

**Introduction to Law & Legal Research 21:790:304:63**

**FALL SEMESTER 2018**

**Professor Todd M. Galante**

Index No.: 15906

Thurs. Evenings 6:00 p.m. to 9:00 p.m.

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**Required Textbook and Additional Materials**

***BEFORE THE LAW: AN INTRODUCTION TO THE LEGAL PROCESS***

**(8<sup>TH</sup> EDITION, JOHN J. BONSIGNORE, ET AL)**

**ISBN-10: 0-618-50345-5 or ISBN-13: 978-0-618-50345-2;**

***One L (Scott Turow – Penguin Publishing); and***

***GILBERT LAW SUMMARIES - LEGAL RESEARCH, WRITING & ANALYSIS***

**ISBN: 978-0-314-29097-7**

**THE BOOKS ABOVE CAN BE PURCHASED AT THE UNIVERSITY BOOKSTORE –  
THEY ARE IN STOCK**

***Before the Law:*** An Introduction to the Legal Process is the course text, which includes diverse readings about law, excerpted judicial opinions in major cases, and the editors' commentary. “It is a book about law. It is designed to encourage a variety of approaches to the study of law: political, sociological, anthropological, historical, literary, and philosophical.... Whatever their sources, the readings are always arranged to provoke thinking and discussion of law in the broad contexts of culture and history. Each issue is presented as part of a process of law operating in society. (*Before the Law*, at Introduction, p. xi.) ***One L*** – recounts the author's first year as a “One L” student at Harvard Law School. It is regarded as a classic description of the rigors of legal education and first year law school experience. ***Gilbert Law Summaries, Legal Research, Writing & Analysis*** provides information and instruction focused on finding the law, legal writing and more. It is an excellent learning tool for this course.

**Course Description**

This course is intended to provide students with the foundation necessary to begin “thinking like lawyers.” Through this course students will explore, understand and develop necessary legal skills focusing on the nature of law, basis and role of our legal institutions and legal process, functions of various levels of the judiciary, fundamentals of legal reasoning, advocacy, debate, decision-making and introduction to attorney ethics. Students will also learn basic legal research methods. While we will also review and discuss the Code of Professional Conduct for lawyers, students will not learn substantive areas of American Law such as contracts, torts, property law, criminal law, etc. I am exploring the possibility of teaching those in a separate class next semester – “Introduction to American Substantive Law.”

### Additional Readings/News/Community

- The United States Constitution, Bill of Rights and 14<sup>th</sup> Amendment.
- NJ Code of Professional Responsibility – Handout/Link
- ABA Model Rules of Professional Conduct – Handout/Link
- The Wall Street Journal, The New York Times, The Star Ledger, Pew Research Center website and other “News” outlets.

### Attendance Policy

Experience has demonstrated that students who miss more than 1 class generally do not perform well in my class, be it on exams, class discussion/participation or final grade. **Thus, attendance is mandatory. If a student has more than one absence his/her grade will automatically be reduced by ½ grade for each absence after the first. This rule is to emphasize the need for you to attend class. If the student knows in advance that he/she will miss more than one class the student should take a different course. Students are permitted one excusable absence. An “excusable absence” generally consists of a doctor documented personal illness, illness of a student's minor child who resides with the student, a student's parent where the student is the caregiver of the parent, or a death in the immediate family.**

If you have an excusable absence you must notify me of same via email before class and provide proper supporting documentation upon return to class at our next session. Failure to timely comply will result in recordation of an unexcused absence. Doctor's notes are required for medical excused absences. **I will generally take attendance during the first 10 minutes of each class and you must be present (in person) for the entire class to be marked and remain marked as “in attendance”. If you happen to be 5 minutes late once or twice, that will not be a problem. Please note, however, that 3 late arrivals will equal 1 unexcused absence.**

### Participation Requirement

**(I Use The “Socratic Method” – Not Straight Lecture)**

**Class participation is required as part of my class. Students must be prepared for each class, having read the required materials, being apprised and familiar with current political and legal issues/events, as well as meaningfully respond to questions about the readings and contribute to our class discussions/debates. FAILURE TO BE PREPARED WILL NEGATIVELY AFFECT YOUR FINAL GRADE.**

Students should follow current news about interesting contemporary legal issues and/or cases. Students will be required to present papers and/or arguments/debate on compelling legal items, issues and/or topics.

### General Rules/Interaction/Respect

**I will call on students during each class to, among other things, recite assigned cases, discuss required readings and other materials, engage in relevant Q&A with me, debate with me and/or other students, and otherwise engage. We will also discuss/debate current political issues and/or events in class. Thus, students are expected and required to have timely completed all assigned reading and other assignments in order to participate and meaningfully contribute to class discussions, et cetera.**

**Students are to be respectful of other students, the professor and all guests. Students should comport themselves in a mature and professional manner. Failure to do so will result in a reduction of your**

final grade. Thus far, this has never been an issue in any of my classes.

Students are required to adhere to the University's policies regarding Academic Integrity. Evidence of cheating on exams, assignments or otherwise will result in issuance of a failing grade and report to the proper university authority. Plagiarism will not be tolerated.

### Special Consideration

Any student requiring special consideration or accommodation for a disability shall notify me of it on the first day of class. Additionally, proper documentation from the University should be obtained, completed and submitted to me on the first day of class or no later than the second class.

### Exams

Students are responsible for all assigned materials/content presented in the textbook, lectures, other assigned reading, exhibited or assigned film(s), handouts, class debates, and any other materials disseminated by me during the semester. Everything is fair game on quizzes, tests and exams.

**DO NOT MISS EXAMS.** Also, do not ask to reschedule exams because of travel plans. The exam schedule has been selected to avoid holidays and conflicts.

**The Midterm Exam will be given during class time on Thursday, October 11, 2018.**

**The Final Exam will, at my election and sole discretion, be either a Take-Home Exam given on and due by Sunday 7:00 p.m. December 16, 2018 OR an IN-CLASS Exam on Thursday December 20, 2018 (6:20 to 9:20 p.m.). We'll see. I will announce my selection a couple weeks before the foregoing relevant date(s).**

### Grading/Negative Discretion

Grades are based on the following:

In-Class quizzes/oral presentations (10% total); Written legal research assignments and other written assignments (10% total); Written Assignment regarding One L (15%), Midterm Exam (30%); and Final Exam (35%). Certain assignments will be graded as either accepted, rejected, late or missing. Corresponding point/credit value will attach to each...full credit, zero credit, half credit and zero credit respectively.

**WARNING: Negative Discretion** – Your overall grade will be reduced ½ grade for each of the following: You: (a) fail to abide by my stated attendance policy; or (b) on more than one occasion you: (i) fail to be prepared, or (ii) fail to meaningfully participate in class discussions/debate; or (iii) fail to timely submit or complete homework assignments or (iv) are disrespectful of others; or (v) are disruptive or not paying attention during class or are on using social media, shopping online, watching sports, etc. **YOU'RE PAYING FOR THE CLASS, YOU SHOULD DO EVERYTHING APPROPRIATE IN YOUR POWER TO DO WELL. LET'S HAVE A GREAT SEMESTER AND MEMORABLE EXPERIENCE!!!**

## Order of Readings and Lectures

**YOU SHALL READ THE ASSIGNED MATERIALS BELOW IN ADVANCE OF EACH CLASS. YOU SHALL ALSO VIEW ASSIGNED VIDEOS/MOVIES. YOU SHOULD ALSO READ AND CONSIDER ANSWERS TO THE QUESTIONS FOLLOWING READINGS AND AT THE END OF EACH SECTION/CHAPTER OF THE TEXTBOOK.**

<b>DATE</b>	<b>READINGS</b>
	<b>You should have read, viewed and be prepared to discuss the following by dates shown:</b>
9/6/2018	Gilbert – Chapters 9 & 11. Also read Textbook (Before the Law): The Introduction, Forward and Chapters 12 & 13 – The Education of Lawyers (Textbook pp. 343 – 367 & Lawyers and the Adversary Process (Textbook pp. 367 to 402)
	Review of Syllabus, University Academic Integrity Policy, Introduction, Forward, Chapters 12 & 13. Introduce and handout parts of NJ Code of Professional Responsibility (Ethics) (Lecture and Discussion)
9/13/2018	Gilbert – Chapters 1, 2 and 3. Textbook: Chapter 11 – Lawyers and The Profession of Law (Textbook pp. 315 – 343) and Review of select provisions of NJ Code of Ethics (Lecture and Discussion)
9/20/2018	Gilbert - Chapters 4 & 5. Textbook, Chapters 1 & 2 – Law in Theory and Practice, Lawmaking and Precedent, How Judges and Lawyers Reason from Prior Cases, and Law and Official Discretion (Textbook pp. 1 - 43) (Lecture and Discussion)
9/27/2018	Gilbert - Chapter 8. Textbook, Chapter 4 – Law and Conflicting Interests (Lecture and Discussion)
10/4/2018	Gilbert – Chapter 8. Textbook, Chapter 4 – Law and Conflicting Interests (Lecture and Discussion)
10/11/2018	<b>Midterm Exam</b>
10/18/2018	Textbook, Chapter 5 – Law, Status Textbook, Chapter 4 – Law and Conflicting Interests (Lecture and Discussion)
10/25/2018	Textbook, Chapters 6 and 7 – Law and Popular Will (Textbook pp. 151 – 185) and Feminist and Racial Perspectives on Law and Legal Order (Textbook pp. 185 – 217) (Discuss Midterm Exam Results -- Warning Grades Posted After Grading of Midterm Exam, Lecture and Discussion)
11/1/2018	<b>Spring Break</b>

11/8/2018	Students hand in <b>ONE L Written Assignment at beginning of class.</b> (Continue Discussion and Assignment review). Textbook, Chapter 8 - Law Enforcement (Textbook pp. 219 – 245) and (245 - 263) (Lecture and Discussion)
11/15/2018	Textbook, Chapters 8 and 9 – Law Enforcement, etc. (Textbook pp. 219 – 245) and (245 – 263) (Lecture and Discussion)
11/20/2018	Textbook, Chapter 10 - Law Techniques and ... (Textbook pp. 264 - 312) (Lecture and Discussion)
11/29/2018	Textbook, Chapters 14 & 15 – The Jury and ... (Textbook pp. 404 – 433) (Lecture and Discussion)
12/6/2018	Textbook, Chapters 16 & 17 – Jury Selection and ... (Textbook pp. 434 – 494) (Lecture and Discussion)
12/13/2018	Chapters 18, 19 & 20 – ADR (Textbook pp. 497 – 550) (Lecture and Discussion) <b>LAST CLASS</b>

### **READINGS ON YOUR OWN:**

Chapters 21 thru 24 – Cyberspace and the Future of Law (Textbook pp. 553 to 604) (Lecture and Discussion)

### **FINAL EXAM:**

#### **DUE**

**Sun. -- Dec. 16  
7:00 p.m.**

**IF PROFESSOR ELECTS TAKE-HOME**

**or**

**Thurs. - Dec. 20  
6:20 to 9:20 p.m.**

**IF PROFESSOR ELECTS IN-CLASS FINAL**

**SYLLABUS SUBJECT TO MODIFICATION AT PROFESSOR'S DISCRETION**