Alabama Legal History Seminar

Day/Times: Tues, 3:30 - 5:20 p.m.  Professors Freyer & Pruitt
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Purposes of Course: (1) To further your understanding of Alabama Legal History.
(2) To advance Alabama Legal History as a field of historical studies.
(3) To produce a writing sample for your future employers.

Readings: All assigned readings are on Reserve at the Law Library main desk or are available via Photocopy Reserve.

Grade: 80% based on final draft of paper; narrative, at least 20, typed double-spaced pages, plus notes, on topic agreed to with Profs. Freyer/Pruitt – Final draft of paper due April 15.

20% Participation Grades, determined as follows:

Participation Grades:

(1) You must submit a one-page summary of each piece assigned as Read-for-Discussion during the semester. Summaries are due (preferably on paper) on the day of the class in question.

(2) You must submit a one-page critique of each of your classmates’ first-draft research papers. Each of these critiques is to be submitted electronically to (a) the draft’s author and (b) Professors Freyer and Pruitt. The critiques are due by Friday, April 4.

Please note: The critiques in (2), above, are to be considered confidential. Each should be submitted only to the student author and to the professors. The summaries and critiques in numbers 1 and 2, above, are worth collectively ten per cent (10%) out of a possible hundred per cent of your grade. Failure to submit on time will result in a deduction of a 1% penalty per unsubmitted summary or critique, to a maximum of ten per cent.

(3) You must take part in class discussions of the Read-for-Discussion pieces, and in other discussion situations (as for example, the presentation of rough drafts of papers). You may also, from time to time, be asked to come to class with an understanding of one or more assigned terms (for example, “Old Southwest Humor” or “New South”). Information on such terms can be obtained via googling.

Note: The discussion participation under (3), above, is worth a maximum of 10% out of a possible hundred percent of your grade, assigned at the discretion of your instructors.
Your Research Paper: Dates and Reminders

Topics to be chosen in consultation with Professors Freyer and Pruitt no later than class period, **January 21.**

*Note: This class assumes your basic familiarity with the composition of research papers, term papers, etc. If you feel that you need information or advice concerning research and/or composition, please do not hesitate to ask your professors! These matters will be briefly covered in class—see below.*

First drafts submitted to professors and classmates, Tuesday, **April 1.** (Critiques submitted to professors and authors, Friday, **April 4.**)

First drafts presented (by authors, in presentations lasting fifteen minutes or less), and critiqued orally by professors during class on **April 8.** [Order of presentation to be determined.]

**On April 15,** give Professors Freyer and Pruitt final draft of seminar paper. Included with your research paper (but separate from it) should be a one-page summary relating your paper to the field of Alabama Legal History.

Students with special needs are encouraged to register with the Office of Disability Services, 348-4285. We are happy to assist in this important matter.

**Honor Code: It is assumed that each student will comply with the Law School’s and the University’s Honor Code.**

Attendance: Required

Makeup Work: See Profs. Freyer/Pruitt

**Assignment Calendar**

**First Week/Class, January 7:**

- **Topics:** Course syllabus and introduction to topic. Introduction to historical writing.

Suggested Readings:


**Second Week/Class, January 14:**

- **Topic:** Structures and Development of the Legal Profession in Alabama, 1798-1861 [Part 1 of 2].

- **Read-for-Discussion and summarize:** From Joseph Glover Baldwin, *The Flush Times of Alabama and Mississippi* (on Reserve), the following chapters: “Assault and Battery,” pp. 77-82; “Justification After Verdict,” pp. 130-140; and “A Hung Court,” pp. 202-207.

**Suggested Readings:**


Brown, *John McKinley and the Antebellum Supreme Court, passim*.


Pruitt, Durham, and Hadden, Traveling the Beaten Trail: Charles Tait’s Charges to Federal Grand Juries, 1822-1825.

**Third Week/Class, January 21: Research Topic Due:**

- **Class Topic:** Structures and Development of the Legal Profession in Alabama, 1798-1861, [Part 2 of 2.]

- **Read-for-Discussion and summarize:** Riser, *A Goodly Heritage*, 87-119 [decisions, by William Giles Jones and John Archibald Campbell, respectively; very different approaches to important constitutional issues.]

- **Presentation by Prof. Guy Hubbs of Birmingham Southern College on approaches to antebellum and mid-nineteenth century history.**

**Suggested Readings:**
ASCLI, Chapter 1, [Pruitt], “Legal Profession in Antebellum Alabama, 1819-1860,” 34-54 (sections on practice before the Alabama Supreme Court and Federal Courts), and 54-61 (on the impact of the codification movement). Available via Photocopy Reserve.


Saunders, John Archibald Campbell, Southern Moderate, 84-135.


Pruitt and Durham, editors, Wade Keyes’ Introductory Lecture to the Montgomery Law School: Legal Education in Mid-Nineteenth Century Alabama (2001; Bounds Publications, No. 2).

Fourth Week/Class, January 28:


- Read-for-Discussion and Summarize: Private Life of a New South Lawyer: Stephens Croom’s 1875-1876 Journal, pp. 41-85. [Croom’s journal, including his Civil War service.]

Suggested Readings:


Saunders, John Archibald Campbell, Southern Moderate, 136-185;

Riser, A Goodly Heritage, 120-158.

Fifth Week/Class, February 4:
• Class Topic: Legal Institutions and the Legal Profession in Reconstruction and New South Alabama, 1861-1915 [Part 2 of 2.]


• Presentation by Chistopher L. McIlwain, on one lawyer’s interest in history specifically the Civil War and Reconstruction.

Suggested Readings:


Riser, A Goodly Heritage, 158-221.


Sixth Week/Class, February 11:

• Class Topic: The Elephant in the Room: The Constitution of 1901.

• Read-for-Discussion and Summarize: Courtney Cooper, “A Man in a Boy’s Coat: The Evolution of Alabama’s Constitutions.” Paper from the 2012 edition on this class, now forthcoming in the class anthology, New Field, New Corn: Essays from the Seminar in Alabama Legal History. (Copies of this essay will be distributed.). Note: Ms. Cooper will be present to discuss her essay.


Suggested Readings:


Riser, Defying Disfranchisement, 1-46, 112-183, 204-252.

Pruitt, Taming Alabama, 74-88 (Joseph C. Manning chapter).
Seventh Week/Class, February 18:


Suggested Readings:

Freyer and Dixon, *Democracy and Judicial Independence*, 215-255 (Frank M. Johnson chapter);


Eighth Week, February 25:


Suggested Readings:


Ninth Week, March 4: No Meeting

Tenth Week, March 11: No Meeting

Eleventh Week, March 18: No Meeting

Twelfth Week, March 25: No Meeting (Spring Break)
Thirteenth Week, **April 1**: No Meeting, but first drafts due to professors. Critiques due to professors and classmates, **April 4**.

Fourteenth Week/Class, **April 8**: Class will meet again for authors to present their first-draft papers and for professors to present brief critiques.

Fifteenth Week, **April 15**: Class Meets for submission of final drafts, for closing remarks and student feedback.

**PARTIAL BIBLIOGRAPHY**


**Occasional Publications of the Bounds Law Library**


