

LEGAL METHODS

Law 575

Classroom 5E (Makeup Classes, 5B)

Emory Law School
Michael J. Broyde

Tuesday & Thursday
Section 00D M-W (10:30 – 12:00)

General Information

The goal of this course is to introduce students to modern American law generally and law's methodology, specifically. This course will aim to present an overview of the process of law, focusing on four areas: (1) Common law traditions; (2) Statutory interpretation; (3) Jurisprudence; and (4) Law's relationship to other disciplines. The objectives of this class will be: (1) To learn basic tools of legal reasoning and statutory interpretation; (2) To learn the policies underlying law as a field; (3) To learn to make legal arguments; and (4) To learn to advance the interests of the law, the court, and your clients. Additionally, this course hopes to give you the skills to make law school an intellectually rewarding journey.

Students are required to complete a day and a half take home examination for this course, which will be discussed at some length in class. Class participation is part of one's overall grade, although I do not take attendance in class and class attendance (without participation) does not count in one's overall grade.

Besides regular classes on Monday and Wednesday from 10:30 to noon, we will be having three make-up classes on Thursdays in September from 12:30 to 1:30 in room 5B (these are indicated in bold on the calendar below). These are intended to make up for several classes that we will miss in September and October (also indicated below). You will notice that we now have some extra classes scheduled – this allows us the flexibility to cancel some classes as your work load increases. This syllabus, as well as the supplemental material needed for classes 24, 25 and 26, can be downloaded with your law school password at: <http://www.law.emory.edu/faculty/faculty-profiles/michael-j-broyde/legal-methods.html>.

I can be reached in my office, G315, located in the Center for the Study of Law and Religion, on **Monday from 12:30 to 2:30, Tuesday from 10:00 to 1:00, Wednesday from 12:30 to 2:30, Thursday from 10:00 to 11:30 and Friday from 11:30 to 12:30**; my office phone number is 404-727-7546; and my email address is mbroyde@law.emory.edu. I am normally in my office every day until 3:00. I can also be reached for urgent matters at home at 404-728-9117. I know how stressful the first year of law school can be, and I am glad to sit and speak with any of you whenever you wish.

Our casebook (CB) is Eva Hanks, Michael Herz, & Steven Nemerson, *Elements of Law* (Anderson, 1994). There is a handout with supplemental readings on Administrative Law as well, which you will get in the middle of the semester or can download per instructions above.

Course Calendar

Date	Reading	Notes
(1) Thursday, August 20	CB 29–32, 79–92	Welcome to Law School – Orientation and Brief Writing
(2) Monday, August 24	CB 16–29	How a Dispute Becomes a Case
(3) Wednesday, August 26	CB 92–124	Case Sequences – Nine Cases I
(4) Monday, August 31	CB 124–147	Case Sequences – Nine Cases II

(5) Wednesday, September 2	CB 34–64	Bases of Judicial Decisions
Wednesday, September 9	Optional Review	Catch up and Review
(6) Thursday, September 10 12:30–1:30	CB 459–97	Natural Law & Legal Positivism
(7) Monday, September 14	CB 64–78	Narrative, Facts & Judges
(8) Wednesday, September 16	CB 26–29, 149–62	Precedent
(9) Thursday, September 17 12:30–1:30	CB 162–193	Why Precedent?
(10) Monday, September 21	CB 3–7	The Common Law and its Reception
(11) Wednesday, September 23	CB xxv–xl, 9–16	Why the Case Method of Instruction?
(12) Thursday, September 24 12:30–1:30	CB 195–224	Takings & Judicial Process
Monday, September 28	No class	
(13) Wednesday, September 30	CB 559–83	Law & Economics – Property Rights
(14) Monday, October 5	CB 225–43	Cases v. Statutes
(15) Wednesday, October 7	CB 445–56, 245–65	Legislative Process & Theories of Statutory Interpretation
(16) Monday, October 12	CB 267–90	Sources of Statutory Interpretation
(17) Wednesday, October 14	CB 291–318	Textualism & Uncertainty
(18) Monday, October 19	CB 319–32	Textualism: Canons of Construction
(19) Wednesday, October 21	CB 509–37	Legal Realism
(20) Monday, October 26	CB 332–41	Breaking from the Text
(21) Wednesday, October 28	CB 343–55	Statutory Purpose
(22) Monday, November 2	CB 357–72, 393–97	Legislative History
(23) Wednesday, November 4	CB 372–83	Critique of Legislative History
(24) Monday, November 9	CB 385–92, 397–98 and supplement	Agency Action (Administrative Law)
(25) Wednesday, November 11	Supplement	Agency Action (Administrative Law)
(26) Monday, November 16	Supplement	Catch up and review
(27) Wednesday, November 18	CB Re-read 92–146	Sample Examination and Exam Preparation
(28) Monday, November 23	CB Re-read 267– 345 (Last Class)	Sample Examination and Exam Preparation

Examination: Wednesday, December 16. Examination pick up is at 9:00 a.m.