

Lesson Plan:

Lesson 1:

“Law reflects life, and life is complicated. Therefore, legal problems defy simple solutions.”
[Write this on the board.]

Activity 1: Ice breaker (pass around pieces of paper so that everyone can create nametags) and intro.

- 1) I will share where I’m from, my law school and year in law school, and then I will share what I will be doing once I graduate from law school.
- 2) Next, I will ask the class to say their names and what they are excited to learn about.

Socratic Method Intro [I won’t do it, but maybe they are interested. Feel free to shorten this discussion if you want]:

In law school, class is conducted in a style called the Socratic method. The Socratic method is a form of cooperative argumentative dialogue between individuals, based on asking and answering questions to stimulate critical thinking and to draw out ideas and underlying presuppositions.

It was made by the Greek philosopher Socrates so that he could delve into his student’s view. He would ask questions until any contradictions were exposed.

Basically, your professor will ask you questions until you either get it wrong or the professor is satisfied with the student’s response.

I won’t do that to you all, but I thought it was worth mentioning. And maybe one class we could do a mock law class, where you would have to read and brief a case. Then I would conduct the class in a Socratic way (if you want).

But for the most part I want there to be an open dialogue.

Back to the quote on the board.

Life is complicated in two ways. First, things are often messy, so it is hard to define a legal issue and construct an appropriate solution. Think about the speed limit. If we formulate a clear rule, in this instance [write the rule on the board] “driving faster than the speed limit is a crime,” we will inevitably end up with exceptions, such as [also write this on the board and draw an arrow to it], “a parent rushing an ill child to the ER may exceed the speed limit.” And you can see how there may be many more exceptions. Not that there are any legal ones in California, but we

might be able to think of a few scenarios where it seems logical to allow someone to speed (within reason).

Question: “Can anyone think of another exception that might warrant exceeding the speed limit”? Let them say their answers [if they cannot think of one, give them your example first] and then say, “What if you were driving with the flow of traffic and everyone was going 10 miles over the speed limit? But a police officer singles you out and gives you a ticket. What then?” Then tell them, “Just so you know, that is not a valid excuse in California, but I’m not offering any legal advice.”

If we formulate a “fuzzy” rule [write it on the board]—“drive at a speed that is reasonable under the circumstances”—we will engender arguments in every case about how we should apply the rule. [Point back to our earlier examples.]

If we have a clear rule, the results might appear to be unfair in certain situations. However, if we have a “fuzzy” rule, then no one really knows for certain what they can and cannot do.

You’ll see here, as is often the case in many legal issues, there are more questions than answers. Students of the law—and now you are all one of them—experience this a lot and find it frustrating. But that’s just the way it has to be. The law doesn’t clearly answer some questions, and some issues are never finally settled. Our judges cannot hear every single case and decide every single question of the law. It is the right and duty of every informed person to find just solutions to hard problems. After taking this class, I hope that you are in a better position to participate in the process.

Activity 2: Brief lecture discussing some basic legal nomenclature and legal concepts so that they know what I am talking about for the remainder of the class.

1) **First, ask the class what they think lawyers do.** [If they don’t give the answer I am looking for, then just say, “a lot of people think that most lawyers either defend or prosecute criminals.”]

2) **Draw a pie graph donating a (very) basic overview of legal fields.** (1-Constitutional law and Constitutional rights; 2-tort law; 3-contract law; 4-property law; 5-criminal law and criminal procedure; 6-business/corporate law; 7-intellectual property law; 9-environmental law). Then, color in the piece of the pie that represents criminal law. Then, use another color to trace around the remaining sections of the pie that represents civil law.

3) **[Point back to the quote on the board and say “because law reflects life, and so many more things can ‘go wrong’ in life than just things that result in a criminal case. Most lawyers actually do not practice criminal law.]** In 2020, there were about 1.3 million lawyers. Out of that number, which some might say is too big, there are only about 15,326 lawyers that currently practice criminal law. So—in reality—this section of the pie [point to the criminal law section] should be much smaller than this.”

So, I know most people are very interested in criminal law, and constitutional rights, and we will cover those subjects, but I just wanted to paint a picture of the legal landscape for the first day.

4) Now, teach the class about some basic legal nomenclature so that they are not lost for the next segment of the class.

- Plaintiff: a person who brings a case against another in a court of law

- Defendant: an individual, company, or institution sued or accused in a court of law.

- Tort: a tort is a civil wrong. For example, if someone were to hit you with their car while you were walking across the street, you could bring a civil claim against them. You would be the defendant, and the person that hit you would be the defendant.

- Remedy: There are three different types of remedies in Tort law: Legal remedies (i.e., "damages"); restitutionary remedies (which we might talk about later); and equitable remedies (which we also might talk about later).

- Damages: I wanted to bring your attention to damages because that is what we will be discussing in the hypothetical activity. In legal speak, damages means "**the amount which will compensate the [plaintiff] for all the detriment proximately caused" by the defendant's breach, or the amount that, "in the ordinary course of things, would be likely to result therefrom.**" I realize that this definition seems very specific and old-timey, but in common-speech I would define damages as "the amount of money that will make the injured person 'whole' again."

- Compensatory damages: **Compensatory damages** are money awarded to a plaintiff to compensate for damages, injury, or another incurred loss

- Punitive damages: **Punitive damages** are also money awarded to a plaintiff, but the primary goal is to punish the defendant and, presumably deter

Activity 3: How well does our system work (Lawsuit abuse)?:

[Put up the slides.]

The case that we are discussing is *Liebeck v. McDonald's Restaurants* (case where an elderly woman spilled burning hot coffee on herself), and I will use it to tie in the theme of the class that "legal problems defy simple solutions."

The activity is structured similarly to the activity we participated in class. The slides will have some basic facts of the case. There will be two options and