

American International School of Law

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Introduction to Law and Legal Writing

Course Syllabus

5 Credit Hours • Minimum of 216 Study Hours • 48-52 Weeks

Course Description

This course provides an introduction to the basic concepts of law, legal writing, and the history of the American system of jurisprudence and juristic theory that originated from, was developed and formulated through, the common law of England, and is now recognized as an organic part of the jurisprudence of most of the United States.

Course Scope

This course covers three general areas of study: 1) basic legal terminology which is the foundation for understanding subsequent law courses; 2) legal writing tasks such as case briefs, essays, and hypotheticals; and 3) an overview of the history of the American system of laws, focusing on the development of American common law from its origins in English law.

Course Objectives

1. To define and use basic legal terms commonly used in law schools, courtrooms, and cases, and to explain and illustrate these terms through reading and through composition of hypotheticals.
2. To understand and utilize common resources for law study and practice..
3. To understand and use case citations.
4. To competently read and brief significant legal cases.
5. To demonstrate mastery of legal essay writing skills, including the IRAC format.
6. To identify and use the sources of American law.
7. To analyze historic legal decisions and trace their impact on modern theories of jurisprudence.

Course Delivery Method

There are several delivery methods for course content.

First, students must purchase the books required in the syllabus.

Second, students will use AISOL Dashboard as the technology platform for distance teaching and learning via the Internet. Students use this dynamic Internet-based course management system to access course material, collaborate and communicate online with fellow students and faculty members, and view and listen to live and recorded audio/video lectures from anywhere in the world. Students can access course content on the AISOL Dashboard at any time with use of the Username and Password that will be assigned. At the end of each live course the professor will give specific cases to brief and your reading assignments for the following week.

Third, students will use chat sessions to help understand what they are learning during the week and to ask questions on any material that may cause confusion.

Fourth, students may communicate with the school's administration, faculty, and with other students via email, AISOL Dashboard and Mega Meeting. This allows you to have one-on-one contact as needed to assist you with your studies.

Fifth, you are encouraged to supplement your studies with your own selection of materials. These include flash cards, hornbooks, local law libraries, West Law, CALI (Computer Assisted Legal Instruction), review courses, electronic law libraries, law study websites, etc. Many available resources are listed on our school website.

Submitting Assignments to American International School of Law

Since you must study all courses concurrently, you must turn in each type of assignment (quizzes, definitions, case briefs, midterms, etc.) online as requested by the professor. Case Briefs are due when the week is completed, you must submit them before attending the live class.

Keep a copy of all assignments you submit to the school, including answers to all examinations. The school will not be responsible for missing, lost or misplaced exam answers.

Required Books To Be Purchased By Student

Fleming's Fundamental of Law

Buy the take home legal workshop

The cost is \$200 and you can talk to any staff members at Flemings and let them know you are from American International School of Law and referred by Nitesh Patel.

<http://www.lawprepare.com/legal-test-aids-law-school-bar-essay-exams-mbe-multiple-choice-tests/law-school-exam-workshops/legal-essay-writing-workshops/home-study-legal-essay-writing-workshop/>

Black's Law Dictionary.

Hardcover, 1810 pages. Published by Thomson West.

ISBN 9780314151995.

These books and materials may be available online or locally in your area at a law school bookstore. You may be able to obtain used materials from various online sellers.

Course Requirements

American Institute of Law seeks to offer a program that is flexible enough to allow students to study using the methods that best meet their individual needs, taking into consideration the demands of family, career, and other commitments. Therefore, although there are abundant learning opportunities available, our requirements regarding assignments to be handed into the school are not, by any means, overwhelming. You will note, however, that there is a great deal of study that you must do in order to be equipped to pass the course.

The following requirements must be met:

1. Do the 6 Essays that Fleming assigns.
2. Do they 30 sample essays that AISOL assigns the students.

3. Locate and read at least 30 sample essay questions and model answers in the subject areas of contracts, torts and criminal law. Some sample essay questions are included in the required materials. Others are available on the State Bar of California website, in the section on examinations. Additionally, there are sample questions available in various books from law bookstores.
4. Listen to the recorded lectures.
5. Participate in the live lectures and chat sessions.
6. Read and study the material on writing case briefs and law essays which is included in the “Additional Resources” section of this syllabus.

More information on each of these requirements is included below.

Sample Essay Questions and Model Answers

Some sample essay questions are included in the required and recommended materials. Others are available on the State Bar of California website, in the section on examinations. Additionally, there are sample questions available in various books from law bookstores.

Note that this requirement is also part of the “Criminal Law,” “Torts,” and “Contracts” courses and that reading 30 sample essay questions and model answers (ten for each of the three first year courses) is a concurrent requirement, not an additional one.

In addition to reading sample questions and model answers, students should practice writing their own answers in preparation for midterms, finals, the First Year Law School Exam, and ultimately, the Bar exam.

How to Brief A Case

There are many styles and formats used in briefing a case. The sample following this article is one of the commonly used formats for briefing a case.

What is a Brief?

In law school you read cases from a casebook for each subject. There is very little explanatory text in a casebook, so in the beginning it is difficult to identify rules of law. A brief helps you focus on and remember important points. A key to writing a good brief is to write as if you are explaining the case to someone who has not read it.

Many students stop briefing cases after a while because they have “mastered” the process. We recommend that you brief cases for your entire stay in law school. It is good practice. Toward that end, American International School of Law requires submission of briefs of key cases for each course you take, except for Introduction to Law and Legal Writing.

How do I brief a Case?

First, you should read the case once to familiarize yourself with the case material. Then you should look for the material facts. These are the important facts. Identifying material facts is an acquired skill and it may take you some time before you feel confident in discerning material from immaterial facts. Once you have identified the material facts, by underlining them or highlighting them in your casebook, summarize them as a coherent statement of facts. This should be completed in a brief narrative paragraph and in a chronological manner.

Second, try to find the rules of law. In order to do this you must have some knowledge of the law. That is what makes this so difficult in law school since your only knowledge of the law comes from reading cases. It is circular, at best.

Issue spotting is particularly difficult. You need to ask yourself what is the court trying to resolve in this case. That will help you to identify the issue or issues in the case. (Note: Many cases have more than one issue and subject.) You must be careful about how you phrase an issue. You should usually begin with the words “was,” “did”, or “whether”. Once you know what the court must answer in the hearing of the case, phrase the issue as a yes-no question for purposes of your brief.

For example, if you are driving down a street, fail to stop at a red light and crash into another car you may be sued by the other driver. If the other driver sues you, what is her “cause of action?” Perhaps, it is “negligence” under tort law. What issue is before the court? The issue is whether you were negligent in hitting the other car. What rules of law are applicable? You must know the “elements” for the cause of action. Then, by applying the rules of law to the stated cause of action, and in particular, by determining whether each element of that cause of action has been met according to the material facts of the case, the court will make its ruling on whether you will be found negligent. What is the court’s holding (or ruling)? How did the court arrive at its decision? This is known as the Court’s “analysis.”

The court’s holding is also referred to as the “decision.” You want to identify the decision. In whose favor did the court rule (the plaintiff’s, the defendant’s, the appellant’s, or the appellee’s)? Who won? These are the types of questions you need to answer when reading a case and writing a brief.

In reading a case, it is important to identify the court’s analysis. How did the court reach its decision? What did the court consider important? What did the court rely upon to support its decision? (Other cases, statutes, or common law.) Identifying the court’s analysis can be tricky because there may be a lot of it. You need to sort through it and identify what is important and what is opinion, commentary or “dicta”.

Finally, in many cases you will read an opinion rendered by more than one judge. This is particularly true in Appellate or Supreme Courts. How many judges are there? Do they all agree? Is it a unanimous decision? If not, are there concurring or dissenting opinions? If so, summarize them.

How do I Structure a Brief?

Formats will differ; however, for American Institute of Law briefs, we ask that you first identify the topic. Many students have trouble reading a case because they have failed to identify the subject matter (the topic) of the case. All casebooks have a table of contents. If you know what page your case is on, then refer to the table of contents to see what the topic is for that case. You may also want to consult the heading on the actual page on which you have found the case because often times that will also alert you to the topic.

Next, identify the name of the case and the citation. This exercise, although trite, helps you to focus on the date of the case and the court. Is it a trial court or an appeals court? If it is an appeals court, a higher court, you may need to consider what happened in the lower court and how the lower court ruled in the case. The date is important because many of the cases you read are over 30 years old.

Third, summarize the facts and identify parties (who is the plaintiff, defendant, appellant, appellee?)

Fourth, if this is a higher court decision, you may want to summarize the holding and history of the lower court decision. It is important to know if the higher court affirmed (agreed with), remanded (sent back to the lower court), or reversed the lower court's decision.

Fifth, state the issue in a yes-no question format. Try to begin your issue question with "Was ..., " "Did ...," or "Whether ...". If there is more than one issue, state each separately and number them.

Sixth, set forth the ruling or holding in the case. There will be a ruling for each issue. Thus, if you have two issue questions, you must have two rulings. List them in the same order as the issue statements and number them. Begin your ruling with "Yes." or "No." Then, if you wish, add a descriptive statement such as "The U.S. Supreme Court affirmed the lower court's decision."

Seventh, summarize the material reasons for the Court's decision. We label this "Rationale," although it is often referred to as "Analysis."

Finally, set forth any rules of law upon which the court relies in rendering its decision. There should be a rule of law to coincide with each issue and ruling. Thus, if your case has three issues, there should be three rules of law.

An example of a proper case brief is included below.

Sample Brief

Lucy v. Zehmer

Supreme Court of Appeals of Virginia, 1954

TOPIC: Intent to Contract

CASE: Lucy v. Zehmer. 196 Va. 493, 84 S.E.2d, 516. (1954)

FACTS: Lucy (P) sued the Zehmer's (Ds) for the enforcement of a contract to sell a farm owned by Ds. Zehmer drew up a contract, selling the farm for \$50,000. Both he and his wife signed the contract, as did Lucy. When Lucy offered to bind the contract with partial payment of \$5.00, Zehmer refused, saying the entire transaction was made in jest, that in fact Zehmer was drunk.

HISTORY: Trial court held for Zehmer.

ISSUE: Was Zehmer's offer made in jest and would his alleged drunkenness bar Lucy from recovery?

RULING: No. The Supreme Court of Appeals of Virginia reversed. Specific performance of the contract ordered.

RATIONALE: The court found evidence justifying P's belief that D was acting in good faith and intended to be bound. (For instance, the parties discussed the contract for forty minutes, including what was to be included in the sale and provisions for the examination of title). The court also concluded that Zehmer was not drunk to the extent of being unable to understand the nature and consequences of the transaction. (For instance, he changed the first contract to include his wife's signature).

RULE: Mental assent of the parties is not requisite for the formation of a contract. If the words or other acts of the parties have but one reasonable meaning, an undisclosed intention is immaterial.

Course Planning and Study Plan

The task list and study plan will guide you through the course. The items included are helpful to you and other students or which are recommended by the faculty to help you master the material in the course. You are free to modify the weeks task list and study plan to suit your own learning style and time constraints for that week, as long as you spend at least 216 hours on the course and 33.75 will be live class which will be completed over the course in 48-52 weeks.

Task List

- Order the required materials.
- Register as a law student with the State Bar of California (www.calbar.ca.gov).
- Read the material on the State Bar of California website about the requirements for admission to the Bar. While you are solely responsible for knowing and following the State Bar rules for admission, some of the items you will need to complete as an American Institute of Law student include:
 - register as a law student,
 - complete four years of law study,
 - pass the First Year Law Students' Exam after completing one year of law study,
 - complete the moral character application and be approved,
 - pass the Multistate Professional Responsibility Exam,
 - pass the Bar Exam.
- Determine the date by which you must complete your first year of studies in order to comply with the State Bar of California requirements. This should be one year from your start date at American International School of Law, as listed on your enrollment contract. Visit the State Bar of California website and select the date you plan to take the First Year Law Students' Exam. (You must complete your first year of studies before you are eligible to take the FYLSE, and the exam is only given twice each year, so you need to plan ahead.)
- Map out a calendar with numbered weeks. Week 1 is the first week beginning with your start date as listed on your enrollment contract. Week 52 ends exactly one year later. Choose a tentative date to take final exams during the four week window from Weeks 48-52.
- Log onto the AISOL Dashboard and acquaint yourself with the system:
- Open the "Discussion Board" and browse the list of topics.
- Create a thread and post your background, experience, locale, family, hobbies, reasons for studying law, etc.
- Enter the "Chat" section and familiarize yourself with how it works before you join a chat in progress. Open a recording of a recent chat for a preview of what the chats entail.
- Write the exams for Flemings
- Write the 30 fact patterns for AISOL
- Read and study the material on writing case briefs and law essays.
- Make flash cards for the terms included in definition. While commercial flash cards are available, they are not as easily remembered as those you construct yourself.
- Read and complete the workbook, *How to Write Essays for Contracts, UCC, Torts and Crimes, Law School and Bar Exams*, by Tim Tyler.
- Locate and read at least 30 sample essay questions and model answers in the subject areas of contracts, torts and criminal law. Some sample essay questions are included in the required materials. Others are available on the State Bar of California website, in the section on examinations. Additionally, there are sample questions available in various books from law bookstores.

Study Plan

The following plan is designed to fit within the State Bar of California's requirement that all courses used to meet their educational qualifications for admission to take the FYLSE, Bar Exam, or to practice law in California must be completed in 48-52 weeks of study.

The plan is comprised of 12 modules, each to be completed in one month. During the modules the professors will have live lectures, chat sessions and online discussions. The students will work through each module which will consist of four weeks thereby finishing the course work in 48 weeks. This will allow four weeks for review, which the professor will conduct via chat session.

The plan is designed around a goal of 20-25 study hours per week for all four first-year courses combined, or 80-100 hours per four-week module. The State Bar requires a minimum of 864 hours of study for each year, including all courses taken. The outlined study plan will help in meeting the minimum time requirement of 864 hours of study. It is required that you log or track your study hours online via the AIL Dashboard; a weekly studies hours log shall be used and record must be kept to ensure that the 864 hours are met.

Module 1 (Weeks 1-4)

Learning Objectives:

- Familiarize yourself with American International School of Law, Dashboard system and your materials.
- Mark on your calendars when the live lectures will be and set a schedule to watch the recorded lectures.
- Learn basic legal terminology.
- Research the California State Bar requirements.
- Learn tips for the study of law.

Assignments:

- Order the required materials.
- Read through this course syllabus. Because this course overlaps with your other first-year courses, review those course syllabi as well.
- Register as a law student with the State Bar of California (www.calbar.ca.gov).
- Read the material on the State Bar of California website about the requirements for admission to the Bar.
- Determine the date by which you must complete your first year of studies in order to comply with the State Bar of California requirements (if you are planning to take the Bar exam). This should be one year from your start date at American Institute of Law, as listed on your enrollment contract.
- Visit the State Bar of California website and select the date you plan to take the First Year Law Students' Exam.
- Map out a calendar with numbered weeks. Week 1 is the first week beginning with your start date as listed on your enrollment contract. Week 52 ends exactly one year later. Choose a tentative date to take final exams during the four week window from Weeks 48-52.
- Log onto AISOL Dashboard and learn the system.

- Create a thread to introduce yourself to your professors and fellow students. It is suggested that you include information regarding your background, experience, locale, family, hobbies, reasons for studying law, etc.
- Enter the “Chat” section and familiarize yourself with how it works before you join an actual chat in progress. Open a recording of a recent chat for a preview of what the chats entail.
- Read Flemings and listen to the audio
- Learn the “terms” side of your flash cards by looking at the definition side and saying the term that matches. Study the terms for 15 minutes each day.
- Attend Live Lecture and Chat sessions.

Module 2 (Weeks 5-8)

Learning Objectives:

- Master basic legal terminology.
- Learn to brief cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Introduce essay writing skills.

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.

Module 3 (Weeks 9-12)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.

Module 4 (Weeks 13 - 16)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.

Module 5 (Weeks 17-20)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.

Module 6 (21-24)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.

Module 7 (25-28)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Begin practicing Multi States for Torts, Contracts and Criminal Law
- Enroll in First Year Law School Exam review program

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States

Module 8 (Weeks 29-32)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Practice Multi States for Torts, Contracts and Criminal Law

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States

Module 9 (Weeks 33-36)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Practice Multi States for Torts, Contracts and Criminal Law

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States

Module 10 (Weeks 37-40)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Practice Multi States for Torts, Contracts and Criminal Law

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States

Module 11 (Weeks 41-44)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Practice Multi States for Torts, Contracts and Criminal Law

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States

Module 12 (Weeks 45-48)

Learning Objectives:

- Master basic legal terminology.
- Improving on briefing cases.
- Participate in online real-time chats for orientation to the format and subject matter.
- Improve essay writing skills.
- Practice Multi States for Torts, Contracts and Criminal Law

Assignments:

- Read Flemings and listen to the audio
- Professor will post assignment that will help you to be able to brief cases.
- Practice Multi States