

Logic and the Law
PHIL 496
Mondays & Wednesdays: 4:00-5:15
LSN 111

Instructor: Alison M. Brown, Ph.D., J.D.
Office: AL 429
Office Hours: After class and by appointment.¹
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Required Text:

- *Critical Thinking: Consider the Verdict* (6th Ed.) (“CT”) by Bruce Waller

Optional Text:

- *How to Lie with Statistics* by Darrell Huff and Irving Geis³

Course Description:

This course is an in depth examination of the application of logic in a legal context, with special emphasis on methods of inductive reasoning, such as analogical and causal reasoning. The course focuses on the construction and the presentation of written arguments, and the evaluation of arguments from both historical and contemporary legal decisions.

Course Goals and Objectives:

The goals of this course are (1) to examine the areas of logic that are used in the practice of the law, and (2) to provide students with the skills necessary to construct, evaluate, present, and defend legal-style arguments.

- At the end of the course, students will be able to:
 1. Identify weakness in statistical information
 2. Identify valid and sound argument structures
 3. Identify (and avoid making) fallacious arguments
 4. Identify and analyze the areas of logic that are applied in a legal practice;
 5. Construct arguments in a legal context and critique counter arguments;
 6. Identify and reconstruct arguments in a legal context;
 7. Evaluate/analyze legal arguments; and
 8. Demonstrate analytic writing skills.

Expectations I have of you:

Students are expected to have read and thought about the assigned text and to arrive on time. In addition to expecting you to meaningfully contribute to class, I also ask that you do everything to foster a professional and positive learning environment. While I strongly encourage vigorous debate, I expect that everyone will treat others respectfully at all times. I also ask that you do nothing to distract me or classmates during class. In particular, please only use laptops or other electronic devices in class to take notes and access course-related materials. Also, I beg of you to curb electronic distractions: turn cell phones off, refrain from playing computer games, abstain from using all communication tools such as email, IM, Facebook, Twitter, Pinterest, Chatroulette, or webcams during class, and please disable your Shake Weight screensaver or otherwise distracting graphics.

¹ I'll likely be on campus at least an hour before each class but please email me to confirm an appointment if you want to meet then.

² Hey, I just met you, and this is crazy, but here's my number, so call me, maybe, but only in the event of a true emergency.

³ Both of these texts will be available to you on reserve in Love Library. If you have any difficulty obtaining a copy of either text. Please do not hesitate to contact me. While *How to Lie with Statistics* is optional, it will be discussed in class and the material contained within the text will be tested.

Academic Honor Policy:

Center for Student Rights and Responsibilities: <http://csrr.sdsu.edu/index.html>

Plagiarism (<http://en.wikipedia.org/wiki/Plagiarism>) and cheating may result in a grade of “F” for the course.

Course Assignments:

Quizzes & In-class Assignments – There will be 15-20 weekly assignments throughout the semester. These assignments provide the opportunity to practice identifying, constructing, evaluating, and defending legal-style arguments. The assignments may include but are not limited to argument reconstructions, in-class debates, quizzes, and argument analysis. Only 10 of these quizzes or assignments will count toward your final grade. I will take the points from the 10 on which you score the highest number of points and apply those points to your final grade. There will, therefore, not be any make-up quizzes or assignments given.

Exams – There will be 2 Mid-term exams and 1 Final exam. The exams may consist of some combination of true/false, multiple choice, matching, short answer questions, and essay questions.

- Exam 1 will cover all of that material up to the exam and will likely include questions in
- Exam 2 will likely be an essay exam during which you will demonstrate your ability to analyze a fact pattern and arrive at a well-reasoned conclusion.
- The Final Exam will be cumulative.

Writing Assignment –Students will write a short argument analogizing or distinguishing fact patterns from legal precedent. Topics for the writing assignment may include 1st, 4th, 5th amendments, property and contract disputes, and tort liability. This assignment is similar to the writing portion on the LSAT.

Grading:

- In-class/Quizzes: 10%
- Exam 1: 20%
- Exam 2: 20%
- Final Exam: 30%
- Writing Assignment: 20%

Final Grades will be assessed using the following scale:

A 93-100	B 83-86	C 73-76	D 63-66
A- 90-92	B- 80-82	C- 70-72	D- 60-62
B+ 87-89	C+ 77-79	D+ 67-69	F 0-59

Attendance Policy:

I do not take attendance except as required per university policy. However, attending class every day is highly encouraged for reasons that should be obvious. Because I do not take attendance, I will count only your best 10 quizzes/in-class assignments toward your totally quiz score. I will not need reasons or documentation regarding missed quizzes and no make-up quizzes will be given.

Americans with Disabilities Act:

University policies regarding ADA-compliant accommodations and procedures to receive accommodations: <http://oerc.sdsu.edu/disabled-student.html>

Students who need accommodation of their disabilities should contact me privately, to discuss specific accommodations for which they have received authorization. If you need accommodation due to a disability, but you have not registered with Student Disability Services at (619) 594-6473 (Calpulli Center, Suite 3101), please do so before making an appointment to see me.

Policy on Missed Examinations and late papers:

Contact me in advance of an exam if you know that you are going to be absent when an exam is given. If this cannot be done, contact me as soon as possible about missing an exam, your reasonable excuse for missing an exam, and schedule a make-up exam. Documentation of an excuse may be requested. **All make-up exams must be completed within 7 days of the absence or the student's release to return to school.** Students with unreasonable excuses or those who do not speak to the instructor at all will receive a zero for missed exams.

Writing Assignments received after the due date & time will be penalized 2 points per 24-hour period with a maximum penalty of 10 points. Final Writing Assignments not received by 12-23-12 will receive a zero.

Student Privacy and Intellectual Property:

I will protect your privacy by not distributing or posting grades in a way that allows anyone other than the individual student to access them. In addition, San Diego State University policy grants to students intellectual property rights to work products they create as part of a course unless they are formally notified otherwise. Furthermore, I expect each of you to abide by these policies in your dealings with fellow students.

Date	Topic	Reading & Class Assignments
Monday 26 August	Intro; <i>How to Lie with Statistics</i>	
Wednesday 30 August	<i>How to Lie with Statistics</i>	
Monday 2 September	Labor Day	Celebrate (or recover from celebration) responsibly
Wednesday 4 September	Critical Thinking & Terms	CTV chs 1 & 2
Monday 9 September	Argument Structure	CTV ch 14
Wednesday 11 September	Analysis and Burden of Proof	CTV chs 7 (only pp 109-13) & 8
Monday 16 September	Language & Appeal to Authority	CTV chs 9 & 10
Wednesday 18 September	Ad Hominem & Strawman	CTV chs 3 & 4
Monday 23 September	Questions & Ir/relevant Reasons	CTV chs 5 & 6
Wednesday 25 September	Analogy	CTV ch 11
Monday 30 September	Slippery Slope, Dilemma, & Golden Mean	CTV ch 12
Wednesday 2 October	Begging the Question & Causal Reasoning	CTV chs 13 & 15
Monday 7 October	The Truth, the Whole Truth, and Nothing but the Truth	CTV ch 16
Wednesday 9 October	Movie	12 Angry Men
Monday 14 October	Review – Guess that Fallacy	Review
Wednesday 16 October	Exam 1	
Monday 21 October	Seeing What We Want to See	Article on Blackboard

Wednesday 23 October	Evaluating Cases	Palsgraph v. Long Island RR
Monday 28 October	Reasoning about Law	Torts – Negligence on Blackboard
Wednesday 30 October	Reasoning about Law	Torts – Invasion of Privacy & defamation
Monday 4 November	Evaluating Cases	Riggs v. Palmer
Wednesday 6 November	Reasoning about Law	Crimes - Murder
Monday 11 November	Reasoning about Law	Crimes – Burglary and Conspiracy
Wednesday 13 November	Review	Review
Monday 18 November	Exam 2	
Wednesday 20 November	Reasoning about Cases	Privacy Cases on Blackboard
Monday 25 November	Reasoning about Cases	Thinking in the Jury Room, pgs 411-425
Wednesday 27 November	Thanksgiving Eve	No Class
Monday 2 December	Discuss cases from Memo sample	Read cases; Sample mini-memo released
Wednesday 4 December	Discuss cases from memo TBD	Read cases
Monday 9 December	Discuss final writing assignment	Final Writing Assignment Released
Wednesday 11 December	Review	
Monday 16 December	Final Exam	1pm – 3pm
Wednesday 18 December	Writing Assignment Due by 5pm	Writing Assignment Due

Syllabus Change Policy:

Except for changes that substantially affect implementation of evaluation (i.e., grading), this syllabus is a guide for the course and is subject to change with advance notice.

