**RPOS 330: Law, Courts, and Politics—Spring 2018**
M/W 5:45pm to 7:05pm
Class #10599, Room HU129

Instructor: Jim Malatras, Ph.D.
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Phone: 518-443-5831
Office Hours: By appointment

**COURSE DESCRIPTION**

The course examines the structure and function of the courts in the American political system with special attention to staffing, the decision-making process, judicial policy making, and checks upon judicial power. This class will weave in current issues and popular culture material as it relates to politics, policymaking, and the judicial system. In essence, we will review the academic literature and studies examining key issues surrounding courts and bring in real life examples to see how the literature matches up or diverges from the academic literature.

**COURSE REQUIREMENTS & EXPECTATIONS**

This course has both reading—of social science literature, court cases, current media, nonfiction legal stories and other timely pieces—as well as writing requirements. In order to fully explore the issues in this class students are expected to complete all of the readings and to attend all of the class sessions. In order to get the most out of the class, you will need to participate in these discussions in an informed manner, and the writing assignments will demand engagement with and analysis of the readings.

**GRADING**

The allocation of points for your various obligations is as follows:

- Midterm exam: **30 points**
- Final paper: **40 points**
- Class participation (includes in class assignments): **30 points**

**Scoring Range**

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POLICIES

**Students with disabilities.** If you have a documented disability and anticipate needing accommodations in this course, please make arrangements to meet as soon as possible. Please request that Disability Resource Center send a letter verifying your disability.

**Extensions for papers.** Extensions for papers will only be permitted under *compelling* circumstances and if the extension is requested in advance (e.g. a giant meteor strikes earth). Any student who does not turn in their paper on time or receive permission to extend the deadline will lose a point each day for every day the paper is late unless the student can provide a University-approved excuse.

**Class attendance.** There is no requirement that you attend every class. However, in order to participate in class and learn and understand the material it is strongly encouraged that you attend. Moreover, 30 percent of your grade is for class participation so this portion of your grade will be reduced if you do not attend class. Your grade will not be effected for legitimate emergencies or medical excuses. You can find more information on the University’s medical excuse policy [here](#).

**Re-grading of materials.** You may request re-grading of materials. You will be asked to provide a written explanation of why you wish to have the assignment regraded.

**Academic Integrity.** You are responsible to become familiar with the standards of academic integrity at the university ([University’s Standards of Academic Integrity Policy](#), Fall 2013). Please familiarize yourself with the standards. Specifically, plagiarism is the use of someone else’s words or ideas without giving the original author credit by citing that person. If you use someone else’s language directly, you must use quotation marks. If you rely on another person’s ideas in creating your argument, you must provide a citation even if you are not using that person’s words. If you have any questions about plagiarism, please contact me *before* you submit the assignment for grading. If you plagiarize or cheat in this class, the **BEST** outcome you can hope to achieve is a failing grade in addition to any mandatory university sanctions.

**REQUIRED READINGS**

**Books**


**Articles and other readings**

All other readings are available on JSTOR, online, or linked in the syllabus. To access JSTOR go to *University Library*, then to *Database Finder*, then the letter “J”, then choose *JSTOR*. 

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Supplemental material

Given that we are looking at current issues having to do with the courts, at times I will provide supplemental readings prior to class. Those readings will be available electronically or on Blackboard for free.

Citations

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: (To be accompanied by a reference section at the end of the paper with full references)

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.

SYLLABUS

January 24: Introduction

January 29: The American legal tradition: how we make law

- Federalist Papers, Number 78
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803)
January 31: The structure of the American judicial system

- Article III of the United States Constitution
- Article VI of the New York State Constitution

February 5: Judicial Selection I


February 7: Judicial Selection II


February 9: Lawyers I


February 14: Lawyers II


February 19. How everyday people perceive the justice system


February 21: A look at local courts

- Small town justice in New York State—selected articles from the *New York Times Series* *(articles will be given later in class)*

February 26: Mobilization of the law I

February 28: Mobilization of the law II


March 5: Mobilization of the law III


March 7: MIDTERM DUE

March 12 and 15: No class (Spring Break)

March 19: Judicial decision-making I


March 21: Judicial decision-making II


March 26: Judicial decision-making III


March 28. Judicial decision-making IV


April 2. Judicial decision-making V


April 4: Courts as protector of rights? I


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April 9: Courts as protector of rights? II


April 11: Courts as protector of rights? III


April 16: Courts as protector of rights? IV


April 18: Courts as protector of rights? V


April 23: Courts as protector of rights? VI


April 25: Courts as protector of rights? VII


April 30: Courts as protector of rights? VIII


May 2: Courts as protector of rights? IX


May 7: Courts as protector of rights? X


Take home Final Exam due via email by Friday, May 11, 2018 at 11:59pm.