

**U.S. LAW AND LEGAL ANALYSIS
POL 5515 01**

**SYLLABUS
FALL 2024**

Professor Xiaoyu Zhang

Office: Waterman 112

Office Hours: 14:00-15:30 a.m., Tuesday & Thursday

Phone: 802-831-1142

Email: xzhang@vermonlaw.edu

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*, 12th 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*, 12th Edition, Cengage Learning (publisher), 2022.p. 611

Meeting Place and Time: 11:20 a.m.-12:35 p.m., Oakes Hall 207, 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 activities10%
- 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"> - Course Overview - What is Law, and the Origin of Law in the U.S. 	<p>Session 1 08/27,:Readings:</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter I. Introduction. Pages 1-25 (before “Due Process”). 2. <i>Principles of Legal Research:</i> Introduction: Context and Framework, pages 1-5. 3. Preamble, U.S. Constitution.
	<p>Session 2 08/29 Readings:</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter I. Introduction. Pages 25-52. 2. <i>Principles of Legal Research:</i> Chapter 1, Research Methods and Process. <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"> - Institutional Sources of U.S. Law - Common Law and Civil Law Legal System; Constitutions, Legislation, Administrative Agencies, Judicial Decision Making, Stare Decisis doctrine, Recognizing Laws of Other States - Legal vocabulary related to Common Law, Civil Law 	<p>Session 1 09/03 Readings:</p> <ol style="list-style-type: none"> 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) 2. Optional Reading: <i>Marbury v. Madison</i>, 5 U.S. (1 Cranch) 137 (1803), available on Canvas
	<p>Session 2 09/05 Readings :</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 3 . Institutional Sources of

	American Law. p. 113-135
Week 3 - Courts, state courts systems, jurisdiction - Federal Court System, the U.S. District Courts - The thirteen U.S. Courts of Appeals - The U.S. Supreme Court - Legal Vocabulary related to Court system	Session 1:09/10 1. <i>Introduction to Law and the Legal System:</i> Chapter 4 . The Judicial System. p. 139-153 (Before the U.S. District Court)
	Session 2: 09/12 1. <i>Introduction to Law and the Legal System:</i> Chapter 4 . The Judicial System. p. 153-166 (Before the Foreign Intelligence Surveillance Courts)
Week 4 - Basics of Civil Procedure - Proceedings before a Civil Trial - Motions - Civil Trials - Rules of Evidence - Legal Vocabulary: Civil Procedure	Session 1:09/17 1. <i>Introduction to Law and the Legal System:</i> Chapter 5 . Civil Procedure. p. 172-189
	Session 2: 09/19 1. <i>Introduction to Law and the Legal System:</i> Chapter 5 . Civil Procedure. p. 190-201
Week 5 - Judicial Remedies - Common Law Remedies - Equitable Remedies - Legal Vocabulary: Judicial Remedies	Session 1:09/24 1. <i>Introduction to Law and the Legal System:</i> Chapter 7 . Judicial Remedies. p. 243-257 (Before Equitable Remedies)
	Session 2:09/26 1. <i>Introduction to Law and the Legal System:</i> Chapter 7 . Judicial Remedies. p. 257-273
Week 6 - Basics of Contracts - Offer, acceptance, consideration, capacity, illegality, performance - Legal Vocabulary: Contracts	Session 1: 10/01 1. <i>Introduction to Law and the Legal System:</i> Chapter 10 . Contracts. p. 388-424 (Before Contract Performance)
	Session 2: 10/03 1. <i>Introduction to Law and the Legal System:</i> Chapter 10 . Contracts. p. 424-431
Week 7 - Basics of Torts - Intentional Torts - Negligence - Strict liability	Session 1:10/08 1. <i>Introduction to Law and the Legal System:</i> Chapter 11 . The Law of Torts. p. 437-460

<ul style="list-style-type: none"> - Legal Vocabulary: Torts 	<p>Session 2:10/10</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 11 . The Law of Torts. p. 461-482
	<p>10/15 No class (Fall Break)</p>
<p>Week 8</p> <ul style="list-style-type: none"> - Basics of Property - Classifications of Property - Government’s Right to Regulate and Take Private Property - Legal Vocabulary: Property - Basics of Administrative Law 	<p>Session 1:10/17</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 12. Property. p. 488, P501-512 before “Real Property) <p>Session 2:10/22</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 13. Administrative Law and Administrative Agencies, P533-548
<p>Week 9</p> <ul style="list-style-type: none"> - Administrative Law and Administrative Agencies - Alternative Dispute Resolution - 	<p>Session 1: 10/24</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 13. Administrative Law and Administrative Agencies. p. 549-564 <p>Session 2: 10/29</p> <ol style="list-style-type: none"> 1. <i>Introduction to Law and the Legal System:</i> Chapter 14. Alternative Dispute Resolution. p. 567-606
<p>Week 10</p> <ul style="list-style-type: none"> - Introduction of plain English writing - Introduction of IREAC structure - Introduction of citation - Organizing the application of law and form of argument - In class exercise: Plain English and IREAC structure - Legal analysis assignment critics and discussion session 1 - Legal vocabulary on criminal law and criminal procedure 	<p>Session 1: 10/31 Guest Lecture – Legal Research Readings TBD</p> <ol style="list-style-type: none"> 1. Introduction of Legal Research <p>Session 2:11/05</p>