Jurisprudence

Prof. Fletcher

Fall 2015

Syllabus

Class times: MW 4:00-5:15 PM

Text: Jurisprudence by Hayman, Levit, and Delgado (2d ed. 2002) + online materials + films

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Introduction

Jurisprudence is an opportunity for students to explore varying modes of legal reasoning through intensive reading and writing. While we will be using the textbook as a framework for our labor this semester, we will also be repeatedly focusing on interesting and important cases. We will be selecting the cases in the first few weeks of class, but I anticipate that the cases we choose will include two or three major cases pending before the Supreme Court or other lower courts. At the first class or soon after, we will select additional cases. Students will study, analyze, and apply tools and theories of legal reasoning to each of these cases. You will get to know them incredibly well and will be writing about them individually and with a partner. Hopefully, we will choose cases that will attract our continuing interest.

Assessment will be based on student’s written assignments through the semester. Students will prepare weekly written assignments. These will be graded. During class, we will be doing a lot of role playing and other kinds of discussion. I don’t intend to lecture.

There will be a final paper assignment. Students may elect to complete a paper that meets the ULWR requirement. Alternatively, instead of a final paper requirement, students may choose to engage in a moot court, including briefing and oral argument, involving a case discussed in class.
Assessment

There are 100 points possible in this class.

- Final project (either a final paper or moot court materials and performance) – 50 points
- Ten short graded writing assignments – 5 points each, 50 points total

There also will be several additional ungraded written assignments scattered throughout the semester. Students that do not complete the ungraded assignments in good faith will lose five points. Students may have one free pass for one graded and one ungraded assignment each.

Schedule

Monday, August 24, 2015

Bring to class a copy of two judicial opinions that interest you, either from your previous studies or from your general interest. Be prepared to describe these cases in very general terms and your interest in those cases. These cases can be from any American federal, state, or tribal court, or from an administrative proceeding, or any other adversarial proceeding, so long as there is a written opinion. We will be using some of these opinions chosen by the class for various purposes during the semester.

Wednesday, August 26, 2015

We will continue our discussion of the cases brought to us on day one. Also, suggest a film to watch relating to the law, lawyers, and so on for the September 9 class.

Monday, August 31, 2015

Be prepared to discuss (1) Obergefell v. Hodges and the Alabama Policy Institute brief; (2) MBK Management v. Stenejem; (3) Nebraska and Oklahoma v. Colorado; (4) Glossip v.
Gross; and (5) Oklahoma v. Hobia (assuming students did not choose one or more of these cases in the first week). Today, we will be most interested in these cases as potential cases for the class to focus upon in the rest of the semester. For Obergefell, focus on the API brief and their reasons for recommending that the Alabama Supreme Court resist the United States Supreme Court’s decision. For MBK Management, focus on the panel’s recommendation that the United States Supreme Court review the decision. For Glossip, focus on Justice Breyer’s dissent suggesting that the death penalty is unconstitutional. For Hobia, focus on the State of Oklahoma’s arguments against tribal sovereign immunity.

All of these materials are available on the class page on Turtle Talk: https://turtletalk.wordpress.com/matthew-lm-fletcher/fletcher-class-materials/jurisprudence/

Wednesday, September 2, 2015

Continue discussion of the cases.

**Ungraded writing assignment (due 9/2/15 at Noon):** Draft a short memo to the class focusing on one of the cases we have discussed. Identify one or more reasons why you view the case as a vehicle for further discussion in Jurisprudence.

Monday, September 7, 2015

LABOR DAY – NO CLASS

Wednesday, September 9, 2015

**Ungraded writing assignment (due 9/9/15 at Noon):** Draft a short memo to the class focusing on one of the cases we have discussed. Identify one or more reasons why you view the case as a vehicle for further discussion in Jurisprudence.

Be prepared to discuss the film chosen by the class.
Monday, September 14, 2015

**Graded writing assignment #1 (due 9/14/15 at Noon):** Draft a short one or two page answer to the Civil Disobedience Problem on pages 53-54, or write a one or two page comment arguing whether the majority or dissent or neither was correct in *United States v. Calley*, pp. 55-58. Be prepared to discuss your commentaries in the appropriate class.

Read Chapter 1 and be prepared to discuss in class.

Wednesday, September 16, 2015

Continue discussion of Chapter 1

Monday, September 21, 2015

**Graded writing assignment #2 (due 9/21/15 at Noon):** Write a one or two page concurrence or dissent to the majority opinion in either *PGA Tour v. Martin* or a case previously discussed and approved by the prof applying principles discussed in Chapter 2.

Read Chapter 2 and be prepared to discuss in class.

Wednesday, September 23, 2015

Continue discussion of Chapter 2.

Monday, September 28, 2015

**Graded writing assignment #3 (due 9/28/15 at Noon):** Write a short concurrence or dissent to the majority opinion in either *Employment Division v. Smith* or a case previously discussed and approved by the prof applying principles discussed in Chapter 3.

Read Chapter 3 and be prepared to discuss in class.
Wednesday, September 30, 2015

Continue discussion of Chapter 3.

Monday, October 5, 2015

**Graded writing assignment #4 (due 10/5/15 at Noon):** Write a short paper arguing how *Tee-Hit-Ton Indians v. United States* should be decided today applying principles discussed in Chapter 4.

Read Chapter 4 and be prepared to discuss in class.

Wednesday, October 7, 2015

**Ungraded writing assignment (due 10/7/15 at Noon):** Write two haikus about critical legal studies.

Read Chapter 5 and be prepared to discuss in class.

Monday, October 12, 2015

**Graded writing assignment #5 (due 10/12/15 at Noon):** Write a short paper arguing in favor of the position that custom in “The Lottery” was legitimate.

Read “The Lottery,” chapter 1 of “A Lesson before Dying,” and _____. Also, read chapter 6 and be prepared to discuss all in class.

Wednesday, October 14, 2015

**Ungraded writing assignment (due 10/14/15 at Noon):** Write a short story or film scene about jurisprudence.
Continue discussion of short stories and Chapter 6.

Monday, October 19, 2015

**Graded writing assignment #6 (due 10/19/15 at Noon):** Write a short paper arguing how *Santa Clara Pueblo v. Martinez* should be decided today.

Read Chapter 7 and the *Martinez* materials and be prepared to discuss in class.

Wednesday, October 21, 2015

Continue discussion of Chapter 7 and *Martinez*.

Monday, October 26, 2015

**Graded writing assignment #7 (due 10/26/15 at Noon):** Write a short paper supporting or disapproving of jury nullification or another topic preapproved by the prof.

Read Chapter 8 and be prepared to discuss.

Wednesday, October 28, 2015

Read “The Space Traders” and be prepared to discuss.

Monday, November 2, 2015

Read materials on Anishinaabe jurisprudence and be prepared to discuss.

Wednesday, November 4, 2015 – NO CLASS (MSU ILPC Conference) – makeup class TBA

Monday, November 9, 2015
Graded writing assignment #8 (due 11/9/15 at Noon): Write a short judicial opinion concurring or dissenting in *Obergefell v. Hodges*.

Read Chapter 9 and *Obergefell v. Hodges*.

Wednesday, November 11, 2015

Continue discussion of Chapter 9 and *Obergefell*.

Monday, November 16, 2015 – NO CLASS (Michigan tribal-state-federal judicial forum) – makeup class TBA

Wednesday, November 18, 2015

Ungraded writing assignment (due 11/18/15 at Noon): Write a short treatment and perhaps a key scene for a sequel to the movie *V for Vendetta*.

Be prepared to discuss *V for Vendetta*.

FALL BREAK (8/23-8/27)

Monday, November 30, 2015

Graded writing assignment #9 (due 11/30/15 at Noon): Identify a difficult case that we have discussed this semester, and write a short paper explaining why or why not you would agree to represent one of the clients in the case. Make sure the prof preapproves the relevant case.

Read Chapter 11 and be prepared to discuss.
Wednesday, December 2, 2015

**Ungraded writing assignment (due 12/2/15):** Write some bullshit that would impress Harry Frankfurt.

Read “On Bullshit” and be prepared to discuss.

Friday, December 4, 2015

**Graded writing assignment #10 (due 12/4/15 at Noon):** Write a short paper suggesting how aspects of jurisprudence we have discussed this semester might be useful in restoring the rule of law to the unnamed country in *Men With Guns*.

Be prepared to discuss *Men With Guns*.

**Miscellaneous End of Semester Things**

Be prepared for a possible moot court argument or arguments depending on student interest, and/or makeup classes.