

Syllabus
Nature, Functions, and Limits of Law
Law 4131, Govt 3131, and Amst 3131
Spring 2021

Monday & Wednesday, 2:45 – 4:00 p.m.

Professor Dawn M. Chutkow
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Office: 237 Hughes Hall

Course Description: This course investigates how our legal system pursues the goals of society, what functions law ought to serve, and what law can and cannot accomplish. The class considers various legal decisions, their political contexts, and the social and behavioral factors that affect jurisprudence. We will discuss, among other things, such varied topics as free speech, the criminal justice system, private individuals suing each other for damages, the use of confessions in criminal prosecutions, the pluses and minuses of government regulation, and lawsuits against corporate entities for products that cause harm.

Required Texts: The course materials consist of a casebook and readings posted on the course website on Canvas. The casebook is K. Clermont, R. Hillman, S. Johnson & R. Summers, *Law for Society: Nature, Functions, and Limits* (2010). You also may wish to buy a paperback legal dictionary.

Class Schedule and Structure: A week by week syllabus is set out below and we will follow it as closely as possible. I reserve the right to make changes and additions to the assigned readings as we progress through the course. Our discussions generally will focus on the issues raised by the assigned readings. I expect you to come to class prepared to consider the facts, legal issues, and policy issues raised by the readings, as well as the constitutional provisions and statutes relied on by the cases.

Class Modality: All our class meetings (with the exception of your four (4) small section meetings discussed below) will be online only and will take place on Canvas through recorded class lectures. As our class meets Monday and Wednesday, for each class meeting listed on the syllabus the online recorded class lecture for that class will be available for 48-hours as follows: (i) Monday's class will be available from Monday at 8 a.m. until Wednesday at 8 a.m. and (ii) Wednesday's class will be available from Wednesday at 8 a.m. until Friday at 8 a.m. All times and dates on this syllabus are United States' Eastern Time.

Small Section meetings: Four (4) times during the semester you will meet via Zoom from 2:45 p.m. to 4:00 p.m. in small sections with your assigned TA to discuss the material assigned for that day. Your small section assignment will be posted on Canvas after the first week of class.

Grading, Problem Sets, and Take Home Exam: There are two (2) Problem Set Assignments, each of which is 4-6 pages. Problem Set 1 counts for 35% of your class grade. Problem Set 2 counts for 35% of your class grade. There is one (1) Take Home Exam worth 25% of your class grade. Class participation generally and in small sections counts for 5% of your class grade.

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Any Problem Set or Take Home Exam turned in after the due date and time will be subject to an immediate 1/3 letter grade penalty. Additional 1/3 letter grade penalties will be applied at the beginning of every 24-hour period thereafter until the assignment or exam is turned in. These penalties are cumulative.

Class and small section participation count for 5% of your class grade. Non-small section participation will be based on the Canvas report of your access to the online recorded class lecture for each class meeting. Please be aware that this report includes an indication of whether you fully viewed each recorded class.

On May 10, 2021, the assigned material is an audio/visual link to a Supreme Court oral argument found at the link provided in the class video for that day. Participation for May 10th requires you to email me a 1-2 page Reflection Paper (double spaced, 12-point font) which contains your reaction to or assessment of any aspect of this Supreme Court oral argument. The Reflection Paper will not be graded, but upon receipt you will be marked as “attended” for May 10th. I must receive this Reflection Paper by email on or before 3 p.m. on May 12th for you to be counted as in attendance for the May 10th class.

Office Hours: My Zoom office appointment hours are Wednesdays from 8:30 a.m. to 10:00 a.m. Please email to request an appointment time. You also may reach me during non-office hours by email. On occasion, my office hours will change and any changes will be posted on Canvas.

Teaching Assistants: Jake Barney, Nat Bass, John Charles, Azzam Chaudhry, Katarina Delgado, Brett Duffek, Adnan Hussain, Evelyn Hudson, Jordyn Manly, Nicholas LaPietra, Lauren McBrearty, James Pinchak, Tanmayi Sharma, Marissa Smith, and Nicolas Swan are the teaching assistants for this course. TA email addresses and Zoom office hours are on Canvas.

Extra Resources: Please be sure to check the “Extra Resources” module on Canvas for optional reading and various legal websites/podcasts.

Disability Notices: Under Cornell University policy, if you have a disability-related need for reasonable academic adjustments in this course, provide Professor Chutkow with an accommodation letter from Student Disability Services. Students are expected to give two weeks’ notice of the need for accommodations. If you need immediate accommodations, please email Professor Chutkow within the first two class meetings.

Academic Integrity: Each student shall abide by the Cornell University Code of Academic Integrity. Any work you submit in this course for academic credit must be your own, not the result of collaboration with others.

External Sites, Copyright, and Course Materials: All course material, including (but not limited to) lectures, professor videos, syllabus, and lecture slides are copyrighted. You are prohibited from buying and selling course materials through any internet sites such as (but not limited to) Chegg, CourseHero, and Slader. If you buy or otherwise access course materials through such a

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vendor, you face a charge of “Unauthorized Assistance,” thereby violating the Code of Academic Integrity. Please note that Cornell IT staff are able to trace posts from internet sites, including identifying the individuals who provide the original posts and those who read or download the posts. Periodically, these sites are monitored.

If you sell course materials, even your own class notes summarizing lectures, without Professor Chutkow’s express authorization, you are subject to a charge of “Academic Misconduct.” You may also be participating in copyright infringement. Original course materials are intellectual property that belong to the author and are not a student’s property to sell.

Turnitin: Students agree that by taking this course, all required papers (which includes Problem Sets) may be subject to submission for textual similarity review to Turnitin.com for the detection of plagiarism. All submitted papers will be included as source documents in the Turnitin.com reference database solely for the purpose of detecting plagiarism of such papers. Use of the Turnitin.com service is subject to the Usage Policy posted on the Turnitin.com site.

Assignments: Unless otherwise specified, all readings are from the text. Additional readings are on Canvas.

Topic	Date	Text Pages	Additional Readings / Information
Intro	Monday, February 8	1-12	
1 st A	Wednesday, February 10	12-18	
1 st A	Monday, February 15	---	Small Section Meeting, 2:45-4:00 pm <i>Cohen v. California</i> Chermerinsky & Gillman, “Why is Free Speech Important?” Optional: <i>Mitchell v. Newsom</i>
1 st A	Wednesday, February 17	18-25	
Remedy Wrongs	Monday, February 22	26-35	
Remedy Wrongs	Wednesday, February 24	35-50	
Remedy Wrongs	Monday, March 1	50-63	Small Section Meeting, 2:45-4:00 pm
Court Procedure	Wednesday, March 3	64-70	Shavell, Foundations of Economic Analysis of Law, pp 1-17
---	Thursday, March 4	---	Problem Set 1 Posted 8:00 a.m.
Court Procedure	Monday, March 8	70-83	
---	Wednesday, March 10	---	No Class
Attorneys’ Role	Monday, March 15	114-138	Small Section Meeting, 2:45-4:00 pm
----	Tuesday, March 16	---	Problem Set 1 Due 3:00 p.m.
Trail & Remedial Limits	Wednesday, March 17	83-100 138-142	
Criminal Law	Monday, March 22	150-163	

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Criminal Law	Wednesday, March 24	163-167	Applebaum, " <i>Kahler v. Kansas</i> " Optional: Oral argument <i>Kahler v. Kansas</i>
Counsel and Pleas	Monday, March 29	193-205	Small Section Meeting, 2:45-4:00 pm <i>Hurrell-Harring v. NY Complaint</i> <i>NY Law Journal "Hurrell-Harring"</i>
Applying Law	Wednesday, March 31	167-180	
Confessions	Monday, April 5	180-189	
Confessions	Wednesday, April 7	---	<i>Miranda v. Arizona</i> <i>J.D.B v. North Carolina</i>
---	Friday, April 9	---	Problem Set 2 Posted 8 a.m.
Regulatory State	Monday, April 12	225-236	
Regulatory State	Wednesday, April 14	237-249	
Public Benefits	Monday, April 19	299-311	Problem Set 2 Due 3:00 p.m.
Public Benefits	Wednesday April 21	311-325	
---	Monday April 26	---	No Class
Promoting Safety	Wednesday April 28	459-471	
---	Thursday, April 29	---	Take Home Exam Posted 8 a.m.
---	Monday, May 3	---	No Class Meeting Take Home Exam Due 5 p.m.
Promoting Safety	Wednesday, May 5	471-478	<i>MacPherson v. Buick Motor Co</i> <i>Escola v. Coca Cola Bottling Co</i>
---	Monday, May 10	----	Supreme Court Oral Argument (Canvas) <i>J.D.B. v. North Carolina</i>
Supreme Court	Wednesday, May 12	---	Reflection Paper Due 3:00 p.m. Last Class (SCOTUS Round-up)