RPOS 330: Law, Courts, and Politics—Fall 2013

Tao L. Dumas, PhD
Classroom: 123 HU
Class: 2:45 to 4:05
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Office Hours: 10-12 TH or by appt.
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Required Texts:
ISBN 978-0-205-02818-4

Note: There are two books for this course. Students will use both extensively. There is an ebook option available through the publisher website and Amazon for the Calvi and Coleman book. There are also numerous used book options for the Murphy, et al reader available through online book sources.


Course Description and Objectives

Objectives
This course introduces students to the political role of U.S. state and federal courts, court organization, staffing, financing, judicial policy making, and the public perception of judicial process. Students in this class will be introduced to the current political issues concerning judicial institutions and legal research techniques. Additionally, this class emphasizes written and oral communication skills.

Course Requirements

Academic Honesty
All students are expected to abide by the University’s Code of Student Conduct http://www.albany.edu/studentconduct/introduction.php. Any student caught plagiarizing work or cheating on an exam will be reported to the appropriate university officials.

Make-up Exam and Late Work Policy
Make-up exams will only be given to and late work accepted from students who notify the instructor within 24 hours of missing the exam/assignment and whose absence qualifies under U Albany policy. http://www.albany.edu/undergraduateeducation/attendance.php

Assigned Readings and Reading Quizzes
Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned materials prior to each class. Reading assignments available on Blackboard are designated with a “B.” Additionally, quizzes will be randomly given
during the semester. Quizzes are open note (but not open book) and intended to help students identify deficiencies in their notes and prepare for exams. There will be no make-ups, but the lowest quiz grade will be dropped at the end of the semester. Participation in in-class activities will also count toward quiz grades.

**Participation**
Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time, and treat classmates and the instructor with respect. Please turn off phones and put iPods, newspapers, and other unrelated materials away before class begins.

**Exams**
In-class discussions and the material assigned on the syllabus will provide the basis for exams. There will be a midterm exam and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of definitions, short answers, and essays.

**Mock Trial Simulation**
During the course of the semester students will participate in one of two mock trial simulations. Students will be assigned to groups and participate as judges, jurors, advocates, or witnesses. Students will receive up to 50 points for informed participation (i.e. simply showing up will not get you 50 pts.) in the simulation. Handouts with details will be provided in class.

**Research Papers**
All Students will write a 10-15 page research paper. Detailed instructions will be given in class.

**Grading Policy**
The course is worth a total of 400 points allocated as follows:

- Reading Quizzes—50 points
- Midterm Exam 1—100 points
- Midterm Exam 2—100 point
- Final Exam—100 point
- Simulation (Participation)—50 points
- Research Papers—100 points

Letter grades comply with U Albany grading scale.

**Special Accommodation**
Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

**Course Outline**

Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor.

**August 27, Introduction to the Course**
August 29, Foundations and Types of Law
Chapter 1, C&C

September 3, The Federal System
Chapter 3, C&C (pages 44-51 & 70-73)

September 5, Rosh Hashanah

September 10, The State Court System
Chapter 3, C&C (pages 51-56 & 73-74)

September 12, Judicial Decision-Making

Decision-Making on Collegial Courts vs. Trial Courts
Epstein & Knight, “The Choices Justices Make,” MPEK, pg. 349
Segal, Songer, & Cameron, “Decision Making on the U.S. Court of Appeals,” MPEK, pg. 354
Frankel, “The Adversary Judge: The Experience of the Trial Judge,” MPEK, pg. 398

September 17, Limitations on Judicial Power, Research Topics Due
Chapter 5, C& C

September 19, The Politics of Federal Judicial Selection
Chapter 3, C&C (pgs. 56-66)

September 24, The Politics of Federal Judicial Selection
Goldman, Slotnick, Gryski, Zuk, & Schiavoni, “The Composition of the Federal Judiciary,” MPEK, pg. 162

September 26, Simulation Discussion & Introduction to Legal Research
In Class Activity

October 1, The Politics of State Judicial Elections
Chapter 3, C&C (pgs. 66-74)
Hall, “Constituent Influence in State Supreme Courts,” MPEK, pg. 665
Republican Party of Minnesota v. White (2002), C&C, pg. 74
Caperton v. A.T. Massey Coal Co. (2009) (B)

October 3, Jury Decision-Making
Zeisel & Kalven, “The American Experiment,” MPEK, pg. 402
Darrow, “How to Pick a Jury,” MPEK, pg. 410
McCleskey v. Kemp (1987), MPEK, pg. 427
October 8, Lawyers, Litigants & Interest Groups
Chapter 5, MPEK, pgs. 212-218
Etzioni, “Science: Threatening the Jury Trial,” MPEK, 412
Vose, “Litigation as a Form of Pressure Group Activity,” MPEK, 291
Caldeira & Wright, “Organized Interests and Agenda Setting in the US Supreme Court,” MPEK, pg. 295

October 10, Criminal Law & Procedure, References Due
Chapter 7, C&C

October 15, Civil Law & Procedure
C&C, Chapter 4 (pg. 84-99)

October 17, Midterm

October 22, Alternative Dispute Resolution
Neaubauer & Meinhold (B)

October 24, Rules of Evidence
Chapter 3 C&C, pgs. 104-117

October 29, Torts
Chapter 10, C&C

October 31, The Politics of Tort Reform

November 5, Contracts
Chapter 11, C&C

November 7, Property Law
Chapter 12, C&C

November 12, Family Law
Chapter 13, C&C
Sarat & Felstiner, “Law & Strategy in the Divorce Lawyer’s Office,” MPEK, pg. 229

November 14, Administrative Law
Chapter 8, C&C

November 19, Environmental Law
Chapter 9, C&C

November 21, Constitutional Law
Chapter 6, C&C

November 26, Supreme Court Decision-Making
Perry, “Deciding to Decide,” MPEK, pg. 670
Wahlbeck, Spriggs, & Matlznan, “Bargaining and Accommodation on the United State Supreme Court,” MPEK, pg. 684

November 28, Thanksgiving

December 3, Simulation Day I

December 5, Simulation Day II

December 10, Last Class Day, Impact & Implementation, Research Projects Due
McCann, “ Reform Litigation on Trial: Review of the Hollow Hope,” MPEK, pg. 743

December 13, Final Exam 10:30-12:30

Important Dates
September 10th—Final date for dropping without receiving a “W”
November 6th—Final date for resigning from the university/dropping courses
December 13th—Final Exam 10:30-12:30

Topics for Research Papers RPOS 330

Plea Bargaining


Prosecutorial Discretion


**Income, Media and Other Effects in Crime Disposition**


**Jury Selection**


**Judicial Selection**


Resources, Courts and Winners and Losers


Courts and Interest Groups


Policy Impact of Court Decisions


**Supreme Court Decision-Making**


Segal, Jeffrey A. and Harold J. Spaeth. 2002. The Supreme Court and the Attitudinal Model, Chapter 2. NY: Cambridge University Press. (See me for this.)


**POSSIBLE JOURNALS**

American Politics Quarterly
American Political Science Review
American Sociological Review
Law and Social Inquiry
Law and Society Review
American Journal of Political Science
Judicature
Jurimetrics Journal
Journal of Politics
Journal of the Public Law
Justice System Journal
Political Research Quarterly
Social Forces
Social Science Review
Empirical Legal Studies

**Other Possible Sources**

Published Judicial Decisions
Law Reviews
The Federalist Papers
Books and Book Chapters

**Internet sources ARE NOT appropriate sources.**