Course Description and Purpose: This course will familiarize you with three pillars of day-to-day legal practice in the United States: (1) common-law reasoning (i.e., using judicial opinions to resolve disputes); (2) federalism (i.e., the bifurcation of sovereignty between federal and state governments); and (3) composing and editing legal memoranda. As a workshop/seminar, the course requires 4-5 short writing assignments and – most important – open and frequent class discussion.

Although we will survey a wide array of substantive law, the course will have a slight emphasis on environmental policy in the United States.

Instructor: Travis Annatoyn, Trial Attorney
Department of Justice
Environment & Natural Resources Division

Class Attendance: Pursuant to the Georgetown Law Student Handbook, “[r]egular and punctual attendance at all class sessions is required of each student. Student participation is expected in all courses. A student who, even though registered for a course, has not regularly attended, participated, or otherwise met class requirements may, at the professor’s option, be withdrawn, excluded from attending class sessions, excluded from sitting for a final examination or submitting a final paper (with the same consequences as a voluntary failure to appear for a final examination or submit a final paper), or receive a lowered grade in the course. Even if a student has passed all examinations, credit will not be awarded and no student will be advanced, nor will a degree be conferred, if attendance or participation is unsatisfactory.”

Because this course is a small workshop that depends heavily on class participation, you will, absent extraordinary circumstances, receive no credit for the course upon missing three classes.

Grade: This course is graded on a Fail/Pass/High Pass scale. A High Pass requires active class participation and an excellent final writing assignment, including a commitment to editing and revising earlier drafts. The final draft of your final
memo accounts for 50% of your final grade. The remaining portion is divided between in class participation (25%) and all other writing assignments (25%).

Office Hours: I do not have formal office hours, but encourage you to write with questions and/or if you would like to meet on campus outside of class: my office is close to Georgetown’s campus.

Course Website: Course materials, announcements, and submission of assignments rely heavily on Westlaw/TWEN. Use your Westlaw credentials to log-in to the website at www.lawschool.westlaw.com, and add this course using TWEN.

Course Materials: All assignments will be available through TWEN.

Week 1 August 31, 2016
Introduction

Reading Assignment: (note: unless stated otherwise, read the entirety of a court’s majority opinion, i.e., skip concurring and dissenting opinions).


Week 2 September 7, 2016
Online Legal Research

Week 3 September 14, 2016
Common Law I/Federalism I: Basics of Judicial Systems in the United States

Week 4 September 21, 2016
Common Law II: Application of Authority

Reading Assignment:

*Keeble v. Hickeringill*, 103 ER 1127 (Queen’s Bench 1707)

Written Assignment: Case brief

Week 5  September 28, 2016
Common Law III: “Reasoning by Analogy”

Reading Assignment:

Richard Posner, How Judges Think, pp. 174-203

Khan v. State Oil Co., 93 F.3d 1358 (7th Cir. 1996)

State Oil Co. v. Khan, 522 U.S. 3 (1997)

Confirmation Testimony of John Roberts

Week 6  October 5, 2016
Common Law IV: Synthesizing Rules

Reading Assignment:

Reed v. Reed, 404 U.S. 71 (1971)


Craig v. Boren, 429 U.S. 195 (1976) (skip parts I and II-D, but read the concurring and dissenting opinions except the opinion of Burger, J.)

Week 7  October 12, 2016
Writing I: The Legal Memo

Reading Assignment:


The Office of Legal Counsel, Authority to Use Military Force In Libya, April 1, 2011
Writing Assignment: Rule statement

Week 8  October 19, 2016
Writing II

Week 9  October 26, 2016
Federalism

United States Constitution, Art. I § 9


*Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938)

Written Assignment: Memo I

Week 10  November 2, 2016
Common Law V/Federalism II: Summary

Reading Assignment:


Week 11  November 9, 2016
Writing III

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Week 12  November 16, 2016

No class—individual meetings to discuss the first draft of your memorandum

Writing Assignment: First draft, Memo II

Week 13  November 23, 2016
No Class: Thanksgiving Break

Week 14  November 30, 2016
Conclusion/Dinner

Writing Assignment: Final draft, Memo II