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A. Basics

1. Introduction

The course syllabus section has basic information like how to get in touch with me, the course goals, texts and course policies. I reserve the right to change this syllabus with fair notice. When I do so, I'll let y'all know by e-mail.

2. How to get in touch with me

On campus you might call me Dr. Jack Musselman, but please I prefer you call me Jack or, if you must, Dr. Jack. My office is in Andre Hall 109, phone 512-428-1026 and e-mail jackgm@stedwards.edu. My Open Door Hours or Office Hours are each Wednesday in Andre 109 (my office) from 1:30 to 3:30pm CST.(I'll let you know in advance if I can't make it) AND by appointment if you like (at times that work for both of us, set up in advance).

Since we’re not meeting F2F and the class is asynchronous, the best way to reach me is by e-mail (jackgm@stedwards.edu). You may also call my office (512-428-1026) or Skype me then (jackgm@stseu). Off-campus folks can also use our classroom tool, Blue Jeans. To talk during my office hours Wednesdays 1:30-3:30pm CST, call or email me to then chat by Skype or to then chat on Blue Jeans by pointing your browser to https://bluejeans.com/276324284/browser.

Feel free to contact me in any of these ways, though it is probably best to contact me via e-mail. I'm not on call 24/7 with my e-mail up and running, but I do check it pretty regularly 9am-5pm Monday through Friday. You may also make an appointment to see me outside of Open Door Hours. Please feel free to contact me to talk about any philosophical topic--relevant to the class or not. (Of course, since this is a class about ethics just about everything we do is relevant to this class. I’ll likely give preference to people with questions or concerns about the class. Notice that my office hours are above called Open Door Hours. If you cannot make those times, I’m more than happy to make an appointment. To do that I just need a day or two advance notice. Thanks.)

I don’t make appointments the day before a paper is due, the day it is due, and during the last week of class. (After the last class and during the week of exams I don't have open-door hours and I don't make appointments, as that week I’m typically spending most of time grading.) As a result, please plan accordingly. Thank you!

3. Meeting times and basic rules for class discussion

Our class is asynchronous and does not have scheduled times to meet each week. Nonetheless, I’ll post each week (more or less) two video lectures for you to watch, usually based on our main text (but sometimes based on other online readings). (See below for more about the texts.) You should do the reading in the main text (or other online reading) and then watch that lecture. In the files section of Canvas you’ll find an outline, using the main text, which you can use to take notes as you watch each lecture.
Each week you’ll also have to post either a discussion question (if you’re a discussion leader) or two discussion responses (responding to that question or as a response to another student’s discussion response). This is the method by which we’ll discuss the material and will be the discussion I will assess for part of your course grade. I’ll call this our discussion threads.

4. Course objectives

Students will demonstrate learning by identifying the dimensions of the neutral partisan advocacy (NPA) role for lawyers.

Students will demonstrate learning by defending and criticizing how this advocate does or does not advance his or her client's interests, discovers the truth, achieve procedural justice and the rule of law more generally.

Students will defend whether or not this model produces morally just or fair outcomes and if not, what we might do, as a society, to change that.

Students will learn how to read a Supreme Court case and how they inform the lawyer’s role.

5. Class prerequisites, structure and readings, and necessary IT skills

To my knowledge this class has no formal prerequisites and may be taken by students in any year of their college careers. Students should be ready to spend about three hours outside of each class period, for every hour they spend in class, to read class articles and take notes on these texts. (Click here for my tips on reading philosophical texts.) Students in the past have indicated that given all the very intensive reading and writing, visiting my open-door hours will really help you better understand course texts and write more focused papers.

This course has a combination of lectures, class discussion and group work. Thus, students should be prepared to take notes when watching course lectures online, vigorously discuss class concepts in discussion threads and work in groups of two or three people. (If you want to create your own Google documents to do that, go right ahead!)

All relevant course readings, assignments and policies are listed here in Canvas. Thus, using Canvas and e-mail (and some word processing document) are important IT skills you'll need for this class.

There are two main books you’ll need for this class that should be in our bookstore and elsewhere, such as Amazon and Chegg. (And one note: I don’t make any money from book sales anywhere!) Those books are Legal Ethics, 5th edition, Deborah L. Rhode, David Luban and Scott Cummings, ed. (Foundation Press: NY), 2009. ISBN 978-1-59941-355-62 and Legal Ethics: Law Stories, Deborah L. Rhode and David Luban, editors, (Foundation Press: NY 2009), ISBN-13 is 978-1-58778-935-9 and ISBN-10 is 1-58778-935-33). Other online readings and articles in the Files section of Canvas will be noted in the Calendar's Assignment section of Canvas. For example, we'll read quite a bit from the ABA’s code of conduct for lawyers.
6. Weekly reading guidelines

The readings must be done before you watch the video lectures. Before you do any reading in this class, you may wish to read my tips on Reading Philosophical Texts. Reading philosophical texts is a specialized skill that takes some practice and these tips will help you read more effectively in this class.

7. A word or two on tough topics, succeeding in this class, on classroom civility and some remarks for students taking this as an on-line course

Please be forewarned that you may find some of the reading in this class difficult or perhaps even offensive. Discussing one’s moral views (even in discussion threads) is always a difficult thing to do, perhaps because it requires people to be tolerant of those who hold different (and to you, even abhorrent) views.

So, if you find yourself getting worked up about some issue try to channel your anger or frustration into making a good argument to defend your views. Anger and frustration may be virtues in battle and the boxing ring, but giving vent to them won't fly in a philosophy class. In short, in your discussion threads shouting and name calling are out, and reasoned, intelligent dialogue is in. (You should also try to be polite as possible to the instructor, too, for one day I might be the one you'll ask for a reference letter for employment or a recommendation letter to graduate school!)

I encourage you to come up with newspaper articles of interest and where appropriate I also encourage you to share them with the class. As the instructor, I reserve the right to determine, as an official part of the course, that certain material is unsuitable for an academic setting.

So, please consult me before you e-mail everyone in the class with material if a reasonable person would find it offensive. (Of course, I would be willing to discuss the moral basis of this right, so feel free to raise that issue, too).

As for succeeding, it is really true that what you get out of this class and all of college depends on what you put into it. For starters, you should really practice class concepts by talking to your friends and family. The more you practice, the better you'll likely become.

Finally, here are a few words on classroom incivility. According to the CRLT at the University of Michigan, classroom incivility is “offensive, intimidating or hostile behavior that interferes with students' ability to learn and with instructors' ability to teach.” There are norms or conventions that govern classroom behavior--such as the one I noted above forbidding name calling--we adopt in order to be able to pursue philosophical discussion and debate.

Perhaps we don't know about these norms and how violating them harms others. However, if we don't self-regulate (i.e. refrain from name calling) then the instructor will have to further restrict liberties or frame dialogue in the discussion threads, etc., in order to promote a safe and productive environment for discussing ethics. This doesn’t mean we can’t experience tension or cognitive dissonance in the classroom when your views are at odds with another’s. That is
perfectly normal in a pluralistic democracy that engages in robust debate.

In our class (including discussion threads), which is a kind of microcosm of democratic engagement, I will model civility by respecting your views and your right to advance them in a sensible, logical and polite manner. Likewise, I expect everyone in this class to respect all others (including the instructor) when we discuss legal ethics. This means in discussion threads please don’t make sarcastic remarks about others in the class or taunt or belittle or threaten anyone else in the class.

On my end, I promise to act in a civil and professional manner by honoring such commitments, by promoting a safe and productive class environment (especially in discussion threads), by returning graded assignments (for the most part) in two weeks, by holding office hours (and making appointments outside of those times, save for the day before due dates, for those who want to meet), and, among other things, by responding to e-mail within 24 hours (even if I don’t always set up a meeting or answer a substantive question on e-mail in that time period).

On your end, I expect you to honor such commitments to civility, too. Other things you should do include answering questions in discussion threads about the reading (unless you’ve told me, in advance, that the topic is the one time where you wish to pass), not ask rude or irrelevant questions unrelated to the material we are discussing and complete class exercises as required.

Before each class with readings from the main text, I’ll upload to the Files section of Canvas an outline. You can use the outline to help you follow the lectures online, too.

While taking online classes may be new to you (it is to me!), the research suggests that such classes develop important skills for later working in globally, digitally connected world. Thus, this class will help you learn about legal ethics and prepare for the world after college is done!

Again, please contact me by email (jackgm@stedwards.edu), phone (512-428-1026), Skype (jackgmasteu) or U.S. mail (St. Edward's University, 3001 South Congress Avenue, Austin TX 78704, USAA) if you have any questions about succeeding in this class. E-mail is likely best, as I usually check that every day.

8. Course policies

8.0 Grading policies

8.0.1 Double-drop policy

For some papers in this class I will implement what I’m calling my double-drop policy. (See the Assignments on the Calendar to tell you which assignments adopt this policy.) That policy will allow you to drop the lower of these two papers, and double the higher, when I calculate your course grade if all the papers are on time and none of them is plagiarized. This policy aims to help you learn how to write such papers without worrying too much about the paper grades.

8.0.2. Grading basics, or criteria and calculations
All of your work in this class, like all good work in philosophy (at least in this course), will be evaluated for adhering to the materials in the writing guides, clarity of presentation, completeness, logical development of ideas and concepts, accuracy in the presentation of the theories and views of others and effective organization of the responses in tests and papers.

In addition to this, written work will also have to be in clear, concise, understandable English. There are at least two reasons for this last requirement. First, whether or not English is your first language it is part of an American university education to learn how to write in clear and concise English. Second, you should show me (at least) the same respect, when writing papers, which you show to your English teachers (and yes, here I’m assuming we all show such respect for English teachers).

One tip I’d suggest early on this term is to print the following three documents and read them right now: the grading rubric, the Assignments and Grading Facts at a Glance, and the short key to grading comments. These documents will answer a lot of your questions this term about the papers, grades, etc. (The rubric and key are also at the end of this syllabus.)

The grading rubric explains how I assess all written work and assign each paper a grade that you’ve earned. The short key to grading comments explains the comments I’ll place on each paper to help you improve your analyses in this course. (And much of this key will be covered early in the term when we review the Power Point on logic.) And the Assignment and Grading Facts document explains how you take each grade on each assignment and add them all up to figure out your course grade.

I use this grading rubric when I read and evaluate your papers. Please go to the Files section and print that grading rubric now for your use in this class. I’ll use it when evaluating your papers and give point value for a paper’s thesis, use of ethical and legal theories, logic, as well as mechanics and organization. I’ll then tally the points for each paper and give letter grades as follows: A (18-20), B (15-17), C (12-14), D (9-11) and F (0-8).

The rubric for papers also has my rubric for assessing discussion threads. Here’s that rubric: For participation this term I look over the 15 weeks of records I kept by giving you a check-plus for an accurate and insightful comment or question that advanced the class discussion without demeaning another’s participation, a check for an average comment that achieves these goals, and/or a zero for saying nothing at all. Then I add up all the check-pluses to get a number A and convert every three checks to a single check-plus and add them up to get a number B. By adding A and B I get your participation grade C. If this number C is zero your participation grade for the class is a C-; a 1 is a C; a 2 a C+; a 3 a B-; anything from 4-7 a B; anything from 8-10 a B+; anything from 11-14 an A-; anything 15-20 an A; and anything 21 and up an A+. Also, 30-40 check-plus marks warrant an A++ and 40-50 an A+++.

At any point in the term, you can convert your grades to percentages to figure out how you are doing. (The Assignments and Grading Facts at a Glance file document walks you through that process.) I also don't do this kind of calculation because it focuses too much on course grades and not enough on course content, and if I do this kind of calculation for one student in all fairness I would have to spend a lot of time doing it each time someone wanted to see how it
turned out. Thus, please don't ask me during the term to tell you what grade you need on assignment X or Y to get grade Z in the class.

Again, please don't ask me during the term what you need on the final, etc., to get an A or B or C in the course. This isn't really the kind of question that a philosopher wants to spend time answering!

To determine course grades in this class I'll take letter grades used on class assignments, convert them into percentages and then weight them as indicated above.

To convert these letter grades on papers, etc., to percentages, here are my values: A+ = 100, A = 97, A- = 93, B+ = 87, B = 85, B- = 83, C+ = 77, C = 75, C- = 73, D+ = 67, D = 65, D- = 63, F = 50, F-Zero (assignment not submitted) = 0 (zero points).

Once I add up all the points on all the assignments, I’ll then have a number out of 100 that represents each student's performance in the course. I’ll then take these numbers and convert them to letter grades that the Registrar will accept.

For my purposes, these are my values for converting the number out of 100 to a Registrar letter grade: 100 A+, 93.5-99 A, 93.4-89.5 A-, 86.5-89.4 B+, 83.5-86.4 B, 79.5-83.4 B-, 76.5-79.4 C+, 69.5-76.4 C, 69.4-59.5 D, 0-59.4 F. (The new SEU plus/minus grading system starting fall 2015 has options for plus and minus grades through C+ and then only C, D and F course grades.)

In plain English, an A indicates outstanding work, a B good work, a C fair work, a D passing work, and an F failing work. (Again, see the Assignments and Grading Facts at Glance document to spell out how this works in this class.)

If these grading requirements seem a bit demanding, it is probably because they are demanding! Do not worry too much, as we will develop these skills throughout the term. However, unless you also work hard at developing such skills on your own, at every step of the way, you likely won't improve.

How can you succeed at this? You have many ways to help yourself: come talk to me, argue with friends, write robust discussion threads, talk these issues over with your family, go to the Writing Center (they have an online service, too), do all the readings, do more readings, read the newspaper, etc.

In short, what you get out of this class depends on what you put into it. (I practice what I teach! If your grades in the class steadily improve throughout the term (e.g. from C to B to A without any dips along the way), then your course grade (e.g. B) will be "bumped" up a letter grade (e.g. to B+)--if and only if you are on the cusp of two grades (e.g. on the B/A line)--because of your steady improvement in the class.)

8.0.3 Four more important grading policies: pre-grading, e-mail, privacy, and meeting with me to talk about your grades
First, I do not 'pre-grade' or 'regrade' papers. By 'pre-grade' I mean I don’t look over papers you bring to my office and then tell you "That’s an A, don't change a thing."

And I will not do this via e-mail, either. That is, I don’t open e-mail attachments, scan the paper for errors in logic or grammar, and then fire off an e-mail response so you can 'fix' the paper. This 'drop-off service' may work well in the world of dry-cleaning but it is not the best way to learn ethics. (For students in an asynchronous class, you could e-mail me a paper and then, on Blue Jeans or Skype, we can chat about it F2F that way. I just don’t read papers, clean them up, and send them back, as that doesn’t really help you learn how to improve them very much.)

However, I do encourage you to come to my office hours by Skype, phone, etc. with rough drafts that have what you think are rough spots. I’d be more than happy to discuss such rough spots with you and perhaps together we can find ways to smooth out the rough patches. (Last term the A students in ethics were, almost without exception, the ones who did this again and again.)

By 'regrade' I mean I don’t usually reevaluate papers simply because you are not happy with the grade the paper earned the first time.

In some cases I may have missed a part of your paper where you were more clear and convincing than I thought the first time I read it. In these rare cases I'm willing to spend the extra time re-grading your paper if and only if you are willing to risk that, after I reread it, I might find something unclear and unconvincing that I missed the first time I read it--and so now I must lower your grade accordingly. In short, I’ll spend more time re-grading your paper if you’ll risk that the grade might go up or it might go down. So please think long and hard before you decide it couldn’t hurt you to have me regrade your paper.

But even if I don’t regrade papers much, I do encourage you to come to my office by Skype, phone, etc. with a graded paper that has weak arguments. I’d be more than happy to provide more feedback, beginning with the remarks I wrote on your graded draft. In fact, it is my belief that students who come to my office by Skype, etc., before and after they’ve written a paper have a more concrete set of guidelines for improving their papers as the term progresses than those students who try to do all this work on their own.

I always say this in class but few people actually come to my Open Door Hours that often. Do not hesitate to come to my Open Door Hours as often as you believe you need to do so. Come to think of it, stopping by to see me in Open Door Hours is really one of the best things about a small college like St. Edward’s: You really can get lots of electronic face-time with your instructors, and if you don't you really miss a terrific opportunity to push yourself as hard as possible in college.

Moreover, I like to think that I cover in class everything you need to flourish in this course, but that’s simply not true. You will likely do even better than your peers in this class if you frequently come to see me in Office Hours to discuss papers and readings. Since I really enjoy discussing ethical issues, coming to see me that often is not a burden. Trust me--I'd do this 24/7 if it weren’t for the fact that I have to sleep and eat to survive and I have a teenage son who is wonderful at taking up all my free time.
Second, for this course it is required that you check your St. Edward’s e-mail every day. I'll often communicate to the entire class using the e-mail list set up by the Registrar and it uses your St. Edward’s e-mail. (If you’d rather use some other e-mail account you can learn all about e-mail forward to that account, and other things about St. Edward’s e-mail, by reading IT’s web page on e-mail at St. Edward’s.)

Third, I will only discuss your grades and course work by phone, Skype or Blue Jeans. I will not do so by e-mail. This policy is to protect your privacy rights, since it is very hard (sometimes impossible) for me to guarantee that anyone I talk to by e-mail is actually you. The best way to guarantee your privacy rights is to see you by Skype or talk by phone. (Yes, you could be an imposter on Skype or on the phone, but outside of Hollywood movies that’s unlikely.) I will also not talk to your parents about your work in this class, but I may talk to your other instructors, academic and/or major advisor, coach, theater director, etc., on a need-to-know basis.

After the term is over and you check your grades online, please do not call or e-mail me to discuss your grades on the phone or by e-mail. If you want to discuss the course grade you earned in the class, you’ll need to first wait two weeks after grades are submitted, obtain your final exam, read it over and then a day or so later make an appointment with me to talk about your work in the class. (I usually meet to talk after the next term has begun and I usually hold these meetings in the next term’s office hours or by appointment as needed.) If you wish to meet with me after the term is over, after two weeks have passed and after you have read your final exam, before we meet you must then have a clear, compelling and concrete reason to think your course grade was inaccurately or unfairly calculated. Once you have seen your final exam and once you’ve determined that relevant reason, contact me and we’ll get together to talk about the grade you earned in the course. At the earliest in fall terms this meeting will take place two weeks after grades are submitted (usually the first week of January) and for the spring term one week after grades are turned in (usually the third week of May). If after that meeting I have not altered your course grade and you are convinced that you have valid grounds for an appeal, you’ll need to follow St. Edward’s grade appeal process to properly contest your course grade.

8.1 Academic integrity policy

In this course we will honor St. Edward's policy on academic dishonesty, quoted here from the Undergraduate Bulletin (p. 11):

"St. Edward's University expects academic honesty from all students; consequently, all work submitted for grading in a course must be created as a result of your own thought and effort. Representing work as your own when it is not a result of your own thought and effort is a violation of the St. Edward's Academic Honesty policy. The normal penalty for a student who is dishonest in any work is to receive a mark of F for that course. Plagiarism is a form of academic dishonesty and may result in the same penalty. In cases of mitigating circumstances, the instructor has the option to assign a lesser penalty. A student who has been assigned the grade of F because of academic dishonesty does not have the option of withdrawing from the course."

For more guidance on academic dishonesty and how to avoid it, see my writing guides.
especially sections A3, A6, C1 and the Team Project Guidelines. Also see the Student Handbook (page 25) for a more complete account of the kinds of penalties for academic dishonesty. (If you are a student at another college, I reserve the right to notify the relevant office at your school about academic integrity violations in this class.) You should also check out Plagiarism: What It is and How to Recognize and Avoid It, a helpful online source from my alma mater, Indiana University.

For my purposes, cutting and pasting text from the Internet without attributing your sources--that is, without telling me where the text came from--is plagiarism. I also consider any double-dipping--that is, turning in a paper in this class that you used in any other class, at St. Edward's or elsewhere--plagiarism.

That is, any and all work you do for this class must be done the first time you do it in this class--unless you get permission from me in advance to turn in another paper you did for another class.

For my purposes plagiarism will warrant an F on the assignment and I will record a zero (0) in my spreadsheet for that assignment. If I consider the plagiarism significant and severe then that will be grounds for failing the class as well. (And it should go without saying, but a plagiarized assignment makes the author ineligible for a double-drop grade on that assignment.)

Finally, since this an ethics class, you might consider about the morality of stealing someone else's ideas without giving them credit for them!

8.2 Late and missed material policy

All late material must be submitted online in the Canvas Grade section.

I will also not accept late materials in the last week of class that were due in the first 14 weeks of class.

Handing in papers in any way other than to me is an option you pursue at your own risk.

Missed Discussion Thread: If you miss submitting a discussion thread (question or response) and you do not have a valid excuse (as detailed below), there are no make-ups because we cannot go back and relive or redo the class.

Late or Missing Final Exam: It must be handed in on time unless you have a valid excuse (as detailed below). Otherwise, it drops a full letter grade for every hour it is late. (Here I round partial hours up or down, with .49 hours rounding down and .5 hours rounding up). See the class schedule for due dates and times for the exams. It is your responsibility to know these dates.

If you do not hand in the exam on time, and you do not have a valid excuse (as detailed below), please do not call or e-mail me to tell me your excuse--merely get me the exam ASAP by submitting it on Canvas in the Grades section. (If you do not hand in the final exam, that’s a reason for failing the course as spelled out in section 8.3). In short, be sure to hand in your Final
Exam paper on time.

Late or Missing Papers (hereafter late papers): These late papers are those not handed in at the times indicated on the Calendar: e.g. it is received one minute after the due date and time, you make a mistake and hand in the wrong paper, etc.

Unless you have a serious documented excuse (see below), each and every day (including weekends) that your materials are late they drop a full letter grade. Again, late papers should be submitted on Canvas in the Grade section.

If you are two days late with a paper then your paper has dropped from a possible A+ to a C+ before I even look at it. If it would have earned, say, a B+ if it had been on time, with the late penalty it earns a D+. (If you do not hand in a paper--any of the three--that is grounds for failing the course as spelled out in section 8.3 below on passing the course). Late papers must be handed in no more than one week after its due date for it to count as being submitted. (In other words, I must receive it seven days after the due date to avoid failing the class as outlined in section 8.3 below on passing the course.)

Late papers will not be counted as completed if they are clearly done quickly and inadequately: viz., they are about a page or so long and they do not provide clear evidence that you struggled with the texts to address each and every part of the question. Late papers inactivate the double-drop policy. In short, any late paper makes you ineligible for dropping two grades and doubling your best one. My reason for this is that no one should be rewarded for handing in late papers (without valid excuses) by being able to drop low paper grades later in the term.

Some excuses will count as valid and will extend the due date for materials, without penalty, for a while (depending on the excuse). My policy is to grant excuses if you have a written, verifiable and reasonable medical (or analogous) excuse for being late that includes the number of days you (or your child or parent) were sick, being treated, etc.

I also accept comparably significant excuses, such as excuses for observing the religion of one’s choice or for attending sanctioned college events if they also indicate how many days you were observing that religion or taking part in that college event. Please let me know by the second week of class if you need some kind of valid work extension, because you will be observing any religious holidays or participating in a sanctioned college event.

Such sanctioned college events might include participating in intercollegiate sports, a class trip, an interview at a graduate school, or a professional conference where you give a paper. For my purposes, to have a valid excuse will require that by the second week of class you produce a formal excuse (handwritten note or typewritten memo) from a party at your college which indicates you had to be at the event in question and which indicates how long that event will take place.

(I will make some exceptions to this deadline on a case-by-case basis. For example, I realize some events may just pop up at the last minute after the second week of class. If that happens, you must provide to me the detailed excuse described below three days before and/or after the
event in question. I will then verify it with the responsible party who wrote it just as I will verify events I know about before the second week of class.)

If your absence is excused in this way, simply present your written excuse to me. My policy is to extend the due date for a valid excuse by the number of days the excuse is valid. So, if you missed a due date because you were that day taking part in a two-day religious observance, you have two extra days to hand in the paper without it being penalized as late. (NB: Do not assume that this two-day religious observance gives you permission to hand in the late paper a week later.) When you have a valid excuse of this kind, give it to me and we can work out another due date, opportunity to do the missed work, etc.

A reasonable medical (or comparably significant) excuse must be considered reasonable by me and must be verifiable by me: i.e. it is one that entails for me that it would be absolutely impossible for you to hand in the paper on time, be in class that day, etc. [Excuses that don’t count: I overslept, the computer crashed, I had a fight with my roommate, etc.].

A verifiable excuse is a documented excuse the authenticity of which I can easily determine. Such a documented excuse must be written by a responsible party (e.g. your doctor) and must include his or her name, address and phone number. This party should write the excuse on his or her own stationary or professional letterhead. [Documents which do not count include handwritten (typed, e-mail) notes from you detailing your excuse and including the phone number of a third party who will verify the serious nature of your excuse].

If I receive a late paper without a serious medical (or comparable) excuse, that paper is subject to late penalties (see above)--but it still needs to be submitted to satisfy the course requirements. If you are late with a paper, have no serious medical (or analogous) excuse and you think the paper is not worth handing in because it will get an F for lateness, you are wrong (see Passing the Course).

Even if your paper gets an F just for lateness, you must hand it in simply to satisfy the course requirements that are necessary (but not sufficient) for passing the class (see section 8.3 below on passing the course). As noted above, late papers must be submitted to me, personally, in class, in my Open Door Hours, or at a time we arrange to meet.

If your paper is excused in ways permitted in this section of the syllabus, then, and only then, will you have a valid excuse for being late and then I'll discuss with you an appropriate due date. In short, this entire policy could be summed up "When the paper is so late it is already an F, at least that’s better than a 0--and failing the class altogether."

8.3 How to pass the course

There are three distinct and different ways to fail this class. At my professional discretion any and/or all will lead to failing the course. In short, doing (1) and/or (2) and/or (3) will get you an F in this course. These three ways are:

(1) Do all the work with an average of F--i.e. do all the required work but on average do
substandard work and thus receive an F.

(2) Fail to hand in a paper and miss participating in more than two discussion threads. This means that to pass this class it is necessary—but not sufficient—that you do each and every assignment in this class.

(3) Violate my college’s Academic Integrity Policy (see section 8.1 above).

8.4 Attendance and participation policy

Attendance is mandatory and measured by your participation in discussion threads.

You are responsible for anything covered in any class session—online lecture, discussion thread--that you miss for any reason.

All course activities must comply with my college’s Registrar’s policies for the term and also with the guidelines in the syllabus.

Furthermore, according to the Undergraduate Bulletin (page 10), during the "first 10 weeks of long semesters" like this term "an instructor has the option" to "request the Registrar assign a grade of WA (Withdrawal due to Absences) to a student who has excessive absences from a class."

I define "excessive absences" as any unexcused absences (failure to take part in weekly discussion threads) beyond five (After all, each two classes count for a whole week. If you miss five discussion threads, you’ve missed two and a half weeks of a class that only meets for 15 weeks.)

So, if before March 1st 2017 you miss participating in more than five discussion threads, I reserve the right to exercise this WA option.

If you miss more after that date, your Participation grade drops dramatically.

8.5 Disability and student athlete policies

All student athletes and students with disabilities should show me their athletic schedules or 504 letters the first ten days of class. This will assist me in discussing appropriate accommodations for them. Student athletes should read the college's policy on student athletes and course attendance and absences.

If you have a medical, psychiatric or learning disability (or suspect that you may have one) that may affect your performance in this course, please let me know early in the semester or as soon as you are eligible for accommodations and you have the relevant documentation to that effect. (I’d prefer to know in the first ten days of class, so please try to accommodate my preference. However, I realize that you may not obtain the SDS documentation until later in the term and may not present it to me, for your own reasons, until later, too. In those cases, please present it to
me ASAP so we can discuss how it is relevant to our class projects.)

You will first need to provide documentation of your disability to the college's Student Disability Services (SDS) office (Moody Hall 155 or the relevant office at your college). My college will make reasonable accommodations for persons with documented disabilities. However, I must be notified that this documentation ASAP for the accommodation to be properly honored. (In particular, it is not retroactive. So if you have a 504 letter from SDS but don’t present it to me until after you are late with a paper etc., that letter does not retroactively serve as an excuse for that late paper.)

In short, the members of our college community want to make any reasonable accommodations necessary to ensure your full participation in this class, but you have to go to SDS to start the ball rolling.

In that office, the college’s SDS staff can assist you in documenting your disability for my bookkeeping purposes. (Students with documented disabilities will, on a case-by-case basis, be granted exceptions to the policies detailed in Late/Missed Material. Please talk to me ASAP about how this case-by-case basis might work.)

8.6 Title IX

St. Edward’s University is committed to fostering a safe, productive learning environment. Title IX and SEU policy prohibit discrimination on the basis of sex and gender identity. Consequently, sexual misconduct including harassment, domestic and dating violence, sexual assault, and stalking is also prohibited at SEU. The university encourages anyone experiencing sexual misconduct to talk someone about what happened, so they can get the support they need and SEU can respond appropriately. If you wish to speak to a counselor or advocate confidentially about an incident of sexual misconduct, please contact the Health & Counseling Center in Johnson Hall at 512 448 8538. You can also make a police report to the St. Edward’s University Police, third floor, Andre Hall, 512 448 8444. If you wish to report sexual misconduct or have questions about university policies and procedures regarding sexual misconduct, please contact our SEU’s Title IX Coordinator Dr. Lisa Kirkpatrick, Vice President for Student Affairs, Main Building, Suite 108, 512 448 8777. You can also learn more about Title IX at St. Edward’s University by visiting the website http://think.stedwards.edu/titleix/. The university is legally obligated to investigate reports of sexual misconduct, and therefore it cannot guarantee the confidentiality of a report, but it will consider a request for confidentiality and respect it to the extent possible. As a faculty member, I am required by SEU to report incidents of sexual misconduct and thus cannot guarantee confidentiality if you share information with me regarding potential Title IX violations. I must provide our Title IX coordinator with relevant details, including the names of those involved in the incident. (Taken from the SEU page http://think.stedwards.edu/titleix/faculty-and-staff-resources).

B. Projects (due dates updated by the first week of class on Canvas calendar)

1. Group Contract, 10% of course grade
This three to five page paper is the contract you and your team members will draw up about how you will work together on team (or group) projects for the class.

This plan should provide at least the following (and please label each item in your contract a), b), etc., as noted below, so I can tell your contract includes each and every item below):

a) The work your team will do **EACH AND EVERY week ALL term** to meet your group deadlines. This should outline specific tasks [such as brainstorming, writing, editing, etc.] each and every week from now until the exam is due and so do **NOT** just write "complete draft" or "paper due" because that doesn't tell me exactly what you do each week. Instead, write detailed (two to four lines) of work your group will do each and every week;

b) Your personal e-mail and personal cell, home, or work phone numbers you will use to contact one another;

c) The number of hours each week that you work on **ALL OTHER projects** other than those projects in this class (e.g. "Sally works 20 hours at Home Depot each week and spend 5 hours in the gym and 5 playing video games and guitar" and "Steve works 10 hours a week at Costco and 10 volunteering and 5 in her SEU club and 5 hours on Saturdays visiting family");

d) Deadlines your group gives one another for summarizing the main readings, providing arguments for the exam, editing, proofreading, etc. for work **each and every week all term**. Here you must plot out every week all the work you do each week, so I again recommend this will take two to four lines to explain (and see a) above for more suggestions);

e) What policies your group will use to keep the team on track, such as what y'all will do if someone misses group meetings **and**

f) a policy if someone doesn't do his fair share of the work each month (and make enforcement of rules realistic and things you all agree will help, so not, for example, indicating that free-riders will dance in front of the class or buy other group members iPods or you will just ask Jack to figure it out);

g) This clear plan for dealing with free riders (those who don’t do their fair share) should have a time limit on it that you all agree is fair. That is, do free riders get one warning? Two? Can the group kick them out with four weeks left in the term? Or can this only be done in the first month? Second month? Last two weeks? And if you kick them out, do they take work with them? If you kick them out, you must tell them by e-mail and cc me the e-mail with your reasons for firing them--and the reasons must be those in this contract that all of you signed. As possible punishments (short of firing) you might agree (and write into this signed contract) that the free rider gets a 10% or 20% penalty on the group assignments (after a warning). Finally, I reserve the right, as instructor, to not accept your reasons or to determine they are fair and to respond accordingly;

h) A clear plan for the last two weeks of class is someone is not pulling his or her weight **with a distinct punishment, since with only two weeks left you can't, say, expect them to do**
more work or just start showing up if they missed the last meeting and you can't dock their next assignment 10% if there isn't another assignment. So, what will the group do if someone misses the last few meetings (or last meeting)? Does that free-rider not put his or her name on the final? Lose 50% of the exam grade? You need to decide on that in the contract right now (since it sometimes happens at the end of the term);

i) A clear plan your group will follow to do the work if someone drops the course at any time from the first day of class to the last week of class (that tells me how you will proceed, who gets to take what work with them, etc.);

j) An hour each week outside of class where y’all can and will meet face-to-face or on-line that is not devoted to other projects and that you will only preempt in the case of emergencies (e.g. "We will always meet Monday at 1pm"); and

k) A clear plan to reassess the entire group contract at the midterm to decide if y’all will stay together until the end of the term. You might want to read my writing guides for more parts you’d want to include in the work contract. Please also read this article about research into how groups can work better.

l) You must work into your contract a one-page description of your work together, submitted to me, by the end of March. I will give it a cursory courtesy review to give you feedback on how you are doing. In this one page, you should also indicate to me how the group is getting along so far. (This one page you cannot do now, but include this one-page project as part of your contract.)

2. Group Law Stories paper #1, 15% of course grade

Two group papers based on one of the 10 Case Studies in Law Stories (together worth 30% so worth 15% each): Your group or team will pick one of the ten case studies in the paperback Law Stories volume by Rhode and Luban and assess one of the main lawyers using the neutral partisan advocate (NPA) model from Rhode and Luban chapter four. In this three to five page paper you must either defend OR criticize this main lawyer as satisfying the NPA. You then rewrite this paper and hand it in again about two weeks later. (Be sure your paper is about a lawyer!) Focus on the partisan and neutral parts of the model for this paper.

You may not refer to any secondary literature, book reviews, or scholarly research other than the discussions you have in class, with me and with other people, and the texts used in this class. If for some reason you absolutely have to use an idea from a personal discussion with someone else, then you must cite that person as the source of the idea your paper. (Dictionaries may be used and of course the course books themselves must be used). In short, these papers should be your views as informed by discussions and by no other research whatsoever. (See the writing guides for how to cite others who provide you with ideas).

If you do the two papers on time and you turn in your first paper with the second, I'll drop the lower grade and double the higher one when I calculate course grades. If you are late with either
or both of them or do not turn in the first with the second, I will not drop the lower grade. In short, this policy only kicks in if you hand all the papers in and you hand them in on time.

You WILL get extra credit from me if you take your paper to the Writing Center before it is due, and they have an online service, too. If you go there, tell them up front what you want to work on during your visit. (Argument? Flow? Brainstorming? Grammar?) In fact, you might go more than once! (I'll give you one extra credit point each paper you take there.) As their Director told faculty last summer, many papers follow the Betty Sue Flowers "madman, architect, carpenter, judge" model. That is, at first you have ideas (like a madman), then you give the paper structure (architect). After that you build it (carpenter) and then you cut this and add that (judge). So, follow this model and visit the Writing Center more than once!

3. Solo Travolta paper #1, 15% of course grade

Two solo papers based on Travolta's character in movie A Civil Action (together worth 30% so each worth 15%): You'll again use the NPA to assess the legal practice of attorney Jan Schlichtmann as portrayed by John Travolta in A Civil Action for the lawyer Jerome Facher played by Robert Duvall. (Two DVD copies are on reserve at the Library and it is available from Netflix. For students taking this class on-line, if you cannot get your hands on this movie you can suggest another to me and we'll see if that movie will work, too. In the past students found this movie online in various places). Focus on the partisan and neutral parts of the model for this paper.

That is, you'll have to use the NPA to argue Schlichtmann or Facher does OR does not honor his legal ethical duties as a personal injury lawyer. (You should read Rhode and Luban's Chapter 12, sections F and G, to help you understand this area of law.)

You can rent the film on your own or watch a copy I’ll make available to the class. When writing this paper you need not recite a plot summary of the film or spend more than a line or two to repeat a fact or act from the film. (I’ve seen the movie and will have it on hand to watch as I grade your papers, so don’t spend much time on this part of your paper.)

For your papers you should also assume (for the sake of argument) that everything that happened in the film is true or really happened in real life. It is probably also a good idea to focus on one to three particular scenes in the film where Travolta or Duvall’s character does something you consider ethical or unethical on the NPA.

You'll write two versions of this paper as well. The same guidelines apply here for this solo paper as applied to the group's Law Stories paper above.

You WILL get extra credit from me if you take your paper to the Writing Center before it is due. If you go there, tell them up front what you want to work on during your visit. (Argument? Flow? Brainstorming? Grammar?) In fact, you might go more than once! (I'll give you one extra credit point each paper you take there.) As their Director told faculty last summer, many papers follow the Betty Sue Flowers "madman, architect, carpenter, judge" model. That is, at first you have ideas (like a madman), then you give the paper structure (architect). After that you build it
(carpenter) and then you cut this and add that (judge). So, follow this model and visit the Writing Center more than once!

4. **Group Law Stories paper #2, 15% of course grade**

This is a rewrite of the last Group Law Stories paper, taking into consideration my comments on that paper. In this second version, though, you must also do one more thing:

You must defend or criticize the lawyer you wrote about in the first paper by arguing that his legal representation of his client is (or is not) justified for securing his client’s rights (or not securing them), determining the truth (or not determining it) and/or achieving (or not) a kind of procedural justice. (These were the defenses of the NPA model in chapter IV, sections C and D of our book.)

Some things to consider here in this additional part:

Do some clients get better legal representation because they are wealthy, or otherwise have better access to lawyers? (See chapter XIII of our main textbook for information about that.) If that’s true, what is the impact on the clients and on their towns, and on society at large? (After all, each case sets a precedent that will be studied and perhaps followed in future cases that are similar to this one.)

You may not refer to any secondary literature, book reviews, or scholarly research other than the discussions you have in class, with me and with other people, and the texts used in this class. If for some reason you absolutely have to use an idea from a personal discussion with someone else, then you must cite that person as the source of the idea your paper. (Dictionaries may be used and of course the course books themselves must be used). In short, these papers should be your views as informed by discussions and by no other research whatsoever. (See the [writing guides](#) for how to cite others who provide you with ideas).

If you do the two papers on time and you turn in your first paper with the second, I’ll drop the lower grade and double the higher one when I calculate course grades. If you are late with either or both of them or do not turn in the first with the second, I will not drop the lower grade. In short, this policy only kicks in if you hand all the papers in and you hand them in on time.

You WILL get extra credit from me if you take your paper to the [Writing Center](#) before it is due. If you go there, tell them up front what you want to work on during your visit. (Argument? Flow? Brainstorming? Grammar?) In fact, you might go more than once! (I’ll give you one extra credit point each paper you take there.) As their Director told faculty last summer, many papers follow the Betty Sue Flowers "madman, architect, carpenter, judge" model. That is, at first you have ideas (like a madman), then you give the paper structure (architect). After that you build it (carpenter) and then you cut this and add that (judge). So, follow this model and visit the Writing Center more than once!

5. **Solo Travolta paper #2, 15% of course grade**
This is a rewrite of the paper due last month, taking into consideration my comments on that paper. In this second version, though, you must also do one more thing:

You must defend or criticize the lawyer you wrote about in the first paper by arguing that his legal representation of his client is (or is not) justified for securing his client’s rights (or not securing them), determining the truth (or not determining it), and/or achieving (or not) a kind of procedural justice. (These were the defenses of the NPA model in chapter IV, sections C and D of our book.)

You WILL get extra credit from me if you take your paper to the Writing Center before it is due. If you go there, tell them up front what you want to work on during your visit. (Argument? Flow? Brainstorming? Grammar?) In fact, you might go more than once! (I’ll give you one extra credit point each paper you take there.) As their Director told faculty last summer, many papers follow the Betty Sue Flowers "madman, architect, carpenter, judge" model. That is, at first you have ideas (like a madman), then you give the paper structure (architect). After that you build it (carpenter) and then you cut this and add that (judge). So, follow this model and visit the Writing Center more than once!

6. **Final Exam, 20% of course grade**

For the final your team will be writing a nine to ten page paper on a chapter in *Law Stories* that you and your group has **not** done in a paper for this class. Again you will be assessing the lawyer in question using the NPA model. Did the lawyer you examined satisfy the NPR model in whole or in part when defending his or her client?

In addition to that, though, you will have to do three more things:

First, you must defend or criticize the lawyer you write about by arguing that his legal representation of her client is (or is not) justified for securing her client's rights (or not securing them), determining the truth (or not determining it), and/or achieving (or not) a kind of procedural justice. (These were the defenses of the NPA model in chapter IV, sections C and D of our book).

Second, you will provide your own assessment--perhaps a social and political assessment--of how things turned out, in the end, after this lawyer represents her client.

For example, consider the lawyer played by Travolta. (You may **NOT** examine him for the final. I’m just examining him here as an example.) If this part of your paper were to assess Travolta’s character in *A Civil Action*, you might argue that wealthy corporate clients can obtain legal counsel and outplay less affluent clients (and lawyers!), switching the social and political and economic burdens of environmental harm onto the less wealthy members of society and away from more wealthy corporate actors. Chapter XIII might be useful to examine to help you out here.
(Yes, it is true that the EPA does step in by the end of the movie, but did that amount to the kind of legal, moral and political justice sought by the members of the Woburn community who lost their children?)

Here you might suggest that the NPA model seems to have favored more wealthy legal actors at the expense of less wealthy ones, and so seems unfair for other reasons.

To do part two, consider which people (clients, society, corporate employees) bore what costs (economic, social, psychological) and who received most of the benefits? Is this outcome, in your view, just or fair? Where the benefits and harms distributed in a fair way? Why or why not?

Third, and finally, what might we do, as a society, to respond to these problems or challenges? Again, in the case of Travolta’s character, is there anything our society can do to diminish the harms the next time a case like this takes place? The next time this happens, everyone will look at Woburn as a precedent, so is it a good one? Or might something be done differently next time? (See chapter XIII, sections A-E for suggestions.)

7. Participation 10% of course grade

This is determined by playing some valuable part in the class discussion thread sessions. (See the grading rubric in the Files section for how I evaluate participation, also attached here at the end of the syllabus.)

C. Grading: my grading rubric and key to understanding my remarks on graded papers

1. Rubric for Papers, Quizzes, Exam and all Written Work

<table>
<thead>
<tr>
<th>5/excellent</th>
<th>4/good</th>
<th>3/average</th>
<th>2/poor</th>
<th>1/inadequate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thesis: clear, narrow, defensible</td>
<td>Thesis is a bit unclear, not so narrow, a bit hard to defend in page limits</td>
<td>Thesis is pretty vague, broad, and difficult to defend in page limits</td>
<td>Thesis is very vague, very broad, hard to defend in page limits</td>
<td>Thesis is missing or just about impossible to follow</td>
</tr>
<tr>
<td>Theories: accurate and clear use of ethical theories, concepts and definitions</td>
<td>Theory or theories are mostly clearly and accurately used, with no more than two major misstatements and/or</td>
<td>Three and no more than four theory or theories are misapplied and/or incorrectly stated</td>
<td>At least five and no more than six theory or theories are inaccurately stated and/or applied</td>
<td>Theory or theories are missing and/or more than six times applied incorrectly</td>
</tr>
<tr>
<td>Logic: No logical fallacies and argument is clear, convincing and compelling</td>
<td>Arguments suffer from only one logical fallacy and/or obvious counter-example is not rebutted</td>
<td>Arguments have two to three logical fallacies and/or one internally inconsistent argument</td>
<td>Arguments have four to five logical fallacies and/or two internally inconsistent arguments</td>
<td>No logical arguments at all, more than five logical fallacies, more than three internal inconsistencies</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td>Mechanics &amp; Organization: no grammatical errors and organized so reader can follow the thread of the argument</td>
<td>Minimal grammatical errors or poor transitions and/or organization of arguments that impede reader’s progress just a few times</td>
<td>Several grammar errors, poor transitions and/or lack of structure or coherence lose reader often</td>
<td>More than half the pages have grammatical errors or lack structure or coherence that loses reader along the way</td>
<td>The paper’s mechanics and organization make it nearly impossible to follow the main arguments</td>
</tr>
</tbody>
</table>

On your papers, written quizzes and exam you’ll see the following table:

**Thesis**: V points

**Theories**: W points (T1 is first theoretical error, T2 second, etc.)

**Logic**: X points (L1 is first logical error, L2 second, etc.)

**M&O** (for Mechanics and Organization): Y points

At the end of this table I add up V, W, X and Y to get a point total Z. I then take Z to determine your paper grade using this table:

- 20 points=A+
- 19 points=A
- 18 points=A-
- 17 points=B+
- 16 points=B
- 15 points=B-
14 points=C+
13 points=C
12 points=C-
11 points=D+
10 points=D
09 points=D-
08 points or lower=F (F0 is zero for a missing paper, FL is for a late paper)

Grading Rubric for Participation and Attendance

For participation and attendance for the term I look over the 15 weeks of records I kept by giving you a check-plus for an accurate and insightful comment or question that advanced the class discussion without demeaning another’s participation, a check for an average comment that achieves these goals, and/or a zero for saying nothing at all. Then I add up all the check-pluses to get a number A and convert every three checks to a single check-plus and add them up to get a number B. By adding A and B I get your participation grade C. If this number C is zero and you haven’t missed more than two classes, your participation grade for the class is a C-; a 1 is a C; a 2 a C+; a 3 a B-; anything from 4-7 a B; anything from 8-10 a B+; anything from 11-14 an A-; anything 15-20 an A; and anything 21 and up an A+. If, however, you miss more than two classes without an excuse (see the Policies section on Blackboard) your combined participation and attendance grade drops one letter for each unexcused absence. Also, 30-40 check-plus marks warrant an A++ and 40-50 an A+++.

2. Key to understanding my remarks on graded papers

Short key grading comments for papers/ Jack Musselman/St. Edward’s University
See the Files section of Canvas for the longer version of this key
A check next to a sentence or paragraph indicates a good argument or point.

A question mark means I couldn’t follow the passage.

Please also see the syllabus for the policy on late or missing papers.

Please try to avoid paragraphs that run up to (and longer than) one page. Such long paragraphs are very, very hard to follow. (Sometimes I insert this symbol--¶--to indicate the place where a new paragraph should likely start.)

Also please also try to avoid quotes longer than two lines, since very long quotes don’t show your reader (me!) that you can summarize the author in his or her own words.
See also my guides (Writing Guides, in the Files section) for more details about writing papers in
the class, especially about title pages and page numbers, paragraph length, MLA citation
format, etc.

For more on these fallacies, see the Power Point file in Canvas (in the Files folder).

ALT: Alternatives overlooked. You did not consider other equally plausible and often obvious
alternatives. This is very important, for your original view may not be the best option around. If
the argument is weak to begin with, any good alternative knocks over your view.

BEG: Begging the question, circular reasoning or assuming the point to be proved.

FEEL: Appeal to feelings, emotion, pity, etc. Feelings are often a pretty unreliable guide for
evaluating an argument, as different people often feel differently about the same moral issue.

G: Grammar error, usually a spelling mistake. You’ll have to figure out what the particular error
is.

RHETQ: Rhetorical question. Questions are not effective arguments because merely responding
to them knocks them over.

STRAW: Straw person, or falsely describing a view and thus making it easier to criticize than it
really is.

D. On-line only: news articles on lawyers, my past course evaluations in this class and my
advice on going to law school

E. Course Readings (mainly by chapter of main text, save where noted)

1. Neutral Partisan Advocacy or NPA model (chapter 4)
2. Logic (Jack’s power point in online Files section of Canvas)
3. Lawyer/Client Decision Making (chapter 11, especially paternalism)
4. Rita’s Case (chapter 1, child custody case)
5. Justifying the NPA model: rights, truth and justice (chapter 4)
6. Privilege and Confidentiality (chapter 5)
7. Lawyers in the News (online newspaper articles, in Canvas)
8. Conflicts of Interest (chapter 9)
9. Criminal Courts today (Amy Bach’s chapter on judges online, Ordinary Injustice)
10. Criminal Lawyers: Defense (chapter 6)
11. Criminal Lawyers: Prosecution (chapter 6)
12. Pro Bono Lawyers (chapter 13)
13. Corporate Lawyers and Whistleblowers (chapter 7)
14. Family Lawyers (chapter 9)
15. Government Lawyers (chapter 9, time permitting)