



PS 210 – “The Law & Social Justice”

Sixth Block, Tutt Library, Rm. 411/412
February 18-March 13, 2019

Professor Fred Galves
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I. COURSE DESCRIPTION

This course is structured around litigation and trial procedures in US Courts, as well as historically significant US Supreme Court cases. In the first week of the course, students will study: (1) an overview of Pre-Trial Litigation (“Civil Procedure”), which is how lawsuits proceed through the court system; and then, (2) Trial Litigation (“Evidence” and “Trial Advocacy”), which is how lawyers present witnesses’ testimony and evidentiary exhibits at trial. For the remainder of the course, constitutional and civil rights law will be considered. Legal policy topics include: Slavery/Segregation, the Civil Rights Movement, Affirmative Action, Gender Discrimination/Women’s Rights, Privacy Rights, Abortion, LGBTQ Discrimination, Free Speech, Religious Liberty and Legal Reasoning/“Judicial Activism” (whether subjective political ideology is more powerful and prevalent than objective neutrality in judicial decision-making).

In addition to: (1) discussing and debating these policy issues; (2) understanding the logic and the legal rationale of litigation court rules and judicial opinions; and, (3) recognizing the ambiguous yet inextricable relationship between law and political ideology; we shall examine, throughout the course, the form, rhetoric and context of legal argumentation. During the last few days of the course, we will have a field trip to the US District Federal Courthouse in Denver, and we will have a mock trial in a El Paso County courtroom downtown. This close examination of litigation and legal argumentation will challenge you to confront your own moral values, political theories, and underlying structure of assumptions which constitute your socio-political vision about Law, Politics, and Social Justice in America.

Students interested in going to Law School will find this course particularly interesting; however, plans to attend law school are NEITHER necessary nor required for this course—nor is it necessary even to be a political science major to take and do well in this course. All majors are welcome.

II. COURSE METHODOLOGY.

This course will be primarily a lecture and class discussion course. It will involve students' active participation and trial preparation and presentation. Thus, class participation by students is extremely important. Students will be expected to be prepared for class each day. Class will begin at 9:00 am and continue usually until 12 noon. We typically will take a 15 minute break from 10:30am to 10:45am. The average reading assignment will be about 50-70 pages of cases and text a night. Participation in the mock trial, and our federal courthouse visit and guest lecture by a federal judge in Denver, will be an important part of the course.

A. Course Learning Outcomes and Objectives

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

- Demonstrate the importance of law as a legitimate instrument of social change and social justice in America.
- Demonstrate an understanding of critical thinking skills and legal analysis techniques used by judges, lawyers and legal academics.
- Understand litigation procedures and the presentation of evidence at trial.
- Analyze court cases, identify key issues, and apply the appropriate legal rules and principles to fact patterns to reach defensible legal conclusions.
- Think logically about legal controversies, critically review information on all sides, and be able to separate fact from opinion.
- Assess competing legal arguments on important societal issues.
- Appraise the relationship between law, ethics, and political protest.
- Develop an understanding of the law as an evolutionary, stabilizing, and reforming factor in human affairs in American politics.
- Develop an understanding of the magnitude and vitality of Constitutional Law and the ways in which history, economics, sociology, and psychology have influenced, and have been influenced by, the law.
- Develop an understanding of the Anglo-American Common Law System; its historical origin; some of its fundamental concepts; and the complexities inherent in such a multifaceted institution.

B. Class Attendance

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the Final Examination is conditioned upon a record of good attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) may be compelled to withdraw from the course or may be barred from sitting for the final exam. This is usually not a problem at all, but still important to acknowledge and state at the outset. Class participation is graded (see below), for which class attendance is a part.

III. COURSE GRADING.

A. There Are Four (4) Areas From Which I Shall Determine Your Final Grade:

(1) **Mid-Term Examination**: On Tuesday, February 26th, there will be a Mid-Term Examination covering the Pre-Trial Litigation and Trial topics (Civil Procedure, Evidence, & Trial Advocacy) that are presented during the first six (6) class sessions of the course. The Mid-Term Exam will constitute **30%** of your final grade.

(2) **Final Examination**: On Monday, March 11th there will be a final comprehensive examination over the entire course (but with more emphasis on topics in the latter portion of the course not covered by the Mid-Term Exam). The Final Exam will constitute **30%** of your final grade. On the essay portions of both the Mid-Term and Final exams, maximum credit will be given to those exam answers that both identify the problems posed in a comprehensive fashion and demonstrate a thorough, effective, and balanced analysis of how those problems likely would be solved by a court, including how you personally think they should be solved. Less credit will be given to answers which merely state simple opinions or unsupported conclusions, or which solely recite abstract principles of law without applying those principles to the facts of the given question. Students should spot the issues raised by the exam question(s) and thoroughly analyze those issues from all perspectives. Multiple Choice questions on the exams are designed to test a student's basic competent knowledge of the legal concepts and ideas covered; as well as reward a mastery of that material.

NOTE: Both the Mid-Term Exam and the Final Exam will be CLOSED-BOOK and CLOSED-NOTE exams. This means that you will not be able to consult your course books, notes, or other materials during these exams.

- (3) **Mock Trial:** On Wednesday, March 13th (the last day of class) there will be a mock trial in an El Paso County Courtroom in downtown Colorado Springs. Half of the class will be attorneys for the Prosecution, and the other half will be attorneys for the Defendant in the mock trial/criminal murder case (team members will also play the witnesses in the case).

You will be graded on your performance in either giving an opening statement, a witness examination, a witness cross-examination, or a closing argument. The mock trial (i.e., your presentation in the mock trial of your lawyer role and/or a witness role) will constitute **30%** of your final grade.

- (4) **Class Participation:** Throughout the course, I shall take attendance and call randomly on students as well as request volunteers. Students will be expected to be prepared for class, and to provide good and consistent class participation. Class participation will constitute **10%** of your final grade.

Students who do not participate in class discussions fully will miss much of the material and will fail to contribute to the class. Accordingly, class participation is extremely important. Therefore, you will be expected to: (1) be prepared for each topic when called upon; and, (2) participate in the class discussion by volunteering helpful arguments and insightful observations.

B. Final Grades/Numerical Grades/Letter Grade Equivalents

Final Grade Scale:

“A” = 100 – 90%

“B” = 89 – 80%|

“C” = 79 – 70%

“D” = 69 – 60%

“F” = 59 – 0%

During the semester, you can check your “Grades” on the Canvas site (see the left-hand side menu) to see how you are doing and what your overall numerical grade average is for the course. You should check “Grades” to monitor your progress throughout the course (see above for *numerical* grades as they transfer to *letter* grades).

IV. **COURSE MATERIALS.**

There are four official reading materials for the course. The first three are books and the fourth is a compilation of book excerpts (from my books) that I will make available to you on Canvas. The books are available in the CC Bookstore and on Amazon, while the book excerpts will be posted for you on Canvas:

- (1) Louis Fisher & Katy J. Harriger, **American Constitutional Law**, Vol. 2, Constitutional Rights: Civil Rights and Civil Liberties (Carolina Academic Press, 2016) – ISBN: 978-1-61163-811-0 [paperback edition] (referred to as “Fisher” on the Syllabus)
- (2) Fred Galves, **Introduction& Overview of Civil Procedure** (Amazon) <https://www.amazon.com/Professor-Galves-Rules-Civil-Procedure/dp/1985210509> (referred to as “Galves, Civil Procedure”)
- (3) Fred Galves, **Introduction& Overview of Evidence** (Amazon) <https://itunes.apple.com/us/app/prof-galves-rules-of-evidence/id1322575568?mt=8> (referred to as “Galves, Evidence”)
- (4) Fred Galves, **Law & Social Justice, Reading Assignment#** (on Canvas).

V. **COURSE FIELD TRIP.**

On Tuesday, March 12th, (assuming there is no federal government shutdown), we shall have a field trip visit up to the US Federal District Courthouse in Denver, during which we will: (1) visit a federal courtroom; (2) hear a presentation by a federal court administrator and former US Attorney who did work at Guantanamo Bay; and then (3) hear a guest presentation from a federal judge—either The Honorable Judge John L. Kane, Jr. or Christine Arguello.

VI. **PROFESSOR BACKGROUND.**

Here are some links to my website, to learn more about my background→

Web site: <http://professorfredgalves.com/>

Bio: <http://professorfredgalves.com/about/>

Teaching Philosophy: <http://professorfredgalves.com/professor-of-law/>

VII. CANVAS

Please visit our Canvas course site so that we can better communicate and so that I can post information and reading materials for you during the course.

VIII. HONOR CODE.

Students will be responsible to uphold the CC Honor Code. Please remember to sign the Honor Code on your exams. You will collaborate on the mock trial.

Academic Integrity → Students are obligated to refrain from acts that they know, or, under the circumstances, have reason to know, will impair the academic integrity of their work. Violations of the CC Honor Code and academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding in any way the CC Honor Code process.

IX. COURSE POLICIES.

All students are expected to abide by the following basic academic/course policies:

1. Academic honesty is expected at all times. Students will not be given credit on any assignment, or examination where cheating has occurred. Any instance of cheating will be referred to the Dean where further action may be taken against the student.
2. If you have a learning disability which requires accommodation, please let me know as soon as possible.
3. Please turn off cell phones and other devices before class. It is important to treat the course with your undivided attention and have due respect for your fellow students.
4. Disrespect of other students or their backgrounds will not be tolerated.

These issues seldom, if ever, become actual problems in the class that need to be addressed formally; however, I note them here for the sake of completeness. Each day we shall discuss important and often highly sensitive issues, so we need to be mindful of others' concerns and experiences; while at the same time, we need to protect and value free speech, free academic discourse, and free exercise of thought. We must be able to intellectually engage, and put forth our opinions, ideas, and arguments, even if they might appear to be offensive. Balance and sensitivity are critical. Anything less would be hypocritical in this type of course.

Please see the Course Syllabus/Assignments below.

X. COURSE SYLLABUS/ASSIGNMENTS.

February 2019

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 – <u>Class #1</u> Introduction, Course Overview/ Syllabus/ Preview ° Course Description & Syllabus	19 – <u>Class #2</u> Pre-Trial Litigation: “Civil Procedure” I ° Galves, Civil Procedure, pp. 1-54	20 – <u>Class #3</u> Pre-Trial Litigation: “Civil Procedure” II ° Galves, Civil Procedure, pp. 54-108	21 – <u>Class #4</u> Trial Litigation: “Evidence” I ° Galves, Evidence, pp. 1-45	22 – <u>Class #5</u> Trial Litigation: “Evidence” II ° Galves, Evidence, pp. 45-85; Reading #1 ° Trial Notebook pp. 1-17	23
24	25 – <u>Class #6</u> Trial Litigation: “Evidence” III ° Galves, Evidence, pp. 85-134; Reading #1 ° Trial Notebook pp. 1-17	26 – <u>Class #7</u> MID-TERM EXAM	27 – <u>Class #8</u> Race - I Slavery, Segregation, Civil Rights ° Fisher, pp. 787-834, Readings #2 & 3 ° Galves, Genesis Reloaded, Chps. 34, 40	28 – <u>Class #9</u> Race - II Affirmative Action, Modern Issues ° Fisher, pp. 835-857, Reading #4 Galves, Genesis Reloaded, Chp. 58		

March 2019

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1– <u>Class #10</u> Gender Discrimination; Women's Issues ° Fisher, pp. 861-898, Readings #7 & 8 ° Galves, Genesis Reloaded, Chp. 56, Introduction	2
3	4 – <u>Class #11</u> Privacy Rights, Abortion ° Fisher, pp. 925-967, Reading #9 ° Galves, Genesis Reloaded, Chp. 77	5 – <u>Class #12</u> Gay/Lesbian Rights, Same Sex Marriage ° Fisher, pp. 912-923, pp. 967-988 Readings #10/11 ° Galves, Genesis Reloaded, Chps. 71, 81	6 – <u>Class #13</u> 1st Amendment (Free Speech) ° Fisher, pp. 445-507, Readings #12/13 ° Galves, Genesis Reloaded, Chps. 3, 10	7 – <u>Class #14</u> 1st Amendment: (Religion) The Free Exercise & Establishment Clauses ° Fisher, pp. 574-640. Readings ##14-23 ° Galves, Genesis Reloaded, Chs.38-39:141-148; Ch.3: 9-11	8– <u>Class #15</u> - STUDY FOR FINAL EXAM - PREPARE FOR MOCK TRIAL Reading #14 ° Galves, Evidence Book (“Questioning Witnesses” Ch. 1)	9
10	11– <u>Class #16</u> FINAL EXAM	12 – <u>Class #17</u> FIELD TRIP, Denver, US Fed Courthouse 11:30am-3:30pm Court Staff, Judge Kane Reading #15 ° Galves, Genesis Reloaded, Chs. 101/94/95 [Leave@ 11:30a Back by 4:30pm]	13 – <u>Class #18</u> MOCK TRIAL (El Paso Country Courthouse) [8:30 am - 1:00 pm]	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30/ 31