

USC Gould School of Law

Fall 2021

LAW 520

American Jurisprudence

Adam Sieff

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Mondays 7:00PM-8:50AM

Online Course (Zoom Link via email)

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 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:

August 23 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 \(online\)](#)

August 30 NO CLASS: PROFESSOR IN TRIAL

 Watch: [King, March on Washington Address \(Aug. 28, 1963\)](#)

September 6 NO CLASS: LABOR DAY

September 13 Constitutional Law - Congress (Art. I)

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

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

 (3) Federalist No. 51

September 20 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](#)

September 27 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 \(Dec. 2, 2016\)](#)

October 4 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.](#)

October 11 Constitutional Law - 1st Amendment Rights

- Reading:
- (1) U.S. Const., 1st Amendment
 - (2) Rosen et al., pp. 67-94

October 18 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).

October 25 Civil Procedure - Personal & Subject Matter Jx.

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

November 1 Civil Procedure - Pretrial & Trial Procedures

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

(2) Rosen et al., 117-139

November 8 NO CLASS: VETERANS' DAY OBSERVED

November 15 Administrative Law - Delegation, Powers, & Judicial Review

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

November 22 NO CLASS: THANKSGIVING WEEK

November 29 REVIEW SESSION FOR EXAM

****TAKE HOME EXAM DISBURSED DECEMBER 6****

****TAKE HOME EXAM DUE DECEMBER 13****