

# **Foundations of American Legal Systems and Methods for Dispute Resolution HDDR 6305**

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***“If the laws could speak for themselves, they would  
complain of the lawyers in the first place.” ~Lord Halifax***

This course syllabus is intended as a set of guidelines for the Foundations of the American Legal System. Both Southern Methodist University and your instructor reserve the right to make modifications in content, schedule, and requirements as necessary to promote the best education possible within prevailing conditions affecting this course. Retain for personal files. This syllabus may be needed for future course reference.

## **Course Information**

**Course Title:** Foundations of American Legal Systems, HDDR 6305

**Class Meeting Time:** Tuesdays, 6:00pm – 10:15pm

## **Office Hours & Questions**

Meetings outside class can be scheduled by appointment. I also welcome your questions by telephone and e-mail.

**Credit Hours:** 3

**Course Description:** This course is designed to impart fundamental knowledge about the American legal system and teach practical skills that professionals engaged in dispute resolution need to effectively participate in mediations, arbitrations, negotiations, and dispute resolution design. These skills include legal reasoning, interpreting case law, statutes, as well as receiving a primer on research materials and tools used by judges and lawyers to find and interpret the law so that they can evaluate the merits of a legal dispute. Topics that will be covered include: (1) Structure of the American Court System; (2) How the Common Law Works and How to Read It; (3) The Legislative Process and Understanding Statutes; (4) Anatomy of a Lawsuit; (5) ADR and the Courts; (6) Constitutional Law; (7) Tort Law; (8) The Process of Legal Negotiations; (9) Mediation of Legal Disputes; and (10) Basic Legal Research.

**Course Prerequisites:** None.

## **METHODOLOGY**

Class discussions, lecture, multimedia presentations, and other experiential exercises will be used to reach course goal and objectives.

### **Goals of the Course**

1. You will acquire the ability to communicate more effectively and confidentially 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.

### **How Objectives will be Measured**

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 answer questions 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 research a legal topic of interest to them and prepare a presentation for the class.
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. Students will also litigate a case study in a mock trial, to highlight the differences and impact the litigation process has dispute resolution.
6. Students will learn ethical issues related	Case studies will be analyzed and legal

to the practice of law as it relates to dispute resolution.	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.

## **Grading**

Vocabulary/Topical Quizzes	15%
Class Participation & Assignments	25%
Research Project	20%
Mock Trial	20%
Final Exam	20%

## **Grading Scale**

93-100 = A Exceptional	A superior / outstanding performance. Has mastered the concepts and adds unique contributes 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.

**Class Participation**: Participation means the student is active in the teaching/learning process and is demonstrated by: listening attentively and engaging in discussion with the class during lectures, participating in role-plays or other experiential exercises conducted in class. You are also expected to contribute to class discussions by sharing research and experiences, listening, asking questions and responding to what others say, and behaving in a professional manner.

Research Assignments: Students will pick a topic sometime during the semester to research. The student will then present this topic and the issues they have found to the class for discussion.

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 take home exam will be administered to the students. Students will be allowed to sue 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. The exam is due at the beginning of the last day of class.

### Written & Final Exam Assignment Guidelines

	100-90	89-83	82- Below
<b>Depth of Thought and Analysis 20%</b>	Paper is constructed in a logical and coherent fashion. Conclusions flow from a well-executed plan, in succinct and meaningful statements.	Topic is started clearly. Remarks show a degree of analysis. Some areas of the paper lack supporting and rational support.	Topic is vague and under developed. Paper lacks the level of effort for original graduate work.
<b>Synthesis and Congruency 20%</b>	Paper is well integrated and flows as one complete narrative. Paper flows from general ideas to specific conclusions.	Sections of the paper connect, however, not all sections or paragraphs fall in a natural or logical order.	The paper appears to have no direction, with subtopics appearing disjointed.
<b>Thoroughness 20%</b>	The appropriate content is covered in depth without being redundant.	Essential material is not covered to the degree to explain the topic thoroughly.	Major sections are omitted, glossed over, or unnecessarily repeated.
<b>Personalization 20%</b>	Personal history is appropriately integrated into the narrative.	There is some attempt on the writer' part to utilize personal examples within the content.	Little to no personal history appears in the paper.
<b>Clarity of Writing and Mechanics 20%</b>	Writing is crisp, clear, and succinct. No spelling, grammar, or punctuation errors are made.	Unnecessary words and ambiguous statements are made. Meaning is unclear in parts of the paper. Some spelling and grammar errors are made.	It is hard to know what the writer is trying to express. Writing is convoluted. Misspelling words, incorrect grammar, and improper punctuation are frequent.

### Evaluation of Class Participation & Reading Assignments

	Needs Improvement 80-83	Developing 84-89	Accomplished 90-93	Exemplary 94-100	Score
<b>Preparation for class/ class discussion/</b>	Does not ask questions or make comments	Rarely asks questions or makes	Occasionally asks questions or makes	Regularly asks questions or makes	

<b>writing assignments</b>	that indicate familiarity with topics for class; turns in most writing assignments	comments that indicate familiarity with the topics prepared for class; turns in all writing assignments	observations that indicate reflections some knowledge or readings for class; turns in all writing assignments	observations that indicate reflection, knowledge or readings for class; turn in all writing assignments	
<b>Class Exercises</b>	Does not participate in small groups in class	Does not actively participate in small groups in class	Participates actively in small groups in class	Participates actively and provides leadership in small groups in class	
<b>Class absences</b>	Misses class often	Misses no more than 2 classes w/o prior arrangement	Misses 1 class with prior arrangement	Attends class regularly (no missed classes)	

## **Class Policies**

***Class Attendance:*** Regular and punctual attendance is required. Missed classes will affect your participation grade and can result in an incomplete, unless excused by the instructor.

***Late Exam:*** An exam that is turned in late is reduced by one-half grade for each portion of a 24 hour period that it is late, unless an extension has been given by the instructor.

***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 or Billing. Withdrawing is a formal procedure which you must initiate; your instructor cannot do it for you.

***Grade of Incomplete:*** A student may receive a grade of I (incomplete) if at least 50% 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 is normally 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 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 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.

**Questions outside of class:** Questions are welcomed before and after class, as well as by telephone and e-mail. Office appointments can also be scheduled.

**Religious Observance:** Religiously observant students wishing to be absent on holidays that require missing class should notify their professors in writing at the beginning of the semester, and should discuss with them, in advance, acceptable ways of making up any work missed because of the absence. (See University Policy No. 1.9.)

**Disability Accommodations:** Students needing academic accommodations for a disability must first be registered with Disability Accommodations & Success Strategies (DASS) to verify the disability and to establish eligibility for accommodations. Students may call 214-768-1470 or visit <http://www.smu.edu/alec/dass.asp> to begin the process. Once registered, students should then schedule an appointment with the professor to make appropriate arrangements.

**Class Decorum:** Turn off (or set on vibrate) all cell phones or pagers. Do not read newspapers, books for other classes, or other outside reading material during class. Walking into class late is disruptive as is leaving early. If you have to leave early, make arrangements before class begins, and then, when you leave, do so quietly. Professional respect and courtesy for your fellow students is imperative at all times.

**Honor Code:** Students are reminded of the SMU Honor Code as referenced in the *Student Handbook*. Intellectual integrity and academic honesty are both the foundation and the goals for this program. Please reference and review the university policies on the responsibilities, policies, and penalties regarding academic honesty. For a full text of the policy, which you should know, please see the following web link: [http://www.smu.edu/studentlife/PCL\\_05\\_HC.asp](http://www.smu.edu/studentlife/PCL_05_HC.asp)

**Plagiarism:** Plagiarism of any kind is prohibited by the SMU Student Honor Code. Faculty who suspect plagiarism should consult <http://smu.edu/honorcouncil/> for appropriate actions and options.

## **Class and Assignment Schedule**

### **CLASS ONE**

**(Tuesday, January 22)**

Topic:

Introduction & Overview of Course; ADR in the Litigation Process; Anatomy of a Lawsuit

### **CLASS TWO**

**(Tuesday, January 29)**

Topic:

Civil Procedure; Legal Research; Sources of Law;

<b>CLASS THREE</b> Topic:	<b>(Tuesday, February 5)</b> Legal Research – practice and for research project <b>**MEET AT SMU LAW LIBRARY**</b>
<b>CLASS FOUR</b> Topic:	<b>(Tuesday, February 12)</b> Torts
<b>CLASS FIVE</b> Topic:	<b>(Tuesday, February 19)</b> Family Law; Patent Law
<b>CLASS SIX</b> Topic:	<b>(Tuesday, February 26)</b> Constitutional Law; Separation of Powers; Interpreting a Statute; Contract Law
<b>CLASS SEVEN</b> Topic:	<b>(Tuesday, March 5)</b> Criminal Law: Speluncean Explorer
<b>CLASS EIGHT</b> Topic:	<b>(Tuesday, March 12)</b> Class Research Presentations Patent Law; International Law
<b>CLASS NINE</b> Topic:	<b>(Tuesday, March 19)</b> Class Research Presentations Patent Law; Legal Ethics
<b>CLASS TEN</b> Topic:	<b>(Tuesday, March 26)</b> Mock Trial Turn in Take-Home Exams <b>**MEET AT FRANK CROWLEY COURTS BUILDING**</b> 133. N. Riverfront Blvd, Dallas