

(SAMPLE SYLLABUS)

Law 300: Concepts in American Law (Spring 2018)

Professor Nomi Stolzenberg nstolzen@law.usc.edu
Tuesdays and Thursdays, 2:00-3:50, Law School room 130

Course webpage: <http://nomistolzenberg.usc.edu/index.html>

I will use the course webpage to post information to you. Plan to **visit this webpage before every class**, so you can access up-to-date assignments and download handouts.

Jump to Table of Assignments

Course description

Law 300 invites you into the internal perspective of lawyers and judges who are responsible for giving legal reasons for deciding questions of law and fact, easy issues and hard issues. It also provides you with a variety of external, critical perspectives on what lawyers and judges are doing when they make arguments about how to decide cases. The class is inspired by a course that has long been a part of the first year curriculum at the USC Gould School of Law which was first known as Law Language & Ethics (LL&E) and now goes by the name of Law Language & Values (LLV). Like law students in LLV, you will read cases and materials, respond in class to questions that prompt you to apply your growing legal reasoning skills, and discuss with classmates difficult and contested questions of interpretation, morality, and policy. You will notice how claims about history, culture, society, politics, morality, personality, and other elements of the human condition, are asserted and contested in the course of legal reasoning. And you will be invited to reflect on how history, culture, society, politics, morality, personality, and other elements of the human condition have shaped, and been shaped by, the law. This “mutually constitutive” relationship between law and society is one of the overarching themes of the course.

Meetings and office hours

My office hours are on Thursdays from 11:00-1:00 in Room 476 of the Law School. If you are unable to meet at that time, email me to make an appointment for another time.

Our TA, Nathaniel Haas, will holding office hours from 4:00-5:00 on Tuesdays and Thursdays in the Law School Café, which is on the lower level of the Law School building.

In the first few weeks, I will also make time to meet with each of you either individually or in small groups. You will receive an email with a link to sign up for your appointment.

My contact information and contact information for Nathaniel and for Katie Waitman, my assistant, is below.

Professor Nomi Stolzenberg
Office: Law School, room 476
Email: nstolzen@law.usc.edu

Office hours: Tuesdays 11:00-1:00, Room 476.

(The best way to reach me is by email. If you need to contact me by phone, please contact my assistant, Katie Waitman.)

Katie Waitman, Assistant

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Office phone: (213) 740-2551
Office: Law School, room 451
Email: kwaitman@law.usc.edu

Nathaniel Hass, Teaching Assistant
Email: nathanielhaas2@gmail.com
Office hours: Tuesdays and Thursdays 4:00-5:00 p.m. in the law school café.

OBTAINING THE REQUIRED TEXTS

The required textbook – Frederick Schauer, Thinking Like a Lawyer (Harvard University Press, 2012) – will be available for purchase at the Bookstore.

The required Photocopied Reader will be available for purchase in CopyVision, in the lower level of the law school. The cost is \$20 if you pay in cash, \$25 if you pay by check, credit or debit card.

The first week’s readings in the Photocopied Reader are available to you as a downloadable PDF, below, so you can prepare for the first week's class discussions before you obtain your hard copy.

[PDF of first week’s readings in the Photocopied Reader](#)

Calendar of exercises and exams

Written exercise #1 <u>Assigned:</u> Tuesday, January 23 <u>Due:</u> Thursday, January 30	Written exercise #2 <u>Assigned:</u> Tuesday, February 27 <u>Due:</u> Tuesday, March 6	Written exercise #3 <u>Assigned:</u> Thursday, March 29 <u>Due:</u> Tuesday, April 10
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Midterm: Tuesday, February 20. The midterm exam will be a take-home exam, with essay questions, and a short multiple choice/short-answer section.

Final exam: Thursday, May 3, at 2:00. The final exam will be closed-book and closed notes. It will include short answer and essay questions.

1. Required texts

Students are required to purchase both the course textbook and the Photocopied Reader.

- The textbook is Frederick Schauer, Thinking Like a Lawyer (Harvard University Press, 2012).
- The Photocopied Reader is a set of cases and materials which will be available for purchase in CopyVision in the basement (lower level) of the Law School building, room 18. The cost is \$20 if you pay with cash, \$25 if you use a credit card.

If you are unable to acquire the reading materials before our first meeting, you can access them in the link in the box above. You should read the material in the first reading assignment *before* our first class and come prepared to discuss it.

In a typical week, we will read a chapter of the textbook together with cases and other materials in the course reader. Reading assignments are posted in the **Table of Assignments** (scroll down this webpage).

2. Study groups

As generations of law students have discovered, the dialogic character of law makes studying with in a group an ideal way to prepare for class, exams and exercises. I will be assigning everyone to a small study group and I encourage you to meet with your study partners regularly. I encourage each of you to meet with study partners to go over the readings. When you read

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cases, it can be helpful to work out with others what the issues, holdings and rationales for a decision are. Likewise, readings that provide theoretical and historical perspectives are profitably discussed with your fellow-students.

3. Class preparation and study; policy on computers, cell phones, and similar electronic devices

Come to class each day prepared to discuss that day's assigned readings. When reading a case, always annotate it (mark up the text, write marginal notes, write a short outline) so that you can answer the following questions. What are the facts? What court is hearing the case? (Is it a trial court or an appellate court? If the case is before an appellate court, what was decided in the court(s) below?) Which party is bringing suit, and which is being sued? What issue or issues has the court undertaken to decide? What decision has the court reached on that issue or on those issues? What reasons has the court advanced in support of its conclusions? If there are additional opinions, such as concurrences or dissents, how do those opinions differ from the majority's argument and analysis? Similarly, when you are reading material other than a legal case, for example, legal theory or legal philosophy, ask yourself: What school of thought or philosophical position is being put forth, and what are the intellectual propositions on which it rests? What is the problem to which it is responding? Does it offer a solution to the problem, or does it merely identify and analyze a problem? If it does offer a solution, what is that solution and how does it differ from other solutions that have been proposed? If it formulates a critique of other solutions or schools of thought about the problem, what is the substance of that critique? What are the key concepts and terms? If it is historical material, ask yourself: how is the historical situation being framed? Could it be framed in a different way? What is the point of this reading? Does it illustrate, or otherwise speak to, the legal theories and doctrines we have learned about?

In addition to marking up the readers, you should take notes summarizing the key points of each reading. When we summarize the facts, issues, holdings, and rationales in a legal case, this is called "briefing the case." You should always have your case briefs, and your notes summarizing the key points of the philosophical and historical readings, readily available so you can consult them when I ask you questions about the readings. Each day in class, you should have your notes and your marked-up copy of the assigned case and other readings assigned for that week in front of you, so that you can refer to them in response to my questions or as evidence to support an argument or interpretation you wish to advance.

Use of cell phones and similar devices in classes is prohibited as is the making of recordings of the class (except when required as a disability accommodation). Class is more like a workout than a lecture. It is important to be attentive and not distracted. Therefore, I strongly encourage you to leave your laptops at home or in your bags and not to use them for note-taking. Numerous studies have shown that "disconnected learners perform better," (not to mention distraction). Even if you are accustomed to taking notes on your laptop and anxious about letting it go, I encourage you to give the old-fashioned pen and paper method a try. That said, I recognize that people have different learning styles. If you feel must use a laptop, you can set in the area of the classroom specially designated for laptops, where a no internet policy will be strictly enforced. If you must use a laptop, you can only use it to consult the class material and take notes. No games, no online shopping, no emailing, no texting, no nothing but taking notes and referring to the reading.

4. Learning goals

- Over the course of the semester, you will develop an introductory ability to read cases critically. This includes an ability to identify and state issues (questions of law and

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questions of fact); state the facts and procedural posture of the case, and explain why these are relevant to the issues; state a decision's holding and disposition. Reading cases critically also includes being able to model or diagram the structure of a legal argument; identify the argument's assumptions, and the evidence on which the argument relies; and point out weaknesses in the argument, including possible objections that have not been answered. You will develop the instinct to always consider counter-arguments and to make responding to counter-arguments an essential part of your legal reasoning.

- You will develop your capacity for reason-giving by observing (and responding to) reasons for legal conclusions in several domains of the law, including statutory interpretation, common law, and constitutional law. You will develop your ability to give first-order reasons for decision (persuasive reasons) and second-order reasons (reasons why the legal decision maker to whom you are speaking -- such as trial judge, jury, or appellate judge -- has the institutional authority to consider your first-order reasons). You will develop your ability to recognize issues as to which there are plausible conflicting first-order reasons and plausible conflicting second-order reasons. As to these hard questions of law or fact, you will develop your ability to state the strongest reasons on both sides.
- You will develop an introductory ability to notice how claims about history, culture, society, politics, morality, personality, and other elements of the human condition, are asserted and contested in the course of legal reasoning.
- You will become attentive to the way that law uses language to make meaning, and to the way that legal language gives rise to conflicting interpretations. You will become familiar with the repertoire of interpretive techniques that lawyers use to give meaning to words in law's texts. And you will participate in debates over the nature and goals of interpretation itself, because these disagreements run deep in the life of the law.
- You will look at the law and legal reasoning from both internal and external points of view, considering how law reflects and shapes social, political, cultural and historical forces in addition to adopting the point of view of legal "insiders," e.g., lawyers and judges.

5. Teaching method, class participation, and attendance policy

- Most of the class hours are devoted to discussion of issues – to uncovering the questions that surface when lawyers try to predict how legal decision-makers will decide these issues, and to working through the reasons that lawyers give when trying to be persuasive about how these issues should be resolved. As to some of the topics under discussion, reasonable minds can and do differ. In many ways, what we are learning to do is to carry out a certain kind of reasonable disagreement (named "legal reasoning") within the language and framework of the rule of law.
- Accordingly, you should come to class each day prepared to be a participant. Even if at a moment in class I am talking with a student other than yourself, play along with the dialogue and consider whether you agree or disagree with your classmate, and with me. Actively thinking through the issues is far more important than passively observing or taking notes.
- Attendance and participation are required. Absences are only excused in cases of emergency. Unless there is a very good reason why you were unable to request an excuse in advance, your absence will not be excused unless you obtain an excuse in advance. Unexcused absences and any more than two excused absences will result in points taken off from you grade.

6. Reasonable disagreement and mutual respect

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Disagreements (even reasonable disagreements) about what the law means, and about what result the law demands or permits given some set of facts, are integral to legal reasoning. They also can implicate our sense of right and wrong and our convictions about the meaning and worth of our lives. In other words, our disagreements will sometimes touch a nerve. We will strive to find ways to have reasoned disagreements, and make reasoned arguments, precisely at the many points in which the application of the law to the facts exposes unresolved issues and touches nerves. We will try to be good friends to one another by offering arguments and counter-arguments in such a way that disagreement becomes a sign of respect. As William Blake wrote, “Opposition is true friendship,” as is sensitivity to one another’s feelings.

7. The “Socratic method”

- I do use a modified form of the traditional “Socratic method” used in American law schools. That means that in addition to calling on people who volunteer to speak, I will also “cold call” students. The questions I pose are meant to stimulate the reason-giving process. They are not meant to elicit the “right answer.” More often than not, there is disagreement about what the right answer is, and, particularly at the beginning of one’s legal studies, confusion about what a right way of answering a legal question is, or even how to state the question of law. Accordingly, if I follow up on your initial answer by asking you another question or by offering an objection, or by testing your answer with a hypothetical scenario, I am not commenting adversely on your answer. Instead, I am investigating—and encouraging you and the rest of the class to participate in investigating—the ground and implications of the position you are taking. This process of inquiry may cause you to revise your initial answer, or to elaborate upon it with more detail, or to recognize that there is more than one valid answer. This is all part of the process and therefore you should not be worried about failing to give the “right” answer.
- If, at any time, you are feeling uncomfortable with some subject under discussion, or for any other reason you would prefer not to be called on in class on a given day or days, please let me know before class begins (e.g., by sending me an email). I will always honor that request. You do not need to explain why you would prefer not to be called on.
- Though this so-called “Socratic method” can cause some anxiety, I use this method despite that effect, not because of it. I use this method to model and stimulate legal reasoning — especially to model the kind of legal reasoning that takes place at oral argument in appellate courts, when judges ask counsel to explain which interpretations of the law are plausible (and of those interpretations, which is best and why).

8. Course evaluation

Written exercises: 30% of course grade

There will be three written exercises, which together comprise 30% of the course grade. The exercises are fact-pattern essay questions, in which you are given some facts and some law (such as a statute) and asked to state the issue, analyze it, and suggest how it should be decided. You are to answer the question in a short essay (two or three pages). The purpose of these exercises is to provide occasions for applying what you are learning. Because the craft of writing an answer to a fact-pattern essay question is new to most of you, your lowest grade among the three exercises will be disregarded. (In other words, the written exercise component of your course grade will consist of an average of your two highest scores among the three written exercises.) Unless I have granted an extension in advance, written exercises submitted after their due dates will not satisfy course requirements.

Midterm: 25% of course grade

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The midterm exam will have two parts: (1) An essay question (or set of essay questions) to work on at home; (2) An in-class quiz containing multiple choice questions and short answer questions.

Final exam: 30% of course grade

The final exam will be closed-book and closed notes. It will include multiple choice questions and short answer questions in addition to essay questions.

Class participation: 15% of course grade

Students are expected to read each assignment carefully and critically, and to contribute to class discussion. (See §§5, 6, and 7, above.) Your class participation grade will reflect the level of your participation. Unexcused absences will affect your class participation grade.

Grading scale

Although Law 300 is offered by the USC Law School and taught by a member of the USC Law School faculty, you will receive transcript grades that conform to the College grading scale: A = 4.0, A- = 3.7, B+ = 3.3, B = 3.0, B- = 2.7, C+ = 2.3, etc. At the Law School, we have a more granular grading scale, represented in the following table:

4.1	A+
4.0	A
3.9	A
3.8	A
3.7	A-
3.6	A-
3.5	A-
3.4	B+
3.3	B+
3.2	B
3.1	B
3.0	B
2.9	B-
2.8	B-
2.7	B-
2.6	C+
2.5	C+
2.4	C
2.3	C-
2.2	C-
2.1	C-
2.0	D

Another difference between Law School and College grading is that at the Law School, all instructors must conform their grades to a normalized curve. In large classes at the Law School, the median is set at 3.3, which (as you can see from the above table) is a B+. When they receive their grades, law students (especially those with good math skills) can readily see whether their performance placed them in the top quartile, second quartile, third quartile, or bottom quartile.

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We are not subject to a normalization constraint in Law 300. Nonetheless, when I return grades to you (for example, after the midterm), I will tell you what the median score was and also the score thresholds for the top quartile and third quartile. I do this to help you understand how you are doing relative to your classmates. Your TA and I are available to answer your questions, review your work, and help you do better and better.

When I return your written work to you, you see grades to one or two decimal places, such as 4.1, 3.4, 2.95, 2.7, etc. At the end of the semester, I convert your cumulative grade into your Law 300 transcript grade as follows:

If your cumulative course grade is:	Then your College transcript grade is:
Greater than or equal to 3.75	A (4.0)
3.55-3.74	A- (3.7)
3.25-3.54	B+ (3.3)
2.95-3.24	B (3.0)
Less than or equal to 2.94	B- (2.7)

Though the work of legal reasoning is difficult and demanding, experience demonstrates that Law 300 students are capable of doing it very well. Over the first five years of the course's existence (2011-2015), about half of the students have earned an A or A-. We will grow together in our powers of legal reasoning! Do not hesitate to ask questions, whether in class discussion, in office hours, or via email. Work out your lines of reasoning carefully and clearly, consider alternative positions seriously, and question your assumptions. Set your sights high, and Stephanie Rector and I will do all that we can to help you realize your goals.

9. University policies

Academic integrity.

In our legal reasoning, we try to respect one another as reasonable persons who are moral agents and who are accountable for our actions. Respect for one another is also essential to the academic enterprise. We assent to fair rules for our shared enterprise of learning “Concepts in American Law.” General principles of academic honesty include the concept of respect for the intellectual property of others, the expectation that individual work will be submitted unless otherwise allowed by an instructor, and the obligations both to protect one’s own academic work from misuse by others as well as to avoid using another’s work as one’s own. All students are expected to understand and abide by these principles. SCampus, the Student Guidebook, contains the Student Conduct Code in Section 11.00, while the recommended sanctions for academically dishonest conduct are stated in Appendix A. See <http://studentaffairs.usc.edu/scampus/>

Non-discrimination; Students with Disabilities.

USC adheres to an equal opportunities and non-discrimination policy; see:

<http://policy.usc.edu/equal-opportunities/>and

<http://catalogue2014.usc.edu/files/2010/06/catalogue-edited.pdf>

Any student requesting academic accommodations based on a disability is required to register with Disability Services and Programs (DSP) each semester. A letter of verification for approved accommodations can be obtained from DSP. Please be sure the letter is delivered to me as early in the semester as possible. DSP is located in GFS 120 and is open 8:30 a.m.–5:00 p.m., Monday through Friday. The phone number for DSP is (213) 740-0776, and its email address is ability.usc.edu. Also please let me know if you require use of a laptop. For the reasons stated above, I strongly believe that all students will have the best learning experience if they refrain

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from taking a lot notes and instead are actively involved in the class discussion, whether you are talking or actively listening. However, I also recognize that different students have different learning styles and I am open to requests to use a laptop.

10. Other policies.

Class begins promptly. Since late arrivals cause a distraction to fellow students, please be on time. Do not enroll in this course if a conflict in your schedule will prevent you from being in your seat, with the day's assigned case open before you on your desk, by 2:00 each Tuesday and Thursday.

Thank you! Welcome to Law 300. It is a privilege to be your teacher.

Table of assignments

Schauer = Frederick Schauer, Thinking Like a Lawyer

PR = Photocopied Reader

PR Supp = Supplement to the Photocopied Reader

Class #	Date	Reading assignments	Handouts, links, other	Exercises
1	Week 1	Schauer ch. 1, INTRODUCTION: IS THERE LEGAL REASONING?, pp. 1-12 Unit I. Introduction to legal reasoning and statutory interpretation PR, <i>Ronald Dworkin on law and chess</i> , pp. 1-5 PR, <i>Smith v. United States</i> , pp. 5-14 PR, <i>Notes and questions on Smith v. United States</i> , pp. 14-19 Descriptions of what Mr. Smith did with the gun, PR Supp p. 28 Note: discussion of <i>Smith</i> will continue on Thursday.	PDF of first week's readings in the Photocopied Reader PDF of Schauer, Chapter One	
2	Week 1	Continue discussion of PR, <i>Smith v. United States</i> , pp. 5-14 PR, <i>Notes and questions on Smith v. United States</i> , pp. 14-19 PR, <i>Stating issues and holdings at different levels of generality</i> , pp. 19-23 <i>Tarr, The federal and state court systems</i> , especially the section on "The federal courts today," PR Supp pp. 1-10 Read the course syllabus carefully. Know our learning objectives, bases of evaluation, contact information, office hours, and course policies.		
3	Week 2	Schauer ch. 2, RULES -- IN LAW AND ELSEWHERE, pp. 13-35 PR, <i>In the matter of Blanchflower</i> , pp. 23-30		

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		Note: discussion of <i>Blanchflower</i> will continue on Thursday.		
4	Week 2	Continue discussion of PR, <i>In the matter of Blanchflower</i> , pp. 23-30 PR, <i>Note on overinclusiveness and underinclusiveness</i> , pp. 30-32 <i>After Blanchflower: Effect of subsequent developments in marriage equality</i> , PR Supp pp. 29-30	Handout on Over and Under Inclusiveness	
5	Week 3	PR, <i>The legal syllogism</i> , pp. 33-56 <i>Worksheet on the legal syllogism</i> , PR Supp p. 63		Written exercise #1 assigned (distributed in class) About the Written Exercises
6	Week 3	Schauer ch. 3, THE PRACTICE AND PROBLEMS OF PRECEDENT, pp. 36-60 Unit II. Legal reasoning in common law. Precedents and exceptions. PR, <i>Statutes and common law rules</i> , pp. 57-58 PR, <i>Garratt v. Dailey</i> , pp. 58-62 PR, <i>Notes and questions on Garratt v. Dailey</i> , pp. 62-65 PR, <i>Notes on precedent</i> , pp. 66-70		
7	Week 4	Schauer ch. 6, THE IDEA OF THE COMMON LAW, pp. 103-123 PR, <i>Boyd v. Coca Cola Bottling Co.</i> , pp. 71-73 PR, <i>Notes and questions on Boyd</i> , pp. 73-74 <i>Simplified critical path diagram of the elements of negligence</i> , PR Supp p. 65 Note: discussion of <i>Boyd</i> will continue on Thursday.		Written exercise #1 due at 2:00, to be submitted in class
8	Week 4	PR, <i>Boyd v. Coca Cola Bottling Co.</i> , pp. 71-73 PR, <i>Notes and questions on Boyd</i> , pp. 73-74 PR, <i>Liggett & Myers Tobacco Co. v. Cannon</i> , pp. 75-79 PR, <i>Notes and questions on L&M Tobacco</i> , p. 79 PR, <i>Pillars v. R. J. Reynolds Tobacco Co.</i> , pp. 83-85 PR, <i>Notes and questions on R. J. Reynolds</i> , pp. 85-86		

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		Note: discussion of <i>L&M Tobacco</i> and <i>R. J. Reynolds Tobacco</i> will continue on Tuesday.		
9	Week 5	<p>PR, <i>Pillars v. R. J. Reynolds Tobacco Co.</i>, pp. 83-85</p> <p>PR, <i>Notes and questions on R. J. Reynolds</i>, pp. 85-86</p> <p>PR, <i>Crigger v. Coca Cola Bottling Co.</i>, pp. 80-82</p> <p>PR, <i>Notes and questions on Crigger</i>, pp. 82-83</p> <p>PR, <i>Macpherson v. Buick Motor Co.</i>, pp. 86-98</p> <p>PR, <i>Notes and questions on Macpherson</i>, 99-101</p> <p>Note: discussion of <i>Macpherson</i> will continue on Thursday.</p>		
10	Week 5	<p>Schauer ch. 7, THE CHALLENGE OF LEGAL REALISM, pp. 124-147</p> <p>PR, <i>Macpherson v. Buick Motor Co.</i>, pp. 86-98 (continued)</p> <p>PR, <i>Notes and questions on Macpherson</i>, 99-101 (continued)</p> <p>PR, <i>Dworkin, How law is like literature</i>, pp. 102-107</p> <p>PR, <i>Notes and questions on Dworkin</i>, pp. 107-110</p> <p><i>Allocation of authority to decide</i>, PR Supp pp. 31-32</p> <p>We will return to legal realism at the end of the semester</p>		
11	Week 6	<p>Rules and exceptions</p> <p>PR, <i>Church of the Holy Trinity v. United States</i>, pp. 351-61</p> <p>PR, <i>Notes and questions on Church of the Holy Trinity</i>, pp. 361-365</p> <p><i>Theories of statutory interpretation</i>, PR Supp pp. 46-47</p> <p><i>Holy Trinity discussion questions</i>, PR Supp pp. 48-50</p> <p>PR, <i>Employment Division v. Smith</i>, pp. 365-366</p> <p>PR, <i>Notes on Holy Trinity, Employment Div. v. Smith, and religious exemptions</i>, pp. 366-68</p> <p>PR, <i>Schmitt, Definition of sovereignty</i>, pp. 110-111</p> <p>PR, <i>Kahn, Political theology again</i>, pp. 111-112</p>		
12	Week 6	III.C. Rules and standards	<p>Listen to Air Talk</p> <p>Listen to The Daily Show</p>	

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		<p>Schuer, ch. 10, RULES AND STANDARDS, pp. 188-202 PR, <i>The distinction between rules and standards</i>, pp. 125-128 PR, Introduction to the issue in <i>Vance v. Ball State University</i>, pp. 128-130 PR, <i>Vance v. Ball State University</i>, pp. 130-143 PR, <i>Oral argument in the Supreme Court</i>, pp. 143-48 PR, <i>Notes and questions on Vance</i>, pp. 148-52 PR, <i>Note: Choosing between rules and standards</i>, pp. 152-153</p>		
13	Week 7	<p>Midterm--take home</p> <p>To help review, read Schauer, ch. 8, THE INTERPRETATION OF STATUTES, pp. 148-170</p>	The midterm will be available for pick-up from Katie Waitman's office in Room 451 at 2:00 PM and should be turned in at the beginning of class on Thursday.	
14	Week 7	<p>Unit III. Questions of fact. The law-fact distinction. Schauer ch. 11, LAW AND FACT, pp. 203-218 PR, <i>Introduction to the concepts of law and fact</i>, pp. 113-119 PR, Assessments built into perception and description, pp. 155-56 PR, <i>Smith v. Bocklitz</i>, pp. 156-160 PR, <i>Notes and questions on Bocklitz</i>, pp. 160-63</p>		
15	Week 8	<p>III.B. Taking experience seriously PR, <i>Mackinnon, Sexual harassment</i>, pp. 119-20 PR, <i>Schultz, Reconceptualizing sexual harassment</i>, pp. 122-25 <i>Exercises on Title VII concepts and readings</i>, PR Supp pp. 33-39</p>		Written exercise #2 (distributed in class)
16	Week 8	<p>How do you prove harassment? Is discrimination a fact or a theoretical construct?</p>		
17	Week 9	<p>Is race a fact or a theoretical construct? PR, <i>Gross, What blood won't tell</i>, pp. 182-185 PR, <i>Notes on What blood won't tell</i>, pp. 185-186. Gross, additional readings (see pdf)</p>	pdf	Written exercise #2 due in class at 2:00
18	Week 9	<p>"Family Physics," This American Life</p>	http://www.thisamericanlife.org/radio-archives/episode/214/family-physics?act=1#play	

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19	Week 10	<p>Schauer ch. 12, THE BURDEN OF PROOF AND ITS COUSINS, pp. 219-233</p> <p>III.E. Culture and judgment PR, <i>Michael H. v. Gerald D.</i>, pp. 169-177 PR, <i>Notes and questions on Michael H.</i>, pp. 178-81 <i>Line-up of the Justices in Michael H. v. Gerald D.</i>, PR Supp pp. 40-41 <i>Burdens and presumptions</i>, PR Supp pp. 42-43</p>		
20	Week 10	Continuation of discussion of assignment 19		
21	Week 11	PR, <i>Introduction to the Mashpee case</i> , pp. 192-94 PR, <i>Clifford, Identity in Mashpee</i> , pp. 194-208 PR, <i>Notes and questions on the Mashpee case</i> , pp. 208-213	In preparation for class, complete a legal syllogism worksheet. Model the argument structure of the <i>Mashpee</i> decision, beginning with the relevant text of the Nonintercourse Act and concluding with the jury's finding that the Mashpee were not a tribe. See notes, PR pp. 209-213.	
22	Week 11	<p>Schauer, ch. 4, AUTHORITY AND AUTHORITIES, pp. 61-84</p> <p>Unit IV. The rule and authority of law. How law accommodates its own subversion.</p> <p>IV.A. Authority concepts in law and legal reasoning, PR pp. 214-218</p> <p>IV.B. Slavery and complicity PR, <i>Cover, Justice Accused</i>, pp. 218-224 PR, <i>Finkelman, Legal ethics and fugitive slaves</i>, pp. 225-253 PR., <i>Notes and questions on Legal ethics and fugitive slaves</i>, pp. 253-254 PR, <i>Frederick Douglass</i>, pp. 254-257</p>		Third written exercise distributed in class
23	Week 12	PR, <i>Introduction to Dred Scott</i> , pp. 257-63 PR, <i>Dred Scott v. Sandford</i> , pp. 263-275 PR, <i>A dialogue about the constitutional issues in Dred Scott</i> , pp. 275-278 <i>Dred Scott</i> discussion questions, PR Supp pp. 44-45 We will continue discussing <i>Dred Scott</i> next Tuesday		
24	Week 12	Schauer ch. 9. THE JUDICIAL OPINION, pp. 171-187		

(SAMPLE SYLLABUS)

		<p>Continue discussion of Assignment 22 PR, <i>Constitutional interpretation</i>, pp. 278-280 PR, <i>For further thought about the Dred Scott case</i>, pp. 280-283 PR, <i>The authority of the Constitution</i>, pp. 283-287 <i>Still waiting for citizenship</i>, PR Supp pp. 51-53</p>		
25	Week 13	<p>IV.C. Authority, commitment, and legal meaning. PR, <i>Cover, Nomos and Narrative</i>, pp. 287-290 PR, <i>The “no-no boys,” and Kuwabara, introduction</i>, pp. 290-293 PR, <i>The question of loyalty</i>, pp. 293-306 PR, Muller, <i>Free to die for their country</i>, pp. 306-333 <i>Judge Goodman’s options in Kumabara: which is best and why?</i>, PR Supp pp. 61-62</p>		Third written exercise due
26	Week 13	<p>IV.E. Does life experience legitimately inform legal judgment? PR, <i>Sotomayor, A Latina judge’s voice</i>, pp. 339-340 PR, <i>President Obama on judicial empathy and hard cases</i>, p. 340 PR, <i>Confirmation hearings for Sonia Sotomayor</i>, pp. 341-346 PR, <i>Notes and questions on Sotomayor</i>, pp. 346-347 <i>Adoptive Couple v. Baby Girl</i>, PR Supp pp. 57-60 PR, <i>Notes and questions on legal realism</i>, pp. 347-351</p>		
27	Week 14	<p>IV.G. The ideal of the rule of law, PR, pp. 368-386</p>		
28	Week 14	<p>IV.H. How law accommodates or invites its own subversion PR, <i>Introduction: domesticated civil disobedience</i>, pp. 386-390 PR, <i>Glaspell, A Jury of Her Peers</i>, pp. 390-412 PR, <i>Notes on questions on A Jury of Her Peers</i>, pp. 412-416 PR, <i>Disobedient voting and speaking</i>, pp. 421-422 Reconstruction Amendments as they intersect our cases and materials, PR Supp. p. 64</p>		

(SAMPLE SYLLABUS)

29	Week 15	PR, <i>Auden, Law Like Love</i> , pp. 422-424		
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Final exam: For the date and time of the final for this class, consult the USC *Schedule of Classes* at www.usc.edu/soc.