Legal 250
Introduction to Legal Studies

Instructor:    Professor Bernie D. Jones

Class meeting time:  1:00pm-2:15pm, Herter 231

Office Hours:     Thursdays:  2:30-4:30pm
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Why Take Legal Studies 250? Why Major in Legal Studies:

Law is everywhere around us. We are affected by laws each and every day. In this class, we will
focus on the role of law in society, as a precursor for beginning the major in legal studies, even
though this class fulfills the general education requirements. The important goal here is to
develop critical thinking skills that you will need whether or not you ever declare the major,
whether or not you hope for a career in law or some allied field.

This class will foster analytical and critical skills and discuss broad interdisciplinary questions of
power, social control and justice, by asking questions pertaining to the role of law in society: the
law as a social and cultural construction. What is law? What does the law mean? Why is there
law? How does law work? What are its institutions? Who gets to use the law, and under what
circumstances? What are the roles of actors in the legal system, such as lawyers, judges, juries,
law enforcement?

The questions we will as ask as we think critically about the law, are grounded in various
theoretical approaches, explanations, and applications developed by scholars who think, read and
write about the law. We will talk about those approaches and challenge ourselves to go beyond
the mere “sound bite” we hear in the evening news, that plays upon our emotions, that tends
toward simplification, but think deeply, learn about the substance of law and pressing legal issues
that face society today, in all their complexity. We will work towards thinking at an abstract
level about difficult concepts: the “who, what, when, where, why and how” questions about law
and its effects.

Is this class and legal studies easy, a fun major? It depends on how you define “fun.” If your
academic work is your top priority, you find challenges interesting, you think a lot, like reading,
writing, discussing your ideas with relatives and friends, around the dorm or dining hall, and if
you enjoy the achievement that comes from hard work and accomplishment, you will enjoy this class and Legal Studies.

**Maximum Enrollment: 150**

Due to concerns that the class might become oversubscribed, I have decided not to add anyone, independent of the add-drop process. I’ll add from a waiting list, on a first-come, first-served basis. If you are on the waiting list, you must keep track of your schedule to be sure you have been added. It is impossible for all on the waiting list to be informed by phone or email that they are registered. If you no longer want to be in the waiting list, please let us know, so that your space might be given to another.

**Important dates: last day to add/drop, February 13; March 29, last day to withdraw; May 28, graduation day; May 31, grades are due.**

**Requirements and Objectives:**

Lecture will be our primary mode of learning, with discussion as secondary. There will be two in class open book quizzes, worth 25% of the final grade, two in class exams worth 25% each and a cumulative take home paper worth 25%. The quizzes will be worth 50 points each, for a total of 100 points, and will be based upon the readings, testing your ability to master basic reasoning skills significant for learning legal studies.

The in class exams and paper will be graded on a scale of 0-100. Note that: A 92-100; A- 90-91; B+ 88-89; B 82-87; B- 80-81; C+ 78-79; C 72-77; C- 70-71; D+ 68-69; D 66-67; D- 65; F 64 and below.

Thinking critically, reading and writing well are important skills to develop during the course of a college career. Since this class fulfills general education requirements, with a focus on critical thinking skills, writing is an important part of the assignments, particularly with respect to the paper, where you will be graded not only for substance, but for writing style, ie., punctuation, grammar, etc. For the final paper, it is important that you be sure of your writing skills. Brush up on them if you need to!

*To understand the importance of reading and writing, see the following articles, attached to the syllabus:* Sam Dillon, *What Corporate America Can’t Build: A Sentence*, New York Times, December 7, 2004; Sam Dillon, *Literacy Falls for Graduates from College, Testing Finds*, New York Times, December 16, 2005.

The paper assignment will build upon your ability to understand, analyze and interpret law and society issues that relate to our readings and discussions in class. You will be asked to apply your knowledge. For that reason, the paper assignment will be open book, where you can use your notes, WebCt materials and the assigned texts. You will be told which assigned materials you should refer to and what WebCt materials you might want to look at. No outside research required or permitted; so cite to the materials you use and include a bibliography. Because these will be paper assignments, it is important that your written work be your best. Accordingly, I’ve included on WebCt links to a standard dictionary, and grammar guides, including the link for the university writing center and a link for proper citation format--use the link for Turabian.
As for the papers, A range papers are well-organized, clearly written, well-argued, with minimal typos or grammatical errors, and which address most of the points raised in the ideal answers. B range papers: those that miss one or two points, are less well-organized, not as clearly written, with more typos and errors. C range papers: those that miss major points and demonstrate the least organization, that are not well-written, not well-argued, with numerous typos and errors. D to F: those papers that are totally out of the ball park: seriously flawed.

Notwithstanding the in-class quizzes, you should do the readings regularly and bring the assigned texts to class. Regular attendance and participation will be a plus, as will be extra credit film reviews. Note however, this class is too large for taking attendance. I can only know that you are present if you are actively participating in class discussions.

The teaching assistants will be primarily responsible for grading. The goal is to have the graded quizzes and exams returned within two weeks. If you are concerned about a grade, you should speak to the assistant who graded your work. Please note that if you would like me to look over your exam and re-grade, the appellate process will be as follows. You must talk to the teaching assistant first (I will verify this) then speak to me, but only within a week after the quiz, exam or paper assignment has been returned. Please note that your grade can remain the same, go up, or go down. If you want to come in to talk about your grade, I expect you will have already looked at the answer key which will be posted on WebCt.

Use the quizzes as a means of gauging your progress. If the class is too difficult, you might want to drop and consider taking it again later, or after you have taken other classes, like the introduction to political science or sociology, or even philosophy, all of which can tie into legal studies.

Time management is an important skill to develop while in college, and accordingly, the in-class quizzes and exams will be written with the expectation that you have been doing the readings during the course of the semester. Thus, on the quiz and exam dates, you need only refer to your texts for the purposes of review. As for the final paper, it is a take-home assignment, where you will have ample time to work on the paper, to write and edit your work for clarity and style. I also have stringent policies about turning in quizzes, exams and papers late.

**Assigned texts:**

**Textbooks:**


Samuels, Law, Politics and Society: An Introduction to American Law (Houghton Mifflin Company, 2006), referred to as “LPS”.

They are available at the Jeffrey Amherst Bookstore, 55 South Pleasant Street, 413-253-3870.

*I strongly urge you to buy your own copies of the textbooks and bring them to class daily. This class is not so easy that you will be able to get by without the texts, and although sharing might save on costs, you should have your own copy of the text for referring to.*
Other materials, available on WebCt:¹

Chart: State of Massachusetts Court System

The U.S. Department of Justice and the ACLU’s links on the Patriot Act.

The website for WebCt is http://www.oit.umass.edu/webct/campus/index.html.

On WebCt, you will find outlines for the lectures, prior to class, including announcements, and questions to think about as you do the reading. I urge you to refer to them before coming to class, and read the assigned material. **It is your responsibility to read the syllabus regularly, read the assigned materials, and look out for announcements on WebCt. This is not the kind of class where you can blow off the reading and then learn everything in time for the quizzes, midterm exams and final paper. Just because the exams and quizzes are in class open book, does not mean that you should wait until the dates of the quizzes and exams to do the assigned readings that relate to the questions being asked. Everything builds upon what we previously read and talked about in class, so do the readings on a regular basis.** There are also links to a standard a legal dictionary and findlaw (a link to substantive areas of law).

**Class meetings:**

**Unit 1:** Understanding the Foundations of American Law


January 31: Introduction to the Class:

What is legal studies?

February 2: Read LPS, 3-26, 57-62.

Glance at the WebCt link to the United States Constitution, focusing on the Bill of Rights—the first ten amendments.

February 7: Read BTL, 1-9, 15-17; 22-29

February 9: Read LPS, 63-84, 133-154

Read the material on WebCt, designated “legal analysis exercise,” and follow the instructions on the WebCt outline for the day.

February 14: Read LPS, 28-43, 44-55

First day of class after the end of the add-drop period

February 16: Quiz number one; be in class, bring your textbooks and notes! Bring notebook paper for taking the quiz. If you do not come to class and have to make up the

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¹ You must have a valid UMass email account to use WebCt. If you don’t have one, check with the Office of Information Technologies: http://www.oit.umass.edu/index.html.
quiz, please note there will be no one available to give you the quiz later that day. Late quizzes will be docked five points per calendar day lateness!

February 21: Tuesday is Monday: No class

February 23: Quiz number two; be in class, bring your textbooks and notes! Bring notebook paper for taking the quiz. If you do not come to class and have to make up the quiz, please note there will be no one available to give you the quiz later that day. But if you have to take it on a later date, late quizzes will be docked five points per calendar day lateness!

February 28: Read BTL, 315-367; Read LPS, 154-168

March 2: First in class midterm exam. The exam will be open book. Bring your texts, notebook, WebCt outlines and your own notebook paper for taking the exam. Although the exam is open book, you should not wait to do the assigned readings at the exam. You should have been doing the readings all along, so that at the in class exam, you will only need to review the materials you brought. If you do not come to class and have to make up the exam, please note there will be no one available to give you the exam later that day. But if you have to take it on a later date, late exams will be docked five points per calendar day lateness!

Unit 2: Theoretical Applications—The Law as a Social Construct


March 7: Read BTL, 39-46; 56-71

March 9: Read BTL, 110-129, 135-145; LPS, 314-324

March 14: Read BTL, 79-89, 105-110; LPS, 324-333

March 16: Read BTL, 151-153; 163-185

March 21-23: Spring Break

March 28: Read BTL, 185-199, 200-217

March 30: Read LPS, 263-289; 290-313

April 4: Read BTL, 219-232, 278-293

April 6: Read LPS, 243-260, 278-293

April 11: Read BTL, 245-255, 293-311.

April 13: Read LPS, 224-231; Glance at Patriot Act Links on WebCt.
April 18: Second in class midterm exam. The exam will be open book. Bring your texts, notebook, WebCt outlines and your own notebook paper for taking the exam. Although the exam is open book, you should not wait to do the assigned readings at the exam. You should have been doing the readings all along, so that at the in class exam, you will only need to review the materials you brought. If you do not come to class and have to make up the exam, please note there will be no one available to give you the exam later that day. But if you have to take it on a later date, late exams will be docked five points per calendar day lateness!

Unit 3: The Jury

April 20: Read BTL, 405-433
April 25: Read BTL, 434-453
April 27: Read BTL, 453-481

Unit 4: Conflict Resolution and Cyberspace Law

May 2: Read LPS, 169-193
May 4: Read BTL, 497-514, 542-548
May 9: Read BTL, 553-555, 555-567
May 11: Read BTL, 567-575, 576-587
May 16: Last day of class—final paper assignment to be distributed

May 18: Final paper due on May 18 between 1-2pm, Herter 231. Papers turned in after 2 pm will be docked a half a grade. Those turned in on any calendar day after May 18 will be docked a half grade per calendar day lateness.

May 31: Grades are due at the registrar’s office. The final paper grades will be posted onto WebCt by May 27 and the papers will be available at the Gordon Hall main office, room 102.

Attendance and Participation

Regular attendance can only aid in the learning process, as we learn the material and discuss themes addressed in the readings. It is too large a class, however, to take attendance. But regular, active, informed and thoughtful participation can help you stand out in a class of 150. Those with the best participation records, participating at least 11 out of the 23 days of lecture, will earn at most a half a grade point towards the final grade. Thus, participate within the constraints of class time.

Extra credit—film review

Because many of our perceptions of law come from popular culture, films can offer provide a great basis for discussing the role of law in society. You can do film reviews for extra credit.
Choose at most, five (5) of the movies listed below. Most are movies that have been shown in theatres over the past ten years; all are accessible in video stores or through on-line DVD rental companies.

Explain the plot of the movie and how it explored and developed themes in law and society, for example, the social, cultural, political, and historical aspects of law. Some of those themes might relate to race, gender and class. Explain what those law and society themes are, relating them to our assigned readings. Each review should be about 2 pages long. If you do several at a time, each review should be its own separate document. Each film review will be worth at most one (1) extra credit point, for a total possible extra credit of five points toward the midterm or final exam. Work on the film reviews during the course of the semester and turn them in during class, or to my mailbox in Gordon Hall. No film reviews will be accepted after the last day of class.

Movies—A World Apart; Persons of Interest; Vera Drake; A House Divided; The Widow of Saint Pierre; The Farm: Angola, USA; Dead Man Walking; A Few Good Men; Wall Street; Bonfire of the Vanities.