# **SOCIOLOGY OF LAW**

# **(SOCY2091)**

# **Spring 2017**

**Monday and Wednesday**

**3:00 – 4:15 pm**

**Humn 135**

### Instructors: Mike Burtis

Email: michael.burtis@colorado.edu

Office Hours: Mondays 1:00-3:00 pm (KTCH482)

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### Michael D. Sousa

### Email: msousa@law.du.edu

Office hours: By appointment

### Course Description

Law as a social institution is everywhere.  The law permits, prohibits, enables, legitimates, protects, and prosecutes citizens.  Law shapes our day-to-day lives in countless ways. Law shapes society, and in turn, society affects law.  Accordingly, the goal of this course is to provide a sociological perspective of law, justice and society within the United States.  We will address such questions as, why do societies have law?  What is the relationship between law and social norms or values? How does the law operate “in action” as opposed to the law “on the books”?  Is law a mechanism for coordinating human activity toward the common good or a vehicle for conflict and oppression?  Why do people obey the law and why do we punish lawbreakers?  How does law stabilize society and how can it promote social change?  Is everyone equal under the law or does the law provide more resources to some social groups than to others?  The class will try to answers these questions with both a civil and criminal law framework in mind.

**Required Texts:**

The two required texts for the course are:

1. Walsh, Anthony & Hemmens, Craig. (2016). *Law, Justice and Society: A Sociolegal Introduction* 4th edition. New York, NY: Oxford University Press.
2. Simon, Jonathan. (2007). *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear.* New York, NY: Oxford University Press.

In addition to these books, we will be reading articles on the sociology of law as well as significant court decisions that have shaped society in different ways over the past 50 years or so.  These additional readings are posted to the class D2L site.

**Course Website**

There is a D2L website for the course. We will use the course website to post assignments and grades. We will post PowerPoint slides *after* the respective lectures so you can print them to supplement your notes from class discussion. *A word of caution*: We will likely not lecture from these PowerPoint slides directly during class. Use them as an aid in supplementing your readings and your class notes. *We strongly encourage you not to rely on these PowerPoint slides in lieu of reading the assigned material. If you choose to do so, your final grade will very likely suffer as a result*.

### Course Requirements

Reading: Completion of the reading is critical to your success in the class and your final grade will depend greatly upon you having read, thought about, and assimilated the materials during class discussion and other assignments. *Each assigned reading should be completed before the respective class session during which it will be discussed*.

**Case Briefs**: **(3 total)** – **15%**

**Journal Entries**: **(4 total)** – **25%**

* **2 double-spaced pages minimum**

**Attendance/Participation** – **15%**

**Mid-Term – 20%**

**Final Exam** – **25%**

Case Briefs: Relevant cases will be posted on D2L.

Journal Entries: Each student is required to complete a minimum of 4 journal entries. Prompts for journal entries will be posted on the day they are assigned and should be a maximum of 3 double-spaced pages. The purpose of journal entries is to help students understand how they interact with the law in variety of ways.

Attendance/Participation:Attendance in lecture is required and we will take attendance during class. In order to succeed in this class, you need to be here. For us, participation means *voluntarily* contributing to the in-class discussion in a meaningful and thoughtful way (*e.g.*, either asking questions, responding to our questions, or summarizing/discussing/evaluating the readings).

You are allowed **three free absences** throughout the semester (*i.e., non-excused reasons*) – no questions asked. Missing more than **three** unexcused class sessions will affect your final grade for the course. After three unexcused absences, we reserve the right to lower your final letter grade by a half grade (*e.g., from a “B+” to a “B”*). If your failure to attend class becomes egregious (*e.g., more than six missed classes*), then we reserve the right to lower your final grade by a full letter grade (*e.g., from a “B” to a “C”*). **You are responsible for all missed material.** If you have an extenuating circumstance that causes you to miss numerous classes (*e.g., extended and well-documented illnesses, lengthy jury duty or similar situations*) please contact one of us immediately upon learning of these situations. Any work that is missed cannot be made up (journal entries, case briefs, exams). *The only times that we will, or give a make-up exam is when you provide one of us with written, official documentation of a death in your family, a medical emergency, a court date, a religious conflict, or your participation in a university-supported activity in which you are obligated to participate.* When possible, such documentation must be provided prior to your absence. When this is not possible due to the emergency nature of the situation, documentation must be supplied within one week of your absence. Examples of official documentation include doctor’s notes, documentation from the athletic department, and the like (not a note from a parent or significant other).

**Comments on Grading**

We do not grade on a curve. Your final grade will reflect your success in demonstrating your knowledge of the material and will not be influenced by the performance of others. To do well in this class, most of you will need to work hard and apply sustained effort over the course of the semester. That said, working hard does not guarantee an “A”— your final grade is based on the quality of your work throughout the semester. If you find that you are not doing as well as you would like in the course please come talk to one of us as soon as possible.

# **Classroom Policies**

1. Technology Use:
2. Computers and tablets are allowed in the classroom for the purposes of class participation. If you prefer to print and take notes, feel free. If you prefer to download the readings and bring your tablet/computer with reading notes, feel free to do that as well.
3. We recognize that technology in the class brings the temptation to check email, surf the web, etc. Please be considerate of classmates, often times people sitting behind you will be distracted if you are not using technology for class purposes.
4. This course will be presented as a mix of lecture, class discussion and Socratic Method. As stated above, you will be expected to have read the assigned material before each class.
5. Please make all possible efforts to come to class on time. Coming in late is a disturbance to your classmates and to me. If for any reason you need to leave early, please let us know at the beginning of class.
6. During this course we may discuss a number of potentially sensitive topics. Students and faculty each have the responsibility for maintaining an appropriate learning environment. While your active participation is both encouraged and required, it is essential that we maintain a courteous and respectful course environment that promotes the participation of all members of the class. All perspectives and shared experiences are valuable in the learning process and, therefore, deserve our attention and respect. Those who fail to adhere to such behavioral standards may be subject to discipline. For more information on CU behavioral policies, see <http://www.colorado.edu/policies/classbehavior.html>
7. Sleeping, private conversations, reading for other courses or leisure, doing cross-word puzzles, *etc,* are not conducive to learning and are disrespectful to us and to the other students wishing to listen and learn. Please refrain from such behaviors. If any such behavior becomes disruptive in my opinion, we will ask you to leave class.

**University Policies**

Disability accommodations: If you qualify for accommodations because of a disability, please submit to either of us a letter from Disability Services in a timely manner so that we can figure out how to address your needs. Disability Services determines accommodations based on documented disabilities. Their contact information is 303-492-8671 and dsinfo@colorado.edu. If you have a temporary medical condition or injury, see Temporary Injuries under Quick Links at Disability Services website (<http://disabilityservices.colorado.edu/>) and discuss your needs with us.

CU-Boulder Honor Code: All students of the University of Colorado at Boulder are responsible for knowing and adhering to the academic integrity policy of this institution. Violations of this policy may include: cheating, plagiarism, aid of academic dishonesty, fabrication, lying, bribery, and threatening behavior. All incidents of academic misconduct 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). Other information on the Honor Code can be found at http://www.colorado.edu/policies/honor.html and at [http://honorcode.colorado.edu](http://honorcode.colorado.edu/)

Plagiarism is one important aspect of this honor code. All work that you submit for this class must be your own work, and you are required to quote and cite all references properly. Although this mandate appears straightforward, we am well aware of how murky the task can be. Wherever you are unsure about quoting and citing, please come see us to figure out the best strategy.

Discrimination and harassment: The University of Colorado Boulder (CU-Boulder) is committed to maintaining a positive learning, working, and living environment. The University of Colorado does not discriminate on the basis of race, color, national origin, sex, age, disability, creed, religion, sexual orientation, or veteran status in admission and access to, and treatment and employment in, its educational programs and activities. (Regent Law, Article 10, amended 11/8/2001). CU-Boulder will not tolerate acts of discrimination or harassment based upon Protected Classes or related retaliation against or by any employee or student. For purposes of this CU-Boulder policy, "Protected Classes" refers to race, color, national origin, sex, pregnancy, age, disability, creed, religion, sexual orientation, gender identity, gender expression, 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/>

Respectful classroom environment: Professional courtesy and sensitivity are especially important with respect to individuals and topics dealing with differences of race, color, culture, religion, creed, politics, veteran’s 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. We will gladly honor your request to address you by an alternate name or gender pronoun. Please advise us of this preference early in the semester so that we may make appropriate changes to our records.

**Observance of religious holidays:** Campus policy regarding religious observances requires that faculty make every effort to reasonably and fairly deal with all students who, because of religious obligations, have conflicts with scheduled examinations, assignments, or required attendance. In this class, we will make every effort to accommodate all students who have such conflicts with scheduled assignments or attending class; students must notify us of such absences by the second week of the semester.

***Note****: Reading assignments and scheduled items are subject to change. Reading assignments are available at learn.colorado.edu except as noted. Please complete all reading assignments before the listed class.*

**Week 1**

January 18(Wed)**Course Introduction; Syllabus Overview**

**Week 2 Overview of Law and the Legal System**

January 23(Mon)Reading(s):

Chapter 1 in*Law, Justice, and Society: A Sociolegal Introduction*

January 25(Wed)Reading(s):

*The Case of the Speluncean Explorers* & *A Sociological Analysis of the Law of Vagrancy* (articles on D2L)

**Week 3Structure of the Legal System in America**

January 30(Mon)Reading(s):

Chapters 3 and 4 in*Law, Justice, and Society: A Sociolegal Introduction*

Case Brief #1 Assigned (Gideon v. Wainwright)

February 1(Wed) Reading(s):

“Introduction” (pp 3-12)in *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*

Roe v. Wade

Loving v. Virginia

 Gideon v. Wainwright (cases posted on D2L)

Case Brief #1 Due

Journal Entry Assigned #1 (due February 6

**Week 4Introduction to Criminal Law and the Court System**

February 6(Mon)Reading(s):

Chapter 5: Crime and Criminal Lawin *Law, Justice, and Society: A Sociolegal Introduction*

*People v. Serravo (2 cases posted on D2L)* (we are reading both the Court of Appeals and the Colorado Supreme Court decision; read the shorter opinion first)

Journal Entry #1 Due

February 8(Wed)Reading(s):

Chapters 1 & 2 (pp. 13-74) in *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*

**Week 5 Criminal Procedure and Criminal Justice**

February 13(Mon)Reading(s):

Chapter 6: Criminal Procedure in *Law, Justice, and Society: A Sociolegal Introduction*

February 15(Wed) Reading(s):

Chapters 3 & 4 (pp. 75-140) in *Governing Through*

*Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*

**Week 6 Criminal Procedure Cases**

February 20 (Mon) Reading(s):

Miranda v. Arizona (case posted on D2L)

February 22(Wed) Reading(s):

Search and Seizure Cases (cases to be posted on D2L)

**Week 7 Criminal Procedure (continued)**

February 27 (Mon)Reading(s):

Search and Seizure Cases (cases TBD)

March 1(Wed) Reading(s):

Search and Seizure Cases (cases TBD)

 Journal Entry #2 Assigned (due March 6)

**Week 8 Law as Social Control**

March 6(Mon)Reading(s):

Chapter 10: The Limits of Social Controlin *Law, Justice, and Society: A Sociolegal Introduction*

Journal Entry #2 Due

March 8(Wed)Reading(s):

Chapters 5 & 6 (pp. 141-206) in *Governing Through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*

**Week 9 Crime, Control and Capital Punishment**

March 13 (Mon)Reading(s): Capital Punishment cases (TBD)

March 15(Wed) Reading(s):

Chapters 7, 8 & 9 (pp. 207-283) in *Governing Through*

*Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear*

**Week 10 Mid-Term Week**

March 20 (Mon) Review Session

 Journal Entry #3 Assigned (due April 3)

March 22 (Wed) Mid-Term (in class)

**Week 11 Spring Break**

March 27 – No Class (Spring Break)

March 29 – No Class (Spring Break)

**Week 12 Civil Law and Civil Rights**

April 3 (Mon) Reading(s):

Chapter 7in *Law, Justice, and Society: A Sociolegal Introduction*

Journal Entry #3 Due

Case Brief #2 Assigned (Obergefell) (due April 5)

April 5 (Wed) Reading(s): Obergefell v. Hodges (case on D2L)

Case Brief #2 Due

**Week 13 Civil Rights**

April 10 (Mon)Reading(s):

 Plessy v. Ferguson, Korematsu v. United States,

 Brown v. Board of Education, Scott v. Sandford (cases on D2L)

 Case Brief #3 Assigned (due April 12)

April 12(Wed) Reading(s):

Cases TBD

Case Brief #3 Due

**Week 14 Law & Inequality**

April 17 (Mon) Reading(s):

Chapter 11 in *Law, Justice, and Society: A Sociolegal Introduction*

April 19(Wed) Reading(s)

Chapter 12in *Law, Justice, and Society: A Sociolegal Introduction*

**Week 15Specialized Areas of the Law**

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April 24 (Mon)Reading(s):

TBD – Bankruptcy Law

April 26(Wed) Reading(s):

TBD – Specialized Treatment Courts

Journal Entry # 4 Assigned (due May 1)

**Week 16 The Legal Profession and Law School**

May 1(Mon)Practicing Law and Going to Law School

 Readings: TBD

May 3 (Wed)Final Exam Review

Journal Entry #4 due

***Final Exam:***

***Week of May 8 –Time and Location TBD***