Course Overview

The primary focus of this course is to provide first-year students with an introduction to the study of law, including preliminary exposure to legal reasoning, the structure of the American legal system, and fundamental legal or theoretical concepts.

Organization of the Course

Required Materials. We will use two textbooks plus supplemental reading materials. The required textbooks are

(1) Tracey E. George & Suzanna Sherry, What Every Law Student Really Needs to Know: An Introduction to the Study of Law (Aspen 2009 or Wolters Kluwer 2016) (hereinafter George & Sherry or G&S 1st for the 2009 edition and G&S 2nd for 2016 edition), and

(2) Bryan Stevenson, Just Mercy: A Story of Justice and Redemption (Spiegel & Grau 2014) (hereinafter Just Mercy).

Additional required supplemental reading materials will be available online.

Class Preparation and the On-Call Policy. You are expected to arrive at each class prepared to be called on and ready to engage in focused discussion.

Attendance. You are required to attend all sessions of this class. An attendance sheet will be circulated at the beginning of each class, so be sure you have an opportunity to sign it.

Computers/Cell Phones. You do not need a computer for this class. If you choose to bring a computer to class, you may use it for note taking purposes only. Use of computers or similar devices for any other purpose—including but not limited to Internet surfing, playing games, instant messaging, text messaging, writing email, display of distracting images—is strictly prohibited. Cell phones and pagers must be silenced during class.

Assignments

You are required to read entire text of Just Mercy and the entire text of George & Sherry before the first class.

This material will be reviewed during each class. It will be much easier for you to catch up if you make the time to read them in advance.

George & Sherry combines an introduction to law school methods with a great deal of substantive material. It is conversational in some places, and quite dense in
others. Part of the material will be familiar, and part new. In this initial reading, you do not need to answer the questions or take the time to do the exercises. Do not worry about memorization. But please read actively, highlighting and making marginal notes in the book with your questions and comments.

Read JUST MERCY, before, after, or at the same time as George & Sherry. It is the story of one lawyer’s path from feeling lost in law school to finding work that “felt like home.” Each of us wants the story of our own career and work to be authentic and personally meaningful.

When reading JUST MERCY, consider what you have in common with Stevenson, and how you are different. Stevenson represents clients, advocates for policy reform, runs a nonprofit law office, and is a fundraiser, public speaker, author, and teacher. Where will you choose to be? Consider Stevenson’s strengths and weaknesses, and your own. Consider Stevenson’s vision of justice, and your own. What story in law will you write?

Also, when reading JUST MERCY, look for Stevenson’s references to various fundamental legal concepts discussed in George & Sherry. Some of the important ones are Rules and Standards (G&S 1st at 92-95; G & S 2nd at 104-108); Categorization and Balancing (G&S 1st at 96-97; G & S 2nd at 108-110); Subjective and Objective (G&S 1st at 97-98; G&S 2nd at 110-112); States of Mind (G&S 1st at 101; G&S 2nd at 113-114); Default Rules (G&S 1st at 119; G&S 2nd at 132); the Slippery Slope (G&S 1st at 119-20; G&S 2nd at 132-133); Burdens of Proof (G&S 1st at 102-04; G&S 2nd at 116-118); Precedents, including Stare Decisis (G&S 1st at 98-100; G&S 2nd at 114-116); Standards of Review (G&S 1st at 104-106; G&S 2nd at 118-122); and the Normative/Positive Distinction (G&S 1st at 120-21; G&S 2nd at 133-134).

The cases and other materials beyond George & Sherry and JUST MERCY are available online. Be sure to download the cases directly from the website, rather than pull them on your own, because some of the cases have been edited.

**Class 1. Monday, 8/19, 9:15-11:45 AM, 4th Floor Law College (by section). Read, review, and prepare the following texts or assignments:**

3. G&S 1st Chapter 4 or G&S 2nd Chapter 2.
4. **Concept work:** Review the concepts of “Rules and Standards” presented in G&S 1st at 92-95 or G & S 2nd at 104-108, and “Subjective and Objective” presented in G&S 1st at 97-98 or G&S 2nd at 110-112.

**Class 2. Monday, 8/19, 1-2:30 PM, 4th Floor Law College (by section). Read, review, and prepare the following texts or assignments:**

2. JUST MERCY, Chapter 2, 19-34.
3. G&S 1st Chapters 2 and 3 or G&S 2nd Chapters 3 and 4.
4. **Concept work:** Review the concepts of “Categorization and Balancing” in G&S 1<sup>st</sup> at 96-97; G & S 2<sup>nd</sup> at 108-110, and “States of Mind” in G&S 1<sup>st</sup> at 101; G&S 2<sup>nd</sup> at 113-114.

**Class 3. Tuesday, 8/20, 10:00-11:30 AM. 4<sup>th</sup> Floor Law College (by section).** Read, review, and prepare the following texts or assignments:

1. Class 3 posted materials, *Professional Responsibility, Social Media, and Debt* and pages 12-13 in *The Hidden Sources of Law School Stress* by Lawrence S. Kreiger. (Kreiger is a small booklet included in your orientation materials.)
2. **JUST MERCY,** Chapter 3, 47-66.
3. **Concept work:** Review the concepts of “Default Rules” presented in G&S 1<sup>st</sup> at 119; G&S 2<sup>nd</sup> at 132, “The Slippery Slope” in G&S 1<sup>st</sup> at 119-20; G&S 2<sup>nd</sup> at 132-133, and “Burdens of Proof” in G&S 1<sup>st</sup> at 102-04; G&S 2<sup>nd</sup> at 116-118.

**Class 4. Tuesday, 8/20, 1:30-3:00 PM. Eli Broad, N130.** Read, review, and prepare the following texts or assignments:

1. Read *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978) (read the entire case);
2. **JUST MERCY,** Chapter 7, 127-146.
3. G&S 1<sup>st</sup> Chapter 5 and pages 166-74; G&S 2<sup>nd</sup> Chapter 5, and pages 155-161.
4. **Concept work:** Review the concepts of “Precedents” and “Stare Decisis” presented in G&S 1<sup>st</sup> at 98-100; G&S 2<sup>nd</sup> at 114-116, and “Standards of Review” in G&S 1<sup>st</sup> at 104-106; G&S 2<sup>nd</sup> at 118-122.

**Class 5. Wednesday, 8/21, 10:00-11:30 AM. 4<sup>th</sup> Floor Law College (by section).** Read, review, and prepare the following texts or assignments:

1. **JUST MERCY.** Review the sections you found most interesting or most compelling. JUST MERCY presents issues of procedure, ethics, evidence, criminal law, justice, professional identity, attorney-client relationships, and criminal justice policy, among other things. It also illustrates one way that race continues to be important in our legal system. We will discuss some of these issues.
2. **Concept work:** Review the “Normative/Positive Distinction” presented in G&S 1<sup>st</sup> at 120-21; G&S 2<sup>nd</sup> at 133-134.

**Class 6. Wednesday, 8/21, 1:00-2:15 PM. 4<sup>th</sup> Floor Law College (by section).** Review G&S and other assignments to prepare for the Legal Knowledge Game. No new reading required.

**Class 7. Wednesday, 8/21, 2:30-3:15 PM. Eli Broad, N130. Legal Knowledge Championship.**

**Class 8. Thursday, 8/22, 3:15-4:15 PM. 4<sup>th</sup> Floor Law College.** Foundations of Law