Introduction to Law

A course on the introduction to the legal system is perhaps one of the most exciting courses to teach. The students are generally fresh, eager, and excited about acquainting themselves with this interesting and challenging subject matter. It is for these students, and their instructors, that *Introduction to Law* was written. This excellent text presents basic and essential information to the college-level, legal student in a manner that is both easy and enjoyable to understand and use. Yet, at the same time, the material also presents sufficient educational challenges so as to be memorable and stimulate interest in further study in the field.

This Instructor’s Manual is written for you, the instructor, with the hope that the approach to teaching this course will be equally fresh, eager, and exciting. The primary intended audience for this Instructor’s Manual is the adjunct or novice paralegal instructor. Nevertheless, even seasoned veterans will hopefully find within these pages some new instructional ideas or approaches to experiment with in the classroom. This manual is not aimed at being a lock-step recipe for teaching an introductory course in paralegal studies utilizing *Introduction to Law* as the text resource. It is designed to implement the idea of how to incorporate the various aspects of this exceptional textbook into a quality classroom experience for the students.

Paralegal and other programs that offer legal courses tend to vary widely in terms of the make-up of its student body, its academic mission, the business environment of the locale wherein the school is situated, and the needs and demands of the legal employers within the school’s neighborhood. As such, each program tends to emphasize the areas of law and the paralegal skills necessary to be successful particular to each school’s demographic environment. Similarly, paralegal students tend to come from richly diverse social and educational backgrounds. Paralegal students—and all students for that matter—tend to possess a wide range of differing skills, learning styles, and professional goals. Therefore, *Introduction to Law* and this Instructor’s Manual are written in a manner that will enable and empower an instructor toward individualizing each student’s educational experience by using multiple pedagogical approaches.

Regardless of the teaching style of the instructor, the guiding classroom principle remains to take pleasure in the exact art and subtle science that is teaching; that is to say, to continue to be fresh, eager, and excited about introducing students to the legal field.

# ORGANIZATION OF INSTRUCTOR’S MANUAL

This Instructor’s Manual is designed to maximize its usefulness in the daily classroom experience of the instructor. Yet, an attempt has been made to maintain the flexibility necessary to adapt to differing classroom environments.

This manual begins with an overview of the organization of the textbook, *Introduction to Law*. Within this overview, the component parts of the book are reviewed and discussed in terms of their content and uses. Next is an overview of the pedagogical features contained in *Introduction to Law*. These features are discussed in detail with regard to their nature and educational utility in the classroom instruction of the material. What then follows are model syllabi designed to follow the content of the text for a variety of course formats. Included within the model syllabi are sample course descriptions, behavioral course objectives, suggested measurement criteria, and a week-by-week outline of topics covered through reading, lecture, class discussion, and assignment exercises. Obviously, model syllabi envision a perfect world wherein all educational activities proceed exactly as planned. The syllabi presented herein are offered as merely suggestions and are designed to be flexible enough to be subject to adjustment to accommodate a variety of classroom settings.

The remaining bulk of this Instructor’s Manual is devoted to a chapter-by-chapter analysis of *Introduction to Law*. Each chapter is initially presented via a Chapter Introduction that contains a summary of the content of the chapter and an examination of its educational objectives. Then Instructional Ideas are presented for each chapter. This section contains teaching tips, in-class assignment suggestions, homework suggestions, and project ideas. Each chapter is then annotated with a comprehensive Chapter Outline that highlights and summarizes the major points presented within the chapter. This feature designed for maximum classroom functionality inasmuch as each outline can be photocopied.

All of the cases presented in *Introduction to Law* have been thoroughly summarized, and the questions following each have been answered. The “Case for Briefing” has been briefed. These features should save considerable time for instructors who value incorporating case law into their class discussions.

Legal Movie and Documentary suggestions have been made for each chapter for *Introduction to Law*. Each chapter includes a description of at least one film that would be both interesting and illuminating, as well as at least one documentary that presents some part of the chapter’s information in a structured and thought-provoking manner. The author of the instructor’s manual for *Introduction to Law* has used some of the recommended documentaries, as well some of the recommended movies, either in their entirety (*The Rainmaker*) or in clips (*A Civil Action*). Fuller reviews of some of the movies mentioned can be found in the author’s legal text, *Legal Ethics.*

PowerPoint slides have also been created for *Introduction to Law*. These visual aids will allow instructors to bring color to their lectures and should provide students with some measurable assistance in taking notes.

Following the chapter-by-chapter analysis is a comprehensive Test Bank suitable for the administration of chapter tests and the creation and administration of mid-term and final examinations. The items of the test bank expand upon the feedback of the chapter quizzes and include essay items that allow for measurement of both the attainment of course objectives and the students’ ability to engage in critical thinking and expository writing skills.

# ORGANIZATION OF *INTRODUCTION TO LAW*

*Introduction to Law* provides the student a comprehensive introduction to the legal field. It also offers an introduction to the American legal system and the primary procedural and substantive areas of law wherein a paralegal might be engaged in employing these skills.

Unit I of the text consists of five chapters that introduce the paralegal to the legal environment. Chapter 1 discusses the nature of the law and introduces the paralegal to the process of critical legal thinking. Chapter 2 describes the American legal system, including the federal court system and a typical state court system. Chapter 3 discusses in depth the civil litigation process for beginning and maintaining a lawsuit, as well as discussing alternative dispute resolution forms, such as arbitration. Chapter 4 describes criminal law and criminal procedure, as well as discussing ethical concepts. Chapter 5 discusses major constitutional clauses and ends with a description of administrative agencies and law.

Unit II consists of five chapters covering certain basic substantive areas of the law that many paralegals will be practicing. Chapter 6 discusses the area of tort law, which includes intentional torts and negligence. This chapter also discusses strict liability and product liability. Chapter 7 discusses common law contracts and commercial law derived from the Uniform Commercial Code. Chapter 8 describes real property law, personal property law, and bailments. Chapter 9 discusses the many aspects of family law, including marriage, dissolution of marriage, and rights of children. Chapter 10 discusses wills, trusts, and estates.

Unit III consists of five chapters devoted to providing the legal or paralegal student with information concerning some of the advanced areas of the substantive law that a paralegal might practice in. Chapter 11 discusses business organizations, including sole proprietorships, partnerships, limited liability companies, and corporations. Chapter 12 discusses agency law, employment law, and equal opportunity in employment law. Chapter 13 covers the law of credit, suretyship, and bankruptcy. Chapter 14 discusses intellectual property law, including patent, copyrights, and trademarks, and the expanding area of Internet law. Chapter 15 covers government regulation, including consumer and environmental protection laws, and the law of investor protection, including insider trading.

# FEATURES OF *INTRODUCTION TO LAW*

*Introduction to Law* contains several useful pedagogical features that are all designed to assist in conveying important concepts to the paralegal student and to provide important practice in the skills required of a successful paralegal working in the field. Moreover, these pedagogical features provide the paralegal instructor with numerous and varied instructional opportunities to convey relatively abstract legal concepts into real world application. Each chapter of the text contains helpful educational mapping features designed to guide the student through the logic of each chapter. These features include:

* **Chapter Outlines—**Identifies the topical sections within each chapter.
* **Chapter Objectives**—Delineates for the student the observable behaviors that are expected following the studying of each chapter and would be indicative of mastery of the concepts presented within each chapter.
* **Terminology**—Identifies and defines important terms used within each chapter. Important terms are presented in boldface type within the text and provided in a listed format at the conclusion of each chapter. Furthermore, a glossary at the end of the book provides a comprehensive listing of the important terms used throughout the text, along with their definition.

Additional pedagogical features appear throughout the text and at the end of each chapter. These features highlight and emphasize facts, issues, and participants surrounding and involved in the legal profession. These features also provide reinforcement opportunities with regard to practicing tasks that paralegals often perform and the skills necessary to perform these tasks professionally.

Practice pedagogical features found in *Introduction to Law* provide opportunities for the paralegal student to practice legal reasoning, legal writing, legal research, and computerized research skills. These features include:

* **Working the Web—**These exercises appear at the end of each chapter and provide the student with an opportunity to explore the World Wide Web seeking information of importance to the paralegal profession.
* **Questions for Critical Legal Thinking**—These exercises appear at the end of each chapter and provide the student with an opportunity to practice analytical reasoning and writing skills pertaining to issues and concepts surrounding the paralegal profession.
* **Cases for Discussion**—These exercises appear at the end of each chapter and present excerpts from court cases that raise various legal issues. The student is then presented with questions pertaining to the issues raised by the case. This provides the student the opportunity to practice the analysis and distillation of legal issues in order to engage in rational written or oral discussion for the purpose of answering the questions raised by the issues presented.
* **Cases for Briefing**—These exercises appear at the end of each chapter and present the paralegal student with the opportunity to practice one of the most important tasks that he or she will often perform as a paralegal professional: case briefing. Extended excerpts for court cases are offered for the student to read, analyze, and summarize. These exercises are designed to walk the student through the process of legal reading, legal reasoning, and concise, pertinent legal writing.

## MODEL COURSE SYLLABI AND OUTLINE

Following is a model syllabus and course outlines for courses utilizing *Introduction to Law* as the primary text. The first course outline is for a semester length course and includes a course description, course objectives, and descriptions of instructional methods, grading, and course policies. The second course outline is for courses spanning a twelve-week quarter.

**MODEL SYLLABUS**

**Course Title: Course Number:**

**Credit Hours: Course Length:**

**Prerequisite: Semester:**

**Instructor: Day/Time:**

**Course Description:** This course introduces students to the paralegal career field and the paralegal’s role as a professional member of the legal team. Furthermore, the student will be introduced to the American legal system, civil litigation, criminal law and procedure, the appeals process, and a variety of pertinent substantive legal topics. Legal procedures are presented in real-world context with a basic introduction to the skills required of a successful paralegal professional, such as legal vocabulary, critical thinking, interviewing, investigation, legal research, law office operations, and technologies. Throughout this course an emphasis will be placed on legal ethics, professional regulation, and current trends and issues in the paralegal field.

**Objectives:** Upon successful completion of this course, the student will be able to:

1. Understand America’s legal history and the role the common law has in American life, as well as describe the structure of the American legal system and assess how that system functions in regard to civil, criminal, and appellate legal processes.
2. Describe the basic tenets of the U.S. Constitution and how it affects law made by the states.
3. Identify the key stages in civil litigation, as well as significant litigation terms.
4. Understand critical elements of criminal law and procedure, including the elements of certain crimes.
5. Summarize and evaluate various areas of substantive law.
6. Demonstrate effective communication and critical thinking skills by utilizing appropriate legal analysis and vocabulary in the production of oral and written discussions pertaining to a variety of legal issues.

**Texts:** Henry R. Cheeseman, *Introduction to Law*, (Pearson, 2004).

**Instructional Methods:** This course will combine lecture, class discussion, and analytical exercises. A variety of audio-visual material, guest speakers, and field trips may also be included.

**Grading:** The student’s final grade will be determined on a point system and divided into the following components and approximate proportions:

Class participation 10%

Assignments 25%

Quizzes 15%

Midterm examination 25%

Final examination 25%

The following grading scale shall be utilized as applied to the total points accumulated in this class:

A = 90–100%

B = 80–89%

C = 70–79%

D = 60–69%

F = 0–59%

**Attendance:** Students are expected to attend every class meeting.

**Make-up Work:** Since meeting deadlines is a very important skill required of a successful college student, make-up work will be allowed only upon a showing of good cause.

**Ethics Policy:** Since a breach of the rules of professional ethics in the paralegal profession is very serious and exposes the alleged violator to severe consequences, the same shall apply in this class.

**COURSE OUTLINE—ONE SEMESTER**

The following is subject to variation at the discretion of the instructor.

## Week 1

Reading Assignment: Chapter 1

Lecture Topics: (1) Review of the syllabus and overview of the course

(2) The role and function of the paralegal

(3) The development of the U.S. system

(4) The sources of law in the United States

(5) Case briefing

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Practice briefing the Cases for Discussion

### Week 2

Reading Assignment: Chapters 2 and Chapter 3

Lecture Topics: (1) The state and federal court systems

(2) Jurisdiction and venue

(3) Long-arm statutes

(4) E-filings

(5) The appellate process

(6) Arbitration and other forms of ADR

Assignments: (1) Answer Critical Legal Thinking Questions for both chapters

(2) Brief *Anheuser Busch, Incorporated v. Schmoke, Mayor of Baltimore*

(3) Brief *Gnazzo v. G.D. Searle & Co.*

### Week 3

Reading Assignment: Chapter 4

Lecture Topics: (1) Differences between felonies and misdemeanors

(2) The elements of a crime

(3) Personal and property crimes

(4) White-collar crimes

(5) Bill of Rights protections for criminal defendants

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Schalk v. Texas*

### Week 4

Reading Assignment: Chapter 5

Lecture Topics: (1) The doctrines of federalism and separation of powers

(2) The federal government’s power to regulate commerce

(3) The First Amendment

(4) The Equal Protection clause

(5) The function of administrative agencies

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Lee v. Weisman*

# Week 5

Reading Assignment: Chapter 6

Lecture Topics: (1) Types of intentional torts

(2) Types of negligent torts

(3) Special negligence doctrines: negligence per se; *res ipsa loquitur*

(4) Professional Malpractice

(5) Types of damages

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Braun v. Soldier of Fortune Magazine, Inc.*

### Week 6

Reading Assignment: Chapter 7

Lecture Topics: (1) The elements of a valid contract

(2) The doctrine of consideration

(3) Illegal contracts

(4) Types of contract damages

(5) The Uniform Commercial Code and sales contracts

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Carnival Leisure Industries, Ltd. v. Aubin*

### Week 7

Reading Assignment: Chapter 8

Lecture Topics: (1) Types of personal property, and the methods for acquiring it

(2) Bailments

(3) The four types of real property

(4) Types of co-ownership

(5) Types of leaseholds and the landlord-tenant relationship

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *The Wackenhut Corporation and Delta Airlines, Inc. v. Lippert*

#### Week 8 MID-TERM EXAMINATION, Chapters 1–8

### Week 9

Reading Assignment: Chapter 9

Lecture Topics: (1) The legal requirements for marriage

(2) Adoption and surrogacy

(3) Divorce and child custody

(4) The distribution of marital property, including community property

(5) Prenuptial agreements

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Troxel v. Granville*

### Week 10

Reading Assignment: Chapter 10

Lecture Topics: (1) The requirements for making a valid will

(2) Key parts of a will

(3) Probate: dying testate and dying intestate

(4) Living wills

(5) Different types of trusts

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *In re Estate of Vallerius*

### Week 11

Reading Assignment: Chapter 11

Lecture Topics: (1) Sole proprietorships and general partnerships

(2) Limited partnerships and limited liability partnerships

(3) Limited liability companies

(4) C and S corporations

(5) The functions of shareholders, directors, and officers in corporations

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *United States v. WRW Corporation*

### Week 12

Reading Assignment: Chapter 12

Lecture Topics: (1) Agency relationships

(2) Employer-employee and principal-independent contractor relationships

(3) Principal and employer liability

(4) Worker’s compensation

(5) Civil rights law and employee discrimination

Assignments: (1) Answer Critical Legal Thinking Question

(2) Brief *Robinson v. Jacksonville Shipyards, Inc.*

### Week 13

Reading Assignment: Chapter 13

Lecture Topics: (1) Unsecured vs. secured debt

(2) Article 9 of the UCC

(3) The overview of a Chapter 7 bankruptcy

(4) The overview of a Chapter 13 bankruptcy

(5) The overview of a Chapter 11 bankruptcy

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Dewsnup v. Timm*

### Week 14

Reading Assignment: Chapters 14

Lecture Topics: (1) Trade secrets

(2) An overview of patent, copyright, and patent law

Assignments: (1) Answer Critical Legal Thinking Questions for both chapters

(2) Brief *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.*

### Week 15

Reading Assignment: Chapter 16

Lecture Topics: (1) The role of the Food and Drug Administration in regulating food, drugs, and cosmetics

(2) The role of the Environmental Protection Agency in regulating air and water pollution

(3) Superfund and the liability for cleaning up hazardous waste sites

(4) The Endangered Species Act

(5) The Securities Act of 1933

(6) The Securities Exchange Act of 1934

(7) The process of “going public”

(8) Insiders, statutory insiders, and insider trading

(9) Shareholder resolutions

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Lampf, Pleva, Lipkind, Prupis, & Petigrow v. Gilbertson*

(3) Brief *FMC Corp. v. United States Department of Commerce*

# Week 16 SECOND MID-TERM EXAMINATION, Chapters 9-15

### OR

**FINAL EXAMINATION, Chapters 1-15**

**QUARTER COURSE OUTLINE**

The following is subject to amendment at the instructor’s discretion.

## Week 1

Reading Assignment: Chapters 1 and 2

Lecture Topics: (1) Review of the syllabus and overview of the course

(2) The role and function of the paralegal

(3) The development of the U.S. system

(4) The sources of law in the United States

(5) Case briefing

(6) The state and federal court systems

(7) Jurisdiction and venue

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Practice briefing the Cases for Discussion

(3) Brief *Anheuser Busch, Incorporated v. Schmoke, Mayor of Baltimore*

#### Week 2

Reading Assignment: Chapters 3 and 4

Lecture Topics: (1) Long-arm statutes

(2) E-filings

(3) The appellate process

(4) Arbitration and other forms of ADR

(5) Differences between felonies and misdemeanors

(6) The elements of a crime

(7) Personal and property crimes

(8) White-collar crimes

(9) Bill of Rights protections for criminal defendants

Assignments: (1) Answer Critical Legal Thinking Questions for both chapters

(2) Brief *Gnazzo v. G.D. Searle & Co.*

(3) Brief *Schalk v. Texas*

### Week 3

Reading Assignment: Chapter 5

Lecture Topics: (1) The doctrines of federalism and separation of powers

(2) The federal government’s power to regulate commerce

(3) The First Amendment

(4) The Equal Protection clause

(5) The function of administrative agencies

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Lee v. Weisman*

###### Week 4 Review, and UNIT I EXAM

###### Week 5

Reading Assignment: Chapter 6

Lecture Topics: (1) Types of intentional torts

(2) Types of negligent torts

(3) Special negligence doctrines: negligence per se; *res ipsa loquitur*

(4) Professional Malpractice

(5) Types of damages

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Braun v. Soldier of Fortune Magazine, Inc.*

# Week 6

Reading Assignment: Chapters 7 and 8

Lecture Topics: (1) The elements of a valid contract

(2) The doctrine of consideration

(3) Illegal contracts

(4) Types of contract damages

(5) The Uniform Commercial Code and sales contracts

(6) Types of personal property, and the methods for acquiring it

(7) Bailments

(8) The four types of real property

(9) Types of co-ownership

(10) Types of leaseholds and the landlord-tenant relationship

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Carnival Leisure Industries, Ltd. v. Aubin*

(3) Brief *The Wackenhut Corporation and Delta Airlines, Inc. v. Lippert*

##### Week 7

Reading Assignment: Chapters 9 and 10

Lecture Topics: (1) The legal requirements for marriage

(2) Adoption and surrogacy

(3) Divorce and child custody

(4) The distribution of marital property, including community property

(5) Prenuptial agreements

(6) The requirements for making a valid will

(7) Key parts of a will

(8) Probate: dying testate and dying intestate

(9) Living wills

(10) Different types of trusts

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Troxel v. Granville*

(3) Brief *In re Estate of Vallerius*

# Week 8 Review, and UNIT II EXAM

**Week 9**

Reading Assignment: Chapters 11 and 12

Lecture Topics: (1) Sole proprietorships and general partnerships

(2) Limited partnerships and limited liability partnerships

(3) Limited liability companies

(4) C and S corporations

(5) The functions of shareholders, directors, and officers in corporations

(6) Agency relationships

(7) Employer-employee and principal-independent contractor relationships

(8) Principal and employer liability

(9) Worker’s compensation

(10) Civil rights law and employee discrimination

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *United States v. WRW Corporation*

(3) Brief *Robinson v. Jacksonville Shipyards, Inc.*

# Week 10

Reading Assignment: Chapters 13 and 14

Lecture Topics: (1) Unsecured vs. secured debt

(2) Article 9 of the UCC

(3) The overview of a Chapter 7 bankruptcy

(4) The overview of a Chapter 13 bankruptcy

(5) The overview of a Chapter 11 bankruptcy

(6) Trade secrets

(7) An overview of patent, copyright, and patent law

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *Dewsnup v. Timm*

(3) Brief *Feist Publications, Inc. v. Rural Telephone Service Co., Inc.*

**Week 11**

Reading Assignment: Chapter 15

Lecture Topics: (1) The role of the Food and Drug Administration in regulating food, drugs, and cosmetics

(2) The role of the Environmental Protection Agency in regulating air and water pollution

(3) Superfund and the liability for cleaning up hazardous waste sites

(4) The Endangered Species Act

(5) The Securities Act of 1933

(6) The Securities Exchange Act of 1934

(7) The process of “going public”

(8) Insiders, statutory insiders, and insider trading

(9) Shareholder resolutions

Assignments: (1) Answer Critical Legal Thinking Questions

(2) Brief *FMC Corp. v. United States Department of Commerce*

(3) Brief *Lampf, Pleva, Lipkind, Prupis, & Petigrow v. Gilbertson*

## Week 12 Review, and UNIT III EXAM