

BOWIE STATE UNIVERSITY
School of Arts and Sciences
Department of History and Government
GOVT 235 LEGAL RIGHTS AND REMEDIES
FALL 2021 (3 credits)

Instructor: Judge Herman C. Dawson
Office Hours: Wednesdays 7:30pm-9:00pm
Class Days & Times: **Tuesdays 4:55pm-7:25pm**
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I. **COURSE PREREQUISITES:** Sophomore/Pre-Law.

II. **COURSE DESCRIPTION**

This course provides an introduction to the study of law, exploring your legal rights and remedies in the American jurisprudential tradition. When the student completes the course, he/she will be able to do the following:

- Demonstrate familiarity with basic legal terminology.
- Discuss basic legal principles.
- Summarize and contrast the sources and functions of law.
- Understand the distinction between the civil, criminal and administrative law.
- Explain the basic legal issues as relates to legal rights and remedies, contracts, employment law, criminal law and dispute resolution through the use of cases and class discussion.
- Prepare a basic legal memo through the IRAC legal structure (issue, rule, analysis and conclusion), and explain your opinion/stance on a particular judicial holding and/or legal position.

III. **REQUIRED TEXT**

- Frank Schubert, Introduction to Law and the Legal System, 11th ed., Boston: Wadsworth, 2015.

IV. **KNOWLEDGE BASES:**

- Basic understanding of the American judicial system
- Introduction to legal problem solving and legal case analysis.
- It should be noted that students must understand and apply in this course critical thinking skills, sound verbal persuasion skills, academic integrity, respectful dialogue and BSU's Core Values (Excellence; Civility, Integrity, Diversity; and Accountability).

V. COMPETENCIES

A. NCATE Curriculum Themes

Academic Scholar: Objectives 8, 17.

Effective Practitioner: Objective 17

Technological Applications: Objective 18

Multiple Forms of Assessment: Objectives 1, 2 (also see grading criteria)

Reflective Practitioner: Objectives 3, 4, 8, 15, 16, 17.

Personal and Interpersonal Perspectives: Objectives 1, 2, 19.

B. General Education Competencies

i. Written and Oral Communications

- Analyze and discuss critical issues and recurring themes in the discipline.
- Make interpretations and present those ideas in writing.

ii. Critical Analysis and Reasoning

- Apply skills in analysis, synthesis and problem solving.
- Apply legal reasoning in the examination and resolution of problems.

v. Information Literacy

- Identification of key concepts and terms that describe the information needed.
- Selection of the most appropriate investigative methods for accessing needed information.

VI. Learning objectives and GENED expected outcomes:

• Learning Objectives:

This course is designed to enable students to:

1. Understand the process of legal reasoning and the resolution of legal problems;
2. Present written and oral legal problem resolution to the class;
3. Understand the nature of law and the legal system in a constitutional democracy.
4. Distinguish the various Judicial Remedies.

• GENED Student Expected Outcomes

1. The ability to write a legal memo on legal problems. The essay should employ the IRAC legal style- Issue, Rule, Analysis, and Conclusion/Opinion, including relevant background facts and legal reasoning to defend position. [GENED I. a., b.; ii. a; iii. a.]
2. Participate in an oral debate or deliver an oral presentation on a legal issue. [GENED ii. a., b.]
3. Be able to distinguish and competently employ legal reasoning on assignments. [GENED iii. a., b.; v. a.]

VII. STUDENT OUTCOMES: This course is designed to enable students to:

- Develop a general sense of understanding of legal rights and remedies available in

- our society so that they may hopefully become more knowledgeable citizens.
- Enable the student to compare society's images and expectations about the law and our court system with the reality of how it operates.
 - Achieve a thorough understanding of the structure and operation of American Courts and some of the major issues confronting our legal system.
 - Enhance the student's critical thinking, analytical and writing skills by cultivating an appreciation of the theory of legal problem-solving through case analysis.
 - Enable the student to present oral arguments supporting their stance on a legal principle.

VIII. INSTRUCTIONAL METHODOLOGY:

- A combination of lecture and discussion (basic Socratic dialogue) on the assigned readings for the session;
- Writing assignments and oral debates on legal problems that enhance understanding of legal principles as well as critical thinking/logical reasoning skills.

VII. COURSE REQUIREMENTS

1. Each student will be required to attend and participate in class, take a midterm, prepare an IRAC Memo. Questions presented throughout the course for discussion will be hypothetical legal problems that will test their critical thinking, analytical and writing skills of legal concepts and principles.
2. Periodic pop brief quizzes may be disbursed during the start of class, at the discretion of the professor, to assess student's completion of the required reading and as a component of the student's class participation grade.
3. All exams and assignments must be completed as scheduled. Any failure to do so may result in no points earned for the exercise; therefore, except in the most extreme circumstances, there will be no make-up unless as agreed upon by the professor as a part of a reasonable accommodation for extenuating circumstances.
4. An INCOMPLETE (I) grade will rarely be given and only in cases where the student has a valid excuse. Please contact the Professor prior to an exam in case of an emergency/illness which would be a cause for an official absence from the Dean of the School of Arts and Sciences.
5. The final grades will not be changed unless there is an error in computation. The numerical equivalents of the letter grades are as follows:

90-100 = A, 80-89= B, 70 - 79 = C, 60 - 69 = D, Below 60 = F

6. As noted above, class preparation and participation are invaluable for success in this course and will be taken into consideration in the final grading. This professor recognizes that extenuating circumstances may arise leading to a student's absence from one of the classes. However, it is the responsibility of the student to communicate *in writing* to the professor in an effort to obtain an excused absence. It is the student's responsibility to follow up with the professor and make up the work missed. Further, it should be noted that the University's rules state that after six absences, the

Vice President for Academic Affairs must be notified with a possible recommendation that the student be withdrawn from the course. In turn, both freshmen and probationary students are permitted no more than three (3) absences in a given course during a given semester."

Note: **Attendance and class participation are an important component of this course.** As such, attendance will be kept and maintained.

7. The Professor reserves the right to adjust or otherwise make changes to this syllabus and/ or these requirements as the semester progresses.
8. Students must understand and apply BSU's Core Values (Excellence; Civility, Integrity, Diversity; Accountability) to this course experience.

IX. CLASS ASSIGNMENT/SCHEDULE

Disclaimer: This Professor retains the right to require additional class assignments and/or make changes to the Class Schedule reflected below as the semester progresses.]

1. **August 31, 2021:** Read Chapter 1 (pages 1-51) and write an analysis of each case cited in bold. Write answers for the questions on pages 47&49.
2. **September 7, 2021:** Read and analyze cases in chapters 2&3 Ethics and Institutional Sources and American Law
3. **September 14, 2021:** The Judicial System on operation (Pgs. 123-153)
4. **September 21, 2021:** Civil Procedure – Rules of Evidence (Pgs. 154-187)
5. **September 28, 2021:** Judicial Remedies (Pgs. 224-253)
6. **October 5, 2021:** **NO CLASS**
7. **October 12, 2021:** Family Law (Pgs. 309-361)
8. **October 19, 2021:** **MID-TERM EXAM**
9. **October 26, 2021:** Contracts-Legal and equitable remedies of a contract
10. **November 2, 2021:** Contracts (Pgs. 362-403)
11. **November 9, 2021:** The Law of Torts (Pgs. 362-403)
12. **November 16, 2021:** Alternative Dispute Resolution (Pgs. 519-552)
13. **November 23, 2021:** **NO CLASS**
14. **November 30, 2021:** Contracts
15. **December 7, 2021:** **Study for Final Exam**
16. **December 14, 2021:** **Final Exam**

Class Notifications

ACADEMIC INTEGRITY: Cheating and plagiarism will not be tolerated. A student found to have engaged in either will receive a failing grade.

Absenteeism: Class attendance and class participation is a crucial part of a student's grade in this class. As such, each student must notify each student is allowed one (1) excused absence during the semester.

Reasonable Accommodations: If you are a student in need of special services, please inform me at the beginning of the semester to ensure that suitable arrangements are made.

Students who have a disability or think that they need special accommodations should report immediately to Disability Support Services (DSS), located in Suite 082 (Room 8212) in the Thurgood Marshall Library, or call Dr. Michael S. Hughes, DSS Coordinator at 301-860-4067. Go to the following website for more information:

<https://www.bowiestate.edu/academics/support-services/disability-support-services/>

Bowie State University shall not discriminate against any individual on the basis of race, color, religion, age, ancestry or national origin, sex, sexual orientation, gender identity, disability, marital status, or veteran status (ADA and Nondiscrimination Policy).

Inclement Weather –Make sure you are registered for BEES alerts. Also, in the event of inclement weather each student should look to local radio or television station. Local Media will announce whether the university will open late or be closed, depending on the degree of weather severity. Many of these sources will begin announcing late openings and closings by 6:00 a.m. Consult university publications for additional information.

**Outline of Chapters in “Introduction to Law and the Legal System”
by Frank Schubert, 11th ed., Boston: Wadsworth, 2015.**

- Chapter I: Introduction
 - Objective: Chapter one will help students understand 1) what the law is 2) the legal objectives of private and public law and 3) the differences between certain areas of law.
- Chapter II: Ethics
 - Objective: Chapter two will 1) expose students to the intersection of law and morality 2) examine the various philosophical approaches to ethics in law 3) discuss the rules of professional responsibility for lawyers and judges and 4) illustrate the ethical challenges judges sometimes face.
- Chapter III: Institutional Sources of American Law
 - Objective: Chapter three will 1) examine the sources of American law 2) distinguish between federal and state law and (3) discuss the doctrine of stare decisis and the Full Faith and Credit Clause of the U.S. Constitution as applied to the states.
- Chapter IV: The Judicial System
 - Objective: Chapter four will 1) outline the organization of the federal and state court systems 2) discuss the procedural differences of between jury and bench trials and 3) explain i) personal jurisdiction ii) subject matter jurisdiction iii) venue and iv) the Erie Doctrine.
- Chapter V: Civil Procedure
 - Objective: Chapter five will 1) outline the basic steps of the litigation process 2) expose students to modern tools of discovery and 3) discuss the procedural steps of conducting a trial.
- Chapter VI: Limitations in Obtaining Relief
 - Objective: Chapter six will discuss 1) the justiciability doctrines 2) res judicata (claim preclusion) and 3) legal immunities.
- Chapter VII: Judicial Remedies
 - Objective: Chapter seven will distinguish between remedies at law and equitable remedies.
- Chapter VIII: Criminal Law and Procedure
 - Objective: Chapter eight revolves around the imposition of criminal offenses, including the required elements, and the defenses. It will also explore the constitutional requirements under criminal law, such as Miranda Warnings, and Searches and Seizures (Expectation of Privacy, Warrantless Exceptions, etc.)

- Chapter IX: Family Law
 - Objective: The chapter will revolve around the discussions of the family structure and the divorce decree. Additionally, the distribution of marital property, etc.
- Chapter X: Contracts
 - Objective: The chapter will revolve around the formation of a contract. As well as the defenses to the enforceability of a contract. The legal and equitable remedies of a contract will also be discussed.
- Chapter XI: The Law of Torts
 - Objective: The chapter will discuss the three different types of torts (Intentional, Negligence, and Strict Liability). This includes the elements of the torts. The chapter will also explore the difference between contributory negligence and comparative negligence, and how damages are calculated.
- Chapter XII: Property
 - Objective: Understanding the origins of property law, as well as the differences between real property and personal property. The effects of government interests on property rights. The chapter will also explore nonpossessory interests in land.
- Chapter XIII: Administrative Law and Administrative Agencies
 - Objective: Understanding the reasons for the creation of administrative agencies. Explain the importance of enabling statutes. Understanding the powers typically delegated to the administrative agencies.
- Chapter XIV: Alternative Dispute Resolution
 - Objective: Understanding the rationale supporting the use of alternative dispute resolution methods as a substitute for litigation