

# USC Gould

School of Law

## LAW 210: Fundamentals of the U.S. Legal System

Spring 2021

Mon & Wed, 12 to 1:40 p.m.

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### USC Technology Support Links

[Zoom information for students](#)

[Blackboard help for students](#)

[Software available to USC Campus](#)

**Prerequisite(s):** None

**Units:** (4)

### Course Description

The ultimate objective of this course is to demonstrate the distinct American method of making, finding and enforcing law. This course introduces students to legal concepts, principles and procedures that serve as the foundations for the United States legal system. The focus will be on the institutions, structures and actors that comprise the legal system and regulate the legal and social relations among Americans and resolve their conflicting interests. By necessity, the course paints with a broad brush as the U.S. legal system is extremely complex, highly dynamic and varies considerably across jurisdictions.

This course satisfies the **GE-H, Traditions and Historical Foundations** requirement. For this course to satisfy the

requirement, the course also will examine the historical development of the U.S. legal system.

Topics in the course include the organization and powers of federal and state lawmaking institutions, judicial processes and methodologies, including the centuries-old common law tradition, and the analysis of statutory provisions and judicial opinions.

### **Learning Objectives**

This course has three principal learning objectives:

- 1) Become familiar with the concept of the rule of law, including its history and significant political and judicial figures who have shaped its meaning in America, including the principles of:
  - a. Accessibility
  - b. Accountability
  - c. Fair and impartial process
  - d. Equal application
  
- 2) Learn to read and analyze primary source materials, including the U.S. Constitution and decisions of the U.S. Supreme Court, from the time of this nation's founding to the present day; understand the continuity between the founding documents and today's political and legal controversies; accurately describe key elements of the Constitution and of Supreme Court decisions and evaluate them with respect to the rule of law.
  
- 3) Understand, and analyze with respect to the rule of law, basic aspects of the U.S. legal system, including:
  - a. The different roles and responsibilities of trial courts, appellate courts, and supreme courts;
  - b. Commonalities and differences between the criminal and civil justice systems;
  - c. The separation of powers and the role of an independent federal judiciary in maintaining checks and balances on each branch and source of power;
  - d. Federalism and the role of state law and state courts; and
  - e. The supremacy of the U.S. Constitution as a source of American law.

### **Required Textbook and Supplementary Reading**

- *Law in the United States*, by Charles F. Abernathy (West Academic Publishing 2016)  
(ISBN: 978-0-314-26701-6)

### **Course Policies**

- Active participation in class discussions and class activities is expected.
- Regular and punctual attendance in class is required.
- Students are asked to keep their cameras on during class.
- Students are expected to have read the assigned readings for each class.
- If students are experiencing any difficulties in the course, they are encouraged to speak with the teaching assistants.

## Class Format

Each class generally will include a short presentation of material, discussion, and collaborative problem solving related to the assigned topic.

Any materials used in class will be posted on Blackboard.

Three classes will be Discussion Sections. For these classes, students will be assigned into smaller groups that will discuss in detail a particular Supreme Court case or legal issue.

## Reading Assignments

Reading assignments will be paced to match our progress in class.

**Please [click here](#) to access the reading assignments.**

## Grading Breakdown & Description of Assignments

Assessment Item	%
Participation	15%
4 Written Problem Sets <i>7.5% Each</i>	30%
Midterm Exam	20%
Final Exam	35%
<b>Total</b>	<b>100%</b>

### Participation:

- Class attendance is mandatory and it will be tracked via poll participation.
- Students earn participation points by responding to Zoom polls that will be administered at least twice each class. The answers provided are not graded; what is graded is whether a student completes the polls.
- If a student completes at least 80% of all the polls administered during the course, the student will earn full credit for participation. If a student completes fewer than 80% of the polls, the student will be awarded participation points equal to the percentage of polls taken.

### Problem Sets:

- There will be 4 problem sets assigned over the course of the semester. The problems will require students to apply the concepts learned in the course to a specific factual situation and provide a resolution to the problem. The problem sets will require approximately 2-3 pages of analysis.
- Students may discuss the problems with each other, but must draft their own answers.

### Midterm and Final Exam:

- Each exam will include both multiple-choice and short essay questions. The essay questions will be very similar to those appearing in the problem sets described below.
- The final exam will be cumulative, covering all material covered during the semester.
- Both exams will be open-book and students may use the internet to assist in answering the questions.

## **Course Topics**

The following topics will be covered during the course:

- The Mixed System of Code-Based and Common Law
- Federalism - Distribution of Legislative Powers
- Federalism and One Nation
- Federal Legislative Power
- Federal Executive Power
- Federal Judicial Power
- The American Judiciary and Judicial Systems
- Civil Procedure
- Criminal Procedure
- The American System of Legal Education
- Personal Jurisdiction of State and Federal Courts
- Individual Rights and Liberties - Due Process
- Individual Rights and Liberties- Equal Protection
- Individual Rights and Liberties - Freedom of Speech
- Contracts and Torts

## Statement on Academic Conduct and Support Systems

### Academic Conduct

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in *SCampus* in Part B, Section 11, “Behavior Violating University Standards” <https://policy.usc.edu/scampus-part-b/>. Other forms of academic dishonesty are equally unacceptable. See additional information in *SCampus* and university policies on scientific misconduct, <http://policy.usc.edu/scientific-misconduct>.

### Support Systems

*Student Counseling Services (SCS) - (213) 740-7711 – 24/7 on call*

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention. <https://engemannshc.usc.edu/counseling/>

*National Suicide Prevention Lifeline - 1-800-273-8255*

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. <http://www.suicidepreventionlifeline.org>

*Relationship & Sexual Violence Prevention Services (RSVP) - (213) 740-4900 - 24/7 on call*

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://studenthealth.usc.edu/sexual-assault/>

*Sexual Assault Resource Center*

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <http://sarc.usc.edu/>

*Office of Equity and Diversity (OED)/Title IX compliance – (213) 740-5086*

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://equity.usc.edu/>

*Bias Assessment Response and Support*

Incidents of bias, hate crimes and microaggressions need to be reported allowing for appropriate investigation and response. <https://studentaffairs.usc.edu/bias-assessment-response-support/>

*Student Support & Advocacy – (213) 821-4710*

Assists students and families in resolving complex issues adversely affecting their success as a student EX: personal, financial, and academic. <https://studentaffairs.usc.edu/ssa/>

*Diversity at USC*

Tab for Events, Programs and Training, Task Force (including representatives for each school), Chronology, Participate, Resources for Students. <https://diversity.usc.edu/>