USC Gould School of Law

Spring 2020

**LAW 520**

**Federal Jurisprudence**

Adam Sieff

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Mondays 5:00PM-6:50PM

Classroom VKC 101

TEXTS:

Rosen et al., An Introduction to American Law (3d ed. 2017)

Constitution of the United States ([online](https://avalon.law.yale.edu/18th_century/usconst.asp))

Hamilton, Madison, and Jay, Federalist Papers ([online](https://avalon.law.yale.edu/subject_menus/fed.asp))

Federal Rules of Civil Procedure ([online](https://www.law.cornell.edu/rules/frcp))

(\*\*Additional readings hyperlinked in the syllabus below\*\*)

COURSE DESCRIPTION:

This course examines the basic structure and operation of government in the United States, particularly the judicial branch, and will focus on the methods of making, finding, and enforcing law in the American system. The course also provides the historical context in which the legal system in the United States developed, and explores the foundational values of American civil jurisprudence. Class sessions will address the structure and powers of the branches and elements of American government, individual rights and liberties secured by the constitution, the limits of federal jurisdiction, federal civil and criminal procedure, and basic principles of federal administrative law.

NOTE ON CLASS FORMAT:

The course will follow the traditional pedagogy used to teach law in the United States. At the beginning of each session, I will present a short lecture on the cases and commentary you read in preparation for class. I will then call on students to answer questions about the reading. It is, for this reason, imperative that students prepare for and attend each class. Laptops will not be permitted in class, except for one student notetaker, assigned at the beginning of each class, who will take typed notes to share with the entire class.

Final grades will be awarded based upon a final examination and class participation. The final examination will present three fact patterns, and direct students to answer questions about each fact pattern. The exam will be an open book, open note take home exam. Students will have one week to complete the exam, and the exam will be subject to a word limit.

CLASS SCHEDULE:

January 13 Overview of U.S. System of Government

Reading: Rosen et al., pp. 3-5

Watch: [U.S. Citizenship and Immigration Services, Introduction to U.S. History and Civics (online)](https://www.uscis.gov/citizenship/learners/study-test/study-materials-civics-test/promise-freedom-introduction-us-history-and-civics-immigrants)

January 20 NO CLASS, REV. DR. Martin Luther King, jr. Day

Watch: [King, March on Washington Address (Aug. 28, 1963)](https://www.youtube.com/watch?v=vP4iY1TtS3s)

January 27 Constitutional Law – Congress (Art. I)

Reading: (1) U.S. Const., article I

(2) Rosen et al., pp. 6-14

(3) Federalist No. 51

February 3 NO CLASS

February 10 Constitutional Law – The President (Art. II)

Reading: (1) U.S. Const., article II

(2) Rosen et al., pp. 20-31

(3) [Optional] [Trump v. Mazars USA, LLP, No. 19-5142 (D.C. Cir. Oct. 11, 2019) (slip op.) at 20-49](https://www.cadc.uscourts.gov/internet/opinions.nsf/20C16C3C5721030C85258490004DE33C/$file/19-5142-1810450.pdf)

February 17 NO CLASS, PRESIDENTS’ DAY

Reading: (1) [Lincoln, 2nd Inaugural Address (March 4, 1865)](https://avalon.law.yale.edu/19th_century/lincoln2.asp)

Watch: (2) [Kennedy, Inaugural Address (Jan. 20, 1961)](https://www.youtube.com/watch?v=PEC1C4p0k3E)

(3) [Obama, Remarks at Selma, Alabama (March 7, 2015)](https://www.youtube.com/watch?v=gvAIvauhQGQ)

February 24 Constitutional Law – Federalism (Art. IV)

Reading: (1) U.S. Const., article IV

(2) Rosen et al., pp. 14-20

(3) Federalist No. 10

(4) [A. Sieff, “To Stop Trump’s Immigration Funding Threat, L.A. Should Turn The Tables on States’ Rights,” LAist (Dec. 2, 2016)](https://laist.com/2016/12/02/immigration_oped.php)

March 2 Constitutional Law – 5th/14th Amendment Rights

Reading: (1) U.S. Const., 5th Amendment & 14th Amendment

(2) Rosen et al., pp. 39-60

(3) [Stockman v. Trump, No. 17-CV-01799, (C.D. Cal. Sept. 18, 2018) (slip op.) at pp. 1-6, 9-14.](https://notransmilitaryban.org/wp-content/uploads/2018/09/stockman-v-trump-order-denying-dissolution-of-injunction-9-18-18.pdf)

March 9 NO CLASS, SPRING BREAK

March 16 Constitutional Law – 1st Amendment Rights

Reading: (1) U.S. Const., 1st Amendment

(2) Rosen et al., pp. 67-94

March 23 Constitutional Law – Justiciability (Art. III)

Reading: (1) U.S. Const., Art. III

(2) Cornell Law School: Legal Information Institute, “Judicial Power and Jurisdiction” ([online](https://www.law.cornell.edu/constitution-conan/article-3/section-2/clause-1/judicial-power-and-jurisdiction-cases-and-controversies))

(3) [optional] A. Sieff, “Popular Sovereignty in the Political Process: A Theory of Standing in Direct Democracy Litigation,” Stan. L. & Pol. Workshop (May 2014) (available on request).

March 30 Civil Procedure – Personal & Subject Matter Jx.

Reading: (1) Rosen et al., 97-112

April 6 Civil Procedure – Pretrial & Trial Procedures

Reading: (1) Fed. R. of Civ. Proc. 8, 12, 26, 56 ([online](https://www.law.cornell.edu/rules/frcp))

(2) Rosen et al., 117-139

April 13 Constitutional Law – Criminal Investigations

Reading: (1) Rosen et al., 139-159

April 20 Constitutional Law – Criminal Adjudication

Reading: (1) Rosen et al., 159-166, 172-179

April 27 Administrative Law – Delegation, Powers, Review

Reading: (1) Rosen et al., 449-480

\*\*TAKE HOME EXAM DISBURSED APRIL 28\*\*