Can You Reason with the Law?

Fall 2014 FYS Syllabus

FYS 041    CRN # 6978   Tues/Thurs 12:30-1:45   Aliber 112


- Additional reading materials will be available via handout and/or Blackboard

Professor: J. Royce Fichtner  Office: Aliber 324  Phone: (515) 271-4159

Email: royce.fichtner@drake.edu (email is the best way to communicate with me)

Scheduled Office Hours:
Monday  2:00-3:00 pm
Tuesday  2:00-3:00 pm
Wednesday  2:00-3:00 pm
Thursday  2:00-3:00 pm

This schedule applies for those days when classes are held. Office hours will not be held on days when there are no classes per the official university calendar. I am always willing to schedule an appointment if these times do not fit your schedule.

Course Description:
This course is intended to help students learn how to think and read “like a lawyer.” We will practice active reading in the context of legal court decisions and statutory law. We will investigate several different forms of legal and non-legal authority and learn how each is used by judicial bodies in the United States. Students will write numerous “briefs” of legal court decisions and learn how to apply a rule to a set of facts. Students will routinely share their written assignments with the class for peer review. The critical thinking and writing skills in this course will be useful for all types of students, but they will be especially useful for students considering a career in the legal field.

Course Outcomes:
This will be a writing intensive course combined with numerous instances where students will be expected to lead discussions in the classroom.
- Enhancement of critical thinking abilities
- Development of writing skills
- Understand the key types of legal authority and their limitations
- Progress in information literacy
- Opportunities to engage in meaningful class discussion among Drake peers
**Attendance:** It is expected that every student will attend every class. Attendance will be a substantial factor in class participation points and crucial to the in-class assignments. If you are unable to attend, you must let me know prior to the absence. If I am properly notified prior to the absence I reserve the right to assign make-up work for partial credit.

**Academic Integrity:** The CBPA's Academic Integrity Policy at [http://www.drake.edu/media/collegesschools/cbpa/documents/CBPA%20Academic%20Integrity%20Policy%202013%203-15.pdf](http://www.drake.edu/media/collegesschools/cbpa/documents/CBPA%20Academic%20Integrity%20Policy%202013%203-15.pdf) applies to this course. The consequences of violating this policy vary given my evaluation of the severity of the dishonesty. A violation can result in a grade of zero on the test or assignment, an “F” for the course grade, or even expulsion from the university (University Policy). So, make certain you read the college and university policies and ask for clarification of any part that is unclear to you.

**Disabilities:** A student who has a physical or mental disability that substantially limits his/her ability to perform in this course under normal circumstances should contact Student Disability Services, 271-1835, to request any accommodations. Request must be received and approved (including instructor approval) at least one week before the necessary accommodation. All relevant information will be kept strictly confidential.

**Class participation, in-class assignments, quizzes, and homework assignments:** Students are expected to come to class prepared to discuss the material assigned for that class period. Students will be assigned homework assignments that will be turned in, on occasion, for credit. Students will also be called upon during class to answer questions posed by the instructor. If the student is either absent or unprepared to answer the questions posed by the instructor, he or she will not receive credit for class participation. There will also be in-class assignments and pop quizzes. The in-class assignments are designed to promote active learning, whereby students will have the opportunity to engage the material through reading, writing, talking, listening, and reflecting. These active learning exercises will consist of various activities such as one-minute journaling, think-pair-sharing, and focused class discussions/debates about particular legal topics.

**Grading:** The final course grade is determined by total points earned during the semester; 90% and above will equal an “A” grade and 80% and above will equal a “B” grade, 70% and above will equal a “C” grade and 60% and above will equal a “D” grade. There will be approximately 500 points available in this class. There will be no extra credit available. Here is the tentative breakdown of points available:

- Paper # 1 75 points
- Paper # 2 100 points
- Paper # 3 100 points
- Paper # 4 100 points
- Class participation/in-class exercises/quizzes/homework 125 points

The instructor reserves the right to change anything in this syllabus, at his discretion, in writing (via email) or by oral instruction during scheduled class times.
General Information
• Late assignments will receive a substantial penalty that increases as time elapses.
• Students may not use their phones during class. Students may not send text messages or instant messages during class.
• Laptop computers may be used during class so long as they are used for class purposes.
• If necessary, the instructor will contact students via their Drake email account. Students are responsible for checking their Drake email account on a daily basis.

Key Dates
• Wednesday, Sept 3 Fall Activities Fair 4:00 – 7:00 p.m. Olmsted Center, Parents Hall
• Thursday, Sept 4 Class will meet in Cowles Library, room 45
• Thursday, Sept 11 Class will meet in the Law Library, room 282 (also known as the Selvy room)
• Tuesday, Oct 14 Fall Break. No class.
• Thursday, Nov 27 Thanksgiving Break. No class.
• We will not meet for the final exam period. However, paper #4 must be turned in to my office by 10:00am on Monday, December 8.

Course Outline

Part 1 Introduction
Typical stages of litigation criminal/civil
Introducing the American legal system
Differing types of legal authority
Learning to read and brief a court case

Part 2 Rule-Based Reasoning
Applying a rule
Using multiple cases to argue an issue
Arguing both sides of an issue

Part 3 Using Statutes
Statutory interpretation
Applying a single statute
Applying multiple statutes
Using annotated statutes (finding case law to interpret statutes)
Developing & applying a rule from multiple cases

Part 4 Statutory Amendments & the Value of Legislative History
Amending statutory law in response to changing societal views
Amending statutory law in response to a recent court decision
Using legislative history as persuasive authority

Note: The instructor reserves the right to alter the course outline as appropriate