

BOWIE STATE UNIVERSITY
School of Arts and Sciences
Department of History and Government
GOVT 235 LEGAL RIGHTS AND REMEDIES 3 credits Fall 2010

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“Rights without remedies are relatively hollow”
Alan Dershowitz

I. COURSE PREREQUISITES: Sophomore/Pre-Law

II. COURSE DESCRIPTION

A basic introduction to the study of law and an exploration of the source of rights as well as types of remedies in the Anglo-American jurisprudential tradition.

III. REQUIRED TEXT

- Harold J. Grilliot & Frank Schubert, Introduction to Law and the Legal System, 9th ed., Boston: Houghton Mifflin Co., 2008. [G&S]

IV. KNOWLEDGE BASES:

- basic understanding of the substantive and procedural aspects of the American judicial system
- introduction to legal problem solving and case analysis.

V. COMPETENCIES

A. NCATE Curriculum Themes

Academic Scholar: Objectives 8, 17.

Effective Practitioner: Objective 17

Technological Applications: Objective 18

Multiple Forms of Assessment: Objectives 1,2 (also see grading criteria)

Reflective Practitioner: Objectives 3, 4, 8, 15, 16, 17.

Personal and Interpersonal Perspectives: Objectives 1,2, 19.

B. General Education Competencies

i. Written and Oral Communications

- a. Analyze and discuss critical issues and recurring themes in the discipline.
- b. Make interpretations and present those ideas in writing.

ii. Critical Analysis and Reasoning

- a. Apply skills in analysis, synthesis and problem solving.
- b. Apply legal reasoning in the examination and resolution of problems.

v. Information Literacy

- a. Identification of key concepts and terms that describe the information needed.
- b. Selection of the most appropriate investigative methods for accessing needed information.

V. Learning objectives and GENED expected outcomes

Learning Objectives:

This course is designed to enable students to:

1. understand the process of legal reasoning and the resolution of legal problems;
2. present written and oral legal problem resolution to the class;
3. Use Blackboard to access course information and communicate with the professor;
4. understand the nature of law and the legal system in a constitutional democracy.

GENED Student Expected Outcomes

1. Write essays on legal problems. The essay should employ the steps in legal problem solving as validated by the legal community, including facts and legal reasoning to defend different positions. [GENED I. a., b.; ii. a; iii. a.].
2. Deliver an oral presentation on the written essays. [GENED ii. a., b.]
3. Be able to distinguish and competently employ legal reasoning on homework assignments and on the basic concepts exam. [GENED iii. a., b.; v. a.]

VI. STUDENT OUTCOMES:

This course is designed to enable students to:

- develop a sense of the rights and remedies available in our society so that they may hopefully become more knowledgeable citizens.
- enable the student to compare society's images and expectations about the law and our court system with the reality of how it operates.
- achieve a thorough understanding of the structure and operation of American Courts and some of the major issues confronting our legal system.
- enhance the student's critical thinking, analytical and writing skills by cultivating an appreciation of the theory of legal problem-solving through case analysis.

VII INSTRUCTIONAL MODES:

- combination lecture and discussion (basic Socratic dialogue), on the assigned readings for the session;
- writing assignments on legal problems that enhance understanding of legal principles as well as critical thinking/logical reasoning skills.

VIII. COURSE REQUIREMENTS

The student will be required to take a midterm and a final exam. The questions will be mainly hypothetical legal problems that will test their analytical and writing skills as well as your understanding of legal concepts and principles. (Grade value: 80%)

NOTE: Grading Criteria for Essays

Some students feel that the grading of essay exams is a mysterious and inherently biased process. I shall be as objective as possible and this brief outline aims to demystify my grading criteria. You should note that grading exams, especially essays, can never be reduced to a science. In addition to writing, grammar and style, here are some of the things that I look for:

- An "A" answer covers all the points asked within the question and then some. It provides clear understanding of the rules/legal principles and applies same to the facts of the problem. It incorporates both reading and lecture materials into the essay as well as begins to distinguish and analogize cases. Above all, the answer shows a conceptual understanding of the material.
- A "B" exam covers all the points asked within the question. It provides clear understanding of legal rules/principles but does not adequately apply them to the facts or problem under study. It displays some knowledge of the reading and lecture material.

- A "C" answer generally covers all the points required by the question. It is basically a rehash of the lecture notes with little detail or explanation.
- A "D" answer fails to cover all the points required by the question. It shows little understanding of the reading /lecture material and legal principles. Arguments are made with no supporting evidence.
- An "F" answer fails to cover any of the points required by the question. It is evident that the student has made no effort to read or attend class.

2. Take all exams and hand in assignments as scheduled. Any failure to do so will result in no points earned for the exercise; therefore, except in the most extreme circumstances, there will be no make-up. An INCOMPLETE (I) grade will rarely be given and only in cases where the student has a valid excuse. Please contact the Professor prior to an exam in case of an emergency/illness which would be a cause for an official absence from the Dean of the School of Arts and Sciences.

b. The final grades will not be changed unless there is an error in computation. The numerical equivalents of the letter grades are as follows:

90-100 = A 80-89= B 70 - 79 = C 60 - 69 = D Below 60 = F

3. As noted above, class preparation and participation are invaluable for success in this course and will be taken into consideration in the final grading. In any case, the University's rules state that after six absences, the Vice President for Academic Affairs must be notified with a possible recommendation that the student be withdrawn from the course. Most importantly, "Freshmen and Probationary Students are permitted no more than three (3) absences in a given course during a given semester".

Note: Attendance and class participation will be noted in the Attendance Record; however, they do not have any grade value.

4. The Professor reserves the right to adjust or otherwise make changes to this syllabus and/ or these requirements as the semester progresses.

5. Students must understand and apply BSU Core Values (Excellence; Civility, Integrity, Diversity; Accountability) to this course experience.

IX. COURSE ASSIGNMENTS

[Note: Other specific case assignments will be made as the semester progresses]

A. Introduction:

- Review of course syllabus
- Overview of the course
- Note-taking skills

B. Perspectives on Law and the Court System:

1. Nature and Objectives of Law

- The Development and Sources of Law
- Reading Cases
- The structure of a legal argument

Reading: G&S, chap I

Questions: What is law? What is the difference between a common law and a civil law system? How does the adversary system operate? Does this process create problems for our legal system? What is the basic structure of a winning legal argument? Why do judges decide cases the way they do? How do Courts make policy? What factors influence judicial decisionmaking? Is the Court the “least dangerous” branch of government?

2. The Structure of our Legal System

- The Federal Courts
- The State Courts
- Principal Actors in our Legal System: Lawyers, Judges, Litigants and Interest-Groups

Reading: G&S, chap II

Questions: What are the major components of our legal system? In what ways is the legal system political? How are Federal and State Courts organized? What factors determine their power/jurisdiction to hear a particular case? What role do lawyers play in the system? Why are some litigants more successful than others?

3. Seeking Relief in the Courts

- Court Proceedings: civil
- Types of Remedies
- Limitations on Seeking Relief

Reading: G&S, chaps III, V & VII (pp. 178-195)

Questions: What are the legal remedies offered by the judicial system? What is the procedure for bringing suit to seek a civil remedy? How is the client affected if the procedure is not followed in a timely manner?

C. Source of Rights:

1. The Constitution

- Structure of the US Constitution
- Due Process: Procedural and Substantive
- Equal Protection of Law
- Unreasonable searches and seizures

Reading: G&S, chap I, pp. 15-44; Chap XIII, pp. 593-619
Plessy v. Ferguson
Brown v Board of Education

Questions: What is the structure of the US constitution? What substantive and procedural due process rights does it uphold? Who should interpret the constitution? How has the Supreme Court used the constitution to respect and advance the fundamental rights of women and minorities in the US?

*Mid-Semester Evaluation:

2. Criminal Law and Procedure

- Basic Elements of a crime
- Types of Crimes
- Defenses to Crimes

Reading: G&S, chap VII, pp. 256-314

Questions: What are the elements of a crime? What is American criminal procedure? Should the exclusionary rule be abolished? Does the criminal justice system discriminate against minorities? Should the death penalty be abolished? Do tougher penalties reduce crime rates? What are the goals of the criminal justice system?

3. Family Law

- Marriage and the Family
- Terminating the Marriage
- Spousal and Child Support issues

Reading: G&S, chap VIII

Questions: What is a marriage? How are marriages terminated? How are the following issues resolved upon the termination of a marriage: alimony, support and custody?

Final Exam: Tuesday, December 15, 2008 5:00-7:30pm

Announcements

ADA Policy

Students who have a disability and who would like accommodations should report immediately to Disability Support Services (DSS), located in Room 311 in the Center for Learning and Technology or call Mr. Michael S. Hughes, DSS Coordinator at 301-860-3292.

English Proficiency Examination

After completing ENGL 101 and 102, Composition and Literature I and II, students must take and successfully pass the Bowie State University English Proficiency Examination. Transfer students who completed their English composition requirements at another university should take the English Proficiency Examination during their first semester of enrollment at the University.

Inclement Weather

During inclement weather tune in to a local radio or television station. Local Media will announce whether the university will open late or be closed, depending on the degree of weather severity. Many of these sources will begin announcing late openings and closings by 6:00 a.m. Consult university publications for additional information.

SELECTED BIBLIOGRAPHY

- Berman, J. Harold, William R. Greiner and Samir N. Saliba. The Nature and Functions of Law 4th ed., Westbury, NY: Foundations Press, 1996.
- Carter, H. Lief. Reason in Law. 4th ed., New York: HarperCollins, 1994.
- Fisher, D. Bruce. Introduction to the Legal System. St. Paul, MN: West Publishing Co., 1977.
- Fuller, L. Anatomy of the Law. New York: Praeger, 1968.
- Krause, H. Family Law in a Nutshell. 2nd ed. St. Paul, MN: West Publishing, 1986.