Instructors
Marcos Daniel Jiménez
Email: mjimenez@mwe.com
Office: 305-358-3500

-and-
Audrey Pumariega
Email: apumariega@mwe.com
Office: 305-358-3500

Office Hours: By Appointment

Required Texts:


Case Law and Legal Opinions: Will be provided free of cost in digital format to students throughout the term.

Course Description

This course is designed to examine legal theory, reasoning, and written advocacy. We will examine the history and philosophy of law, legal reasoning, written and verbal analysis of cases, and effective legal writing. We will study what it means to “think like a lawyer” and be an advocate for your client or cause.

We will explore legal philosophy, theory, and logical reasoning in order to develop an understanding of what law is, what its origins are, and how and why it evolves and changes over time. Together we will think deeply and critically about the complex problems associated with governing people and behavior. Our hope is to create an atmosphere that encourages the lively exchange of ideas, promotes vigorous debate, and is respectful of well-founded and thoughtful opinions.

Additionally, the course will cover practical areas of the study of law including LSAT prep, applying to law school, admissions, and managing a legal curriculum.
Spring 2015 Semester

Last fall, we focused a great deal on legal philosophy and Constitutional Law. This semester, we will focus on more practical areas of the law: criminal procedure, property law, contract law, tort law, and legal research and writing.

Structure

This course is conceived as a full-year course, but is divided into semesters for scheduling and grading purposes.

Expectations

We expect every student to be prepared for class and ready to read and write. The practice of law requires lots of reading, writing, and critical thinking. We expect you to read and be prepared to discuss (verbally and sometimes in writing) complex subjects for each and every class.

Grades

Your grade will be determined as follows:

Attendance and participation (20%)
Pop quizzes and written assignments (20%)
Mid-term (25%)
Final (35%)

Writing assignment requirements will be discussed in detail during the semester but generally will have to be typed and submitted on time.

Please note: You may have two excused absences per semester; every additional absence will affect your final participation grade and if absences are excessive, it may cause you to fail the course entirely. Excessive lateness will also result in a grade reduction.
Students found guilty of academic misconduct, which includes plagiarism, will receive an F in the course and will be subject to further disciplinary action. For more information on what constitutes plagiarism and a short quiz, see https://www.indiana.edu/~tedfrick/plagiarism/index2.html

*Florida International University is a community dedicated to generating and imparting knowledge through excellent teaching and research, the rigorous and respectful exchange of ideas and community service. All students should respect the right of others to have an equitable opportunity to learn and honestly to demonstrate the quality of their learning. Therefore, all students are expected to adhere to a standard of academic conduct, which demonstrates respect for themselves, their fellow students, and the educational mission of the University. All students are deemed by the University to understand that if they are found responsible for academic misconduct, they will be subject to the Academic Misconduct procedures and sanctions, as outlined in the Student Handbook.*

*Misconduct includes: Cheating – The unauthorized use of books, notes, aids, electronic sources; assistance from another person with respect to examinations, course assignments, field service reports, class recitations; or the unauthorized possession of examination papers or course materials, whether originally authorized or not. Plagiarism – The use and appropriation of another’s work without any indication of the source and the representation of such work as the student’s own. Any student who fails to give credit for ideas, expressions or materials taken from another source, including Internet sources, is responsible for plagiarism.*

---

**Class Schedule**

Class will be held every Thursday from 5:00 p.m. to 7:40 p.m. at room GC 275

<table>
<thead>
<tr>
<th>Date</th>
<th>Topics and In-class Activity</th>
<th>Readings Due</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/15</td>
<td>Review final</td>
<td>None</td>
</tr>
<tr>
<td>1/22</td>
<td>Guest Lecturer - Immigration Attorney E. Adriana Moreno Kostencki</td>
<td>Complete “Basic” Exercises in writing handout.</td>
</tr>
</tbody>
</table>
| 1/29 | Criminal Procedure Lecture: Searches & Seizures, Reasonably Suspicion & Probable Cause | -Schneckloth v. Bustamonte (voluntary search)  
-In re MEB (reasonable suspicion)  
-State v. Jason Kiper (probable cause) |
<table>
<thead>
<tr>
<th>Date</th>
<th>Lecture/Assignment</th>
<th>Details</th>
</tr>
</thead>
</table>
| 2/5  | Guest Lecturer – Federal Defender Bunmi Lomax: | - People v. Cahan (exclusion)  
- Brown v. Illinois (fruit)  
- Miranda v. Arizona |
| 2/12 | Property: Possession & Ownership | - 5th and 14th Amendments  
- Johnson v. M’Intosh  
- Tapscott v. Lessee of Cobbs (possession without title)  
- Adverse Possession Guide  
- Nome 2000 v. Fagerstrom (adverse possession) |
| 2/19 | Property 2: Nuisance & Takings Legal Research | - Page Appliance Center, Inc. v. Honeywell (nuisance)  
- Lucas v. S.C. Coastal Counsel (takings) |
| 2/26 | Legal Research Midterm Preparation | Legal Research Take-Home Assignment |
| 3/5  | Midterm | None |
| 3/19 | Contracts: Formation of a Contract | - Restatement § 24 (offer)  
- Rstmt § 36 (acceptance)  
- Rstmt § 71 (consideration)  
- Lucy v. Zehmer (meeting of the minds)  
- Adams v. Lindsell (mailbox rule) |
- Earl v. Angel (consideration)  
- Ricketts v. Scothorn (promissory estoppel) |
| 4/2  | Guest Lecturer – International Arbitrator Laura Reich | TBA |
| 4/9  | Torts: Intentional Torts & Defenses | - Intentional Torts Guide  
- Vosburg v. Putney (assault, battery, and intention)  
- Hudson v. Craft (consent)  
- Alcorn v. Mitchell (punitive damages) |
| 4/16 | Torts 2: Negligence & Strict Liability | - Negligence & Strict Liability Guide  
- Vaughan v. Menlove (reasonableness)  
- Palsgraf v. Long Island Railroad (proximate causation)  
- Fletcher v. Rylands 3 (strict liability)  
- Fla. Stat. § 767.04 (dog bites) |
| 4/23 | Final preparation & open session | None |
| 4/30 | Final | None |
Honors College Requirements and Policies

Registration in this course implies an acceptance of and compliance with the Honors College policies for students and the FIU Code of Academic Integrity.

Honors Citizenship Requirements
Beginning in Fall 2014, Honors College students are required to accumulate at least 20 citizenship points each academic year (Fall and Spring) by attending Honors College activities. Students attending only one semester (Fall or Spring) are required to accumulate 10 citizenship points. See http://honors.fiu.edu/academics/policies/citizenship/.

Student Portfolios
The Honors College will be using a portfolio method to assess students’ learning outcomes. The portfolio allows for maximum flexibility in gauging student learning. Students decide (with instructor consultation) what “artifacts” or assignments to include for consideration in their portfolios to demonstrate successful achievement of each of five key student learning outcomes over the 4-year Honors experience. See www.honors.fiu.edu/portfolios.

Academic Misconduct Procedures and Penalties
In The Honors College, the term “honor” refers both to academic accomplishment and character. Students in Honors should therefore adhere to and be held to the highest standards of personal academic accountability. Academic dishonesty in any form, including plagiarism, is antithetical to the very definition of being an Honors student at FIU. Consequently, an Honors College student found responsible for academic misconduct will be dismissed from the College.

An Honors faculty member may bring charges of academic misconduct against an Honors student if the faculty member suspects plagiarism or other forms of academic misconduct. The faculty member will decide whether to pursue informal resolution, file formal resolution charges, or take no further action, and will follow the procedures outlined in the Honors College website (http://honors.fiu.edu/academics/policies/), and the Academic Misconduct Procedures, available at http://www.fiu.edu/~oabp/misconductweb/1acmisconductproc.htm.

Please refer to the following documents for additional information:

FIU Honors College Student Handbook – http://honors.fiu.edu/handbook0910.html
FIU Honors College Plagiarism Policy – http://honors.fiu.edu/current_policy_plagiarism.html

Religious Observances
Every effort will be made, where feasible and practical, to accommodate students whose religious practices coincide with class requirements or scheduling. Please make sure to notify your instructor at the beginning of the semester of which dates you will be absent or any anticipated problems with completing course work.
Physical, Mental and Sensory Challenges
Every effort will be made, where feasible and practical, to accommodate students who are so challenged. Should you require accommodations, contact the Disability Resource Center, if you have not done so already.