

POLS 2400: Introduction to Law and Courts

Fall 2022

Online

Professor Richard Price

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Office Hours: Tuesday 10:30-11:30, Thursday 10:30-11:30 [via Zoom]

Appointments available by request

Course Description

Law exerts a massive influence over modern society. It structures the way we interact in business, as consumers, and in a variety of private affairs. Law also appears heavily in our popular culture. Along with the dominance of law in modern life comes a heightened concern with the role that courts play in developing and administering that law. This course will introduce students to the study of law and courts. We will examine the basic nature of law, legal training, the structure of the legal process, and the impact that law and courts have on politics and society.

Big question: A core issue in the study of law and courts is the question of justice. What makes a legal system “just”? Is it about fairness of process or is there a deeper substantive justice that is required? How do we balance competing claims to justice?

Social Science General Education Learning Outcomes

Students will describe how individuals and groups influence and are influenced by social contexts, institutions, physical environments and/or global process.

Students will apply basic social science concepts, theories, and /or methods to a particular issue and identify factors that influence change.

Students will identify an argument about a social phenomenon and understand alternative explanations

Course Readings

There are two required books for this course. Additionally, there are many supplemental materials available electronically on Canvas. These are all required.

Corley, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. New York: Routledge (ISBN: 978-0-415-53298-3, list price: \$74.95) [AJP in the course schedule]

Bleich, Erik. 2011. *The Freedom to be Racist? How the United States and Europe Struggle to Preserve Freedom and Combat Racism*. New York: Oxford University Press (ISBN: 978-0-19-973969-1, list price: \$28.95)

Course Requirements

1. Participation (10%)

About every other week you will have a discussion question to answer on Canvas. This will form most of the participation grade but I will take other forms of participation into account as well. There is no right answer, only creative thinking is required. Ideally, I would also like you to engage with each other, respectfully of course, to develop ideas or to clarify things. These will be graded on a basic pass/fail scale.

- High pass (full credit). Post demonstrates thoughtful engagement with the course material.
- Low pass (75%). Post provides only superficial engagement with the course material.
- Fail (0%). Post is either missing or demonstrates no engagement with the material in any substantive manner

2. Quizzes (10%)

For the weeks where there is no discussion post you will likely have a quiz on Canvas. These may be multiple choice as well as short answer. They will cover anything since the last quiz and the questions may come back on exams.

3. Midterm Exams (2 at 20%; 40% total)

There will be two midterm exams in the first three quarters of the class. Each exam will cover approximately five weeks of material and are not cumulative. Exams may consist of a mix of multiple choice, short answer, and essay questions.

4. Legal Writing Paper (20%) **Due: Oct. 16**

As part of our understanding of what it means to “think like a lawyer” we will do a short, 5-7 page, 12 point Times New Roman double-space, legal writing assignment. This is not a research paper and in fact you are not allowed to do any outside research. You will be given a narrative of facts of a case and a relatively small sample of cases. You will provide an analysis of the case using these provided materials.

5. Signature Assignment: Hate Speech Paper (20%) **Due: Dec. 13**

We will finish the course with Eric Bleich’s book on comparative hate speech law. You will be asked to assess the proper method of handling hate speech in a short paper of 5-7 pages. Which approach provides the more just outcome? More details will be provided to you at the end of the semester.

Rewriting papers. If you wish, you may rewrite a paper. A rewrite means a substantial effort to correct the issues with the original paper and not simply adding a few lines. Rewrites will be due to me via email no later than one week after the relevant paper is returned to you. A rewritten paper may earn up to one letter grade higher than the original paper (so a C+ can become a B+).

A Note On Paper Grading Available on Canvas

Grade Scale

A = 93% or above	A- = 90 – 92 %	B+ = 87 – 89%	B = 83 – 86%
B- = 80 – 82 %	C+ = 77 – 79%	C = 73 – 76%	C- = 70 – 72 %
D+ = 67-69%	D = 63 – 66%	D- = 60 – 62%	E = 0 – 59%

Course Schedule

The following is an approximate schedule that I reserve the right to alter, with notice, at any time.

Module 1 (Aug. 29-Sept. 2): Introduction to Law and Courts

- AJP: 1-17 (Ch.1)
- Macaulay, Stewart. 1987. “Images of Law in Everyday Life: The Lessons of School, Entertainment and Spectator Sports.” *Law & Society Review* 21(2): 185-218

Module 2 (Sept. 5-9): Thinking Like a Lawyer

- AJP: 22-47 (Ch.2)
- AJP: 58-64 (part of Ch.3)
- Turow, Scott. 1977. Selections from *One L*
- Mertz, Elizabeth. 2000. “Teaching Lawyers the Language of Law: Legal and Anthropological Translations.” *John Marshall Law Review* 34(4): 909-36
- Kerr, Orin S. 2007. “How to Read a Legal Opinion: A Guide for New Law Students.” *Green Bag* 11(1): 51-63
- *West Virginia v. Barnette* and *Texas v. Johnson*.

Module 3 (Sept. 12-16): The Legal Profession

- AJP: 55-94 (Ch.3)
- Galanter, Marc. 2005. *Lowering the Bar: Lawyer Jokes and Legal Culture*. Madison, WI: University of Wisconsin Press, 179-95
- Dinovitzer, Ronit and Bryant G. Garth. 2007. “Lawyer Satisfaction in the Process of Structuring Legal Careers.” *Law & Society Review* 41(1): 1-50

Module 4 (Sept. 19-23): Structuring Courts and Choosing Federal Judges

- AJP: 103-33 (Ch.4)
- AJP: 139-61 (part of Ch.5)
- Collins, Paul M. and Lori A. Ringhand. 2013. *Supreme Court Confirmation Hearings and Constitutional Change*. New York: Cambridge University Press, 196-221

Module 5 (Sept. 26-30): Choosing State Judges

- AJP: 161-78 (part of Ch.5)
- Wold, John T. and John H. Culver. 1987. “The Defeat of the California Justices: The Campaign, the Electorate, and the Issue of Judicial Accountability.” *Judicature* 70(6): 348-55

- Epstein, Lee. 2013. "Electoral Benefits: The Assault on the Assaulters of Judicial Elections." *Judicature* 96(5): 218-222

MIDTERM 1 Thursday Sept. 29 – Saturday Oct. 1

Module 6 (Oct. 3-7): Legal Writing: Free Speech in the Schools

- Re-read the free speech cases from Module 2
- *Tinker v. Des Moines* (1969)
- *Bethel School District No. 403 v. Fraser* (1986)
- *Hazelwood School District v. Kuhlmeier* (1988)
- *Morse v. Frederick* (2007)
- Legal Writing Case Facts

Module 7 (Oct. 10-14): Civil Law

- AJP: 187-223 (Ch.6)
- Haltom, William and Michael McCann. 2004. *Distorting the Law: Politics, Media, and the Litigation Crisis*. Chicago: University of Chicago Press, 183-226

Legal Writing Paper Due Sunday October 16

Module 8 (Oct. 17-21): Criminal Law

- AJP: 235-68 (Ch.7)
- Provine, Doris Marie. 2007. *Unequal Under Law: Race in the War on Drugs*. Chicago: University of Chicago Press, 63-90

Module 9 (Oct. 24-28): Trials and Appeals

- AJP: 281-318 (Ch.8)
- AJP: 329-53 (part of Ch.9)
- Grossman, Joel B., Herbert M. Krtizer, and Stewart Macaulay. 1999. "Do the 'Haves' Still Come Out Ahead?" *Law & Society Review* 33(4): 803-10

Module 10 (Oct. 31-Nov. 4): U.S. Supreme Court

- AJP: 353-64 (part of Ch.9)
- AJP: 375-428 (Ch.10)
- Hume, Robert J. 2018. *Judicial Behavior and Policymaking*. Lanham: Rowman & Littlefield, pgs. 35-38, 69-73, 104-107
- *Brutus* and *Federalist 78*

Module 11 (Nov. 7-11): Implementation

- AJP: 429-46 (Ch.11)
- Klarman, Michael J. 2013. *From the Closet to the Altar: Courts, Backlash, and the Struggle for Same-Sex Marriage*. New York: Oxford University Press, pgs. 165-92 (Canvas)

Midterm 2 Monday Nov. 14 to Friday Nov. 18

Module 12 (Nov. 21-Dec. 2): Hate Speech in the U.S. and Europe

- Bleich 3-43, 62-81 (Chs.1-2, 4)
- *Collin v. Smith* (7th Cir. 1978) (Canvas)
- *R.A.V. v. St. Paul* (1992) (Canvas)

Module 13 (Dec. 5-9) Holocaust Denial and Associations

- Bleich 44-61, 85-155 (Chs.3, 5-7)
- German Holocaust Denial Case (1994) (Canvas)
- *R v. Keegstra* (1990) (Canvas)

Final Paper Due Tuesday Dec. 13 by end of the day, uploaded to Canvas**Course Policies**

Attendance: Attendance is an important element to any class but especially this one. The readings and lectures will be complementary but not coextensive and you will be held responsible for all of the information from both lectures and assigned readings. Strong participation will be taken into account when it comes to rounding final grades.

Grading Policy: Barring unforeseen crises, I will return graded assignments within two weeks of the due date. If you are unsatisfied with a grade assigned you may appeal that grade to me and I will reevaluate the assignment from scratch. This means that you could receive a higher, lower, or the same grade as initially given. To appeal you must send me a short statement explaining why you believe the grade is incorrect.

Late Assignments: Assignments are due at the time and date listed on the syllabus. Any late papers will be deducted a letter grade for every 8 hours late (e.g. A to A-, A- to B+, B+ to B, and so on). Requests for extensions must be made to me before the assignment is due and will not be granted retroactively.

Academic Integrity: As specified in PPM 6-22 IV D, cheating and plagiarism violate the Student Code. Plagiarism is “the unacknowledged (uncited) use of any other person’s or group’s ideas or work.” Students found guilty of cheating or plagiarism are subject to failure for the specific assignment, at a minimum, or failure for the whole course at the professor’s discretion. Students will also be reported to the Dean of Students.

NOTE: It is also a violation of this policy to submit work previously submitted in another course. You should speak to me if you have any concerns about where the line is for this policy.

Reasonable Accommodation: Any student requiring accommodations or services due to a disability must contact Services for Students with Disabilities (SSD) in Room 181 of the Student Services Center (or Room 221 at the Davis Campus). SSD can also arrange to

provide course materials (including this syllabus) in alternative formats upon request. Please refer to SSD's website for more information: <http://weber.edu/ssd>

Core Beliefs: According to PPM 6--22 IV, students are to “[d]etermine, before the last day to drop courses without penalty, when course requirements conflict with a student's core beliefs. If there is such a conflict, the student should consider dropping the class. A student who finds this solution impracticable may request a resolution from the instructor. This policy does not oblige the instructor to grant the request, except in those cases when a denial would be arbitrary and capricious or illegal. This request must be made to the instructor in writing and the student must deliver a copy of the request to the office of the department head. The student's request must articulate the burden the requirement would place on the student's beliefs.”

Emergency Closure: If the University is forced to close for any reason during the semester, please check the course Canvas page and your Weber email for updates on how this course will proceed. The University announces closures and other emergencies through its Code Purple emergency alert system. Students are encouraged to sign up for Code Purple: <http://www.weber.edu/codepurple/>

Office Hours and Communication: My regular office hours are listed above and I encourage you to avail yourself of them if you have any problems, questions, or simply want to discuss ideas. If you cannot make my office hours, I am available by appointment. If you have a quick question, please feel free to email me. Finally, I may regularly use email to contact you (in particular if I have to cancel a class meeting or change an assignment). This means that you will be responsible for regularly checking your WEBER email account and keeping it open to emails. I will not make any extra attempt to contact you if an email gets rejected because yours is full. Nor will I accept as an excuse that you do not use your Weber email account.

- Canvas Announcements: I will sometimes use Canvas to send you announcements. This has a few quirks. One is that while you will be notified via email (if you have notifications properly set up), any attachments will have to be obtained by logging into Canvas and going to the announcements section. Also, please never hit reply to such announcement notifications in your email. It is not sent to me; it is instead posted as a reply to the announcement but Canvas does not notify me of this and I will not see it. If you need to contact me, always email or message me directly.

Note on Email: Please put the name and/or number of this class in the subject of any email message so I can easily sort them. I will try to respond to all emails within 24 hours, beginning on the next business day after receipt; please note that weekends are not business days.

A Note on the Canvas Gradebook

All of your grades will be available online in the Canvas gradebook. Please note a quirk of that system is that it only estimates your final grade based on the scores recorded. If you have not yet done an assignment, thus showing “-“, Canvas treats it as nonexistent. So it may state that you have an 83% when you have only done 3 of 6 required

assignments but that estimate will drop rapidly if you fail to do an assignment and a “0” is entered. Also, Canvas is not perfect and you need to remember the terms of the syllabus when it comes to weighting assignments. If Canvas has an error for some reason and improperly weights assignments you need to remember that the syllabus always controls and any Canvas error will be corrected even if your grade estimate is affected. For this reason I encourage you to let me know if anything in Canvas looks odd.