmd2bEJDckxWK3NLcDN4QkpDNzdrdz09;>

and by appointment

My e-mail address is wihnyk@law.ufl.edu.

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 to the Comparative Method and to fundamental principles of U.S. law, legal system and legal professionalism.

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 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	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.

Please visit the Office of Student

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

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 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.

-Arrive to class on time. Students arriving late or leaving the room during class are an undue distraction.

-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.

- Electronics in the Classroom Prohibited.

I will not allow the use of electronics of any kind during class. That includes, but is not limited to computers, tablets, cellular telephones and smart watches (put them in “theater” and “do not disturb” mode during class). Pagers and cellular telephones should be turned off during class (unless you need to be “on call” for serious matters; in such cases, however, please put the phone or pager on “vibrate only” mode; you must obtain prior permission from me to do so).

-Do not wear hats in class.

-You may not record class sessions without my express consent.

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.

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 (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/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.

Accommodation for Students with Disabilities

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

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/>

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. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens, and can 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 at <https://gatorevals.aa.ufl.edu/public-results/>.

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.

Wednesday
August 26, 2020

Topic

- Overview of Introduction to the Law and Legal System of the United States Part I

READ: Syllabus and class rules and expectations.

Wednesday
September 2, 2020

Topic

-The Legal Profession in the United States

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

Wednesday
September 9, 2020

Topic

-History and Governmental Structure

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

Wednesday
September 16, 2020

Topic

-History and Governmental Structure

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

Wednesday
September 23, 2020

Topic

-Legal Methodology

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

Wednesday
September 30, 2020

Topic

-Legal Methodology

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

Wednesday

October 7, 2020

Topic

-The Adversary System and Jury Trials

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

Wednesday

October 14, 2020

Topic

-The Adversary System and Jury Trials

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

Wednesday

October 21, 2020

Topic

-The Judicial System

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

Wednesday

October 28, 2020

Topic

-The Judicial System

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

Wednesday

November 4, 2020

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

Wednesday

November 11, 2020

Topic

-Constitutional Law - Judicial Review & Federalism

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

Wednesday
November 18, 2020

Topic
-Review

Tuesday
November 24, 2020

Topic
-Review

Final Exam: Take-home