

Issues and policies in American Government:
Law, Politics and Society in Comparative Perspective
Gov 312L (Unique 38705)

Classroom: MEZ 1.306
MWF 10:00-11:00
Office hours: Tue (11:00-12:30)
and Wed (11:00-12:30)

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The basic purpose of this course is to give you some of the tools and information you will need to critically engage with issues relating to law and politics in our society today. In particular, we will seek to understand the place of the law and the legal system in society, and the ways in which each shapes the other. We will explore the basic structure and purpose of the legal system and then focus on specific issues on which the law might appear to be shaping society, and vice versa – we will look at judicial nominations, prominent judicial decisions, the protection of civil rights, the way the criminal justice system works, and the issues raised by civil litigation for the economy and society, for example. When appropriate we will take very brief comparative looks at other countries, to see which features our legal system shares with others, and which make it unique. We will illustrate and analyze the issues by discussing prominent current events, such as recent Supreme Court nominations, important trials, or noteworthy judicial decisions. By the end of the course, we should have a clearer grasp of the mutual relationship between law, politics and society. My hope is that, after this class, when you read or hear news about some event related to law and courts, you will be able to understand the issues it raises, respond critically and intelligently to the questions it poses, and come to reasoned conclusions about what works and what doesn't in our current legal system.

I would like to make this course as relevant as possible to current events. Rather than buy a course pack, any readings that do not come from the book will be posted on Blackboard, so that we can adapt the course content to new developments, such as an important trial, a Supreme Court decision, or a judicial nomination.

Your grade in this course will be calculated in the following manner:

- 20% two quizzes (10% each)
- 20% your average grade on the various assignments due throughout the semester
- 30% midterm
- 30% final exam (non-cumulative) (offered on the last day of class, May 3, during our regularly scheduled meeting time).

Each test/quiz will be graded 0-100, weighted and averaged to arrive at your final grade. The tests are largely multiple choice with some short answer questions. They aim not only (not even primarily) to see whether you have acquired certain pieces of information, but also to test how well you grasp the theories and concepts underlying that basic information. They will also, on occasion, ask you to carry out critical thinking exercises in response to a prompt, using the tools and information we have developed in the course. These latter questions are graded, not on the basis of whether we agree with your conclusion, but rather on the basis of whether the answer shows good reasoning, uses (or at least does not ignore) the information we learned in the course, and addresses the important questions we have raised in the course.

Letter grades on all tests and the final grade will be assigned as in the table at right.

Please note that if your score rounds up to the lowest value in a grade range, you will receive the higher grade. If it rounds down, however, you will receive the lower grade (that is, we will not use the so-called “banker’s rule,” so for us, e.g., 96.5% still rounds up to 97). In a class this size there are always a number of scores that cluster around the cut-off points and we simply have to draw the line somewhere.

The various assignments are graded a little more leniently, on a simple 0-3 scale, where 0 = failed to turn anything in, or what was turned in was patently not a serious attempt to carry out the assignment, 1 = an attempt to meet the goals of the assignment that fails in some significant way, 2 = a good to excellent performance on the assignment, and 3 = a truly exceptional performance (offered primarily as an option for those who wish to apply extra effort to recover from one or more 0s or 1s). You can get an A on the assignments if you get all 2s. We do not offer make-ups for the assignments but will drop the lowest grade (and you can always shoot for a 3, to partially make up a 0).

> or =	94	up to	100	=	A
> or =	90	but <	94	=	A-
> or =	87	but <	90	=	B+
> or =	84	but <	87	=	B
> or =	80	but <	84	=	B-
> or =	77	but <	80	=	C+
> or =	74	but <	77	=	C
> or =	70	but <	74	=	C-
> or =	67	but <	70	=	D+
> or =	64	but <	67	=	D
> or =	60	but <	64	=	D-
> or =	0	but <	60	=	F

Required Books:

- A series of readings, as described in the schedule below, will be available on Blackboard
- The basic text is Tarr, G. Alan. 2010. *Judicial Process and Judicial Policymaking*, 5th Edition (if you have the 4th edition, you should be fine. We will try to point out any differences between the two texts).

General Policies: This class is subject to the Honor Code, standard University policies on Academic Dishonesty, and all University policies on non-discrimination, equality of access and the like. Many of these policies are available from Blackboard, and all from the UT website. If you cannot find them, please let me know, and I will direct you to their location.

At the beginning of the semester, students with disabilities who need special accommodations should notify the instructor by presenting a letter prepared by the Services for Students with Disabilities (SSD) Office. To ensure that they will receive the most appropriate accommodations, students should contact the SSD Office at 471-6259 or 232-2937 (video phone), or <http://www.utexas.edu/diversity/ddce/ssd>.

Other course information and expectations:

- Assignments and course materials not taken from the book will be posted on Blackboard. Assignments, as you might imagine, are in the Assignment section, while readings and other materials are in the Course Documents section. Any materials used in a lecture will usually be posted to the Course Documents section as well.
- I will use Blackboard (also referred to as BB) to post grades, assignments and announcements, and to send mass emails to the class. Please check to see which email address the University uses to communicate with you, and make sure you are receiving those messages. The University recognizes email as an official mode of correspondence; you are responsible for keeping your email address current and for checking email on a regular basis.
- Class attendance is strongly encouraged. We will be covering a fair amount of material in class that does not come from the readings, and that material will most certainly be on tests and quizzes. We may also,

from time to time, conclude that the readings are wrong or miss the point somehow, and that too will be considered part of what you need to know. Finally, missing class is not a valid reason for failing to turn in an assignment in a timely manner. In my experience, students who come to class have little trouble doing well. Students who do not come to class are far more likely to struggle, and very unlikely to do well.

- You should do the readings before class. Even in a class this size, I expect to have some discussion, and it will be hard for you to follow if you haven't done the readings. Moreover, the lectures will assume some familiarity with the material covered in the readings and will build on that. It may be hard to follow the lecture if you have not done the reading ahead of time.

- Since the goal of this class is to prepare you to deal effectively with important issues related to law and politics, I am more than willing to consider any issues you would like to see covered in the class. Please email me with proposed topics, or bring it up in class. We can always find some space in the syllabus to cover them, or, if there is a general consensus that a current event trumps whatever is listed there, we can change the syllabus.

Course schedule and reading assignments

Day	Date	Reading
Mon	Jan 14	Introduction
Wed	Jan 16	The importance of constitutional law and the Supreme Court in our society: Upcoming cases and last year's decisions: http://www.pbs.org/newshour/bb/law/july-dec12/scotus_10-01.html ; http://www.pbs.org/newshour/bb/international/july-dec12/scotus_07-04.html . Further readings on BB. Complete and bring to class Assignment 1 (role of Supreme Court).
Friday	Jan 18	Cont.
Monday	Jan 21	Holiday
Wed	Jan 23	Creating and empowering courts: Read Stone Sweet (on BB, skip section on the WTO).
Friday	Jan 25	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 1-28. Complete Assignment 2 (Calvinball)
Monday	Jan 28	Cont. discussion of role of courts.
Wed	Jan 30	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 28-64
Friday	Feb 1	Cont. Shapiro. Assignment 3 (on electing judges).
Monday	Feb 4	Ch.2 Tarr Federal and State courts in the US. This covers the basic structure of our legal system.
Wed	Feb 6	Ch.3 Tarr: Judicial qualifications and selecting state judges, pp. 48-63

Friday	Feb 8	Judicial elections: effects (readings on BB)
Monday	Feb 11	Cont.
Wed	Feb 13	Quiz 1
Friday	Feb 15	Hot Coffee documentary (1 hr 28 min). Time and place TBA.
Monday	Feb 18	Tarr, pp. 63-76 plus Box 3.4: Selecting federal judges and the Kagan confirmation. Complete Assignment 4 .
Wed	Feb 20	Effect of selection mechanisms on courts: Dahl article (on BB).
Friday	Feb 22	Judicial indep in the US: Rosenberg article (on BB)
Monday	Feb 25	Cont. judicial selection and the role of courts in our society.
Wed	Feb 27	Tarr ch. 5: Trials, pp.123-141 only.
Friday	March 1	Watch The Murder of Emmett Till (53 min). Complete Assignment 5.
Monday	Mar 4	Tarr ch.6: 157-175 (criminal justice and the courts)
Wed	Mar 6	Tarr ch.6: 176-190 (crim. justice and politics). Plus – Is marihuana legal? (readings on BB)
Friday	Mar 8	MIDTERM
Monday-Friday	Mar 11-16	SPRING BREAK
Monday	Mar 18	Wrongful convictions (readings on BB)
Wed	Mar 20	Race and criminal justice (readings on BB)
Friday	Mar 22	The death penalty (readings on BB)
Monday	Mar 25	Watch Dead Man Walking. Complete Assignment 6 on the death penalty.
Wed	Mar 27	Galanter, Why the Haves come out ahead (on BB)
Friday	Mar 29	Civil justice: the litigation explosion. Tarr ch.7
Monday	Apr 1	Civil justice cont. Assignment 7 : the litigation pyramid
Wed	Apr 3	Adversarial legalism: Kagan, <u>Adversarial Legalism</u> , pp. 1-17 (on BB).
Friday	Apr 5	Finish discussion of civil litigation; pre-quiz review

Monday	Apr 8	Quiz 2
Wed	Apr 10	Haltom and McCann, <u>Distorting the Law: Politics, Media and the Litigation Crisis</u> , ch.6 (on BB)(on the McDonald's hot coffee case: media and tort litigation).
Friday	Apr 12	Judicial policymaking: Read the piece from Levinson, on Interpreting the Commandments (on BB). Complete Assignment 8 .
Monday	Apr 15	Tarr ch.9: Judicial policymaking – what SHOULD they be doing? pp. 277-286, 293 (criteria for evaluation), and 297-300 (legitimacy).
Wed	Apr 17	Tarr ch.10: What can they actually accomplish? <i>Brown</i> , pp.280-290.
Friday	Apr 19	Tarr ch.10: <i>Brown</i> and <i>Roe</i> (cont.)
Monday	Apr 22	<i>Brown</i> and <i>Roe</i> (cont.)
Wed	Apr 24	New civil rights issues: Same sex marriage? Readings on BB.
Fri	Apr 26	Cont. Complete Assignment 9 .
Mon	Apr 29	Enforcing Social and economic rights in the developing world – the role of courts
Wed	May 1	Last Class Day: wrap-up and exam review
Fri	May 3	Final, non-cumulative test.