LAW AND POLICY
RPOS 328
Syllabus

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Location: ES147

Course Times: Mon. and Wed. 2:45 – 4:05
Office Hours: Mon. and Wed. 1:30 – 2:30 or by appointment

Course Description:

The law is a system of rules and procedures designed for the common good of a particular nation or society. The stability of our democracy is largely due to our collective faith in the structure of the U.S. legal system and its ability to function fairly. To fully comprehend how the system operates, understanding how the judges make their decisions is crucial. However, which cases are chosen by the Supreme Court and how laws are interpreted greatly affects public policy. It is also important to understand how other government and nongovernment actors interact with the court system. In this class you will learn about the origins of the U.S. Supreme Court as a separate branch and read milestone cases that established many of the policies that we currently have. You will reflect on journal articles debating the role of the court and other branches of government and the effect of the court on public policy.

Course objectives:

In this course you will:

Discuss the relationship between statutes and case law.
Gain practice legal reasoning and analysis skills.
Evaluate public opinion and the role of the court.
Analyze the power relationship between the governmental branches.
Identify stakeholders and power players who may invest time and resources in shaping public policy.
Assess the strength of legal arguments in cases by recognizing and analyzing how case precedent was used and applied to the facts of the case.

Investigate the effect of influential members of the Supreme Court.

Course Materials:

Journal Articles Available on JSTOR and Blackboard


Available at UA Bookstore or amazon.com

Instructional Approaches:

Instruction in this course will involve a combination of Socratic Method, class discussion and debate based on the readings, and relevant materials. These approaches are designed to support the learning goals by having students go through the process of examining policies that have occurred through many dimensions, employing legal and social science analysis to articulate arguments and identify ways in which judges’ judicial philosophies and ideology as well as politics and outside actors may influence the result of a decision.

Assignments:

Student will submit three reaction papers to articles assigned during the semester. These articles are meant to be challenging reading and prepare students as they move on in their education. Students will become familiar with the use library databases resources to retrieve these articles as well as other academic and legal sources that may be relevant. Reaction papers should be 2-3 pages long. Strong papers will (1) briefly summarize the argument put forward by the author; (2) explain why you agree or disagree with the author’s position. You must support this with reference to other peer-reviewed or legal works; and (3) describe how the article relates to others we have covered in class up to that point. The final assignment for the course will be up to you. Around the midway point of the class, we will have a discussion regarding whether this will take the form of a final exam or paper. All students will be entitled to make a case for either choice, culminating in a vote to decide the format. A final exam will be cumulative and cover everything we have studied during the course. A term paper will be 10-15 pages with legal, APA, MLA, or Chicago style citations (see below) and is to be on a law and policy topic of the student’s choice. The paper will allow students to apply knowledge from broad topics to specific sets of examples in order to reinforce knowledge of the material and to incrementally practice analytical skills. Both the assignments and the final paper must use correct citations. The term paper must reference the articles 12 times to be acceptable. General reading quizzes will be given to ensure student understanding of the material.
Late Work Policy:

Assignments are due at the beginning of class. Each day an assignment is late, including weekends, will result in a 1/3 of a letter grade reduction in the grade. After five days the assignment will no longer be accepted.

Accessing cases and laws:

You can easily access all court cases and state and federal laws discussed in class and in the final assignment. These are available in their full format from Lexis-Nexis. Go to University Library, then to Database Finder, then the letter "L", then choose Lexis-Nexis academic universe. In Lexis-Nexis, select Law. In Law, you will find the necessary links. To find a case, simply type the name or citation into the appropriate dialog box. All articles and cases have their full citation listed in this syllabus. Recent law review articles can also be accessed with Lexis or Westlaw.

Accessing some articles:

In addition to the version on Blackboard, you can easily access many of the articles discussed in class. These are available in their full format from JSTOR. Go to University Library, then to Database Finder, then the letter “J”, then choose JSTOR. In JSTOR, it is best to select journals from the fields of Political Science and Sociology. Recent law review articles can also be accessed with Lexis or Westlaw.

Examples of Correct In-Text Citations:

Legal Citations:

On May 20, 1974, the Court of Appeals of Washington (Division One) in Singer v Hara (11 Wn. App. 247 at 264) “concluded that the state’s denial of a marriage license to [same sex] appellants is required by our state statutes and permitted by both the state and federal constitutions.” While state courts in Minnesota (in Baker v. Nelson 191 N.W.2d 185), New York (in Anonymous v. Anonymous 67 Misc. 2d 982, and later in Kenney v Kenney 76 Misc 2d 927), and Kentucky (in Jones v. Hallahan 501 S.W.2d 588) had previously issued opinions that denied marriage to lesbian and gay couples, the legal claim in Singer v. Hara was the first of the challenges to state policies that prohibited same sex marriage to rely primarily on state constitutional provisions rather than rights associated with the US Constitution.

Academic Citations:

As Scheingold (1998, 124) notes “according to some critics of left-activist cause lawyering, legal challenges to the foundations of established authority are counter-productive as well as ineffectual.” ... Through the use of law, the state protects certain social, political, and economic configurations (Abel 1998) or, in this case, a certain sexual configuration.
Assessment / Grading:

Points and Percentages:

Reactions to Articles 30%
Participation 15%
Reading Quizzes 15%
Final Paper/Exam 40%

Academic Conduct:

Plagiarism is the use of another’s ideas, writing, etc. as one’s own. It is an extremely serious offense. Students found to be in violation of these academic standards will AT THE VERY LEAST receive a grade of F on the assignment in question and will quite likely receive a failing grade for the entire course. In addition, such cases will be referred to the Dean of Undergraduate Studies with a request for further sanctions. The safest way to avoid this fate is to remember the cardinal rule of academic honesty: If in doubt, cite. Sources of information are very easy to find. Explaining to your parents, potential employers, or law school application boards why you were kicked out of school is not. And remember, if you can find it, I can find it.

ADA Statement:

If you have a need for disability-related accommodations or services, please inform me or the coordinator of the Disabilities Resource Center. Reasonable and effective accommodations and services will be provided to students if requests are made in a timely manner, with appropriate documentation, in accordance with university guidelines.

Appealing Grades

All grades may be appealed; however, these appeals must be made in writing and based on solid arguments about the quality of your work. I will not consider requests for grade changes based on undocumented personal or medical issues or the possible implications of a low grade for your financial aid. Missed in-class quizzes and exams will be graded as 0 unless you have documented evidence for an excused absence. This means if you are ill, please go to the University Health Center for documentation of such, even if you would not otherwise do so. Additionally, due to the size of the class, no extra credit will be offered in order to raise your grade.

Class Participation

This class will more closely resemble a seminar than a lecture and your participation will greatly improve the quality of this course, not to mention your final grade. The topics we will be covering lend very well to lively debates and on more than one occasion, these discussions have led to fundamental changes in how various questions are seen in the field (ask me to tell you the Griswold/Ninth Amendment story). I
can assure you that you need not at any point feel anxious about contributing to the discussion for fear of ridicule. I am certain that I have asked more dumb questions than you have even thought of, and any of your classmates demonstrating disrespect, condescension, etc. towards any comment you make will be severely reprimanded. Additionally, I will call on 2 or 3 students picked at random at the beginning of every class who will be required to provide a brief overview of the readings for that day. Students unable to provide such an overview will receive a substantial reduction in their participation grades.

Course Schedule:

(The course schedule is subject to change as necessary).

1/22
Introduction and syllabus

1/27
The Constitution and The Federalist #78

1/29
Marbury v. Madison 5 U.S. 137 (1803)

2/3

2/5

2/10
TBA

2/12

2/17

“Is Judicial Policymaking Countermajoritarian?” (Making Policy, Making Law 189-201)
2/19
“The Supreme Court and Congress: Reconsidering the Relationship” (Making Policy Making Law 107-122)

Reaction 1 Due

2/24
Who Determines Law?


2/26

3/3

3/5
Interest Groups


3/10

3/12

3/17 – 3/19
Classes Suspended
3/24
Gerald Rosenberg, The Hollow Hope - chapters on same sex marriage (Excerpts).

3/26
Advocacy Litigation

3/31

4/2

4/7
**Reaction 2 Due**
Judicial Strategies and Policy

4/9
Public Opinion

4/14
**Classes Suspended**
4/16

4/21

4/23

4/28

Reaction 3 due

4/30


5/5
Breyer vs. Scalia Debate Video

5/7
Review Class