

**SYMBIOSIS LAW SCHOOL**  
**Overview of the U.S. Legal System**  
**August 31 – September 4; September 7 – September 12, 2020**  
**3:30 p.m. – 5:30 p.m. (IST) [6:00 a.m. – 8:00 a.m. USA ET]**

**Instructor:** Professor Stephen G. Barnes, Penn State Law Assistant Dean for Graduate and International Programs

**Introduction:**

The drafters of the U.S. Constitution blueprinted three branches of government, established the boundaries of federal law, and set-out how national and state government would share power—and what would happen when interests conflicted. It is unlikely the 1787 Constitutional Convention could have anticipated how slavery would be regulated (and then undone), several world wars, abortion, gun regulations, drones, welfare benefits, physician-assisted suicide—and perhaps even the stature of the U.S. Supreme Court and the finality of its decisions. The drafters probably didn't foresee how U.S. law would impact jurisdictions outside America, *nor how federal law would be impacted by legal innovations and trends outside the new country, including India.*

*Though challenged by seven time zones and students in individual learning spaces, this intensive ten-day course is discussion-based. **In exchange for extensive outside reading, your instructor expects 100 percent attendance and active participation in class and group activities.** We are all in this together! Our collective success will be determined by your curiosity and participation in larger and smaller group discussions. Ask questions. Challenge assumptions. Express your opinions thoughtfully—and please respect opposing viewpoints.*

**Course learning objectives:**

1. To become acquainted with the U.S. Constitution by studying a few landmark U.S. Supreme Court decisions; and explore how culture affects law—and vice versa;
2. To compare the U.S. legal system and U.S. law trends with other jurisdictions, and especially India's;
3. To explore how the U.S. legal system impacts America's relations with other countries;
4. To introduce students to the Issue – Rule – Analysis – Conclusion (IRAC) case analysis method;
5. To inspire students to consider study abroad options

**Required readings:**

Selected excerpts from Law in America: A Short History (Lawrence M. Friedman, Modern Library, 2004). U.S. Constitution. See [http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm)

**Expectations:**

Attend every class. Engage (participate)! Come prepared to share opposing views.

**Grading:**

At-home exam	50%
Group presentation	50%

**In-class exam (50%)**

Each student will be given an at-home essay exam, containing one hypothetical case to analyze using the IRAC case analysis method. You will be limited to two (2) pages. Critical analysis and concise writing rewarded; the “kitchen sink” is perilous.

**Group presentation (50%)**

The class will be divided into groups, and each group will view an agreed-upon U.S. film with a legal theme. The group will then prepare a 20-minutes’ presentation, briefly (2 minutes!) summarizing the plot, but then pivot to present the 2-3 key ideas in the film (e.g., for “Twelve Angry Men,” the U.S. jury system); then, compare how Bollywood would have produced the same theme, emphasizing the comparable legal theme/system in India.

**In the News**

Students will be invited to offer a 2-4 minutes’ summary of a news event in the U.S., and how it fits within the U.S. legal system—and how this same event might “fit” or not within India’s.

**Class meeting sessions:****Class Meeting #1 (Monday, August 31)**

Introduction and expectations

Let’s Become Acquainted

The U.S. Constitutional Framework

- Historical background
- The Legislative Branch
  - o Hierarchy of legislation
  - o The U.S. Congress
  - o State Legislatures
- The Executive Branch

- The Judicial system
  - o Dual system of courts (federal and state)
  - o Federal jurisdiction
  - o Law applied in the Federal Courts

Legal analysis: How to study a case using Issue, Rule, Analysis, Conclusion (IRAC framework)

*Heart of Atlanta Motel v. United States*, 379 U.S. 241 (1964)

<https://www.law.cornell.edu/supremecourt/text/379/241>

### **Classroom Meetings # 2 – 3 (Tuesday and Wednesday, September 1-2):**

In the News

Freedom of Religion and Freedom of Speech Under the First Amendment

*Yoder v. Wisconsin*, 406 U.S. 205 (1972)

<https://www.law.cornell.edu/supremecourt/text/406/205>

*Edwards v. Aguillard*, 482 U.S. 578 (1987)

<https://www.law.cornell.edu/supremecourt/text/482/578>

### **Class Meeting # 4 (Thursday, September 3)**

In the News

U.S. law and culture discussion

Please come prepared to answer questions and discuss assigned reading from *Law in America: A Short History* (Lawrence M. Friedman, Modern Library, 2004).

### **Class Meeting #5 (Friday, September 4)**

In the News

Right to Counsel under the U.S. Constitution

*Gideon v. Wainwright*, 372 U.S. 335 (1963)

<https://www.law.cornell.edu/supremecourt/text/372/335>

*Miranda v. Arizona*, 384 U.S. 436 (1966)

<https://www.law.cornell.edu/supremecourt/text/384/436>

**Class Meeting # 6 (Monday, September 6)**

In the News

Capital punishment

Please read [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org); focus on the most recent facts summary presented on the website. What are the arguments presented for and against capital punishment in the U.S.? In India?

Read (optional):

*Furman v. Georgia*, 408 U.S. 238 (1972).

<https://www.law.cornell.edu/supremecourt/text/408/238>

*Gregg v. Georgia*, 428 U.S. 153 (1976).

<https://www.law.cornell.edu/supremecourt/text/428/153>

**Class Meeting # 7 (Tuesday, September 7)**

How to Draft a CV, Cover Letter, Personal Statement and to Prepare for Interview Questions  
Please refer to the *Harvard Resumes and Cover Letters* handout.

**Class Meeting # 8 (Wednesday, September 8)**

Group presentations (15 minutes' each!)

**Class Meeting # 9 (Thursday, September 9)**

Group presentations (15 minutes each!)

**Class Meeting # 10 (Friday, September 10)**

Discussion re: upcoming U.S. presidential election

Final exam to be explained and distributed in this class meeting.

