

MADRID SUMMER LAW INSTITUTE

Introduction to U.S. Law

Summer 2019 Syllabus

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Monday, June 3: Introduction to Common Law and the U.S. Legal System

In this class, we discuss a broad overview of the U.S. legal system. We discuss how civil law differs from common law. We also discuss how the U.S. common law system differs from the English common law system. We discuss U.S. sources of law. We introduce the concept of federalism. Finally, we discuss how to work with statutes and cases in the U.S. legal system.

Read: pp.40-55 (Legal Methodology, Part 1)
pp. 176-186 and 200-207 (Judicial System)

Handouts: US Circuit Court Map

Tuesday, June 4: Introduction to Common Law and the U.S. Legal System, continued

In this class, we will continue our prior discussion. In addition, we will examine a classic U.S. tort law case, *MacPherson v. Buick Motor Co.* We will use the case to illustrate how judges develop common law legal rules and how lawyers use court cases to shape the law. Students will prepare a case brief for the case, and we will discuss the case using the Socratic method.

Read: *MacPherson v. Buick Motor Co.*

Handout: Case Brief

Wednesday, June 5: U.S. Constitutional Law, Governmental Structure

We begin a discussion of the U.S. Constitution. We will discuss the history of the Constitution. We also will discuss basic constitutional structure, focusing on the separation of powers and federalism. We see how these ideas apply to the structure of the federal government. We also see how these ideas apply to the interaction of the federal government and state governments.

Read: United States Constitution, with Amendments
pp. 1-39 (History and Governmental Structure)
Optional: pp. 371-399 (Judicial Review, Structure and Powers)

Handout: Separation of Powers Summary

Thursday, June 6: U.S. Constitutional Law, Individual Rights

We continue our discussion of the U.S. Constitution. We will explore the individual liberties guaranteed in the Bill of Rights. We discuss how the original application of the Bill of Rights (as only limiting the federal government) became the modern application of the Bill of Rights (as also limiting state governments).

Read: Looking for main points: pp. 217-221 (Procedural Due Process) and 399-457 (Individual Rights Protected by the Constitution)

Monday, June 10: The US Constitution in Context: Trump's Border Wall

We continue discussion from prior class sessions, and we will discuss a current event that has a constitutional law element – President Trump's declaration of a national emergency as a way to construct a border wall between the United States and Mexico despite Congressional failure to fund the wall's construction.

Read: Problem, including excerpts from Presidential Proclamation 9844 of February 15, 2019
Youngstown Sheet and Tube Co. v. Sawyer

Tuesday, June 11: Common Law Workshop, Part 1

We begin by discussing the role of case precedent. We discuss how statutes interact with the common law cases. We walk through an exercise in a non-legal context designed to help students understand how a judge uses precedent in deciding a case. We then discuss two U.S. Supreme Court cases interpreting the Fourth Amendment of the U.S. Constitution (the right to be free from unreasonable searches or seizures). We end by introducing the facts of a third case involving the same legal issue that we will be working with in Part 2 of the Common Law Workshop.

Read: pp. 69-85 (Legal Methodology, Part 2)
Carroll v. U.S., 267 U.S. 132 (1925) (do case brief)
Agnello v. U.S., 269 U.S. 20- (1925) (do case brief)

Wednesday, June 12: Common Law Workshop, Part 2

We continue our common law workshop by applying what we have learned to the facts of the third case introduced in the prior class. Students are divided into teams. Each team is assigned to represent either the government or the citizen. At the end of the class, each team will give a brief argument to the judge (the professor), using the case precedent discussed in class, to convince the judge to rule in their favor.

Read: None

Thursday, June 13: Review; Questions and Answers

We will review the concepts learned in the course. Bring your questions.

Friday, June 14: Final Exam

You may bring your notes and class handouts, but no other materials.