

POLS 210: Introduction to Law and Courts

Fall 2017

Tuesday & Thursday 2:00 – 3:15

DuSable Hall 461

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Office Hours: Tuesday 3:15 – 4:45, Thursday 12:30 – 2:00 (or by appointment)

Introduction

Our legal system is at the heart of many controversies. In the past several years alone, high-profile trials and litigation have made headlines across the country, including the trial of George Zimmerman and civil lawsuits resulting from the Deepwater Horizon oil spill in the Gulf of Mexico in 2010, among many others. Highly publicized police shootings of African American men in recent years have caused many people to question the U.S. justice system. Elsewhere, DNA tests prove that American courts have placed many innocent people in prison and even on death row. Scores of Americans call for tort reform because civil litigation seems to be out of control and jury verdicts seem absurd. Moreover, attacks on courts by politicians and the influence of money in judicial election campaigns seem to compromise the longstanding principle of judicial independence. In recent years, the U.S. Supreme Court has handed down controversial decisions involving same-sex marriage, campaign finance, abortion, school prayer, the death penalty, affirmative action, voting rights, and President Obama's healthcare legislation. We've even looked to the Court to resolve matters relating to the war on terrorism, and in 2000, a U.S. Supreme Court decision decided a presidential election!

The institutions and actors that make up our legal system are charged with interpreting and applying neutral principles of law. In one sense then, we expect law and courts to rise above politics. However, in another sense, the law and courts are inherently political. Law is a product of politics and political processes. The judiciary is a co-equal branch of government, judges are selected by political means, and court decisions often have broad political and policy implications. Just how political is our legal system, and conversely, how legal is our political system? Can the two even be separated? This semester, we will explore some of the most important aspects of U.S. law and its legal system, as well as legal systems in other countries, in an attempt to answer these and other questions. We will try to separate out popular misconceptions from the realities of how our legal system actually works. In the process, this course will emphasize that law is not simply a subject for lawyers and law professors, but it is also an integral part of our political, policy and economic systems with far reaching effects on society.

Course Requirements

Grades will be based on a case brief, participation and performance in a plea bargaining simulation and paper, research paper and two examinations. Each assignment will be posted on Blackboard well in advance of each due date. Late papers will not be accepted. Academic misconduct (e.g., plagiarism, copied work or cheating – it is your responsibility to learn/know what the university defines as academic misconduct) will result in an “F” for the course.

- (1) Case brief (10 points)
- (2) Plea Bargaining Simulation and Paper (20 points)
- (3) Research Paper (20 points)
- (4) Two Examinations (25 points each – 50 points total)

Grading Scale

A=92-100; A-=90-91; B+=88-89; B=82-87; B-=80-81; C+=78-79; C=72-77; C-=70-71; D+=68-69; D=60-67; F= 59 and below

Reading assignments

Assigned readings will come from *American Courts* by Lawrence Baum. (2013, 7th Ed.). Additional readings will be made available on Blackboard (denoted on the syllabus by “BB”). You are also expected to keep current with national, state and regional news related to the class. Important legal issues and court cases arise regularly, and we will incorporate relevant legal news into the class.

Essays and writing assignments will be graded on the quality of both substance and writing, including grammar and style. You should have a writing resource readily available and consult it regularly. There are a variety of such resources, such as the Chicago Manual of Style and Strunk & White’s *The Elements of Style*, and I strongly recommend you make use of these writing aids, as well as the NIU Writing Center.

Classroom Etiquette

The classroom will be an open forum for discussion. What goes on in-class is an integral part of this course. Therefore, it is essential that students conduct themselves in a professional and civil manner at all times. Debate and discussion are encouraged, and students are expected to show everyone else in the classroom respect. All cell phones or other electronic devices that make noise or could otherwise be distracting MUST be turned off before class begins. If you use a laptop to take notes, the volume must be turned down, and you may not use it to surf the web, play games etc. during class. Additionally, taking pictures of PowerPoint slides is not allowed. If you fail to behave accordingly, your final grade may be lowered accordingly.

Extra Credit

DO NOT ASK FOR EXTRA CREDIT OR TEST GRADES TO BE CURVED. Extra credit will be assigned in rare instances and to the entire class, not on an individual basis.

Academic Dishonesty

In preparing for your work and meeting the requirements of this course, you are expected to adhere to all the rules, regulations, and standards set forth by the Department of Political Science, Northern Illinois University, and the scholarly community. This statement encompasses intentional and unintentional plagiarism; cheating on examinations; using, purchasing, or stealing others' work; misusing library materials; and so forth. The NIU Undergraduate Catalog states:

Good academic work must be based on honesty. The attempt of any student to present as his or her own work that which he or she has not produced is regarded by the faculty and administration as a serious offense. Students are considered to have cheated if they copy the work of another during an examination or turn in a paper or an assignment written, in whole or in part, by someone else. Students are guilty of plagiarism, intentional or not, if they copy material from books, magazines, or other sources without identifying and acknowledging those sources or if they paraphrase ideas from such sources without acknowledging them. Students guilty of, or assisting others in, either cheating or plagiarism on an assignment, quiz, or examination may receive a grade of F for the course involved and may be suspended or dismissed from the university. (Undergraduate Catalog)

Don't plagiarize or cheat. I will catch you! If you are not sure what constitutes plagiarism, ask. Ignorance will not be tolerated as an excuse. If you are unaware of how to cite properly, visit <http://polisci.niu.edu/polisci/audience/plagiarism.shtml>.

Undergraduate Writing Awards

The Department of Political Science recognizes, on an annual basis, outstanding undergraduate papers written in conjunction with 300-400 level political science courses or directed studies, such as independent studies or honors theses. Winners are expected to attend the Department's spring graduation ceremony where they will receive a certificate and a check for \$100.00. No more than two papers may be submitted by a student. There is no requirement as to the length of papers submitted for the award. Often the Department awards prizes for both an outstanding short paper and an outstanding long paper. The number and types of award is dependent upon the papers submitted for consideration in any given year. Authors do not have to be political science majors or have a particular class standing. Only papers written in the previous calendar year are considered for the award. However, papers completed in the current spring semester are eligible for the following year's competition even if the student has graduated. Papers can be submitted by students or faculty and must be supplied in triplicate to the undergraduate secretary. All copies must have two cover pages – one with the student's name and one without the student's name. Papers are not to be stapled or bound. Instead, please use paper clips. Papers are generally due in March and notice of call for papers and submission deadlines will be published in the department e-announcements. You may also contact the department for information at 753-1015.

Department of Political Science Web Site

Undergraduates are strongly encouraged to consult the Department of Political Science website on a regular basis. This up-to-date, central source of information will assist students in contacting faculty and staff, reviewing course requirements and syllabi, exploring graduate study, researching career options, tracking department events, and accessing important details related to undergraduate programs and activities. To reach the site, go to <http://polisci.niu.edu>.

Accommodations for Students with Disabilities

A student who believes that reasonable accommodations with respect to course work or other academic requirements may be appropriate in consideration of a disability must (1) provide the required verification of the disability to the Center for Access-Ability Resources, (2) meet with the Center for Access-Ability Resources to determine appropriate accommodations, and (3) inform the faculty in charge of the academic activity of the need for accommodation. Students are encouraged to inform the faculty of their requests for accommodations as early as possible in the semester, but must make the requests in a timely enough manner for accommodations to be appropriately considered and reviewed by the university. If contacted by the faculty member, the staff of the Center for Access-Ability Resources will provide advice about accommodations that may be indicated in the particular case. Students who make requests for reasonable accommodations are expected to follow the policies and procedures of the Center for Access-Ability Resources in this process, including but not limited to the Student Handbook. A wide range of services can be obtained by students with disabilities, including housing, transportation, adaptation of printed materials, and advocacy with faculty and staff. Students with disabilities who need such services or want more information should contact the Center for Access-Ability Resources at 815-753-1303.

Schedule

Date:	Topic:	Readings:
<u>A. Law, Courts and Politics</u>		
Aug. 29	Introduction	
Aug. 31	What is law and why do we have it?	Baum, Ch. 1
Sept. 5	Functions & Organization of Courts	Baum, Ch. 2
Sept. 7	Considering the Adversarial System	Finkelstein (BB)
Sept. 12	Legal Reasoning	Carter & Burke, Ch. 1 (BB)
Sept. 14	The Rule of Law and Justice	Hayek (BB)

Sept. 19 Judicial Review and Democracy Carter & Burke, Ch. 5 (BB)
*****Case Brief Due at the Beginning of Class*****

Sept. 21 Law, Politics and Social Science Whittington et al. (BB)

B. Lawyers and the Legal Profession

Sept. 26 Legal Education Baum, pp. 52-59

Sept. 28 The Legal Profession Baum, pp. 59-85

Oct. 3 Lawyers, Clients and the Public Interest Posner (BB)

Oct. 5 **Exam #1**

C. Judges

Oct. 10 Judges-Functions and Roles Baum, Ch. 5

Oct. 12 Methods of Judicial Selection Baum, Ch. 4

Oct. 17 U.S. Supreme Court Appointments Baum, Ch. 4 (Cont.)

D. Criminal Law and Social Control

Oct. 19 The Criminal Justice System – Overview Baum, Ch. 6

Oct. 24 Crime and Social Control Vago (BB)

Oct. 26 Plea Bargaining and Prosecutorial Discretion Worden (BB)

Oct. 31 *Frontline: Plea Bargaining*

Nov. 2 The Mechanics of Plea Bargaining and Preparation of Simulation

Nov. 7 Plea Bargaining Simulation (1/2 the class) Handout (BB)

Nov. 9 Plea Bargaining Simulation (1/2 the class) Handout (BB)

E. Civil Litigation and Dispute Resolution

Nov. 14 Law and Dispute Resolution – Civil Litigation Baum, Ch. 7
*****Plea Bargaining Paper Due, Beginning of Class*****

Nov. 16 Discovery and the Civil Trial Simon (BB)

Nov. 21 Tort Reform & the Contingency Fee Kritzer (BB)

Nov. 23 No Class - Thanksgiving

F. Politics, Policy and Legal Mobilization

Nov. 28 Law, Courts and Policy Making Baum, Ch. 9

Nov. 30 Interest Groups and Political Litigation Baum, pp. 257-263 (BB)

Dec. 5 Rights Consciousness and Legal Mobilization Epp (BB)
*****Research Paper Due at Beginning of Class*****

Dec. 7 Law, Courts and Social Change Rosenberg (BB)

Dec. 12 Final Exam 2:00 – 3:50