

# U.S. LAW AND LEGAL ANALYSIS

## SYLLABUS FALL 2023

**Professor Xiaoyu Zhang**

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### Course Description:

This course provides the general review of the U.S. laws and regulations, and teaches the students the basic practical skills needed in the U.S. legal environment. The course comprises three parts: the review of the fundamentals of the U.S. legal system, the learning and practicing basic skills in doing legal research and legal writing, and practicing analytical and critical thinking capability in the practice of law in the U.S.

The review of the fundamentals of the U.S. legal system covers an overview of the U.S. Constitution, federalism, the structure and function of courts, sources and hierarchies of legal authority, common-law methodology. The vocabulary for U.S. law and government on different topics will be imparted throughout the semester.

The basic practical skills in legal research and legal writing will first construct on locating statutes and cases, citing legal authorities correctly, and checking the validity of case citations. Then, the course will dive into the essential analytical and critical legal thinking skills including predicting the likely outcome of a legal dispute based on the binding precedent to facts, the development of legal argument, the IREAC (Issue, Rule, Rule Explanation, Analysis, Conclusion) organizational structure, and plain English writing. In class exercises and three major assignments covering case briefing, legal research, and office memorandum are designed as the practice of skills.

This course will also help to develop students' skills in studying at a U.S. law school by immersing briefing cases, course outlining, and taking exams into classroom teaching and practical assignments throughout the semester.

### Course Learning Objectives:

Successful completion of this course will enable students to:

- Demonstrate a general understanding of the structure, components, and functions of U.S. legal system, including the separation of legislative, judicial, and executive powers, the “checks and balances” system, and federalism.
- Demonstrate an understating of the basic concepts of U.S. legal principles, including court hierarchy, jurisdiction, impact of precedent (the principle of *Stare Decisis*),

mandatory and persuasive authority, dual court system, and the interrelationship among various sources of law.

- Demonstrate an understanding of the difference between common law and civil law, different types of case law, subsequent case history (what a higher level court has done to a lower-level court decision on appeal) and treatment (what other cases have said about the initial case).
- Building up the legal vocabulary in context of U.S. law and government, and the common law system.
- Conduct legal research by utilizing the legal database in the U.S.
- Demonstrate research process for different types of authorities, and the choices of sources of authority to the fact, the reasoning and analytical skills to analyze the facts with legal issues, identification of counter-arguments.
- Practice writing in Plain English and IREAC structure to express legal analysis and reasoning.
- Develop basic study skills in U.S. law schools, including case briefing, outlining, memorandum writing, among others.

Required texts:

1. Frank August Schubert, *Introduction to Law and the Legal System*, 12<sup>th</sup> Edition, Cengage Learning (publisher), 2022.
2. Kent C. Olson, et al., *Principles of Legal Research* (2020). Available through the [West Academic Study Aids](#) database with your VLGS login.
3. [U.S. Constitution](#), Frank August Schubert, *Introduction to Law and the Legal System*, 12<sup>th</sup> Edition, Cengage Learning (publisher), 2022.p. 611

Meeting Place and Time: 2:10-3:25 p.m., Map Room, Tuesdays and Thursdays

Course Platform: Canvas. You can find under Resources on VLGS website. All course materials will be uploaded on Canvas.

Grading:

Letter grades are based on class activities, and assignments. Class activities include class preparation, attendance, participation, and exercises. Assignments will be evaluated during the whole semester with various research, writing, and analytical focus:

- Case brief assignment 5%
- Legal research assignment 25%
- Legal analysis assignment 25%
- Memorandum writing assignment 30%
- Class activities .....10%
- Legal vocabulary 5%

Class participation includes attending classes and meetings on time, participating in class discussion, completing all the assignments and meeting all the deadlines.

Pursuant to Vermont Law and Graduate School (VLGS) academic regulations, students who are absent from twenty (20%) percent of the regularly scheduled classes or who fail to complete

required hours for other work shall be automatically withdrawn from the course with a grade of F-Wd. See VLGS attendance policy in the Student Handbook for additional information on class attendance.

Application of the Honor Code:

The Vermont Law and Graduate School Honor Code governs students work and conduct in this course. Whenever using the words or ideas of another writer, students must acknowledge the original source. The assignments students submit must be their own work product.

Classroom etiquette: During class, please turn off cell phones and please do not surf the internet, text, or read your email.

Class schedule:

<p>Week 1</p> <ul style="list-style-type: none"> <li>- Course Overview</li> <li>- What is Law, and the Origin of Law in the U.S.</li> </ul>	<p>Session 1 08/29,:Readings:</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter I. Introduction. Pages 1-25 (before “Due Process”).</li> <li>2. <i>Principles of Legal Research:</i> Introduction: Context and Framework, pages 1-5.</li> <li>3. Preamble, U.S. Constitution.</li> </ol>
	<p>Session 2 08/31 Readings:</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter I. Introduction. Pages 25-52.</li> <li>2. <i>Principles of Legal Research:</i> Chapter 1, Research Methods and Process.</li> </ol> <p>■ Assignment 1: Briefing a case: <i>Brett Jones v. Mississippi</i> (Due on Sep 6 11:59 p.m.)</p>
<p>Week 2</p> <ul style="list-style-type: none"> <li>- Institutional Sources of U.S. Law</li> <li>- Common Law and Civil Law Legal System; Constitutions, Legislation, Administrative Agencies, Judicial Decision Making, Stare Decisis doctrine, Recognizing Laws of Other States</li> <li>- Legal vocabulary related to Common Law, Civil Law</li> </ul>	<p>Session 1 09/05 Readings:</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 3. Institutional Sources of American Law. p. 99-113 (before Doctrine of Stare Decisis)</li> </ol>
	<p>Session 2 09/07 Readings :</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 3 . Institutional Sources of American Law. p. 113-135</li> </ol>

<p>Week 3</p> <ul style="list-style-type: none"> <li>- Courts, state courts systems, jurisdiction</li> <li>- Federal Court System, the U.S. District Courts</li> <li>- The thirteen U.S. Courts of Appeals</li> <li>- The U.S. Supreme Court</li> <li>- Legal Vocabulary related to Court system</li> </ul>	<p>Session 1:09/12</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 4 . The Judicial System. p. 139-153 (Before the U.S. District Court)</li> </ol>
	<p>Session 2: 09/14</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 4 . The Judicial System. p. 153-166 (Before the Foreign Intelligence Surveillance Courts)</li> </ol>
<p>Week 4</p> <ul style="list-style-type: none"> <li>- Basics of Civil Procedure</li> <li>- Proceedings before a Civil Trial</li> <li>- Motions</li> <li>- Civil Trials</li> <li>- Rules of Evidence</li> <li>- Legal Vocabulary: Civil Procedure</li> </ul>	<p>Session 1:09/19</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 5 . Civil Procedure. p. 172-189</li> </ol>
	<p>Session 2: 09/21</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 5 . Civil Procedure. p. 190-201</li> </ol>
<p>Week 5</p> <ul style="list-style-type: none"> <li>- Judicial Remedies</li> <li>- Common Law Remedies</li> <li>- Equitable Remedies</li> <li>- Legal Vocabulary: Judicial Remedies</li> </ul>	<p>Session 1:09/26</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 7 . Judicial Remedies. p. 243-257 (Before Equitable Remedies)</li> </ol>
	<p>Session 2:09/28</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 7 . Judicial Remedies. p. 257-273</li> </ol>
<p>Week 6</p> <ul style="list-style-type: none"> <li>- Basics of Contracts</li> <li>- Offer, acceptance, consideration, capacity, illegality, performance</li> <li>- Legal Vocabulary: Contracts</li> </ul>	<p>Session 1: 10/03</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 10 . Contracts. p. 388-424 (Before Contract Performance)</li> </ol>
	<p>Session 2: 10/05</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 10 . Contracts. p. 424-431</li> </ol>
<p>Week 7</p> <ul style="list-style-type: none"> <li>- Basics of Torts</li> <li>- Intentional Torts</li> <li>- Negligence</li> <li>- Strict liability</li> <li>- Legal Vocabulary: Torts</li> </ul>	<p>Session 1:10/10 no class (Fall Break). 10/12</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 11 . The Law of Torts. p. 437-460</li> </ol>
	<p>Session 2:10/17</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 11 . The Law of Torts. p. 461-482</li> </ol>

<p>Week 8</p> <ul style="list-style-type: none"> <li>- Basics of Property</li> <li>- Classifications of Property</li> <li>- Government’s Right to Regulate and Take Private Property</li> <li>- Legal Vocabulary: Property</li> </ul>	<p>Session 1:10/19</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 12. Property. p. 488, P501-512 before “Real Property)</li> </ol>
<p><b>Week 9</b></p> <ul style="list-style-type: none"> <li>- Alternative Dispute Resolution</li> <li>- Advocacy</li> <li>- Introduction of plain English writing</li> <li>- Introduction of IREAC structure</li> <li>- Introduction of citation</li> <li>-</li> </ul>	<p>Session 2:10/24 (Guest Lecture) – <b>Legal Research</b></p> <p>Readings TBD</p> <ul style="list-style-type: none"> <li>- Introduction of Legal Research</li> </ul>
<p>Week 10</p> <ul style="list-style-type: none"> <li>- Administrative Law and Administrative Agencies</li> <li>- Organizing the application of law and form of argument</li> <li>- In class exercise: Plain English and IREAC structure</li> <li>- Legal analysis assignment critics and discussion session 1</li> <li>- Legal vocabulary on criminal law and criminal procedure</li> </ul>	<p>Session 1:10/26 (Teams)</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 14. Alternative Dispute Resolution. p. 567-606</li> </ol>
<p>Week 11</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 2:10/31 (Guest Lecture) - <b>Advocacy</b></p> <ul style="list-style-type: none"> <li>- Applying the law through rule-based reasoning</li> <li>- In class exercise: Applying the law through rule-based reasoning</li> </ul>
<p>Week 10</p> <ul style="list-style-type: none"> <li>- Administrative Law and Administrative Agencies</li> <li>- Organizing the application of law and form of argument</li> <li>- In class exercise: Plain English and IREAC structure</li> <li>- Legal analysis assignment critics and discussion session 1</li> <li>- Legal vocabulary on criminal law and criminal procedure</li> </ul>	<p>Session 1: 11/02 (Teams)</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 13. Administrative Law and Administrative Agencies. p. 533-548</li> </ol>
<p>Week 11</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 2: 11/07</p> <ol style="list-style-type: none"> <li>1. <i>Introduction to Law and the Legal System:</i> Chapter 13. Administrative Law and Administrative Agencies. p. 549-564</li> </ol>
<p>Week 11</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 1:11/09</p> <ul style="list-style-type: none"> <li>- Legal analysis assignment critics and discussion session 2</li> <li>- Office memorandum assignment explained</li> </ul>
<p>Week 11</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 2:11/14</p> <ul style="list-style-type: none"> <li>- How to identify and write question presented and brief answer of office memorandum</li> <li>- In class exercise (environmental law): question presented and brief answer</li> <li>- Legal vocabulary on environmental law</li> </ul>

<p>Week 12</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 1: 11/16</p> <ul style="list-style-type: none"> <li>- How to write the statement of facts and conclusion of office memorandum</li> <li>- In class exercise: statement of facts</li> </ul>
	<p>Session 2:11/21</p> <ul style="list-style-type: none"> <li>- Arguments outlining of office memorandum</li> <li>- In class exercise: argument outlining</li> <li>- Legal vocabulary on civil law and civil procedure</li> </ul>
<p>Week 13</p> <ul style="list-style-type: none"> <li>- Legal Writing Practice</li> </ul>	<p>Session 1:(11/23 Thanksgiving No Class) 11/28</p> <ul style="list-style-type: none"> <li>- Statutory analysis of office memorandum</li> <li>- In class exercise: statutory analysis</li> </ul>
	<p>Session 2:11/30</p> <ul style="list-style-type: none"> <li>- Advocacy skills</li> <li>- Legal vocabulary on evidence</li> </ul>
<p>Week 14</p> <ul style="list-style-type: none"> <li>- Class Review</li> </ul>	<p>Session 1:12/05</p> <ul style="list-style-type: none"> <li>- Class Review: overview of the U.S. legal system, legal research, legal writing, legal vocabulary</li> </ul>
	<p>Session 2:12/07</p> <ul style="list-style-type: none"> <li>- Discussion of the Office memorandum assignment</li> </ul>