Law and Society
PSCI 3271
MWF 10:00 - 10:50 AM, MUEN E417

Instructor:	Josh Strayhorn
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Hours:	W 1:00–2:00 PM, or by appt.

Why do courts exist? Why do judicial systems have the specific features that they do? Why are judiciaries granted power, and under what conditions can they use it effectively? How well equipped are courts to tackle larger social problems? This course will introduce students to the formal and informal powers and structural features found in judicial institutions across the world, critically examining their functions and their consequences.

This is an advanced course in judicial politics. We will read—and discuss in depth—original research on law and courts written by political scientists, economists, and legal scholars. We will also read and discuss a number of U.S. Supreme Court decisions which illustrate themes relating to the major topics of the course.

Grading and Assignments:

Class Participation	10%
Response Papers	20%
Supreme Court Case Memo	20%
Midterm Exam	20%
Final Exam	30%

Response Papers: To encourage class participation, and deeper engagement with the course material, students are required to write ***four*** short (3 pages maximum, double-spaced) essays over the course of the semester which respond critically to the readings and lectures for a given week. Response papers may be turned in on any Friday (except the first and last week of class and the week of the midterm) at the beginning of class. If desired, students may submit one extra paper beyond the required four, and I will drop the lowest grade.

Every week we will cover a substantive topic and, at the end of the week, discuss a related Supreme Court case. Your response papers should make an argument about how well the theories and ideas discussed on Monday and Wednesday relate to, explain, or inform our understanding of that case. Good response papers do more than summarize the assigned readings. You should identify the major question(s) of the week, and analyze the strengths

and weaknesses of theoretical approaches to that question, in light of how well they apply to an actual decision. Some questions to think about when starting to write: Do that week's readings and lecture help make sense of why the Court did what it did? Why or why not? Do they leave important questions unanswered? Are concepts and ideas from earlier weeks also useful for understanding the case?

Supreme Court Case Memo: Students will write a medium-length (8–10 page) memo providing in-depth description and analysis of a Supreme Court decision. Students may choose the case they would like to write about, with the stipulation that it not be a case already on the syllabus, and that it be cleared with me beforehand. Generally speaking, you should focus on cases of particular legal or historical importance.

The memo should analyze the case in a fashion similar to the weekly response papers, but in more depth, exploring how a variety of scholarly approaches to understanding courts and their role in the political and social system might provide insight into the Court's actions. Why was the case politically or socially significant? What contextual factors might have influenced the Court's decision? How did elected officials or the public respond to the case? What theories from the class are most helpful, in your opinion, for understanding the case and its outcome? Which are least helpful? Does the case provide evidence for or against any particular approach to thinking about how courts work?

The Supreme Court Case Memo is due before class on Wednesday, May 3rd.

Exams: Students will take two in-class, closed-book exams, a midterm and final. Both exams will be a combination of short-answer and essay. The final will be comprehensive. The midterm will be held on Friday, March 3rd, during our usual class time. The final exam will be held on Monday, May 8th from 1:30 PM–4:00 PM.

Important Dates:

Friday, March 3 ..... Midterm
Wednesday, May 3 ..... Memo Due
Monday, May 8 ..... Final

Email and Late Work Policy: All assignments should be turned into me in hard copy at the beginning of the relevant class. I will not accept emailed copies. Because there are so many more weeks than response papers due, late response papers will not be accepted for any reason. Late copies of the Supreme Court Case Memo will be penalized 10 points for every 24 hours they are late.

Academic Honesty: Students are expected to adhere to standards of academic integrity set forth in the Colorado Honor Code. All incidents of academic misconduct, such as plagiarism or cheating, shall be reported to the Honor Code Council (honor@colorado.edu; 303-735-2273). Students who are found to be in violation of the academic integrity policy will be subject to both academic sanctions from the faculty member and non-academic sanctions (including but not limited to university probation, suspension, or expulsion). If you do not understand what behavior is considered plagiarism or cheating, or are not familiar with how to cite sources appropriately, please discuss it with me.

Accommodations: If you qualify for accommodations because of a disability, please submit to me a letter from Disability Services in a timely manner (for exam accommodations provide your letter at least one week prior to the exam) so that your needs can be addressed. Disability Services determines accommodations based on documented disabilities. Contact Disability Services at 303-492-8671 or by e-mail at dsinfo@colorado.edu. If you have a temporary medical condition or injury, see Temporary Medical Conditions: Injuries, Surgeries, and Illnesses guidelines under Quick Links at Disability Services website and discuss your needs with me.

Campus policy regarding religious observances requires that faculty make every effort to deal reasonably and fairly with all students who, because of religious obligations, have conflicts with scheduled exams, assignments or required attendance. If you have a conflict with one of the scheduled exam dates in this class due to a religious observance, you may notify me at least two weeks in advance and we will arrange an alternative time.

Classroom Behavior: Students and faculty each have responsibility for maintaining an appropriate learning environment. Those who fail to adhere to such behavioral standards may be subject to discipline. Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veterans status, sexual orientation, gender, gender identity and gender expression, age, disability, and nationalities. Class rosters are provided to the instructor with the student's legal name. I will gladly honor your request to address you by an alternate name or gender pronoun. Please advise me of this preference early in the semester so that I may make appropriate changes to my records. See policies at http://www.colorado.edu/policies/classbehavior.html and at http://www.colorado.edu/studentaffairs/judicialaffairs/code.html#student_code.

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sion, or veteran status. Individuals who believe they have been discriminated against should contact the Office of Discrimination and Harassment (ODH) at 303-492-2127 or the Office of Student Conduct (OSC) at 303-492-5550. Information about the ODH, the above referenced policies, and the campus resources available to assist individuals regarding discrimination or harassment can be obtained at http://hr.colorado.edu/dh/.

Syllabus Changes: This syllabus represents a general plan for the course; I reserve the right to deviate from it if necessary. Students will be given advance notification of any changes to the syllabus.

Course Schedule and Required Readings:
The course has one required textbook.

> Whittington, Keith, Daniel Kelemen and Gregory Caldeira. 2010. *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press.

The required readings for each date are listed below. Listed readings from the Handbook (**HB**) are indicated by their chapter number. Readings found on online reserve (**OR**) are denoted either by author or, for Supreme Court cases, by name.

Week 1 ..... Introduction

- 1/20: HB 1

Week 2 ..... Dispute Resolution

- 1/23: HB 22, Llewellyn (OR)
- 1/25: HB 41
- 1/27: Bush v. Gore (OR), Gillman (OR)

Week 3 ..... Judicial Independence

- 1/30: Toharia (OR), HB 5
- 2/1: HB 7
- 2/3: Brown v. Board of Education (OR)

Week 4 ..... Judicial Selection and Careerism

- 2/6: HB 32, HB 27
- 2/8: Ramseyer and Rasmusen (OR)
- 2/10: Caperton v. A.T. Massey Coal (OR)

Week 5 ..... Judicial Process and Organization

- 2/13: HB 29
- 2/15: HB 15
- 2/17: Gideon v. Wainwright (OR)

Week 6 ..... Commitment Problems and Courts

- 2/20: Shepsle (OR), HB 16
- 2/22: North and Weingast (OR)
- 2/24: Kelo v. New London (OR)

Week 7 ..... Judicial Review

- 2/27: HB 5, HB 6
- 3/1: HB 23
- 3/3: **MIDTERM EXAM**

Week 8 ..... Expansionist Courts

- 3/6: Dahl (OR), HB 37
- 3/8: HB 8, Whittington (OR)
- 3/10: Wickard v. Filburn (OR)

Week 9 ..... Constraints on Courts

- 3/13: HB 3
- 3/15: HB 10
- 3/17: National Federation of Independent Businesses v. Sebelius (OR)

Week 10 ..... Enforcement Problems

- 3/20: Rosenberg Ch. 1 (OR)
- 3/22: Rosenberg Ch. 2 (OR)
- 3/24: Roe v. Wade (OR)

Week 11 ..... Overcoming Constraints

- 4/3: Vanberg (OR)
- 4/5: Frymer (OR)
- 4/7: Boerne v. Flores (OR)

Week 12 ..... Legal Mobilization

- 4/10: HB 30, HB 34
- 4/12: Farhang (OR)
- 4/14: San Antonio ISD v. Rodriguez (OR)

Week 13 ..... Judicial Legitimacy and the Public

- 4/17: Segal and Spaeth (OR)
- 4/19: HB 38, Gibson and Caldeira (OR)
- 4/21: Planned Parenthood v. Casey (OR)

Week 14 ..... Criminal Justice

- 4/24: HB 35
- 4/26: Feeley (OR)
- 4/28: McCleskey v. Kemp (OR)

Week 15 ..... Law School and the Legal Profession

- 5/1: **REVIEW SESSION**
- 5/3: HB 31, **MEMO DUE**
- 5/5: no reading

FINAL EXAM: Monday, May. 8, 1:30–4:00 PM