

American Legal History Final Examination Spring 2020

“Legal history in the time of a pandemic”

EXAM INSTRUCTIONS

READ EACH ITEM OF THESE INSTRUCTIONS CAREFULLY

1. The examination for this course is a take-home exam. You have until 5 pm on Wednesday, May 13, 2020 to complete your answer. Note that this is the day before the exam period ends. The absolute, nonnegotiable deadline for turning in your answer is 5 pm on May 13, 2020. I will not accept late work. If you turn in your answers late, you flunk the course.
2. The registrar will send you instructions as to how to log into the examination portal at <https://www.exam4.com/org/600> You should submit your answer to the examination using the registrar’s exam portal. Be sure to save a copy of your answer.
3. This exam takes place during the COVID-19 pandemic. The grading scale has now changed to Fail/Pass/Honors. Everything is different this time around.
4. You should choose one of the three questions to answer. The first question asks you to evaluate your law school experience to date and offers an easy pathway to a grade of Pass but not a grade of Honors. Answering the second, third, or fourth question gives you a pathway to earning an Honors grade if you make an excellent argument well-supported by course material. Note that your grade in this course will not figure into your GPA.
5. There are no right and no wrong answers. The exam questions call for a broad synthesis of the course materials, with particular attention to the collection of documents. The best answers will be well-written, intelligent essays with coherent theses. The best answers will be thickly laced with specific examples from the material, especially the primary documents. In your answer, you should display evidence that you read the book, the documents, and attended class or listened to the lectures.
6. If you pick the second, third, or fourth question, your essay should argue a position, that is, make a point. For the first question, you can simply make a series of points or unconnected observations. The themes may be ones that Professor Russell has developed in the course or, better yet, ones that you have found on your own. The very best imaginable answer will teach Professor Russell a great deal. Your responses should avoid summarizing a lot of facts or conclusions and should formulate and cogently defend a proposition (or set of propositions) about subjects covered in the course.
7. You should support and illustrate your argument with specific examples drawn from the book, course materials, and lectures. There is no need to be absolutely comprehensive, that is, to look for examples from every nook and cranny of the course, but the strongest answers will display an easy familiarity with the material.

8. You should use between 1,250 and 2,000 words for your answer. You should indicate the word count at the end of your answer. Please double-space your answer and use at least a 12-point font.

9. All of the work on this examination must be your own. You may consult freely with others including Professor Russell, but be sure that the final work-product represents your own thoughts in your own words. Any words or ideas of others (whether written or spoken, but especially if written) that you end up using should, of course, be cited to source. You should not feel that you need to do any reading whatsoever outside the assigned materials.

10. There is no reason to use any particular citation form. Indeed, for the purposes of this exam, Professor Russell regards the style of your citations as entirely unimportant. Do not, for example, feel that you should open up A Uniform System of Citation (the Harvard Law Review Bluebook) in order to write your essay. For example, if you refer to material from the lecture, do not include any citation at all. If you wish to cite from the text, use a simple, parenthetical citation in the body of your essay, such as (Text@p. __). You can cite to the documents with a simple reference to the author or title. If you remember something from the reading and wish to refer to it but cannot remember just where it was that you encountered it, do not waste time trying to find the exact page, just skip the citation. However, if you refer to sources that were not part of the course reading, be sure to include a citation that is sufficient to allow Professor Russell to identify the source. You should at all times avoid plagiarism, and if you quote directly from a source, be sure to put that material in quotation marks and cite the source and page number.

11. Be sure to put your exam number in the header of your answer. For the sake of convenience and safety, you may wish to put your number on each page. Do not put your name anywhere on your essays.

12. If, in preparing for this examination you have violated the Honor Code, or if, during this examination, you violate the Honor Code, the best course of action is for you to report to Dean of Students.

Questions begin on the next page.

Question 1. Consider the courses that you have taken thus far in law school with a particular emphasis on the first-year courses. How would more attention to American Legal History make the students better lawyers after they become members of the bar? [Note that to write a passing answer to this question, you do not need to have an overarching thesis that joins your entire argument together. You do, however, have to display familiarity with the text, the course documents, and the lectures. There is not the least shame in deciding on this route.]

NEW Honors Option: Answers to Question 1 may earn honors by presenting an insightful thesis supported by excellent examples and incisive argument.

Question 2. Critically evaluate some or all of the New York Times 1619 Project. (See attached.) Make an argument concerning the historical accuracy of either the entire project or one or more pieces. Note that substantial criticisms of the historical validity of the 1619 project exist on the web. Be sure to cite these outside works if you consult them.

Question 3. Consider the attached article from The New Yorker. In light of the materials in this course, how valid is the historical argument?

Question 4. Make an argument as to what millennials misunderstand about American Legal History.

END OF EXAMINATION