

USC Gould School of Law
Spring 2021

LAW 520

American Jurisprudence

Adam Sieff

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Fridays 8:00AM-9:50AM

Classroom TBD

TEXTS:

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

Constitution of the United States ([online](#))

Hamilton, Madison, and Jay, Federalist Papers ([online](#))

(**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 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. (In-Class

Instruction, Not Applicable to Zoom Classes: 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 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 15 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 \(online\)](#)
- January 22 NO CLASS, REV. DR. MARTIN LUTHER KING, JR. DAY
 Watch: [King, March on Washington Address \(Aug. 28, 1963\)](#)
- January 29 Constitutional Law - Congress (Art. I)
 Reading: (1) U.S. Const., article I
 (2) Rosen et al., pp. 6-14
 (3) Federalist No. 51
- February 5 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](#)

- February 12 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 \(Dec. 2, 2016\)](#)
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- February 19 NO CLASS, PRESIDENTS' DAY // WELLNESS DAY
- Reading: (1) [Lincoln, 2nd Inaugural Address \(March 4, 1865\)](#)
- Watch: (2) [Kennedy, Inaugural Address \(Jan. 20, 1961\)](#)
- (3) [Obama, Remarks at Selma, Alabama \(March 7, 2015\)](#)
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- February 26 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.](#)
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- March 5 Constitutional Law - 1st Amendment Rights
- Reading: (1) U.S. Const., 1st Amendment
- (2) Rosen et al., pp. 67-94
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- March 12 NO CLASS // WELLNESS DAY
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- March 19 Constitutional Law - Justiciability (Art. III)
- Reading: (1) U.S. Const., Art. III

- (2) Cornell Law School: Legal Information Institute, "Judicial Power and Jurisdiction" ([online](#))
- (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 26 Civil Procedure - Personal & Subject Matter Jx.

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

April 2 Civil Procedure - Pretrial & Trial Procedures

Reading: (1) Fed. R. of Civ. Proc. 8, 12, 26, 56 ([online](#))

(2) Rosen et al., 117-139

April 9 Constitutional Law - Criminal Investigations

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

April 16 Constitutional Law - Criminal Adjudication

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

April 23 Administrative Law - Delegation, Powers, & Judicial Review

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

April 30 NO CLASS // WELLNESS DAY

****TAKE HOME EXAM DISBURSED APRIL 30****