

OAKLAND UNIVERSITY PARALEGAL PROGRAM
SYLLABUS
CEPL #
INTRODUCTION TO THE LAW AND ETHICS

Text: *Introduction to the Law*, Sixth Edition, Walston-Dunham, West Publishing, © 2009

Faculty: P. David Palmiere, Esq.
Juris Doctor, University of Michigan Law School, 1975
Bachelor of Arts magna cum laude, University of Michigan, 1972

Professional experience as trial attorney in state and federal courts of Michigan, Illinois, New York, Florida, Ohio, Texas, California, Nevada, and Arizona, 1976-2018; Sole practitioner, 2006 - 2013; partner in large firm, 2001 - 2006; in small firms, 1976-1981, 1987-2001, 2014-2018; in medium sized firm, 1981-1987. Legal Seminar Instructor, "Presuit Investigation". Completed pre-med science curriculum, Wayne State University, 4.0 GPA, 1985-1986. Oakland University Paralegal Faculty, 1980-2018, teaching courses in Contracts, Torts, Property, Litigation, Introduction to the Law, and Legal Ethics. Private Investigator, Michigan, 1975-1976. Volunteer, Washtenaw County Legal Aid Society, 1973-1975. Author of articles for various legal and trade publications including West's *Paralegal Today*. Moot Court Judge at Michigan Law School, Wayne State Law School, and ABA, 2012-2018.

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Availability: 9am-5pm Monday-Friday by telephone (248-225-9952) or e-mail

Class Schedule: 6:30 - 9:30 p.m. Tuesdays; 14 Sessions

Credit Hours: 4.2 CEU **Prerequisites:** None

Course Description: Introduction to concepts and vocabulary used in legal philosophy, governmental organization including Michigan and federal court systems and procedures; sources of law including constitutional, statutory, common and administrative laws; basic legal analysis; and the law of civil procedure, evidence, criminal law and procedure, contracts, torts, family law, business organization, and probate law. Extensive presentation of legal ethics and the Michigan Rules of Professional Conduct ("MRPC").

Course Requirements: Participation in class discussions including problem solving, ethical dilemmas and applications of law to facts; internet submission of written assignments; reading of case summaries from Michigan State Bar electronic journal (E-Journal); submission of final examination. Class sessions involve legal overviews of topic areas, definitions, concepts, and legal decision trees for legal and ethical problem solving, using discussion, facilitation, oral presentation, arguments and analysis. Students are encouraged to supplement assigned reading with internet searches, statutory text and library materials on weekly topics.

Learning Outcomes: Students will achieve the following competencies: Familiarity with philosophical issues inherent in systems of law; federal & state governmental branches making and enforcing statutory, common and administrative law; jurisdiction, venue and practice rules for the federal and Michigan court systems; formation, interpretation, and performance of contracts, and remedies for breach; elements of intentional and negligent torts and defenses including automobile negligence and the no-fault system, premises liability and professional negligence; definitions of real and personal tangible and intangible property, "goods" and the UCC, and

conveyances of property; wills, intestate inheritance and the probate code; family law including divorce, child custody and support, spousal support and alimony, and property division; elements of various felonies and misdemeanors and included offenses; criminal procedure, civil rights and civil liberties, and the Bill of Rights; laws and strategies regarding proprietorships, partnerships, LLCs and corporations; administrative agencies and their licensing, rule-making and adjudicative powers; and the systematized rules of legal ethics, with a focus on problems that frequently arise in the legal workplace. Working with these concepts and materials will enhance the student's organizational skills, critical thinking, written/oral communication proficiencies, and understanding of law and legal ethics.

Academic Honesty: Plagiarism is a serious matter that is not tolerated and may result in failure for individual projects, course failure, and/or dismissal from the University. Students must submit only their own original work. Collaboration, or cheating in any form, is a serious violation. For Academic Conduct Policy see <http://wwwp.oakland.edu/pace/policies-procedures>.

Attendance: Attendance is a factor in awarding CEUs, with a maximum of 3 absences allowed per course.

Course Standards: Each student must read the session materials in advance. Assignments should be submitted on their due date, unless additional time is granted for good cause. Students are to actively involve themselves in class discussions. All homework is submitted to instructor via email (**in Word format**) prior to the start of next class. Students may tape-record classes. Students are responsible for arranging with a classmate to obtain missed notes, materials, and/or assignments.

No cell phone or related electronic use is permitted in class. Set phones to vibrate, and please leave the classroom if a response is necessary.

Evaluation Methods: Written Assignments¹ 65%; Final Exam² 30%; Class Participation 5%

Grading Scale: Effective in Fall 2018, students earning an A grade will receive 4.0 honor points; an A-, 3.7 honor points; a B+, 3.3 honor points; a B, 3.0 honor points; a B-, 2.7 honor points; a C+, 2.3 honor points; a C, 2.0 honor points; a C-, 1.7 honor points; a D+, 1.3 honor points; a D, 1.0 honor points; and an F, 0.0 honor points.

Students Resources: The Office of Disability Support Services (DSS) is responsible for verifying disability-related needs and determining academic accommodations, auxiliary aids and other services. Students with learning, psychological, or physical disabilities who may require accommodations should contact DSS at: 103A North Foundation Hall, Phone: 248-370-3266; TTY: 248-370-3268 to schedule an appointment with a DSS advisor.

¹ All assignments must be satisfactorily completed to receive course credit.

² Final exam is a take home, open book, open note exam. It must be turned in to receive course credit.

SESSION DETAILS.

All sessions include chapter overview, facilitation, discussion, oral presentation, and analysis. Readings are in textbook. Students may supplement assignments through internet research and library materials.

Session	Detailed Topic Outline	Activities/Assignments
<p>1</p>	<p>Discussion and presentation: Toward a definition of "law". Discussion of source from which law derives its moral authority, and how and by what right it is imposed and enforced. A short history of Anglo-American legal philosophies and traditions.</p>	<p>To prepare for Session 1: Read Chap. 1, pp. 1-8</p> <p>To prepare for Session 2: Read the remainder of Chap 1, and all of Chaps 2, 3, 4 and 7. Review Assignment 1 emailed by instructor.</p>
<p>2</p>	<p>Discussion and presentation: Sources of law, interpretation of law. Legislative enactments (statutory law), administrative regulations (administrative law), judicial opinions (common law). Introduction to legal analysis: definitions, divided into elements, each element further defined, each further definition broken into elements. Legal decision trees. Application of law to facts. The structure of the federal and state court systems, and the subject matter jurisdiction of the various courts.</p>	<p>To prepare for Session 3: Complete Assignment 1 on sources of law, submit via email.</p> <p>Read Chaps. 5, 6</p> <p>Read E-journal cases on civil procedure issues emailed by instructor.</p> <p>Review Assignment 2 emailed by instructor.</p>
<p>3</p>	<p>Discussion and presentation: Civil procedure for trial courts and appellate courts. Difference between substantive law and procedural law, and definition of each. Michigan and federal court rules, rules of civil procedure. Selecting a court: personal jurisdiction and venue. Pleadings, discovery tools, motion practice, settlement techniques. Evaluating the value of cases. Trial preparation. Rules of evidence. Trial of cases. Appellate procedures, briefs, oral arguments. Collection of judgments.</p>	<p>To prepare for Session 4: Complete Assignment 2 on civil procedure, submit via email.</p> <p>Read Chap. 13</p> <p>Read E-journal cases on contract law issues emailed by instructor.</p> <p>Review Assignment 3 emailed by instructor.</p>
<p>4</p>	<p>Discussion and presentation: Law of contracts. Definition of a contract. Types of contracts. Issues arising in formation of contracts: meeting of the minds, competent parties, consideration, and enforceability at law. Maxims for interpretation of contracts. Performance, breach, and non-breach alternatives to performance. Equitable and legal remedies for breach of a contract.</p>	<p>To prepare for Session 5: Complete Assignment 3 on contract law, submit via email.</p> <p>Read Chap. 12</p> <p>Read E-journal cases on property law emailed by instructor.</p> <p>Review Assignment 4 emailed by instructor.</p>

Session	Detailed Topic Outline	Activities/Assignments
5	<p>Discussion and presentation: Law of property. Definitions of real property and personal property. Estates in property. Ways to divide property physically. Ways to divide title to property among multiple persons at one time. Ways to divide title in time. Ways to divide title by use. Transactions in land -- cash sales, mortgage sales, land contracts. Warranty and quit claim deeds. Title history, good and marketable title, gaps and spurs in title, title insurance. Conveyancing.</p>	<p>To prepare for Session 6: Complete Assignment 4 on property law, submit via email.</p> <p>Read Chap. 14</p> <p>Read E-journal cases on business organization emailed by instructor.</p> <p>Review Assignment 5 emailed by instructor.</p>
6	<p>Discussion and presentation: Law of business organizations. Relationship of principal and agent. Sole proprietorships, partnerships, limited partnerships, corporations, limited liability companies: as to each, how it is formed, who owns it, who manages it, whether it provides limited liability, how its profits are divided, how it is taxed, how it is terminated.</p>	<p>To prepare for Session 7: Complete Assignment 5 on business organization, submit via email.</p> <p>Read Chap 9</p> <p>Read E-journal cases on tort law emailed by instructor.</p> <p>Review Assignment 6 emailed by instructor.</p>
7	<p>Discussion and presentation: Law of torts. Intentional torts and their definitional elements: assault, battery, false imprisonment, trespass, conversion, abuse of process, malicious prosecution, defamation, misappropriation, palming off, monopolization, collective boycott. Defenses to intentional torts. Elements of negligence: duty, breach, proximate cause and damages. Duty variations: auto negligence, premises liability, professional negligence. Defenses to negligence claims.</p>	<p>To prepare for Session 8: Complete Assignment 6 on tort law, submit via email.</p> <p>Read Chap. 10</p> <p>Read E-journal cases on family law emailed by instructor.</p> <p>Review Assignment 7 emailed by instructor.</p>
8	<p>Discussion and presentation: Family law. Law of marriage: licensing, qualifications, solemnization. Family duties of support; "necessaries" for spouse or child. Miscellaneous aspects of law affected by existence of marriage. Legal separation, divorce statutes. Grounds and no fault divorce. Custody and support of children, Child Custody Act, UCCJIA. Spousal support and alimony, division of property.</p>	<p>To prepare for Session 9: Complete Assignment 7 on family law, submit via email.</p> <p>Read Chap. 11</p> <p>Read E-journal cases on probate law emailed by instructor.</p> <p>Review Assignment 8 emailed by instructor.</p>
9	<p>Discussion and presentation: Estates and probate law. Probate code (EPIC), laws of inheritance. Examination of text of probate statutes on intestate inheritance. Distributions per capita and per stirpes. Michigan statutes on inheritance by representation. Requirements for a valid will; undue influence. Probate procedure. Appointment of personal representative, marshalling and distributing assets. Trusts, trust</p>	<p>To prepare for Session 10: Complete Assignment 8 on probate law, submit via email.</p> <p>Read Chap. 15</p> <p>Read E-journal cases on business organization emailed by instructor.</p>

Session	Detailed Topic Outline	Activities/Assignments
	agreements, duties of trustees. Guardianships and conservatorships.	Review Assignment 9 emailed by instructor.
10	Discussion and presentation: Criminal law. Distinction between felonies and misdemeanors. Mens rea and actus reus. Families of crimes, elements of specific crimes: assault crimes including homicides; property destruction crimes including arson; breaking and entering crimes including burglary; theft crimes including larceny; sex crimes including criminal sexual conduct. Defenses to crimes.	To prepare for Session 11: Complete Assignment 9 on criminal law, submit via email. Read Chap. 16 Read E-journal cases on criminal procedure emailed by instructor.
11	Discussion and presentation: Constitutional law and the Bill of Rights; criminal pretrial procedure, including issues arising during investigation, searches and seizures, right to counsel, lineups and showups, interrogation and self incrimination, due process, indictments and warrants, arrest, arraignment, preliminary examination, and plea-bargains. Criminal trials, right to jury, to confrontation, right not to testify without prosecutor's comment, burden of proof beyond reasonable doubt. Criminal appeals.	To prepare for Session 12: Complete Assignment 10 on criminal procedure, submit via email. Read Chap. 8. Read the entire preamble to the MRPC. Read MRPC from 5.1 to 5.7, and from 8.1 to 8.5.
12	Discussion and presentation: The law of lawyering. Relationship of attorney and client. Legal malpractice. Rules of Professional Conduct. Ethical obligations of lawyers generally, including the duty to supervise all junior lawyers and staff to assure compliance by them with the RPC.	To prepare for Session 13: Complete Assignment 11 on law of lawyering and ethics rules in general, submit via email. Read MRPC from 1.1 to 3.9.
13	Discussion and presentation: Ethical duties of lawyers toward their clients. RPC provisions specifically applying in that sphere. Common problems that arise in dealing with clients and their expectations.	To prepare for Session 14: Complete Final Examination, submit answer sheet via email. Read MRPC from 4.1 to 4.4; and from 6.1 to 7.5
14	Discussion and presentation: Ethical duties of lawyers toward other lawyers, the courts, the press, and the general public. RPC provisions applicable in those spheres, and common problems that arise there.	To Complete the Course: Fill out and submit the course evaluation form (you need not sign this form or otherwise identify yourself). Submit any missing assignments.

NOTE: ASSIGNMENT SCHEDULE IS SUBJECT TO CHANGE DURING THE SEMESTER BASED ON PROGRESS THROUGH THE MATERIAL AND THE NEEDS OF THE COURSE.

DISCLAIMER: The information provided in this syllabus, or in any class, or in any online materials, or in any program materials, is not intended as and may not be relied upon as legal advice pertaining to any specific matter.