

WAKE FOREST UNIVERSITY SCHOOL OF LAW

Lawyers and Legal Institutions

Syllabus Summer, 2011

Professor Wilson Parker, Director

Professor Christine Coughlin, Co-Director

OBJECTIVES

The goal of this course is to introduce you to the legal system, different sources of law, and various legal doctrines and forms of analysis used by lawyers in the practice of law. Within the course, you will become familiar with the Socratic dialogue, as well as other pedagogical methods used by law professors, to hone your inductive and deductive reasoning skills. You will also be provided with an overview of the litigation process to understand the theories and strategies used by lawyers in trying cases, as well as drafting and other analytical principles that may be relevant to lawyers involved in a transactional or corporate practice. This course will be highly experiential and will involve applying the legal and ethical principles we learn about in realistic scenarios.

ADMINISTRATION

This class meets Monday-Thursday from 9:00 a.m.-12:00 p.m. from May 23, 2011-June 17, 2011. During the course, you will have opportunities to visit several different types of legal institutions, such as our state and federal courts, the state legislature, and an administrative body. Because we will need to travel around the state to visit some of the various institutions, these “field trips” may run after the regularly scheduled class time. In addition, each week, you will attend and view a movie that will reinforce many of the concepts that we have discussed and applied during the class.

We will begin our regularly scheduled class at 9:00 a.m. The majority of the classes will have two components. During the first portion of the class, from 9:00 a.m.-10:30 a.m., we will typically focus on introducing legal issues and reinforcing the legal and ethical theory underlying various legal doctrines. From 10:45 a.m.-

12:00 p.m., you will typically apply what you have learned from the reading and morning session of the course to a novel legal issue. The ethical choices that lawyers must make will also be stressed during the experiential sessions. The course will also have two law student teaching assistants who will be attending all classes and will be available for mentoring students throughout the course.

COMMUNICATION

We will often communicate with you through e-mail and on the Sakai site. Please check your e-mail and the Sakai site frequently to make sure that you are up-to-date.

COURSE EXPECTATION AND GRADING

There is a lot of reading in this course: some of it may be unfamiliar territory for many of you, while other readings will come as second nature. We expect you to read all assigned material before class. Please read with an eye to making connections among the different types of readings and exploring relationships among the issues and concepts we discuss in class. The assignments will all be available electronically and will be posted on the Sakai site.

Some of the legal issues we will be discussing are complex and may be controversial. In addition, in law, “right” answers are rare; thus, reflection and discussion are the best ways to grapple with the questions and lay the groundwork for understanding how these concepts work in the practice of law. Participation in class and in the application exercises is the best way to make the most out of this class. While the application exercises will not be individually graded, you will be provided feedback on both written and oral assignments from the professors and teaching assistants concerning how you take the concepts and theory you learn in the readings and in class and apply them in the simulation exercises.

Critically reading all assigned materials before class, considering the ethical choices the lawyers either made or must make, and actively listening during *all* class activities (lectures, field trips and movies) will be necessary to effectively apply the concepts in the various lawyering exercises. For this reason, grading in this course will be as follows:

Participation	30%
Exam	70%

A final examination will take place on the last day of class and will focus on the various themes we have explored during the class. There will be a few questions from each day of class reflected on the exam, as well as some overarching questions that will explore your understanding of the relationship among the various issues and concepts.

Date/Time/Room	Topics	Assignment
Monday, May 23, 2011 9:00 a.m.-12:00 p.m. Room 2321and small courtroom 2323	Introduction to the legal system, sources of law and theories of legal argument	<ul style="list-style-type: none"> ●Christine Coughlin, <i>A Lawyer Writes</i>, Chapter 2, Sources and Systems of Law, pages 15-31 ●Ruth Ann McKinney, <i>Reading Like a Lawyer</i>, Chapter 1, Reading in Law School, pages 3-13
Tuesday, May 24, 2011 9:00 a.m.-12:00 p.m. Room 2321and small courtroom 2323	Basic statutory analysis; introduction to an analytical paradigm for legal analysis using a basic statute; introduction to critical legal reading skills for statutes.	<ul style="list-style-type: none"> ●Christine Coughlin, <i>A Lawyer Writes</i>, Chapter 3, Reading for Comprehension (statutes), pages 33-43 ● Richard S. Beth, Congressional Research Service Report for Congress, <i>Bills and Resolutions: Examples of How Each is Used</i> ● Bill Heniff, Jr. Congressional Research Services Report for Congress, <i>An Overview of the Authorization and Appropriations process</i> <p>Application Exercise:</p> <ul style="list-style-type: none"> ● The Kidnapping of Stephen Colbert - <i>State v. Daily</i>
Wednesday, May 25, 2011 9:00 a.m.-12:00 p.m. Room 2321and small	Introduction to critical reading skills for case law and using case briefs as a	<ul style="list-style-type: none"> ●Handout: Case Briefs ●Christine Coughlin, <i>A Lawyer Writes</i>, Chapter 3—Reading for

courtroom 2323	method for understanding the important components of a case; the purpose and form of a Socratic dialogue in legal education; the importance of considering the weight of authority when analyzing a legal issue	Comprehension (Judicial opinions), pages 43-56 ● <i>Costanza v. Seinfeld</i> , 693 N.Y.S.2d 897 (1999). Application Exercises: ● Prepare a case brief from the <i>Costanza</i> case to use in class ● Mock Socratic dialogue
Wednesday, May 25, 2011 7:00 p.m.	Movie night <i>To Kill a Mockingbird</i>	Questions to consider: <i>What do lawyers do? What function do lawyers serve in a community? Are these roles also accomplished by others or are the contributions of lawyers unique? What are the admirable traits of Atticus Finch? Does he possess these traits simply because he was born with them, or has his training as a lawyer developed them? What skills does Atticus bring to the table because he is a lawyer-rather than a minister or teacher or doctor?</i>
Thursday, May 26, 2011 9:00 a.m. -	Field trip to Raleigh to visit the North Carolina appellate courts and State Capitol	● http://www.northcarolinatravels.com/raleigh/history.htm ● Jack Davis, <i>Legislative Law and Process</i> , Chapter 2, Legislative Institutions, pages 15-53
Monday, May 30, 2011	Memorial Day	NO CLASS
Tuesday, May 31,	Criminal law and the	● H.L. Packer, <i>The Limits of the</i>

<p>2011 9:00 a.m.-12:00 p.m. Room 2321 and small courtroom 2324</p>	<p>justifications for punishment Guest Lecturer: Professor Charley Rose</p>	<p><i>Criminal Sanction</i></p> <p>Application exercise: ● Case file: <i>State v. Jones</i> – criminalizing medical research on embryos</p>
<p>Wednesday, June 1, 2011 9:00 a.m.-12:00 p.m.</p>	<p>Field trip to Forsyth County criminal district court</p>	<p>●North Carolina Administrative Office of the Courts, <i>The North Carolina Judicial System</i>, pages 1-30.</p>
<p>Wednesday, June 1, 2011 7:00 p.m.</p>	<p>Movie night <i>Twelve Angry Men</i></p>	<p>Questions to consider:</p> <p><i>What are the strengths of the jury system? What are the weaknesses of the jury system: Should all juries have a legally trained “consultant” participate in the deliberations? If so, should the consultant also be given a vote?</i></p>
<p>Thursday, June 2, 2011 9:00 a.m.-12:00 p.m. Room 2321 and small courtroom 2323</p>	<p>Tort law overview; compensatory and punitive damage awards; the use of alternative dispute resolution</p> <p>Guest lecturer: Ralph Peeples</p>	<p>● Dan B. Dobbs, <i>The Law of Torts</i>, Chapter 1, Introducing and Surveying Tort and Injury Law, pages 1-30.</p> <p>Application exercise:</p> <p>● Case files: <i>Glover v. Lerner</i> and <i>Connell v. Burton</i> mediation and negotiation exercises</p>
<p>Monday, June 6, 2011 9:00 a.m.-12:00 p.m. Room 2321 and small courtroom 2323</p>	<p>Contract law overview; the power of a bargain; covenants not to compete; business drafting considerations</p> <p>Guest Lecturer: Professor Suzanne Reynolds</p>	<p>● Excerpts from: Morris R. Cohen, <i>The Basis of Contract</i>, 45 Harv. L. Rev. 553 (1933); Randy Barnett, <i>Book Review of Farnsworth, Contracts</i>, 97 Harv. L. Rev. 1223 (1984); Randy Barnett, <i>A Consent Theory of Contracts</i>, 6 Colum. L. Rev. 269 (1986); and Mary Joe Frug, <i>Re- reading Contracts: A Feminist Analysis of a Casebook</i>, 34 Amer.</p>

		<p>U. L. Rev. 1065 (1985); <i>Bailey v. West</i>, 249 A.2d 414 (R.I. 1969).</p> <p>Application exercise:</p> <ul style="list-style-type: none"> • Case file: <i>Young v. Alleghany Associates</i> – covenant not to compete
<p>Tuesday, June 7, 2011 9:00 a.m.-12:00</p>	<p>Property and intellectual property considerations in the law; the difference between copyright and patents; innovation and incentives for research vs. governmental control for public policy</p> <p>Guest Lecturer: Simone Rose</p>	<ul style="list-style-type: none"> • <i>Moore v. The Regents of the University of California</i>, 793 P.2d 479 (Cal. 1990). • <i>Association for Molecular Biology v. U.S. Patent and Trademark office</i>, Case 1:09-CV-04515RWS (S.D.N.Y. 2010). <p>Application:</p> <p>Visit to the Wake Forest Institute of Regenerative Medicine</p>
<p>Tuesday, June 7, 2011 7:00 p.m.</p>	<p>Movie night <i>Gandhi</i></p>	<p>Questions to consider:</p> <p><i>What is constitutionalism?</i> <i>What is a constitutional moment?</i> <i>What is the relationship between a constitution and the culture of the country where it is drafted?</i></p>
<p>Wednesday, June 8, 2011 9:00 a.m.-12:00 p.m. Room 2321</p>	<p>Constitutional Law I</p>	<ul style="list-style-type: none"> • Michael K. Curtis and Wilson Parker, <i>Constitutional Law in Context</i>, 3rd Ed., Vol. 1, Chapter 1, pages 5-38 <p>Application Exercise:</p> <p>Drafting a constitution</p>
<p>Thursday, June 9,</p>	<p>Field trip to the</p>	<ul style="list-style-type: none"> • Erwin Chemerisky, <i>Federal</i>

2011 9:00 a.m.-12:00 p.m.	federal courthouse in Greensboro, NC	<i>Jurisdiction</i> , Chapter 1, Section 1.4, <i>The Structure and Authority of the Federal Courts</i> and section 1.5, <i>Separation of Powers and Federalism as Unifying Theme in Law and the Study of Federal Jurisdiction</i>
Monday, June 13, 2011 9:00 a.m.-12:00 p.m.	Constitutional Law II	<ul style="list-style-type: none"> ● Wilson Parker, <i>Establishing Justice: The Constitution and Natural Law</i> (copy of lecture); <i>Griswold v. Connecticut</i>, 381 U.S. 479 (1965); <i>Case of S. and Marper v. United Kingdom</i>, (Application nos. 30562/04 and 30566/04)(ECHR 2008) <p>Application Exercise:</p> <p>Case File: The use of DNA and the European Court of Human Rights</p>
Monday, June 13, 2011 9:00 a.m.-12:00 p.m.	Movie Night <i>Judgment at Nuremburg</i>	<p>Questions to consider:</p> <p><i>Are their universal human rights? Should courts enforce non-textual universal human rights or should courts only enforce positive law?</i></p>
Tuesday, June 14, 2011 9:00 a.m.-12:00 p.m.	Administrative Law Guest Lecturer: Professor Ron Wright	<ul style="list-style-type: none"> ● Curtis W. Copeland, Congressional Research Report for Congress, <i>The Federal Rulemaking Authority: An Overview</i>
Wednesday, June 14, 2011 9:00 a.m.-12:00 p.m.	An Immigration Law overview and field trip to immigration law court in Charlotte, NC Guest Lecturer:	<ul style="list-style-type: none"> ● Margaret H. Taylor, <i>Denmore v. Kim</i>: Judicial Deference to Congressional Folly, in David A. Martin and Peter H. Schuck, <i>Immigration Stories</i>, pages 1-5 and 343-368

	Ms. Laura Burton, Smith, Moore, Leatherwood, LLP	
Thursday, June 16, 2011 9:00 a.m.-12:00	Final Exam	