

POLS 2320 – The Study of Law

T, Th 11:00AM – 12:20PM

CAS, Room 257

University of Texas at Tyler

Spring 2024



Professor: Trey Yarbrough, JD

Office: To be determined

Office Phone: (903) 595-3111

Email: hyarbrough@uttyler.edu

Office Hours: By Appointment

Exec. Assistant: Ada Bravo; abravo@uttyler.edu

Course Description

Welcome to The Study of Law! This course is an introduction to American law, its legal system and purposes, and the broader issues and practical implications of its practice. The course introduces students to the language of the law, forms of legal reasoning and analysis, a number of the traditional substantive and procedural areas of the law, the court system, and the work of lawyers and judges.

Required Texts

- 1) Joanne Banker Hames, Yvonne Ekern. 2018. Introduction to Law (6th Ed.). Pearson Press. It is available in the University bookstore.
- 2) The Professor, through Canvas or other communication, may provide additional readings.

Requirements, Dates, and Grades

The composition of a student's final grade will consist of 2 exams (a mid-term and a final exam) and two research papers, to be announced during the early part of the course. The professor will provide the topics from which to choose. The student may be called upon to briefly discuss the paper or address questions from the professor or other class members regarding the paper. The exams will be held in class on the dates specified below. The format of each exam will be detailed during the class period before the exam, at which point a review session will also be held (the exams *may* include a take-home component). The following are the weights given to the exams and papers:

Assignment	Date (Subject to Change)	Grade Percentage
Midterm	Thursday, March 7, 2024	40%
2 Research Papers	To Be Discussed	20%
Final Exam	Tuesday, April 30, 2024	40%

Final grades will be determined on the following scale: A=100-90, B=89-80, C=79-70, D=69-60, and F=below 60.

Course Objectives

By the end of the course, the ambitious but achievable goal is for each student to be equipped to:

- (1) Explain the fundamental structures of the American legal system.
- (2) Explain the basic principles of a number of the main substantive areas of American law.
- (3) Apply analytical skills to situations and events which involve legal issues.
- (4) Understand and be able to use legal terminology.
- (5) Explain basic court procedures used in civil and criminal cases.
- (6) Know how to read and brief a case.
- (7) Know how to read and analyze a statute.

Course Outline and Readings

For purposes of clarity, where the syllabus requests that you "**Read**" a particular chapter, the intent is that the student read the chapter *before* the date of the noted class in order that the lecture and class discussion will be more informed. I recognize that time may not permit, or you may not have the assigned textbook before the first class.

Week 1 (January 16 – January 18) – We will examine and discuss: (1) the basic terminology and types of legal systems; (2) the basic categories of law, and we will begin to examine (3) the structure of the U.S. Legal System (the relationship between federal and state governments, and sources of U.S. Law).

- 1/16 – Introduction to Law
 - **Read Introduction to Law Chapter 1 – *Introduction to Law***
 - LET’S GET ACQUAINTED
 - Overview of the course, class policies, and the syllabus
 - Introduction to the basic structure and components of the legal system
 - What Law Is
 - Categories of Law
 - Class discussion: question and answer

- 1/18 – The U.S. Legal System
 - **Read Introduction to Law Chapter 2 – *The U.S. Legal System***
 - The relationship between the federal and state governments
 - The relationship each has to the legal system
 - Sources of U.S. law
 - Question and Answer

Week 2 (January 23 – January 25) – We will (1) complete our discussion of the U.S. Legal System from last week’s class (to the extent not already completed), and then (2) examine/discuss chapter 3 of the textbook: *The Courts and Legal Personnel*.

- 1/23 – The U.S. Legal System (cont.)
 - Finish discussion of Chapter 2 – *The U.S. Legal System*.
 - **Read Introduction to Law Ch. 3 – *The Courts and Legal Personnel***
 - The Courts and Their Respective Roles
 - Question and Answer

- 1/25 – The Courts and Legal Personnel
 - **Continue Discussion** of Ch. 3 – *The Courts and Legal Personnel*
 - The Judiciary
 - The Legal Community
 - Ethics and Professional Conduct
 - Question and Answer

Week 3 (January 30 – Feb 1) – We will examine and discuss: (1) the basic principles of Constitutional law; and (2) the basic principles of civil rights.

- 1/30 – Constitutional Law
 - **Read Introduction to Law Chapter 6 - *Constitutional Law & Civil Rights***
 - Read the U.S. Constitution
 - Discuss sections 6-1 through 6-3 of the chapter
 - Announce landmark case to be discussed during next class

- 2/01 – Civil Rights and Discrimination
 - Continue Reading Introduction to Law Chapter 6
 - Discuss section 6-4 through end of the chapter
 - Discuss landmark case (to be posted or announced in the previous class)

Week 4 (February 6 – February 8) – Examine & discuss the basic principles of Civil Procedure.

- 2/06 – Civil Procedure
 - Read Introduction to Law Chapter 13 - *Civil Procedure Before Trial*
 - Introduction to Civil Litigation
 - Cause of Action and Remedies
 - Jurisdiction
 - Venue
- 2/08 – Civil Procedure (Continued)
 - Pleadings
 - Pretrial Motions
 - Discovery
 - Pretrial Conferences and Settlement

Week 5 (February 13 – February 15) – Examine and discuss the basic principles of tort law.

- 2/13 – Tort Law
 - Read Introduction to Law Chapter 7 - *Tort Law*
 - Introduction to Tort Law
 - Intentional Torts
 - Negligence
 - Suggested Movie: *A Civil Action*.
- 2/15 – Tort Law
 - Review Introduction to Law Chapter 7 - *Tort Law*
 - Negligence (Complete our discussion)
 - Strict Liability and other Torts
 - Question and Answer

Week 6 (February 20 – February 22) – We will examine and discuss the basics of legal writing and analysis.

- 2/20 – Using the Law: Analysis and Legal Writing
 - Read Introduction to Law Chapter 5 - *Using the Law: Analysis and Legal Writing*
 - Introduction
 - Legal Research and Analysis
 - Basic Legal Writing
 - Beginning the Writing Process

- 2/22 – Using the Law: Analysis and Legal Writing (Part Two)
 - The Case Brief
 - The Legal Memorandum
 - Persuasive Writing

Week 7 (February 27 – February 29) – We will examine and discuss the Rules of Evidence and begin our examination of the Anatomy of a Trial.

- 2/27 – The Rules of Evidence
 - Read Introduction to Law Chapter 16 - *Rules of Evidence*
 - Introduction
 - What is Evidence
 - Types of Evidence
 - Relevancy, Impeachment, and Hearsay
 - Questions and Class Discussion

- 2/29 – **Guest Speaker or Field Trip**

Week 8 (March 5 – March 7) – We will discuss the format for the mid-term exam and review the course to date in preparation for the exam.

- 3/05 - Discuss the format for the mid-term examination and review the course to date in preparation for the exam.

- **3/07 – MIDTERM EXAMINATION**

Week 9 (March 11 – March 15) – **Spring Break!!** Have fun and stay safe.

Week 10 (March 19 – March 21) – Anatomy of a Trial (Part Two)

- 3/19 – Anatomy of a Trial (Part One)
 - Read Introduction to Law Chapter 17 - *The Trial*
 - Introduction
 - Roles of Trial Participants
 - Pretrial Motions
 - Jury Selection
 - Opening Statements

- 3/21 – Anatomy of a Trial (Part Two)
 - Plaintiff's Case in Chief
 - Defendant's Case
 - Plaintiff's Rebuttal Case
 - Closing Arguments
 - Judge's Instructions to the Jury
 - Jury Deliberations and Verdict

Week 11 (March 26 – March 28) – Examine and discuss the basic principles of contract and property law.

- 3/26 – Contract Law
 - Read Introduction to Law Chapter 10 - *Contract Law*
 - Contract Formation
 - Consideration
 - Contract Enforceability and Performance
 - Breach of Contract and Remedies

- 3/28 – Property Law
 - Read Introduction to Law Chapter 11 - *Property Law*
 - Contract Formation
 - Consideration
 - Contract Enforceability and Performance
 - Breach of Contract and Remedies

Week 12 (April 2 – April 4) – American Law Schools and Pre-law Preparation

- 4/02 – Preparing for Law School and the Practice of Law - Guest Speaker

- 4/04 – Prelaw Preparation in America
 - Read ABA Statement on Prelaw Preparation - https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/Statement_on_Prelaw_Preparation.authcheckdam.pdf
 - Review UT Tyler Prelaw - <https://www.uttyler.edu/politicalscience/undergraduate/prelawminor.php>
 - Review UT Austin Prelaw - <http://catalog.utexas.edu/undergraduate/the-university/prelaw/>
 - Review FIU Prelaw - <http://prelaw.fiu.edu/pre-law-certificate/>

Week 13 (April 9 – April 11) – Examine and discuss the basics of Criminal Law and Criminal Law Practice

- 4/9 – Criminal Law and Practice
 - Read Introduction to Law Ch. 14 - *Criminal Practice: Criminal and Juvenile Law*
 - Introduction to Criminal Practice
 - Purposes of Criminal Law
 - Elements of a Crime
 - Crimes

- 4/11 – Criminal Law and Practice (Part Two)
 - **Guest Speaker**

Week 14 (April 16 – April 18) – Examine/Discuss Family Law and Estate Planning

- 4/16 – Family Law
 - **Read Introduction to Law Chapter 8 - *Family Law***
 - ***Possible Guest Speaker***
- 4/18 – Estate Planning (Wills, Trusts, and Probate)
 - **Read Introduction to Law Chapter 9 - *Estate Planning: Wills, Trusts, & Probate***
 - ***Possible Guest Speaker***

Week 15 (April 23 – April 25) – Course Review and Final Exam

- 4/23 – Topic To Be Announced
- 4/25 – Course Review
- 4/30 – **POLS 2320 FINAL EXAM April 30, 11 am – 1:00 pm**

Students’ Rights and Responsibilities

To know and understand the policies that affect your rights and responsibilities as a student at UT Tyler, follow this link: <https://www.uttyler.edu/wellness/rightsresponsibilities.php>

Attendance Policy

Your 100% attendance in this course is not mandatory but strongly encouraged. The examination material in this class will be based not only the required readings, but on class participation and discussions; meaning, your grade will likely suffer by missing class. Further, borderline grades will be determined by the quality of your overall contribution to and participation in the course.

Photography of any class notes/lectures is prohibited.

Student Absence Due to Religious Observance

Students who anticipate being absent from class due to a religious observance are requested to inform the Professor of such absences by the second class of the semester.

Student Absence for University-Sponsored Events and Activities

If you intend to be absent for a university-sponsored event or activity, you (or the event sponsor) must notify the Professor at least two weeks prior to the date of the planned absence. At that time, the Professor will set a date and time when make-up assignments will be completed.

Class Conduct and Inappropriate Behavior

Given the nature of political discourse, some of the topics discussed and debated in class may be sensitive to some students. It is expected that students, regardless of the subject matter, maintain civility in their class comments. In today's climate, civility is not always a guiding principle, but it goes to the heart of a flourishing legal system and judges and juries expect nothing less. The University and I, as your professor, seek to promote a safe environment where students may participate in debates, discussion, and other objectives consistent with the educational process without compromising their health, safety, and welfare. In furtherance of this end, mutual courtesy and respect should govern all classroom conduct.

All electronic devices must be silenced during class (if possible, please turn off all electronic devices) unless you have received prior permission from the professor. Any such device which interrupts class will be confiscated and returned to the student during the professor's office hours. **Anyone using an electronic device without prior permission during an examination will receive a "0" on that exam.**

"Make Up" Policy

Make-up exams will only be offered to those students who have a University-approved absence, a doctor's note detailing your inability to take the exam on the date provided on this syllabus, or a sudden emergency (such as a death or serious illness in your family) that prohibits your attendance for the exam on the date provided on this syllabus. Anyone who has not satisfied any of these requirements and does not take the exam will be given a grade of "0."

If any conflict (others tests, travel plans, etc.) with the exam dates exist, please notify me by January 18, 2024. Allowances will only be given in rare cases, as I may determine. Late papers will only be accepted, without penalty, in the case of an unforeseen event, such as a sudden emergency, or if you have an approved absence by the Dean of Students (*see also Student Absence for University-Sponsored Events and Activities and Student Absence due to Religious Observance sections of the syllabus*).

Tobacco Policy

UT Tyler is a Tobacco-Free University. Consequently, all forms of tobacco will not be permitted on the UT-Tyler main campus, branch campuses, and any property owned by UT Tyler. This applies to all members of the University community, including students, faculty, staff, University affiliates, contractors, and visitors. Forms of tobacco not permitted include cigarettes, cigars, pipes, water pipes (hookah), bidis, kreteks, electronic cigarettes, smokeless tobacco, snuff, chewing tobacco, and all other tobacco products. There are several cessation programs available to

interested students. For more information on these programs please visit www.uttyler.edu/tobacco-free.

Policy on Academic Integrity

The UT Tyler community regards cheating as an extremely serious matter and deals severely with those who violate the standards of academic integrity. Examples of academic dishonesty include (but are not limited to):

- Copying from another person's test paper
- During a test, possession of materials not authorized by the person administering the test
- Discussing the contents of an examination with another student who will take the examination or divulging the contents of an examination to another when the professor has allowed the exam to be kept by the student
- Working with others in taking tests or preparing academic assignments when not authorized by the professor
- Obtaining by any means another person's work and submitting that work as one's own. This includes the downloading of academic papers or the purchase of papers written by others.

If a student is suspected of academic dishonesty, the classroom instructor may ask the student to meet with him or her to discuss the incident. A student may admit to allegations of academic dishonesty, waive the right to a hearing, and accept penalties imposed by the instructor. The student may also deny all allegations and ask to see the Dean of Student Affairs. An accused student may accept the decision of the Dean of Student Affairs or ask for a hearing before an impartial hearing officer appointed by the University. Witnesses may be called and evidence presented. The hearing officer will consider all evidence and render a decision. The decision of the hearing officer may be appealed to the President by either the student or the Dean of Student Affairs. Further discussion of academic dishonesty and possible penalties can be found on the University's website.

Disability Services

In accordance with Section 504 of the Rehabilitation Act, Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA) the University offers accommodations to students with learning, physical and/or psychiatric disabilities. If you have a disability, including non-visible disabilities such as chronic diseases, learning disabilities, head injury, PTSD or ADHD, or you have a history of modifications or accommodations in a previous educational environment you are encouraged to contact the Student Accessibility and Resources office and schedule an interview with the Accessibility Case Manager/ADA Coordinator, Cynthia Lowery Staples. If you are unsure if the above criteria applies to you, but have questions or concerns please contact the SAR office. For more information or to set up an appointment please visit the SAR office located in the

University Center, Room 3150 or call (903) 566-7079. You may also send an email to: cstaples@uttyler.edu

Grade Replacement/Forgiveness and Census Date Policies

Students repeating a course for grade forgiveness (grade replacement) must file a Grade Replacement Contract with the Enrollment Services Center (ADM 230) on or before the Census Date of the semester in which the course will be repeated. Grade Replacement Contracts are available in the Enrollment Services Center or at: <http://www.uttyler.edu/registrar>. Each semester's Census Date can be found on the Contract itself, on the Academic Calendar, or in the information pamphlets published each semester by the Office of the Registrar.

Failure to file a Grade Replacement Contract will result in both the original and repeated grade being used to calculate your overall grade point average. Undergraduates are eligible to exercise grade replacement for only three course repeats during their career at UT Tyler; graduates are eligible for two grade replacements. Full policy details are printed on each Grade Replacement Contract.

The Census Date is the deadline for many forms and enrollment actions that students need to be aware of. These include:

- Submitting Grade Replacement Contracts, Transient Forms, requests to withhold directory information, approvals for taking courses as Audit, Pass/Fail or Credit/No Credit.
- Receiving 100% refunds for partial withdrawals. (There is no refund for these after the Census Date)
- Schedule adjustments (section changes, adding a new class, dropping without a "W" grade)
- Being reinstated or re-enrolled in classes after being dropped for non-payment
- Completing the process for tuition exemptions or waivers through Financial Aid

The Census Date for this semester is Monday, January 29, 2024.

State-Mandated Course Drop Policy

Texas law prohibits a student who began college for the first time in Fall 2007 or thereafter from dropping more than six courses during their entire undergraduate career. This includes courses dropped at another 2-year or 4-year Texas public college or university. For purposes of this rule, a dropped course is any course that is dropped after the census date (see Academic Calendar for the specific date).

Exceptions to the 6-drop rule may be found in the catalog. Petitions for exemptions must be submitted to the Enrollment Services Center and must be accompanied by documentation of the extenuating circumstance. Please contact the Enrollment Services Center if you have any questions.

Social Security and FERPA Statement

It is the policy of The University of Texas at Tyler to protect the confidential nature of social security numbers. The University has changed its computer programming so that all students have an identification number. The electronic transmission of grades risks violation of the Family Educational Rights and Privacy Act; grades will not be transmitted electronically.

Emergency Exits and Evacuation

Everyone is required to exit the building when a fire alarm goes off. Follow your professor's directions regarding the appropriate exit. If you require assistance during an evacuation, inform the Professor in the first week of class. Do not re-enter the building unless given permission by University Police, Fire Department, or Fire Prevention Services.

Changes to the Syllabus

The information contained in this syllabus may be subject to change with reasonable advance notice, as deemed appropriate by the professor.