

## Introduction to Law and Courts - Syllabus

### **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 recent lawsuits involving immigration, sexual harassment and Uber's fees, among many others. Shootings of young black men by white police officers have caused many to criticize and question our criminal 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. For instance, a jury awarded a woman over a million dollars when she spilled McDonald's coffee on herself because the coffee was *too hot*! 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 campaign finance, abortion, school prayer, the death penalty, affirmative action, voting rights, same-sex marriage, Obamacare and DACA. 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, in an attempt to answer these and other questions. We will try to separate 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.

This course fills one Society and Culture requirement for the Sustainability Pathway for NIU's General Education Program.

### **Course Requirements**

Each week of this semester, a new module will be made available to you at the beginning of the day on Saturday, and you **must complete** all requirements for that module by the following Friday, 11:59 PM. Grades will be based on a case brief, one analytical paper, discussion posts, and four examinations. Each assignment is describe in more detail below, and will be posted on Blackboard in the appropriate Module. 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 (50 points)
- (2) 5-6 page Analytical Paper on Plea Bargaining (100 points)
- (3) Discussion for Modules 1-15 (10 points for each Module – 150 points total)
- (4) 4 Examinations (50 points each – 200 points total)

**\*\*\*All Students are also required to take a syllabus quiz by the end of **Week 1 (Friday January 20, 11:59 PM)**. The quiz covers the content of this syllabus, and you must get at least 8 of 10 correct to pass. You may take the quiz multiple times until you pass it. This is to assure that you have read the entire syllabus, understand the course requirements, and are aware of all deadline. There are no points given for the quiz toward your final grade, but you cannot receive credit for any exams, assignments or discussion without passing it in Week 1 (in other words if you can't pass this quiz by the end of Week 1 you should drop the class because the best score you can get in the class is a 0).**

- **Grading Scale**

There are 500 possible total points in this class. Letter grades for the course will be based on the following grade scale:

<b>A</b> 461-500	<b>B</b> 415-439	<b>C</b> 350-389
<b>A-</b> 450-460	<b>B-</b> 400-414	<b>D</b> 300-349
<b>B+</b> 440-449	<b>C+</b> 390-399	<b>F</b> 299 and below

- **Case Brief**

- A case brief is NOT the same as a legal brief. A case brief provides you a way with breaking down the components of the legal reasoning in a judicial opinion. In a sense it is a detailed but short outline of a judicial opinion, and provides students with a structured way of taking reading notes on the cases they are assigned to read. Law students typically do case briefs to help them understand the arguments in judicial opinions so they can respond to questions when called on in law school classes. You will be provided with a sample case brief for a court opinion we discuss in Module 3. You will then be provided with an edited version of a different judicial opinion, for which you will be required to write your own case brief. Your two page brief will be submitted in SafeAssign and analyzed for plagiarism; it is due at the end of **Week 3** of this course (**Friday, February 2, 11:59 PM**); and it is worth 50 points.

- **Analytical Paper**

- You will write a short (no more than five pages, double spaced) analytical paper on the role of plea bargaining in the American criminal justice system. We will discuss the prevalence of plea bargaining as well as the arguments for and against the widespread use of plea bargaining. You will also be required to watch an online video on the topic. The paper will not require any outside research. A more detailed paper assignment is available in Module 11 and on the information page for this course. The paper will be submitted in SafeAssign and analyzed for plagiarism; it is due by the end of **Week 11 (Friday, April 6, 11:59 PM)**; and it is worth 100 points.

- **Discussion**

- You are required to participate in a discussion forum for each module. The forum will begin with a number of related questions. The questions will be designed to get you to think critically about the course materials for that Module. However, they are intended to be the starting point for a discussion among all the students in the class. It will not be sufficient to simply post a list of answers to the questions involved. You are expected to respond to and engage with the other students in the class. You will be graded on how relevant your posts are to the topic, how well you use the course materials in your discussion, how well you engage with other students and my overall assessment of the quality of your analysis and arguments. All discussion for each module must take place during the week the Module is assigned, and posts after the end of the week will not be graded. You are expected to post

your first comments by Tuesday (11:59 PM) each week, and to respond to students with additional posts on an ongoing basis after your initial post. There is not magic number of posts in order to receive full credit, and regardless of how many posts you may make, you will only receive credit if your posts are relevant to the topic and questions for that week and make use of course materials (readings and presentations) in your comments. You can receive a 10/10 for two or three in depth and thoughtful posts, but you could also receive a 6/10 for 5 posts that are not substantive or relevant. Note that this is intended to take the place of an in-class discussion for a face-to-face class. Our discussion forum is NOT Twitter or another social media site, and thus you are not limited (nor should you limit yourself) to 140 or 280 characters, and “likes” or “favorites” do not count as discussion (e.g., please avoid responding to another student with “I really like your post”). Discussion for each module is worth 10 points. There will be a discussion forum for each of the first 15 Modules, so there will be 150 possible points for discussion (Module 16 is during finals week and will not include any discussion so that you can prepare for and complete Exam #4).

- **Examinations**

- There will be four examinations. The exams will not be cumulative, and they will cover the material from readings, presentations and discussion. Each exam consists of 20 multiple choice questions and 5 Identifications, each worth 2 points. You will have 1 hour to complete the exam. Each exam is worth 50 points (so the four exams will total 200 points).
- Exam 1 must be taken by the end of Module 5 (**deadline: Friday, February 16, 11:59 PM**)
- Exam 2 must be taken by the end of Module 9 (**deadline: Friday, March 23, 11:59 PM**)
- Exam 3 must be taken by the end of Module 13 (**deadline: Friday, April 20, 11:59 PM**)
- Exam 4 must be taken by the end of Module 16 (**deadline: Friday, May 11, 11:59 PM**)

### ***Reading Assignments***

Assigned readings will come from *American Courts* by Lawrence Baum (2013, 7<sup>th</sup> 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 our discussions. These are required readings for the course. While the presentations for each module will highlight some materials from the readings, presentations are not simply summaries of the readings. All material from readings is fair game for discussions and exams whether or not they were addressed in the presentations.

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. You will find these resources useful throughout your college career.

### ***A Note about Online Classes***

Online classes are great options for students in large part because they provide flexibility, especially for students who do not live on campus or have to balance the demands of school and work/job. However, online classes also require a lot of discipline on the part of students. It is your responsibility to be aware of all assignments, exams and deadlines. You are advised not to wait until the last minute to complete and submit course requirements. Be aware that if you hit the submit button at 11:59 PM, Blackboard might not actually log it as submitted right away. Also, if you have technical problems trying to submit items on Blackboard, it is impossible for your professor or instructor to know what the problem could be. In other words, leave yourself adequate time to deal with these issues, and do not expect to be bailed out if you do not plan accordingly.

**Course Outline and Schedule**

<u>Week</u>	<u>Date</u>	<u>Module/Topic</u>	<u>Readings</u>
<b>A. Law, Courts and Politics</b>			
1	Jan. 15-19	<b>Module 1:</b> Overview of Law, Courts and Politics ***Syllabus Quiz***	Baum, Ch. 1
2	Jan. 20-26	<b>Module 2:</b> Functions and Organization of Judicial Systems	Baum Ch. 2
3	Jan. 27-Feb. 2	<b>Module 3:</b> Law and Legal Reasoning ***Case Brief Due***	Carter & Burke Ch. 1 (BB)
4	Feb. 3-9	<b>Module 4:</b> The Rule of Law, Justice and Democracy	Hayek Ch. 6 (BB)
5	Feb. 10-16	<b>Module 5:</b> Law, Politics and Social Science ***Exam #1***	Whittington et al (BB)
<b>B. Legal Actors: Lawyers and Judges</b>			
6	Feb. 17-23	<b>Module 6:</b> Legal Education	Baum, Ch. 3, pp. 52-70
7	Feb. 24-Mar. 2	<b>Module 7:</b> The Legal Profession	Baum Ch. 3, pp. 71-85
8	Mar. 3-9	<b>Module 8:</b> Judges – Functions and Roles	Baum Ch. 5
		<b>***SPRING BREAK March 10-16****</b>	
9	Mar. 17-23	<b>Module 9:</b> Methods of Selecting Judges ***Exam #2***	Baum Ch. 4

### ***C. Criminal Law and the Criminal Justice System***

- 10 Mar. 24-30 **Module 10:**  
The Criminal Justice System and Social Control Baum Ch. 6
- 11 Ar. 31-Apr. 6 **Module 11:**  
Prosecutorial Discretion and Plea Bargaining  
Watch Frontline "The Plea" documentary: <http://video.pbs.org/video/2216784391/>  
See Interviews: <http://www.pbs.org/wgbh/pages/frontline/shows/plea/interviews/>  
Watch Rutgers Law School video: <https://www.youtube.com/watch?v=pW6jTwpXISs>

**\*\*\*Analytical Paper on Plea Bargaining due\*\*\***

### ***D. Civil Litigation, Dispute Resolution and Tort Reform***

- 12 Apr. 7-13 **Module 12:**  
Civil Litigation Baum Ch. 7
- 13 Apr. 14-20 **Module 13:**  
Tort Reform & the Contingency Fee Kritzer (BB)  
**\*\*\*Exam #3\*\*\***

### ***E. Politics, Policy and Legal Mobilization***

- 14 Apr. 21-27 **Module 14:**  
Courts and Policymaking - Overview Baum, Ch. 9
- 15 Apr. 28-May 4 **Module 15:**  
Interest Groups and Legal Mobilization Epp (BB)
- 16 May 5-11 **Module 16:**  
Judicial Impact and Social Change Rosenberg (BB)  
**\*\*\*Exam #4\*\*\***

## **Other Items and Policies:**

### **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.