DePaul University, School for New Learning

*Law in America: Its History and The Trump Challenge*

**Syllabus, Summer 2018**

**Class Day/Time:** Loop Campus, Tuesdays, 5:45-9:00 p.m.

June 12 – August 14, 2017 (during the July 23rd week, in lieu of an in-person classroom meeting, students will make an experiential learning site visit)

**Instructor:** Frederick N. Bates, J.D.
phone: 773-549-7884; e-mail: fbatesitw@aol.com

**Overview and Course Description:**
This course will enhance students’ awareness of the critical role of American law in their personal, professional, and community life. It focuses on understanding the history, structure, and problems of the American legal system. It discusses the role of lawyers and public interest groups in the legal process (e.g., the role of civil rights groups and lobbyists in forming laws). It reviews the biblical, colonial, and English foundations of American legal institutions. It analyses the American Constitution, the federal system and the rise of the regulatory state. It addresses the evolution of American law in dealing with race (“the strange career of Jim Crow”), women’s rights (sex and gender), speech (free and otherwise), labor and the workplace, criminality and its outcomes, religion (how religious is the law), and business regulation (how much can we trust antitrust). We will discuss property, contract and tort law, the three basic areas of American civil law. The course will be relevant for students interested in law as a career, law in the workplace, law in not-for-profit settings, law in business contexts, and those seeking to understand the role of law in our society and culture. Students will be asked to bring their own experiences with the American legal system into our discussions and to share their perspectives on the various topics.

**Faculty Biography:**
Frederick N. Bates has been a practicing lawyer for 49 years. He earned his J.D. degree from the University of Illinois in 1969. He has focused his legal practice on international business transactions, labor law and tort law. He has extensive courtroom experience in both federal and state courts. In addition, he has done substantial pro bono legal work representing indigent clients in both criminal and civil matters. He has taught seminars in labor law, antitrust law, basics of American law, and legal ethics in the corporate world. He serves as a trustee of several nonprofit organizations in the arts and environment.
The objective of this course is to facilitate students’ ability to relate legal matters to their own experiences and perspectives. It will enable them to:

1. understand the historical underpinnings of American legal institutions;
2. understand the role that lawyers and nonprofits play in the evolution of the American legal system;
3. understand the nature of, and distinctions and scope of, Federal and State law, law and regulation, criminal and civil law, and other fundamental concepts and divisions in the law;
4. analyze the role of law in maintaining our class, gender and economic systems; and,
5. examine issues of human rights, and whether our legal system achieves what it claims to do with respect to human rights.

Reading Materials and Required Textbooks:
This course uses one textbook and one pamphlet as follows:


These materials are available at the DePaul Loop campus bookstore or can be ordered through MBS direct from Barnes & Noble. Please note: readings are assigned for completion prior to the first week’s class; therefore, please be sure you have purchased these in advance and completed the expected preparatory work.

In addition, two books with selected supplemental readings will be placed on e-reserve and other supplementary readings will be distributed in class.
Competencies:
This course is offered for the following possible competencies (students may select up to two competencies from among the following):

F-X: Can describe legal issues that arise within an organization based upon an understanding of legal institutions, legal culture, and legal decision making within the American judicial system.

This is an example of an appropriate F-X competence statement for this class. Please confirm with your Faculty Mentor and PA that this will fit within your individual curriculum. I am available to discuss revisions as needed.

H-1-D: Can explain a system of law that governs a society.
Students will demonstrate that they can:
1. Identify a system of law for analysis.
2. Understand the interrelationships among the laws of that system.
3. Interpret the presuppositions or applications of the laws of that system.

H-4: Can analyze power relations among racial, social, cultural, or economic groups in the United States.
Students will demonstrate that they can:
1. Describe the unequal power relations between at least two racial, social, cultural, or economic groups in the U.S.
2. Discuss the historical, sociological, or economic dynamics under which these groups came to be in conflict.

A-3-X: Can explore ethical and/or philosophical issues raised by involvement with the American legal system.
Students will demonstrate that they can:
1. Describe the relationships between players in a specific legal setting and the circumstances which brought the participants together.
2. Identify differing ethical and/or philosophical perspectives that guide the behaviors and decisions of those involved in the legal situation described.
All students will provide the following as evidence demonstrating that they have gained competence:

* complete assigned readings and come to class prepared with ideas and questions;
* contribute thoughtfully to class discussions and activities;
* make a short presentation to the class on a current legal topic as reported in the news media;
* submit a short paper based on a site visit to a court room; and
* submit a research paper on either a legal subject that you have encountered and experienced personally, or on one you have encountered in the workplace. You will analyze how effectively the law deals with the subject. Your paper must be written in MLA style, including citations and bibliography. If you are unclear about the requirements of MLA style please consult MLA Handbook for Writers of Research Papers and work with DePaul’s Writing Center.

Assessment Criteria:
Each session of this course will cover vital information needed to meet course objectives. In addition, the benefits from interacting with classmates are built into the design of the course and its objectives. Therefore, attendance and participation are essential. Absences will result in missed educational experiences that cannot be recaptured simply by reading another student’s notes. In the event of an absence it is imperative that you (1) let me know ahead of time, and (2) contact a classmate ahead of time to be your “tutor” for the missed session. Students missing more than two classes of our ten week course will not have met the requirements for a passing grade. Please note that failure to complete the course requirements within the quarter will not automatically result in the opportunity to receive an “I” grade. “Incomplete” must be requested in writing prior to the final class and will be granted only in instances when unusual personal circumstances have interfered with the completion of required assignments. A formal request will involve completion and signing of a form specifying the deadline and academic requirements for receiving a changed grade. Failure to meet this criteria within the agreed upon time frame will result in a grade change to “F.”

Students’ grades will be based upon the following:

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<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<td>Completion of weekly readings (evidenced by weekly submission of answers to questions on the readings)</td>
<td>20%</td>
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<td>Participation in classroom discussions</td>
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<td>A short presentation on law in the media</td>
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<td>Submission of a report on a site visit</td>
<td>15%</td>
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<td>Submission of an individual research paper</td>
<td>30%</td>
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Calendar:

Session One: June 12.

Session Two: June 19.
Topic for Tonight’s Class: The American Constitution.
Reading for Tonight: Hall et. al. pp. 78-147, Jordan, read entire pamphlet, and handout, “One Man One Vote…”.

Session Three: June 26.
Topic for Tonight’s Class: Crime and Punishment.

Session Four: July 3.
Topic for Tonight’s Class: Economics and the Law, a primer on Contracts, Torts and Property Law.

Sessions Five and Six: July 10 and 17.
Topic for Tonight’s and Next Week’s Class: Race, Gender, Family and the Law.
Session Seven: July 24.

Site Visit:
Each student will schedule, on an individual basis, a court room or governmental agency site visit this week. Each student will then write an analysis of this visit as a short paper using a format provided by the instructor. This paper will be turned in at the July 31 session.

Session Eight: July 31.

Topic for Tonight’s Class: Economics and the Law, the Laissez-Faire State (real or imagined) with a note on the centrality of the Sherman Act.

Readings for Tonight’s Class: Hall, et. al., pp. 148-180 and 355-399; also skim 586-624 which were previously assigned for Session Five.

Session Nine: August 7.

Topic for Tonight’s Class: Administrative Law and the Regulatory State.

Reading for Tonight: Hall et. al., 463-496 and 566-586. (National Labor Relations Board v. Jones & Laughlin Steel Corp. and other readings to be handed out and assigned or on e-reserve e.g. Horowitz).

- or -

Topic for Tonight’s Class: Labor Law and the Regulatory State.

Reading for Tonight: Hall et. al., pp. 180-187, 372-378, and 399-413. (Other readings on reserve or a handout on The Fair Labor Standards Act or other labor legislation e.g. 1964 Civil Rights Act, e.g. Labor and Employment Law pp.35-62.)

Session Ten: August 14.

Topics for Tonight’s Class: The Trump Challenge: Civil Liberties and Civil Rights, a Twentieth Century Evolution: Religion, privacy, speech guns and war. With notes on Impeachment and the Imperial Presidency.

Reading for Tonight: Hall et. al., pp. 414-451, 541-559, and skim 624-677. (Other readings on reserve or handouts may include the Heller case and parts of Friedman pp. 226-241, 483-500, 516-537, and 538-553.)
Course Registration, Attendance and Withdrawal:

According to the policies of DePaul University:

All students must be registered and listed on the class roster by the beginning of the second week of the term. If this poses a problem for you, please contact the SNL Advising Center (email: snladvising@depaul.edu; phone: 312-362-5445) or the Office of Financial Aid at DePaul Central (email: finaid1@depaul.edu; phone: 312-362-8610) as appropriate. Students who need to withdraw from the course must do so by the end of the second week of the quarter. After that point, 100% of tuition is charged. It is possible to withdraw from a course or competence through the end of the seventh week of the quarter, but there is ordinarily no tuition refund after the end of the second week. In certain circumstances (e.g., illness, family members’ death, natural disasters) a late withdrawal may possibly result in refunded tuition. These circumstances must be documented and presented to the university through the SNL Exceptions Committee (email: snlexceptions@depaul.edu). In no case, however, will such a refund be allowed more than once during a student’s career at DePaul.

Pass/Fail vs. Letter Grade and Incomplete Grades: Students may request to take this class for a Pass/Fail grade but must make this request in writing by the second week in the quarter. Otherwise it will be assumed that students are seeking a letter grade for the course. Please note that failure to complete the course requirements within the quarter will not automatically result in the opportunity to receive an “I” grade. “Incompletes” must be requested in writing prior to the final class and will be granted only in instances when unusual personal circumstances have interfered with the completion of required assignments. A formal request will involve completion and signing of a form specifying the deadline and academic requirements for receiving a passing grade. Failure to meet this criteria within the agreed upon time frame will result in a grade change to “F.” Please see links in the Addendum regarding Pass/Fail Grading and Incomplete Policy.

Absences: Each session in this class will cover vital information needed to meet course objectives. In addition, the benefits from interacting with classmates are built into the design of the course. Therefore, attendance and participation are essential. Absences will result in missed educational experiences that cannot be recaptured simply by reading another student’s notes. Individuals who miss more than one session may be asked to drop the course. However, if a student does miss a class, s/he must take responsibility for contacting another student to get notes and will be expected to both complete assignments before coming to the next class and to be fully prepared to share their thoughts on these materials.
Academic Integrity:
This class will be conducted in accordance with the University’s guidelines on academic integrity (http://academicintegrity.depaul.edu). Please remember that plagiarism is unethical behavior and will result in appropriate penalties if disclosed, possibly including dismissal from the university. Plagiarism, for those who may be unclear, includes but is not limited to the following:
- The direct copying of any source, such as written and verbal material, computer files, audio disks, video programs or musical scores, whether published or unpublished, in whole or in part, without proper acknowledgement that it is someone else’s work.
- Copying of any source, in whole or in part, with only minor changes in working or syntax even if acknowledged.
- Submitting as one’s own work a report, examination paper, computer file, lab report or other assignment which has been prepared by someone else. This includes research papers purchased from any other person or agency.
- The paraphrasing of another’s work or ideas without proper acknowledgement.

As a matter of courtesy to others and self-respect for your own work, be sure that you both credit ideas generated by others and engage in the challenging educational task of developing your own independent thinking on the subjects explored in this course.
Please see link below in Addendum regarding Academic Integrity.

Classroom Demeanor:
A professional and academic attitude is expected throughout this course. Measurable examples of non-academic and unprofessional attitude include but are not limited to: arriving late to class; leaving class early; talking to others when others are speaking; allowing your cellphone to ring during class; and, emailing or text messaging via phone and/or computer while class is in session.

Civil Discourse:
DePaul University is a community that thrives on open discourse that challenges students, both intellectually and personally, to be Socially Responsible Leaders. It is the expectation that all dialogue in this course is civil and respectful of the dignity of each student.
Addendum:
See additional information pertaining to the grade designations for undergraduate grades. See Pass/Fail Grading Options.

This course includes and adheres to the college and university policies described in the links below:
  - Academic Integrity Policy
  - Incomplete Policy
  - Course Withdrawal Timelines and Grade/Fee Consequences
  - Accommodations Based on the Impact of a Disability
  - Protection of Human Research Participants.

Course Resources:
  - University Center for Writing-based Learning
  - SNL Writing Guide
  - Dean of Students Office.