

HDDR 6305 Foundations of American Legal Systems  
Southern Methodist University  
Annette Caldwell Simmons School of Education and Human Development  
Dispute Resolution and Conflict Management  
5228 Tennyson Parkway Suite 118  
Plano, TX 75024  
972-473-3425

May Term  
April 8-June 14, 2013

## **FOUNDATIONS OF AMERICAN LEGAL SYSTEMS AND METHODS FOR DISPUTE RESOLUTION**

**B. Adam McGough, J.D., LL.M**  
**Southern Methodist University Center for Dispute Resolution & Conflict Management**  
**Cell 214-876-0582**  
**MediateToo@gmail.com**

### **COURSE DESCRIPTION**

The structure and procedures of the United States court system will be studied with a particular emphasis on how methods of alternative dispute resolution augment, coordinate and sometimes clash with the goals of traditional litigation. Students will learn legal concepts and terminology essential to successfully working within the field of dispute resolution and will be introduced to basic legal skills. These legal skills include legal reasoning, interpreting case law, statutes and administrative codes, as well as receiving a primer on research materials and tools used by judges and lawyers to evaluate the merits of a legal dispute.

<http://www.smu.edu/Simmons/AreasOfStudy/DRC/DR/MasterDispute/CourseSeminarSchedule/CourseDescriptions#requiredcourses>

### **GOALS OF THE COURSE**

1. You will acquire the ability to communicate more effectively and confidently with lawyers and judges since you will be able to understand the often technical language of the law.
2. You will develop a more sophisticated understanding of the dispute because you will be able to better understand the legal arguments being made by the advocates in the mediation, arbitration or negotiation in which you are involved.
3. You will gain a deeper appreciation for how alternative dispute resolution fits into the American legal system, and the policy issues raised by its use.

4. You will be a more effective “reality” tester in mediation because you will better understand the law and the legal process, and thus as you will be able to formulate meaningful questions to assist the parties in viewing the dispute more objectively.
5. You will acquire basic legal research skills so that you may familiarize yourself with the legal issues that might arise in a dispute.
6. You will gain a more sophisticated understanding of the anatomy of a litigated case.

Key Learning Objectives	How Achieved
1. Students will learn the basic vocabulary of civil procedure in the American Legal System.	Class lecture, the course text book, and discussion will expose students to the relevant vocabulary, and quizzes or short papers will be used to measure the understanding.
2. Students will understand the different areas of the law most applicable to Dispute Resolution.	Each primary area of the law will be presented through lecture, guest speakers, and demonstrative videos. Participatory activities and embedded questions on the final exam will measure the objective.
3. Students will use available tools to research legal issues.	Students will visit a law library and use available resources including the internet to research legal issues.
4. Students will analyze current events and recognize the legal issues present in various areas of law.	Students will be asked to draft a memo applying legal concepts to current legal issues or current events.
5. Students will learn the basic approaches to negotiation and litigation as it relates to the advocate system of representation.	Students will divide into groups and negotiate a case study. This same case study will then be litigated to highlight the differences and impact the litigation process has on dispute resolution.
6. Students will learn ethical issues related to the practice of law as it relates to dispute resolution.	Case studies will be analyzed and legal ethics will be discussed as it relates to representation during mediation and dispute resolution.
7. Students will learn to integrate and synthesize all theoretical concepts and skills discussed during the term.	Students will prepare and perform a mock trial using the knowledge and skills developed during the term.

## **CLASS DAYS & TIMES**

Class will meet on Thursday evenings from 6:00pm till 10:15pm for 10 weeks from April 11, 2013 thru June 13, 2013. Classes will meet at the Plano Campus unless otherwise announced by instructor.

Class will be held at the SMU Dallas on Thursday, **April 25th**. Additional info will be provided.

## **REQUIRED BOOKS & MATERIALS**

Manual (available at the DR Office): “Tabs” from this manual will be referenced throughout the course.

Jay M. Feinman, Law 101: Everything You Need to Know About the American Legal System, (Third Edition; 2010)

Blacks Law Dictionary (Or any good legal dictionary) (\*\* Not required but recommended)

Additional materials in the form of articles, cases and role-play problems will be distributed throughout the course. Other study materials will be used and referenced, and additional books may be suggested by the instructor.

## **GRADING**

Topical Quizzes/ Short Papers	20%
Class Participation (Role Plays, Prep, etc.)	30%
Research Project & Memo	10%
Mock Trial	20%
Final Exam	20%

## **GRADING SCALE**

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributions to class discussions.
90-92 = A- Excellent	A very good / admirable performance. Displays understanding in all areas of the class, and contributes successfully to class discussions.
87-89 = B+ Outstanding	Above average performance. A few insignificant flaws may appear, but overall has great application of the field.
83-86 = B Good	A generally satisfactory, intellectually adequate performance. Few significant flaws in performance.
80-82 = B- Adequate	A barely satisfactory performance. Contributes little to class discussions and lacks a clear understanding of concepts.
77-79 = C+ Not sufficient	An unacceptable performance. Unable to engage in class discussions and has little comprehension of theories.

## **EVALUATIVE MEASURES**

**Vocabulary/ Topical Quizzes:** It is important that students gain a working vocabulary of the language of the law. At various times throughout the course, the instructor will call a quiz that will review vocabulary from a relevant topic in the class or specific questions relating to the subject matter being discussed.

**Short Papers:** The above referenced rubric will be used to grade the short paper assignments. At various points throughout the term, the instructor will pose a question or highlight a topic for a short paper. Students will be asked to answer the question through a well planned and adequately researched short paper. More info will be presented during class.

	0 Below 80	v- 80-85	v 86-92	v+ 93-100
Depth of Thought & Analysis (25%)	Did not Complete Assignment or did not apply required effort.	Topic is vague and under developed. Paper lacks the level of effort for original graduate work.	Topic is started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Paper is constructed in a logical and coherent fashion. Conclusions flow from a well-executed plan, in succinct and meaningful statements. Outside research included and referenced appropriately.
Personalization (25%)	Did not Complete Assignment or did not apply required effort.	Little to no personal history appears in the paper.	There is some attempt on the writer' part to utilize personal examples within the content.	Personal history is appropriately integrated into the narrative in a meaningful discussion.
Synthesis & Congruency (25%)	Did not Complete Assignment or did not apply required effort.	The paper appears to have little direction, with topics appearing disjointed.	Sections of the paper connect, however, not all sections or paragraphs fall in a natural or logical order.	Paper is well integrated and flows as one complete narrative. Paper flows from general ideas to specific conclusions.
Thoroughness (25%)	Did not Complete Assignment or did not apply required effort.	Major sections are omitted, glossed over, or unnecessarily repeated. Difficult to follow discussion or arguments.	Essential material is covered to the degree to explain the topic but no conclusion is reached or adequately explained. .	The appropriate content is covered in depth without being redundant and a well reasoned conclusion is apparent and explained.

**Research Project & Memo:** A question will be presented to the class, and you will be responsible for researching the relevant questions of law presented, answering the questions, and summarizing the law in a memorandum form. More information will be provided by instructor in class.

Mock Trial: The class will be organized into teams and asked to present a mock trial following the rules of civil procedure and evidence. Students will be graded on their knowledge of process, rules, and presentation skills.

Final Exam: A final exam will be administered to the students. Students will be allowed to use their notes from class, and any resource materials developed throughout the course. Students will be graded on their ability to spot issues, apply correct law, and write a legal analysis. Due dates will be announced in class.

## **LEARNING METHODS**

Class Discussion; lecture; role plays; self reflection; fishbowl demonstrations; case briefing and analysis; legal research; mock litigation/trial exercises.

## **CLASS POLICIES**

Class Attendance: Regular and punctual attendance is required. Active participation is crucial for this class. If you know in advanced that you will be late or will miss a class please inform me as soon as possible. Any time missed may result in an additional requirement to be completed as agreed with the instructor. Missed time for any reason may result in the reduction of the participation grade as well as a possible incomplete.

## **OFFICE HOURS & QUESTIONS**

I appreciate questions throughout the class, and I will make myself available to discuss specific questions or issues at your convenience. I will stay after class most Wednesday, and questions may be submitted via email. I am also happy to set up meetings at agreeable times throughout the week. Please call or email to arrange a meeting.

## **CLASS AND TOPICAL OUTLINE**

This is a general topic outline. I reserve the right to vary these topics based upon the discussion, needs, and interests of the class. **Students are responsible for any changes announced in class.** Assignment due dates will be announced on or before the class prior to the due date.

### **CLASS ONE (Thursday, April 11<sup>th</sup> )**

Topics: Overview of Course; ADR in the Litigation Process; Sources of Law; and Intro into Areas of Law to be covered in class.

### **CLASS TWO (Thursday, April 18<sup>th</sup> )**

Topics: Intro into Civil Procedure; the Anatomy of Lawsuit, Intro to Legal Research, Intro to taking a Deposition

**CLASS THREE (Thursday, April 25<sup>th</sup> - Dallas Campus)**

Topic: **Legal Research**; The Adversary System, Civil Procedure and Alternatives to Traditional Litigation in the Court System

**CLASS FOUR (Thursday, May 2<sup>nd</sup> )**

Topic: Discovery & Civil Procedure; Deposition Exercise; A Civil Action

**CLASS FIVE (Thursday, May 9<sup>th</sup> )**

Topic: Constitutional Law; Separation of Powers; Interpreting a Statute;

**CLASS SIX (Thursday, May 16<sup>th</sup> )**

Topic: A Case of the Speluncean Explorers; Criminal Law & Procedure

**CLASS SEVEN (Thursday, May 23<sup>rd</sup> )**

Topic: Contracts; Commercial Law; Business Foundations; Trial Advocacy

**CLASS EIGHT (Thursday, May 30<sup>th</sup> )**

Topic: Tort Law/ Legal Professionalism and Ethics

**CLASS NINE (Thursday, June 6<sup>th</sup> )**

Topic: Review Trial Skills & Final Exam;

**CLASS TEN (Thursday, June 13<sup>th</sup> )**

Topic: Mock Trial – **George Allen Courts – 601 Commerce in Dallas**

**COURSE POLICIES :**

**HONOR CODE**

Students are reminded of the SMU Honor Code as referenced in the *Student Hand Book*. Intellectual integrity and academic honesty are both the foundations and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty found at:

### **NOTIFICATION OF ABSENCE DUE TO RELIGIOUS HOLY DAY(S)**

Students who will be absent from class for the observance of a religious holiday must notify the instructor in advance. Please refer to the Student Obligations section of the university catalog for more explanations. You are required to complete any assignments or take any examinations missed as a result of the absence within the time frame specified by your instructor.

### **DISABILITIES ACCOMMODATIONS**

Students needing academic accommodations for disability must contact Ms. Rebecca Marin, Coordinator of Services for Students with Disabilities (214-768-4557) to verify the disability and establish eligibility for accommodations. They should then schedule an appointment with the professor to make appropriate arrangements.

### **ADD/DROP POLICY**

If you are unable to complete this course, you must officially withdraw by the university deadline; the last day to Add/Drop regular courses without a grade record or Billing. Withdrawing is a formal procedure which you must initiate; your instructor cannot do it for you.

### **SMU EMERGENCY PREPAREDNESS**

As part of the federal government response to the H1N1 (Swine Flu) virus, the Department of Health and Human Services issued a nationwide public health emergency preparedness declaration on April 26, 2009. The declaration was renewed on July 23, 2009 and is currently in force. For the semester ahead, there is concern that the level and intensity of flu cases could increase substantially.

- 1) For updates on the campus-wide status of flu conditions at SMU, please visit <http://www.smu.edu>.
- 2) If flu conditions require cancellation of a class session or other changes for this course, an email will be sent to all class members.
- 3) In the event of a major campus emergency at SMU, course requirements, deadlines, and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

Optional (or you may want to include the information in the last two paragraphs)

### **GRADE OF INCOMPLETE**

A student may receive a grade of I (Incomplete) if at least 50 percent of the course requirements have been completed with passing grades, but for some justifiable reason, acceptable to the instructor, the student has been unable to complete the full requirements of the course. At the time a grade of I is given, the instructor must stipulate in writing to the student and to the University registrar the requirements and completion date that are to be met and the grade that will be given if the requirements are not met by the completion date. The maximum period of time allowed to clear the Incomplete grade normally is 12 months. If the Incomplete grade is not cleared by the date set by the

instructor or by the end of the 12-month Policies and Procedures 25 deadline, the grade of I will be changed to the grade provided by the instructor at the time the Incomplete grade was assigned or to a grade of F if no alternate grade was provided. The grade of I is not given in lieu of a grade of F or W, or other grade, each of which is prescribed for other specific circumstances.

If the student's work is incomplete, poor quality and not acceptable, a grade of F will be given. The grade of I does not authorize a student to attend the course during a later term. Graduation candidates must clear all Incomplete grades prior to the deadline in the Official University Calendar, which may allow less time than 12 months. Failure to do so can result in removal from the degree candidacy list and/or conversion of the grade of I to the grade indicated by the instructor at the time the grade of I was given.

For graduate students, a maximum of two (six hours) concurrently held grades of Incomplete in courses other than thesis is allowed. If this maximum is reached, the student will be allowed to take only one three-hour course per term until the Incomplete total is reduced. Students who accumulate a total of three grades of Incomplete in courses other than thesis will be put on probation and not allowed to enroll further until the total is reduced.