EDWARD R. MURROW HIGH SCHOOL SOCIAL STUDIES DEPARTMENT

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**CONCEPTS IN LAW HW PACKET**

HW 1: Laws in Your Daily Life

Recreate the chart below. Write ten examples of your daily activities and answer the questions that follow.

|  |  |  |  |
| --- | --- | --- | --- |
| Daily Activity | Laws That Affect the Activity | Purpose of the law? | Would you change this law? Why or why not? |
|  |  |  |  |

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HW 2: Sources of Law (Executive Orders)

1. What is an executive order?
2. What concerns do people have about executive orders?
3. In the first few days of his presidency, President Trump has issued a few executive orders. Research information about one of them. For this executive order, describe the policy and the purpose of it.
4. Do you support or disagree with this executive order? Why or why not?

# **What Are Executive Orders? What Are Their Limits?**

By Brett Snider, Esq. on January 29, 2014 9:48 AM

An executive order is one way a U.S. president can make changes to the nation's policies. But there are limits as to how far such orders can go. As history has shown, executive orders can be used in many different ways. Here's a quick summary of what you need to know:

**A Way for Presidents to Set Policy**

For most national policy changes to occur, a bill must be approved by Congress and then signed into law by the president. An executive order is a way of [sidestepping the legislative process](http://lawbrain.com/wiki/Executive_Order) to accomplish limited policy objectives.

Legal support for these orders comes from both the Constitution and acts (or the inaction) of Congress. Many executive orders base their authority in the U.S. Constitution's broad grant of [executive power](http://constitution.findlaw.com/article2/annotation01.html#5) to the president.

The president can also make executive orders relating to organizations under the executive branch, like the Food and Drug Administration or the National Security Administration. Executive orders have also historically been used in times of war or military conflict, like President Franklin Roosevelt's order that led to the [internment of Japanese Americans during World War II](http://www.archives.gov/historical-docs/todays-doc/?dod-date=219). Critics often take issue with a president's use of executive orders. For example, President Obama issued executive orders relating to issues ranging from [fighting HIV](http://www.whitehouse.gov/the-press-office/2013/07/15/executive-order-hiv-care-continuum-initiative) to forming a [council on Native American affairs](http://www.whitehouse.gov/the-press-office/2013/06/26/executive-order-establishing-white-house-council-native-american-affairs). These and other executive orders were often met with criticism.

**Limits on Executive Orders**

Executive orders are not unchecked strokes of power from the president's pen; they can be challenged and deemed unlawful by federal courts. In fact, the U.S. Supreme Court determined during the Korean War that executive orders must fit within a certain sphere of power and [cannot simply defy Congressional intent](http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=343&invol=579). Although this area of law remains in flux, executive orders have the most legitimacy when the president is acting with the implied or express authority of Congress. However, these executive orders may still legally shape policy if the laws or Congress have been silent on an issue. Because Congress is rarely silent on major issues, executive orders are most common in areas where the president has been granted discretion by Congress. Regardless of the president's relationship with the federal legislature, executive orders will only allow a very small policy window in which to make changes.

- See more at: http://blogs.findlaw.com/law\_and\_life/2014/01/what-are-executive-orders-what-are-their-limits.html#sthash.H3oFCKwX.dpuf

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HW 3: Society without Laws

Horne, Gary. "A Society without Rules." American Thinker. American Thinker, 6 Oct. 2012. Web. 27 Sept. 2016.

1. What did the founding fathers consider when they started the new nation? Why was this important to them?

2. What happens to society when rules are tossed aside?

3. What are the dangers of living in an anti-rule society?

A prosperous and free society is possible only when each individual is, by rule of law, protected from force imposed by others, especially those in his own government. The Founders created a nation based on the fundamental principle that the state is subservient to the people. As Clint Eastwood put it to an imaginary president: "We own this country. We...we own it. It is not you owning it and not the politicians owning it. Politicians are employees of ours." "We own it" is what is remarkable about the Constitution as originally written. "We own it" is our most fundamental rule.

As the nation moved into the twentieth century, that rule began to be weakened by those who, like the old barbarians, have no use for any rules which might get in their way. Rules such as "we own it" prevent them from forcing their fantasy of utopia onto others, which is possible only if the state owns us.

When the rules of civil society are tossed aside, brutality, plunder, and tyranny come in. Such an outcome is never but one individual away. When "we own it," each individual is responsible for his share of "ownership." The moral standards that each individual decides for his share determine a civil society or a barbarian society. Failure of individual ethics is beautifully illustrated in William Golding's novel *Lord of the Flies*. The author says of his work:

The theme is an attempt to trace the defects of society back to the defects of human nature. The moral is that the shape of a society must depend on the ethical nature of the individual and not on any political system however apparently logical or respectable.

As in *Lord of the Flies*, individuals who reject existing standards without a plausible replacement end up with a defective society. Without an ethical foundation, they become followers and inevitably strike out with hatred and cruelty when their ideas cannot be defended, as with the sloganized and quick-to-hate left of today. Later, they may come to the frightening realization that the rules which once protected them are no longer there. Few examples are more dramatic than 1930s Germany, where Hitler led an entire cultured nation into barbarism. How was this possible? In Hitler's own words: "How fortunate for leaders that men do not think." Only by critical thinking can one be more than a follower or even a unique individual, but a moral individual with a rational set of rules to live by. A society with thoughtfully derived, realistic moral standards will not decline into barbarism.

The generation coming of age in the '60s rejected the old standards without a thoughtful replacement. They wanted no rules limiting their behavior. Their slogan was "If it feels good, do it." In order to be unique, they became "anti-establishment" by picking up the views of the left, already opposed to the standards of American culture.

The influence of this anti-rules generation have spread throughout society -- the universities, the media, the entertainment industry, and the courts. From these positions, they pressure the rest of us to not only tolerate, but give legitimacy to whatever they want to do, even behaviors we find repugnant or immoral. In the age of the anti-rules generation, an ex-president can still be held in high esteem by his party despite a string of sexual peccadilloes stretching from the state house to the Oval Office. The sad fact is that that party no longer seems to hold to anything resembling traditional American moral values.

In the age of the anti-rules generation, media personalities and politicians can lie, smear, and slander without limit. Entertainment media encourages sex and profanity. Films can be made featuring extreme violence, as lamented by [Carol Platt Liebau](http://townhall.com/tipsheet/carolplattliebau/2012/07/27/cultures_race_to_the_bottom): "Unconstrained by any sense of morality -- and wholly untrained in any sort of systemic moral reasoning -- it is impossible for film makers to understand why it matters whether they expose the young and the vulnerable to a level of evil and sadistic brutality that would once have been unthinkable on-screen."

Without rules, marriage vows can be discarded at the first inconvenience, despite the effects on the children. It was different in grandfather's time, as in the Judds' plaintive song:

Grandpa, tell me 'bout the good old days.

Sometimes it feels like this world's gone crazy.

Grandpa, take me back to yesterday

When the line between right and wrong

Didn't seem so hazy.

Did lovers really fall in love to stay,

And stand beside each other, come what may?

Was a promise really something people kept,

Not just something they would say?

All this derives from an abrogation of personal moral standards and the rise of a ruleless society. Personal standards set the direction of a nation and are more important than an election. Only when rational ethics are restored and civil society renewed by freeing it from the no-rules barbarians will our children or grandchildren will be able to remember such times.

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HW 4: COMMON LAW ADVANTAGES AND DISADVANTAGES

(http://lawgovpol.com/common-law-advantages-disadvantages/)

1. What is meant by the term common law?
2. What are the advantages of common law?
3. What are the disadvantages of common law?
4. Should our society continue to use common law today?

Common law is law that is made by judges rather than [Congress]. As judges consider both criminal and civil matters, they make decisions, deliver rulings and develop precedents. Taken together, these things constitute common law. A good deal of our civil law, such as torts and negligence, began life as common law. Like most aspects of law, common law has advantages and disadvantages. Common law takes some law-making pressure off parliament and allows for laws to respond to real life situations. But common law is also slow, reactive rather than proactive and made by individuals who are not elected or representative of the people.

Advantages of common law

*Specificity.* Common law expands on, clarifies and implements legislation. The wording of acts of parliament is often broad and generic, providing general instruction on the law but not how it should work in certain situations. The role of judges and common law is to examine specific facts for each case, interpret relevant legislation and administer the law in line with these findings. As one jurist put it, “common law puts meat on legislative bones”.

*Unforeseen cases.* Similar to the point above about specifics, common law can also respond to cases, situations and facts that were not foreseen or anticipated by legislators. It is impossible for parliament to legislate for every possible problem, action or condition that might arise in society. Common law can examine and develop responses to real life situations.

*Consistency*. The doctrine of precedent works effectively for the most part because it provides stability and consistency in the legal system. Parties involved in trials and hearings can understand that decisions made are based on precedent, rather than personal views or arbitrary judgement. Precedents tend to be developed by senior judges in higher courts, which lends them authority and experience.

*Flexibility.* Common law provides us with consistency but it also allows for flexibility and change in law-making. Precedents can be challenged, set aside and replaced by new precedents. The courts provide ample opportunity for common law reform.

*Speed and efficiency*. Common law is faster, more flexible and responsive than parliamentary law. Common law often reacts and responds more quickly to changing social values, community expectation and so on. Institutional law reform bodies or the parliament years to decide on the need for change; judges and courts can do it while reviewing one case. The courts can also achieve law reform faster because they are not bound by the political and procedural constraints of the legislative process.

*Political independence*. Unlike their law-making counterparts in the parliaments, judges and courts are not dominated or controlled by party politics or ideology. Because of this, the courts can implement law reforms that might be controversial or unpopular – reforms that might affect or even sabotage the government’s chances for election if they were initiated in the parliament. Abortion, for example, has been permitted under common law in three States – but the parliaments in those States have refused to legislate on the matter.

Disadvantages of common law

*Reactive, not proactive*. Unlike the parliament, the courts can only change common law *ex post facto*(‘after the fact’). They cannot change the law of their own accord. Courts can only deal with cases which are brought before them. Laws and precedents may be obviously outdated and in need of reform – but until relevant criminal charges are laid or relevant civil action is initiated, there is not an opportunity for these laws and precedents to be changed.

*A secondary function*. Creating legislation is the main function of parliament, however forming common law is not the main function of the courts. The courts exist primarily to administer justice and developing common law is a secondary outcome.

*Undemocratic law*. Parliamentarians are elected by and responsible to the people – but judges are appointed by the court system. This fact leads to criticism of judges as being unaccountable to the people. Some believe judges make decisions that are inconsistent with community standards and values; they believe that common law is itself undemocratic. This point of view is often expressed in the media, particularly during debates about sentencing.

*Lack of review*. Courts lack the personnel, time, resources and opportunity to fully consider the changes they make to common law. In the parliament, draft legislation will go through numerous stages of review, including inquiries, investigations, parliamentary committees, law reform bodies and consultation, before it is drafted and introduced. In contrast, a judge or panel of judges has minimal time and resources at their disposal when forming common law decisions.

*Easily overridden*. Common law can be overridden at any time by legislation. The parliament is the supreme law-making body and common law is considered inferior to legislation made by the parliament. This may be a disadvantage of common law, however it is also a response to the point about common law being undemocratic. If the parliament considers that common law is problematic or does not reflect the views of the people, it can legislative to abolish or change it.

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HW 5: Law Making

Visit the Library of Congress’ youtube channel. Watch their playlist titled “The Legislative Process and More” (Videos 1-8, total of 30 min.) about the law making process.

Identify the major stages in the law making process and for each . . .

1. Describe what happens at that time.
2. Describe the key players and their job.
3. What are some of the obstacles people may face in that stage?

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HW 6: Current Events

In class, you will be working on creating a bill to help address a major issue in society. This homework assignment gives you the opportunity to research an issue of importance and find sources to help you write an effective law. For this assignment, you must choose one of the following issues. Use the Murrow Library Gale Database or Google Scholar to assist you in finding a recent article (past six months to a year) about the issue you would like to address. Clearly answer the following questions using your article.

1. What is your issue? Why is this an issue today? Is this a local, state or federal issue?

2. What is the most recent law written to address this issue? What does this law do to address the issue?

3. Are there issues that this law does not address? Explain. (If you cannot answer this question, there is no law to write. Feel free to look at other sources to understand criticisms of the law.)

4. What are your ideas to help fix this problem?

5. Include proper MLA bibliographic formatting here for the article.

**SCHOLARLY JOURNAL ARTICLE:**

\*IF THERE IS MORE THAN ONE AUTHOR, only the first author is last name, first. The rest go first name last name.

**Format:**

Last Name of Author, First Name of Author, First Name of 2nd Author Last Name of 2nd Author, and First Name of 3rd Author Last Name of 3rd Author. “Title of Article.” Title of Journal, Volume number (Year): Page(s).

**Example:**

Davis, William D., Thomas Cleary, Michelle Donnelly, and Samuel Hellerman. “Using Sensor Signals to Analyze Fires.” Fire Technology, 39 (2003): 295-308.

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HW 7: Alternate Resolutions

*Examine the following situation and decide the best method for solving each problem. Consider informal discussion, negotiation, arbitration, mediation, going to court or seeking help form a government agency. Explain your answers.*

a. Two sisters share a room. However, they disagree over how the room should be arranged and decorated.

b. A new plasma television breaks after two weeks, and the salesperson refuses to fix it.

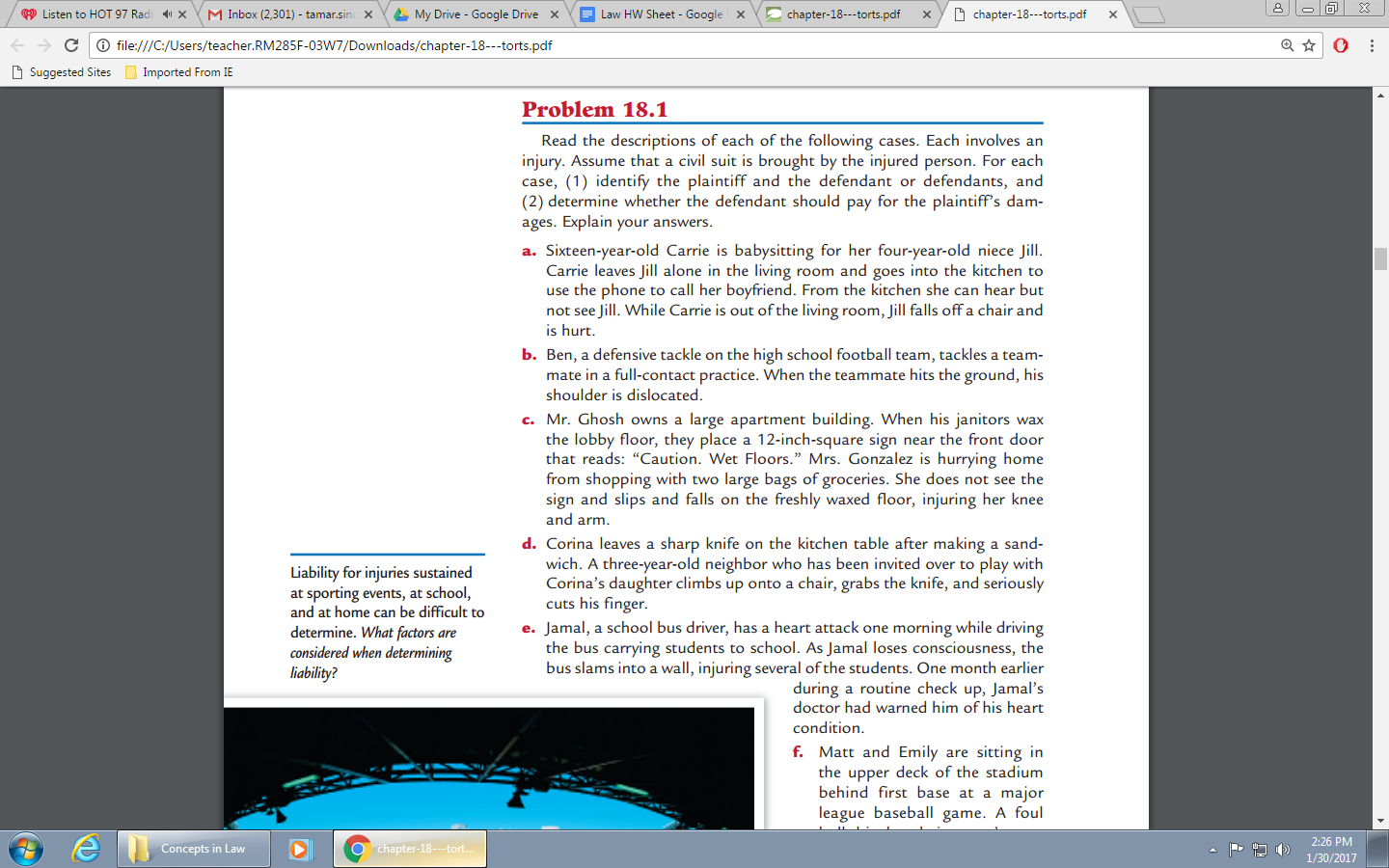
c. A landlord will not make needed repairs because he believes the tenant caused the damage.

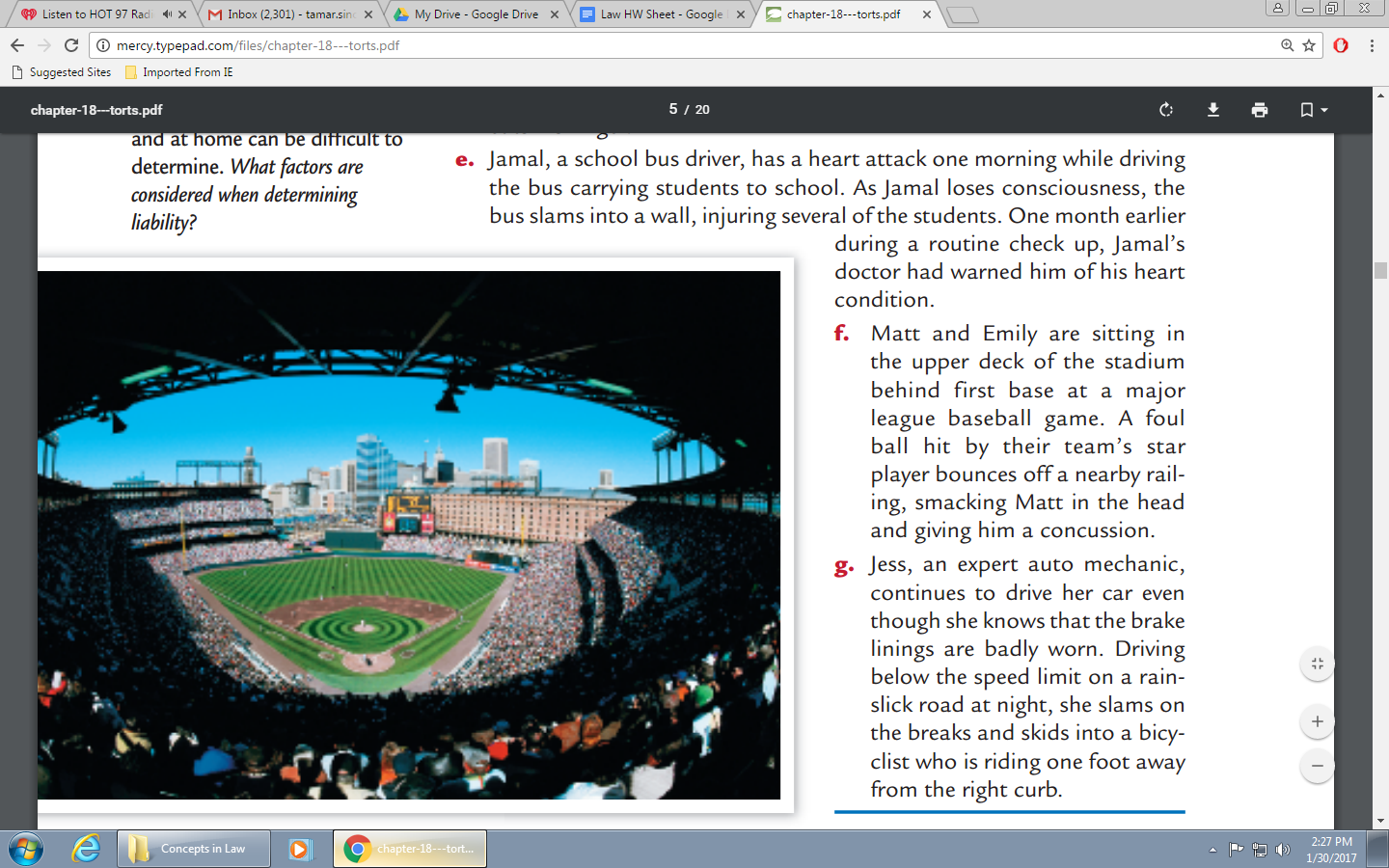
d. A fast food restaurant and an employee disagree over the wages and conditions of employment

e. The Internal Revenue Service sends you a letter claiming that you owe another $2,000 in taxes. You disagree

f. Carl invites Raquel to the prom, and she agrees to go with him. Then Miguel invites her to the prom. Raquel really wants to go with Miguel and accepts his invitation. Carl finds out about her decision after he has purchased flowers and paid for a limousine to take them to the prom.

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Read the following descriptions. Each case involves an injury. Assume that a civil suit is brought by the injured person. For each case (1) identify the plaintiff and the defendant(s), (2) determine whether the defendant should pay for the plaintiff’s damages and (3) identify the type of damages to be awarded [it can be more than one]. Explain your answers.



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HW 9: Negligence Troubles

For each scenario, you must identify and state the four elements of negligence. Was each element met in these cases? Explain.

1A) Ke$ha: The Case of the Drunk Driver

Ke$ha is bartending at The Right Round, a nearby pub, because her new song isn’t selling very well. She sees Cee-lo, a regular customer at The Right Round, is clearly intoxicated. He asks her for one more round of drinks before he leaves. Not wanting to offend him in case he wants to collaborate with her on his next album, Ke$ha serves him, saying, “Let’s make this the last round.” Twenty minutes later, Cee-lo leaves the bar to go home. Just after Cee-lo pulls his car onto the highway, he swerves and hits another car head-on. Cee-lo and the driver of the other car are seriously injured.

1B) What do you think? Is Ke$ha responsible for the accident? Should Cee-lo be able to sue her and collect damages? Should the other driver?

2A)Rob & Katrina: The AIDS Case

Rob has an STD. He is new to Seattle and does not want anyone to know about his illness. He meets Katrina and they start dating. They really like each other and eventually become exclusive. They have unprotected sex, but Rob does not tell Katrina beforehand about his STD. Katrina finds out later that she has the same STD Rob does after she goes to a doctor for a blood test.

2B) What do you think? Does Rob have a duty to tell Katrina about his condition? If he does, did he breach it, and should Katrina be able to recover damages from Rob? Would your answers change if Rob was HIV positive (being that there is no cure for AIDS)?

3A) Milton Bradley: The Case of the Baseball Swing

Milton Bradley is trying to give the Mariners a chance at a pennant win. To stay in shape, he practices his swing in the off-season. In fact, he likes to practice so much that he often practices in the game room so he can practice while he watches Sports Center highlights. One day, while practicing his swing in his game room, he loses his grip on the bat. The bat flies into the dining room and hits Ichiro’s wife’s friend in the head, causing minor injuries.

3B) What do you think? Sometimes the amount of damages can change. Let’s say the bat hit Ichiro’s wife’s best friend in the arm. Does that change the amount of damages?

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HW 10: Gun Liability

1. Why does Clinton and others want to hold gun manufacturers liable?
2. Why do some disagree and feel they should not and cannot be held liable?
3. If you were a lawmaker, would you vote for a law that allowed gun makers to be held liable for damages, or would you support a law that protected gun makers from tort suits? Explain your answer and your reasoning.

Kurtleben, Danielle. "FACT CHECK: Are Gun-Makers 'Totally Free Of Liability For Their Behavior'?" *NPR*. NPR, 06 Oct. 2015. Web. 25 Oct. 2016.

Hillary Clinton seemed to be barely holding back tears at a [town hall in New Hampshire on Monday](http://www.c-span.org/video/?328577-1/hillary-clinton-remarks-gun-violence). Speaking in the aftermath of another tragic mass shooting, this time at an Oregon community college, the Democratic presidential candidate pitched her gun control proposals. In the middle of her remarks, she made a big claim: She said that gun-makers and sellers are "the only business in America that is totally free of liability for their behavior." We decided to see what she was talking about — and whether she's right.

The Claim: "So far as I know, the gun industry and gun sellers are the only business in America that is totally free of liability for their behavior. Nobody else is given that immunity. And that just illustrates the extremism that has taken over this debate."

The Big Question: Is Clinton right that the gun industry enjoys legal protections that other industries don't?

The Long Answer: Clinton is wrong that gun companies have zero liability for their goods, but they do have special legal protections against liability that very few other industries enjoy. To see what she's getting at, you have to back up 10 years. Clinton is talking about a 2005 law called the Protection of Lawful Commerce in Arms Act, or PLCAA — a law she wants to repeal as part of her gun control proposals.

Lawmakers passed that law in response to a spate of lawsuits that cities filed against the gun industry in the late 1990s and early 2000s. Those lawsuits often claimed gun-makers or sellers were engaging in "negligent marketing" or creating a "public nuisance." In 2000, for example, [New York City joined 30 counties and cities](http://articles.latimes.com/2000/jun/20/news/mn-42954) in suing gun manufacturers, saying manufacturers should have been making their products safer and also better tracking where their products were sold. Manufacturers, one argument at the time went, should stop supplying stores that sell a lot of guns that end up being used in crimes. In response to these lawsuits, the NRA pushed for the law, which passed in 2005 with support from both Republicans and Democrats. Then-Sen. Clinton [voted against it](https://www.govtrack.us/congress/votes/109-2005/s219); her current Democratic opponent, [Bernie Sanders](http://www.slate.com/articles/news_and_politics/jurisprudence/2015/05/bernie_sanders_on_guns_vermont_independent_voted_against_gun_control_for.html), voted for it.

The law, however, allows for [specific cases](https://www.fas.org/sgp/crs/misc/R42871.pdf) in which dealers and manufacturers can be held responsible. So that makes Clinton's statement technically incorrect. "[Clinton's statement] doesn't appear to be completely accurate," said Adam Winkler, professor of law at UCLA and author of *Gunfight: The Battle Over the Right to Bear Arms in America,* in an email to NPR. "The 2005 law does not prevent gun makers from being held liable for defects in their design. Like car makers, gun makers can be sued for selling a defective product. The problem is that gun violence victims often want to hold gun makers liable for the criminal misuse of a properly functioning product." In other words: If you aim and fire a gun at an attacker, it's doing what it was intended to do. If it explodes while you shoot and hurts you, though, then you can sue the manufacturer. Likewise, if you had told the gun-store owner you planned to commit a crime with that gun, your victim could potentially sue.

However, Clinton "is not totally off base," said John Goldberg, a professor at Harvard Law School and specialist in tort law. He said Congress was particularly "aggressive" in granting the gun industry this legal shield. "Congress has rarely acted to bar the adoption by courts of particular theories of liability against a particular class of potential defendants, especially when that form of liability has not yet been recognized by the courts," he said.

At the time that the law passed, the NRA argued that the industry needed the protection, because — unlike carmakers, for example — it did not have the "deep pockets" necessary to fight a slew of lawsuits, as the [New York Times reported](http://www.nytimes.com/2005/10/21/politics/congress-passes-new-legal-shield-for-gun-industry.html?_r=0). Gun-rights advocates [have also argued](http://www.washingtonpost.com/politics/nra-backed-federal-limits-on-gun-lawsuits-frustrate-victims-their-attorneys/2013/01/31/a4f101da-69b3-11e2-95b3-272d604a10a3_story.html) that suing a gun company for crimes committed with its products is akin to suing a car company for drunken-driving fatalities. But the issues at hand are more complex, say some legal scholars. "It's more like — are you a bartender and do you keep on pouring drinks for someone?" as Fordham University law professor Saul Cornell told NPR. That might be a better way to think about whether manufacturers shouldn't supply certain stores, he says.

For an example of how this plays out, look at *Adames v. Beretta*. In this case, a 13-year-old boy removed the clip from his father's Beretta handgun, believing that made the gun safe, and then accidentally shot his 13-year-old friend. The victim's family sued Beretta, saying the company could have made the pistol safer and provided more warnings, according to SCOTUSBlog. Citing the PLCAA, the Illinois Supreme Court [dismissed Adames' claims](http://www.scotusblog.com/2009/08/tracking-new-cases-suing-gun-makers/), and the [U.S. Supreme Court](http://www.law360.com/articles/139230/supreme-court-rejects-gun-liability-case) ultimately refused to hear the case. Victims of gun crimes like the Adames family may or may not have good cases, but [PLCAA opponents](http://www.theatlantic.com/politics/archive/2012/12/one-quick-answer-to-sandy-hook-repeal-the-2005-arms-act/266371/) say plaintiffs should at least be heard in court.

The Broader Context: Clinton wants to repeal (reverse) PLCAA as part of her broader gun control agenda, which also includes proposals to close the "gun-show loophole" and prevent domestic abusers from obtaining guns. The law is one of several recent NRA legislative victories that gun control advocates would like to roll back. Recent laws have also stopped Centers for Disease Control and Prevention research on firearms, and they've also stopped researchers from accessing gun trace information, as NPR's [Carrie Johnson](http://www.npr.org/sections/itsallpolitics/2013/01/14/169164414/lack-of-up-to-date-research-complicates-gun-debate) has reported. Gun-rights advocates say withholding that trace information is about maintaining gun owners' privacy.

Clinton is wrong that gun manufacturers have *no* liability for their products, but she's right that they have unique protections from lawsuits that most other businesses — and particularly consumer product-makers — do not.

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HW 11: Intentional Torts

1. Why do you think a state would pass a Stand Your Ground law?
2. What are the benefits of such a law? The possible costs?
3. Should people be held liable in civil court even if they were following the law?
4. Do you support or oppose Stand Your Ground laws? Explain.

Some states have passed Make my Day, also known as Stand Your Ground, laws. These laws allow the occupant of a dwelling to use any degree of force, including deadly force, if the occupant reasonably believes that an intruder might use any force at all against any occupant of the dwelling. These state laws protect the occupant using the force against both criminal prosecutions as well as civil suits for damages filed by an injured intruder.

Many states have enacted so-called [stand your ground laws](http://criminal.findlaw.com/criminal-law-basics/stand-your-ground-laws.html) that remove the duty to retreat before using force in [self-defense](http://criminal.findlaw.com/criminal-law-basics/self-defense-overview.html). Florida passed the first such law in 2005, generally allowing people to stand their ground instead of retreating if they reasonably believe doing so will "prevent death or great bodily harm."

Other states followed with laws specifically affirming one's right to defend themselves, even outside of their homes and with deadly force if necessary. The wording of each state's laws will vary, but typically require you to have the right to be at a location. State self-defense laws may also overlap, but generally fall into three general categories:

1. [*Stand Your Ground*](http://criminal.findlaw.com/criminal-law-basics/stand-your-ground-laws.html)*:* No duty to retreat from the situation before resorting to deadly force; not limited to your property (home, office, etc.).
2. [*Castle Doctrine*](http://criminal.findlaw.com/criminal-charges/may-i-shoot-an-intruder.html)*:* Limited to real property, such as your home, yard, or private office; no duty to retreat (use of deadly force against intruders is legal in most situations); some states, like Missouri and Ohio, even include personal vehicles.
3. [*Duty to Retreat*](http://criminal.findlaw.com/criminal-law-basics/self-defense-overview.html)*:* Must retreat from the situation if you feel threatened (use of deadly force is considered a last resort); may not use deadly force if you are safely inside your home.

Here are the states that have passed stand your ground laws:

* [Alabama](http://codes.lp.findlaw.com/alcode/13A/3/2/13A-3-23)
* [Alaska](http://www.legis.state.ak.us/basis/statutes.asp#11.81.335)
* [Arizona](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/13/00411.htm&Title=13&DocType=ARS)
* [Florida](http://www.leg.state.fl.us/Statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=776.012&URL=0700-0799/0776/Sections/0776.012.html)
* [Georgia](http://www.georgiapacking.org/GaCode/?title=16&chapter=3&section=23.1)
* [Indiana](http://codes.lp.findlaw.com/incode/35/41/3/35-41-3-2)
* [Kansas](http://rvpolicy.kdor.ks.gov/Pilots/Ntrntpil/IPILv1x0.NSF/865782e7272861a38625655b004e9336/44f320456d3a15968625798a0069e57b?OpenDocument)
* [Kentucky](http://www.lrc.ky.gov/KRS/503-00/050.PDF)
* [Louisiana](http://www.legis.state.la.us/lss/lss.asp?doc=78338)
* [Michigan](http://www.legislature.mi.gov/documents/2005-2006/publicact/htm/2006-PA-0310.htm)
* [Mississippi](http://law.justia.com/codes/mississippi/2010/title-97/3/97-3-15/)
* [Montana](http://leg.mt.gov/bills/mca/45/3/45-3-110.htm)
* [Nevada](http://www.leg.state.nv.us/NRS/NRS-200.html#NRS200Sec120)
* [New Hampshire](http://www.gencourt.state.nh.us/RSA/html/LXII/627/627-4.htm)
* [North Carolina](http://www.ncleg.net/EnactedLegislation/Statutes/HTML/BySection/Chapter_14/GS_14-51.3.html)
* [Oklahoma](http://webserver1.lsb.state.ok.us/os/os_21-1289.25.rtf)
* [Pennsylvania](http://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.005.005.000..HTM)
* [South Carolina](http://www.sled.sc.gov/ProtectionOfPeople.aspx?MenuID=CWP)
* [South Dakota](http://legis.sd.gov/statutes/DisplayStatute.aspx?Type=Statute&Statute=22-18-4)
* [Tennessee](http://law.justia.com/codes/tennessee/2010/title-39/chapter-11/part-6/39-11-611/)
* [Texas](http://codes.lp.findlaw.com/txstatutes/PE/2/9/C/9.31)
* [Utah](http://le.utah.gov/~code/TITLE76/htm/76_02_040200.htm)
* [West Virginia](http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=55&art=7&section=22)

*Note: Some states have adopted stand your ground-like doctrines through judicial interpretation of their self-defense laws -- but they are not included on this list.*

Some states have self-defense laws on the books that are similar to stand your ground laws, often with at least one key difference. These laws generally apply only to the home or other real property (such as an office) and are often referred to as "castle doctrine" or "defense of habitation" laws. Most U.S. states have castle doctrine laws, including California, Illinois, Iowa, Oregon, and Washington.

**Duty to Retreat States**

On the other end of the legal spectrum, some states have laws imposing a duty to retreat. A duty to retreat generally means that you can't resort to deadly force in self-defense if you can safely avoid the risk of harm or death (by running away, for example). If that is not an option, say if you were cornered or pinned down and facing serious harm or death, then you would be authorized to use deadly force in self defense. The following states impose some form of duty to retreat before using deadly self defense:

* Arkansas
* Connecticut
* Delaware
* Hawaii
* Iowa
* Maine
* Maryland
* Massachusetts
* Missouri
* Minnesota
* Nebraska
* New Jersey
* New York
* North Dakota
* Ohio
* Rhode Island
* Wisconsin
* Wyoming

*Note: Some states with castle doctrine laws also include a limited duty to retreat (like if simply going into your house and locking the doors is sufficient for self-defense).*

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HW 12: Roles in the Courtroom

"In the Courtroom: Who Does What?" *Findlaw.com*. Thomson Reuters, n.d. Web. 30 Oct. 2016.

Explain the significance of the following individuals during a trial: the judge, the jury, witnesses and lawyers. For each, explore the following:

1. What is their job?
2. What must they keep in mind in order to do a good job?
3. What are the qualifications in order to have that job?
4. Why is their job crucial when people go to court in order to seek justice?
5. What three roles would you choose for our upcoming mock trial? Why?

The Parties: The people or entities who are directly involved in a lawsuit are called parties. They are plaintiffs (those who are suing in a civil case) or defendants (those being sued in a civil case or accused in criminal cases). The parties may be present at the counsel tables with their lawyers during the trial. Defendants in criminal cases have a constitutional right to be present at their trials. Specifically, the Sixth Amendment to the Constitution provides that the accused shall enjoy the right . . . to be confronted with the witnesses against him." Parties in civil cases also have a right to attend their trials, but they often choose not to.

Witnesses: Witnesses give testimony about the facts or issues in the case that are in dispute. During their testimony, they sit on the witness stand, facing the courtroom. Because the witnesses are asked to testify by one party or the other, they are often referred to as plaintiff’s witnesses, government witnesses, or defense witnesses.

Lawyers: In the courtroom, the lawyers for each party will either be sitting at the counsel tables near the bench or be speaking to the judge, a witness, or the jury. Each lawyer’s task is to bring out the facts that put his or her client’s case in the most favorable light, but to do so using approved legal procedures. In a criminal case, the government’s lawyer is called the prosecutor -- usually an assistant district attorney (state court cases) or assistant U.S. attorney (federal court cases). Criminal defendants may be represented by a public defender, a lawyer appointed by the court, or a private attorney hired by the defendant. In a civil case, par ties wanting a lawyer to represent them must hire their own lawyer.

The Judge: The judge presides over court proceedings from the "bench," which is usually an elevated platform. The judge has five basic tasks: • to preside over the proceedings and see that order is maintained; • to deter mine whether any of the evidence that the parties want to use is illegal or improper; • in jury trials, to give the jury instructions about the law that applies to the case and the standards it must use in deciding the case before it begins its deliberations about the facts in the case; • in "bench" trials (cases tried before the judge, without a jury), to determine the facts and decide the case; and • to sentence convicted criminal defendants.

The Jury: The group of people seated in the boxed-in area on one side of the courtroom is the jury. The judge decides the law in the case and instructs the jury on the law. It’s the jury’s role to decide the facts in the case, and to apply the law on which the judge has instructed it in order to reach a verdict. In cases where the evidence conflicts, it’s the jury’s job to resolve the conflict and decide what really happened. For example, in a criminal case, the jury might listen to the testimony of a witness who claims she saw the defendant commit the crime and then listen to the testimony of the defendant’s friend, who claims the defendant was with him in another part of town when the crime was committed. It’s the jurors’ job to decide who is telling the truth.

Court Reporter: The court reporter sits near the witness stand in the courtroom and records everything that is said during the trial (or introduced into evidence) by typing it on a stenographic machine or by making an electronic sound recording. This becomes the official record of the trial. The court reporter also produces a written transcript of the proceedings if either party appeals the case or requests a transcript. Court reporters don’t work only in the courtroom. They also record depositions in attorneys’ offices and some conferences in judges’ chambers. The great majority of court reporters use a stenotype, a machine that translates keystrokes into symbols that correspond to the spoken word. Some use shorthand and a few use a steno mask, repeating everything that is said in the courtroom into a mask connected to a tape recorder, and transcribing it later. Finally, electronic sound recording uses microphones placed in the courtroom to record proceedings on a multi-track tape, which is monitored by a clerk’s office employee (who need not be trained as a court reporter).

Court Interpreter: In cases in which a party or witness does not speak or understand English, his or her testimony may be interpreted by a court interpreter, whose job is to present a verbatim rendition of the testimony. It is the English rendition by the interpreter that becomes part of the official court record. The court interpreter’s job is to interpret exactly what the witness or defendant says, without commenting on it, even if the interpreter believes the person is lying. If a witness doesn’t understand a question, the interpreter may not use his or her own words to explain. Rather, the interpreter translates the witness’s request for explanation to the attorney (or whoever asked the question), and that person must explain or rephrase what he or she said. The interpreter then translates that explanation or rephrasing for the witness.

Courtroom Clerk: The courtroom clerk (sometimes called the courtroom deputy) is usually seated in the courtroom near the judge. The courtroom clerk administers oaths to witnesses and interpreters, takes care of records and exhibits, keeps minutes of proceedings, prepares judgment and verdict for ms, and generally helps the judge keep the trial running smoothly. The courtroom deputy is usually employed by the office of the clerk of court.

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HW 13: MOCK TRIAL PREP

1. Read the facts of the case, relevant laws and case law.
2. Explore the different elements of negligence and explain whether or not each element has been met.

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HW 14: Case Law

1. What laws/statutes are relevant for this case?
2. Review the relevant cases. How can these case decisions help or hurt the lawyers?
3. Identify the witnesses for the plaintiff and the defense.
4. Write two direct and two cross examination questions for each of the witnesses.

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HW 15: Case Theory

1. Create a timeline that clearly illustrates what happened each day.

2. What information is missing? How does this missing information affect the case?

3. Create a case theory for the plaintiff. One full paragraph.

4. Create a case theory for the defendant. One full paragraph.

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HW 16: Trial Job (Assignments will be given in class based on your role. Complete the task given to you.)

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HW 17: Case Reflection

Answer the following questions based on your role in the courtroom.

1. What was the hardest thing about the mock trial? Why?

2. What was the easiest? Why

3. What was something you learned during the mock trial?

4. What was the best thing about your experience?

5. How do you feel you performed during the mock trial?

6. Do you agree with the jury’s ruling? Why?

7. What is one thing you would have changed about the mock trial? Why?

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HW 18: Policing (CJS)

Visit: <https://www.ted.com/talks/melvin_russell_i_love_being_a_police_officer_but_we_need_reform>

* + - 1. *Requires outside research.* Why was Baltimore the center of a discussion on relations between police and the community?
      2. What problems did Russell see in law enforcement?
      3. Describe the “shift” for Russell when he went to the Eastern District. How would that help him to be a better police officer?
      4. How can the community help improve relations with law enforcement?

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HW 19: Sentencing and Corrections (CJS)

1. Should prisoners have rights? If so, what rights should they have? Make a list of these rights. (Remember that not all crimes are “serious” crimes.)
2. If you were a prison warden, what rules would you make to control the prisoners? List these rules.
3. What, if anything, should be done to reduce prison overcrowding? Should more and bigger prisons be built, or should the criminal justice system be more selective about who is locked up?
4. Should private corporations be allowed to run jails and prisons for profit?

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HW 20: Issues in the Criminal Justice System Today

We’ve spent time reviewing the criminal justice system overall. Identify an issue within one of the three branches of the CJS (1) law enforcement, (2) the courts and (3) corrections. Use the Murrow Library Gale Database or Google Scholar to assist you in finding a recent article (past six months to a year) about the issue you would like to address. Clearly answer the following questions using your article.

1. What is your issue? Why is this an issue today? Is this a local, state or federal issue?

2. Summarize the main points of the author.

3. Are there issues/points not considered by the author? What did s/he leave out?

4. Do you have ideas to help fix this problem?

5. Include proper MLA bibliographic formatting here for the article. Refer to HW 6 for format assistance.

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HW 21: Death Penalty



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HW 22: Death Penalty Debate Preparation

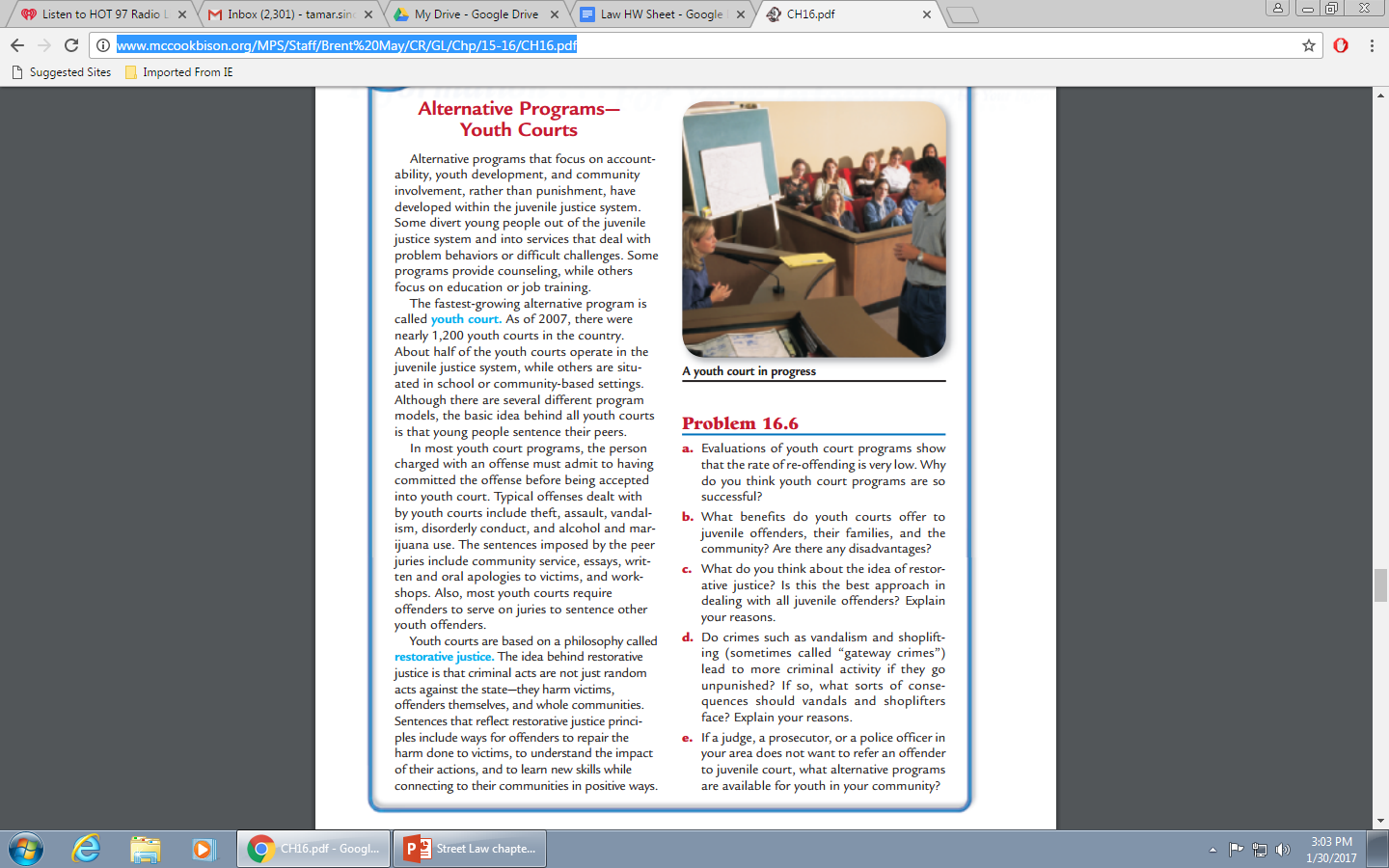
Complete the worksheets provided in class in preparation for our debate.

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HW 23: Juvenile Justice

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), a part of the U.S. Department of Justice, is a federal agency responsible for addressing the public safety issues of juvenile crime and youth victimization. It is guided by the *Juvenile Justice and Delinquency Act*, which was reauthorized in 2002 and designed to promote greater accountability in the juvenile justice system. Federal funds are available to state and local governments to combat juvenile crime through education and evaluation programs. The OJJDP has determined that an effective juvenile justice system should do three main things. First, it must hold the juvenile offender accountable for delinquent acts. Second, it must enable the juvenile to become a capable, productive, and responsible citizen. Third, it must ensure the safety of the community.

1. Will carrying out these three elements make the juvenile justice system effective? Why or why not? Would you change this list in any way? If so, how?
2. Does New York state’s juvenile justice system perform each of these elements? Could any of them be done better? Explain.
3. Do any of these three elements conflict with each other? Which ones? Is it possible to do all three at once? Why or why not?
4. Do you think it should be mandatory that all juveniles who commit a serious violent crime be tried in adult criminal court? Why or why not? Should it be automatic, or should the decision be left to a judge? A prosecutor? Someone else? Explain.

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1. What concepts interested you the most? Why?

2. What concepts did you want to spend more time?

3. Are there concepts not discussed in class that you would want to learn more about?