

Sample Syllabi – Subject to Change

LLSO 10023 94 - Introduction to Legal Reasoning and Institutions

This course will introduce students to the basic principles of legal reasoning -- how to think like a lawyer -- and provide students with an overview of the legal system. Students will use rule-based and analytical reasoning to engage with hypotheticals mirroring the laws, guidelines, and standards one encounters daily, from mobile phone subscription plans to school dress codes. Students will then consider law within the framework of institutions, or the enduring set of rules and patterns that regulate behavior, such as constitutions, the criminal justice system, tort law, and the larger court system. Multiple national legal systems shall be explored in addition to the US, providing students with a global outlook and giving them the tools to evaluate why some systems work and others fail. In this highly interactive course, students will participate in simulations, actively propose and discuss hypotheticals, and work in groups to design alternative legal systems. They will also hear from guest speakers including practicing lawyers, academics from law schools, and leaders of civil society organizations, and attend court proceedings. This course is relevant for students who are interested in law as a career and for anyone who is curious about what makes our social and political world tick.

Course Organization

1. The course is divided into two parts. The first part deals with “legal reasoning,” and how to use the tools of legal reasoning to approach everyday problems. The second part deals with legal institutions, consisting both of an exploration of the legal contexts in the US and from around the world.
2. Since this is a three-week course, roughly five days will be devoted to Part I (legal reasoning). Along with readings on legal reasoning itself, students will receive a workbook from the instructor containing problems to solve based on the principles they have just studied. The final two days of days of Part I will involve a discussion of the real-world application of legal reasoning, and how they can use this knowledge without being law students/lawyers themselves, with a focus on how to read, understand and interpret consumer contracts and school/university rules and regulations.
3. The next eight days will be devoted to Part II (legal institutions), which will provide a macro view of how the different aspects of the legal system operate and interact with each other. Students will learn basic, context-dependant differences between legal systems across the world such as common law vs. civil law systems, adversarial vs. inquisitorial systems etc. Students will learn why legal systems are the way they are in different parts of the world, and the role of historical, socio-political and cultural factors in structuring these systems. The American legal system will also be discussed through the lens of how two salient institutions operate in a manner that is distinct in many ways from the rest of the world—the tort system and the criminal justice system.
4. One day will be devoted to a field visit to a Chicago-based court.
5. The final day will consist of a mock trial. The instructor will divide students into teams. Each team shall consist of two litigators (who will argue in “court”) and one researcher, who is responsible for preparing the memo. As part of their last assignment, students will have to write down their reflections from the trial.
6. There shall be guest lectures by people in the field in a few classes, including lawyers, activists and academics.

Grading

1. Class Participation (20%).
2. Mock Trial (30%)
3. Essay (50%)

Student Learning Outcomes

1. Familiarity with the principles of rule-based and analytical reasoning
2. Ability to apply the principles of rule-based and analytical reasoning to everyday problems.
3. Familiarity with the need for a court system.
4. Familiarity with types of court systems—formal and informal court systems.
5. Familiarity with differences between common and civil law systems.
6. Familiarity with differences between adversarial and inquisitorial systems.
7. Familiarity with methods of alternative dispute resolution.
8. Familiarity with the American tort system and an understanding of why it is unique institution.
9. Familiarity with the American criminal justice system and what makes it unique.
10. Familiarity with the effects of globalization on legal systems in America and across the world.

Readings

Module 1: What is law?

Lon L. Fuller, Preface to Second Edition, *The Morality of Law*, Yale University Press (1964).

Legal Positivism:

Raymond Wacks, Legal Positivism, *Philosophy of Law: A Very Short Introduction* (1st edn) (2006).

Natural Law:

Raymond Wacks, Natural Law, *Philosophy of Law: A Very Short Introduction* (1st edn) (2006).

Steven Wall, *The Hart/Devlin Debate, Enforcing Morality*, Cambridge University Press (2023).

Sociological School of Jurisprudence:

Roscoe Pound, *The Scope and Purpose of Sociological Jurisprudence*, Harvard Law Review (1911).

John Dewey and the Law:

Edwin W. Patterson, John Dewey and the Law: Theories of Legal Reasoning and Valuation, Vol. 36, No. 8, *American Bar Association Journal* (1950).

Realism:

Suri Ratnapala, *Realism in Legal Theory, Jurisprudence*, Cambridge University Press (2009).

Module 2: Introduction to Legal Reasoning

Edward Hirsch Levi, *An Introduction to Legal Reasoning*, 15 *University of Chicago Law Review* 501 (1948).

Frederick Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning*, Harvard University Press (2012).

Module 3: Application of the Principles of Legal Reasoning— Consumer Contracts and School Rules/Regulations

Ian Ayres & Alan Shwartz, *The No-Reading Problem in Consumer Contract Law*, Vol. 66, *Stanford Law Review* (2014).

Yannis Bakos, Florencia Marotta-Wurgler and David R. Trossen, *Does Anyone Read the Fine Print? Consumer Attention to Standard-Form Contracts*, Vol. 43, No. 1, *Journal of Legal Studies* (2014).

Robert Boostrom, *The Nature and Functions of Classroom Rules*, Vol. 21, No. 2, *Classroom Inquiry* (1991).

Guiding Principles for Creating Safe, Inclusive, Supportive, and Fair School Climates, US Department of Education (March 2023).

Module 4: Introduction to Legal Institutions

Dick W.P. Ruiters, *Legal Institutions*, Vol. 55, *Law and Philosophy Library*.

Thorsten Beck, *Legal Institutions and Economic Development*, *The Oxford Handbook of Capitalism* (2012).

Victor Hao Liu, *Controlling Conduct: The Actors and the Institutions*, *Law Without Lawyers* (1977).

Module 5: Common and Civil Law Systems, Adversarial and Inquisitorial Systems

C Law, *The Common Law and Civil Law Traditions*, Berkeley Law.

Max Rheinstein, *Common Law and Civil Law: An Elementary Comparison*, University of Chicago Law School, Chicago Unbound (1952).

Holger Spamann examines the myths and reality of common and civil law, *Harvard Law Today* (2022).

Michael Asimow, Popular Culture and the Adversary System, Vol. 40, No. 2, Loyola of Los Angeles Law Review (2007).

Michael Block, Jeffrey Parker & Olga Vyborna, An Experimental Comparison of Adversarial versus Inquisitorial Procedural Regimes, Vol. 2, No. 1, American Law and Economics Review (2000).

Module 6: Introduction to the Tort System

Movie Trailer: Erin Brokovitch

Chapter 7—Tort and Product Liability, An Introduction to American Law, eds. Dan Rosen et. al. (Carolina Academic Press) (2017).

R.H. Coase, The Problem of Social Cost, Vol. 3, The Journal of Law & Economics (1960).

Module 7: Introduction to the Criminal Justice System

Chapter 4- Criminal Law and Procedure, An Introduction to American Law, eds. Dan Rosen et. al. (Carolina Academic Press) (2017).

Emmanuel Melissaris, Theories of Crime and Punishment, The Oxford Handbook of Criminal Law (2015).

Michelle Alexander, The New Jim Crow (TED Talk).

Module 8: Effect of Globalization on Legal Institutions

Jedediah Britton-Purdy, Amy Kapczynski and David Singh Grewal, How Law Made Neoliberalism, Boston Review (2021).

Martin Shapiro, The Globalization of Law, Vol. 1, Indiana Journal of Global Legal Studies (1993).

The Globalization of Legal Education: A Critical Perspective, eds. Bryant Garth, Gregory Shaffer (2022).

Module 9: Introduction to Trials: Research, Memo-writing, and Argumentation

Carol M. Bast, *Introduction to Legal Research and Writing*, Carolina Academic Press (2021).

Preparing and Delivering Oral Argument, Mayer Brown (1978).

Patrick Barry, *Good With Words: Writing and Editing* (2019).