

POLS 3933: The Judicial System and Politics

Midwestern State University
Spring 2020
Monday, Wednesday, Friday, 12:00—12:50 PM
PY 209

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Office Hours:

Monday-Friday, 11:00 AM – 12:00 PM

Course Description and Learning Objectives:

What is the nature of law and how does it relate to the political system, as well as everyday life? These are a few of the key questions we will think about throughout this quarter. POLS 3933 is designed to give students an introduction to the relationship between law and politics and the working of the judicial system. Although we will touch on other legal systems from time to time, the focus of the course will be conducted in the American political and legal context.

We have only a short time together, one semester, so we cannot possibly cover every topic, but we will investigate those key questions of the course through examining the specific issues like the relationship between law and justice, the key actors and the institutions in the American legal system. We will look at how actors and institutions shape the legal system, as well think about the perception of law and politics from society as a whole and how societal forces affect the law. The course also explores the ways in which social forces and political pressures influence the outcome of debates in the legal system. This course will be challenging and critical thinking about the relationship between law and politics will be part of everything that we do. We have several reading and lectures. Some readings are more difficult than others, so please be sure to devote enough time to it.

Required Texts:

Nicole Gonzalez Van Cleve. *Crook County: Racism and Injustice in America's Largest Criminal Court*. Stanford, California: Stanford University Press, 2016.

Additional Readings on D2L

Grades:

Breakdown of Grades:

Grade Category	Grade Percentage
Crook County Book Analysis	14%
Midterm Exam	18%
Reading Logs, Classwork, and Homework	10%
Term Paper	20%
Term Paper Presentation	8%
Attendance and Engagement	10%
Final Exam	20%

Grading:

On each exam and for the final grade, points will be assigned according to the following scale:

Letter Grade	Numerical Grade
A	90-100
B	80-89
C	70-79
D	60-69
F	0-59

Course Engagement Grading:

Unexcused Absences/ Course Non-Engagement	Engagement Grade
0	100
1	95
2	85
3	80
4	75
5	70

Unexcused Absences/ Course Non-Engagement	Engagement Grade
6	60
7	50
8	40
9+	0

Reading Log Grading Scale:

Reading Log Grade	Submission Type
10	Full submission
7	Good, but partial submission
4	Poor submission, missing more than 1 section
0	No submission

Course Grade Formula:

$(\text{Book Analysis} \times .14) + (\text{Midterm Exam} \times .18) + (\text{Engagement Grade} \times .1) + (\text{Reading Log, Homework and Classwork Total Points Earned/Total Points Available}) \times 1 + (\text{Term Paper} \times .2) + (\text{Term Paper Presentation} \times .8) + (\text{Final Exam} \times .20) = \text{Final Grade}$

Class Policies:

Attendance and Engagement:

Absences:

You should attend class. Students who do not attend class often have difficulty with the course and receive lower grades. Attendance will be taken at each class meeting and will be noted in Attendance and Engagement. **Students missing more than 8 course periods may be dropped from the course without notice.** The only excused absences will be those as follows: illness with a doctor's note covering the date(s) absent from class, death in the family, legal proceedings occurring during class period, university-approved absence such as travel as member of a MSU sports team, or emergency situation as determined by the instructor.

Engagement:

Engagement during class is as important as physical attendance and engagement, as well as non-engagement will be noted daily. Students are expected to Students observed using mobile phones, reading non-class materials, or otherwise not fully engaged in class, will not receive engagement credit for that class period. Distracting behavior will also constitute non-engagement for the class period. Talking, passing notes, etc. during lecture or while other students are asking or answering questions. In other words, you are expected to behave like responsible adults in class. Behaviors such as the above will be taken as evidence of non-engagement during the class period. Students will not receive credit for engagement during the class period when behaviors such as the above are observed. This syllabus serves as the notice of the above policies; students will receive no further alert if engagement points are not earned during a class meeting.

Lateness:

I will take attendance at each class meeting. Students arriving after the role has been called will not be counted as on-time and will be marked as tardy. **Two tardies will be the equivalent to one absence.** Students arriving more than 10 minutes late to class will be counted as absent for that class meeting. Students who leave early without an excuse that meets the excused absence criteria for this course may be marked tardy or absent, depending upon how much time remains in the course meeting.

Leaving Class/Disruptions:

Students are expected to be present for the entire class period. Excessively leaving the classroom during the class period is defined in this syllabus as more than 2 times during one class period or leaving 1 time for more than 10 minutes in one class period. **Excessive trips outside of the classroom during a class period will be the equivalent to 1 absence.** This is a form of disruptive behavior. If a student requires an accommodation to this rule (e.g. due to illness or medical condition), this matter must be approved by the professor in advance.

Disruptive Behavior:

Furthermore, disruptive behavior, including but not limited to raising one's voice to the instructor or classmates, threatening the instructor or classmates, excessive noise or behavior that disrupts the class will not be tolerated. This syllabus serves as the warning that disruptive behavior will not be tolerated. Students committing disruptive behavior will be removed from the class.

Classwork and Homework:**Classwork and Notes:**

If you do miss class, you are responsible for all material missed. Students are responsible for obtaining notes from a classmate for any missed material. In-class activities may be graded. **Classwork cannot be made up.**

Reading Logs:

Reading logs are due at the start of the class period. Reading logs will not be accepted late. If a student is absent for any reason, reading logs are expected to be submitted by the due date. Reading logs may be submitted early.

Homework and Late Work:

Homework assignments other than reading logs will have a due date and points deducted for late work for each day the homework is late. The count begins immediately after assignments are collected. No work will be accepted more than **one week** past the original due date. No work may be submitted after the last class period of the course.

Communication and Grades:

Discussion of Grades:

If you have questions about your grades, please make an appointment to discuss it with me. Discussion of grades is a matter between the instructor and the student. If the grading concern is in regard to a fellow student receiving more points for an answer, both students must be present at the grade discussion appointment.

Communication:

The best way to reach me outside of class is to contact me via email or in person during my office hours. My email address and office number are listed on the first page of the syllabus.

Quizzes and Exams:

Quizzes:

From time to time, there may be a quiz given in class covering recent lecture and textbook material. These help make sure people are keeping up with reading and lecture material. If you are absent for a quiz and do not provide a course-approved excuse, you will be given a ZERO on the quiz. Students arriving late to class without a course-approved excuse will not be given extra time on the quiz. No cell phones or electronic devices may be used during quizzes or exams. Students observed looking at mobile phones or other similar electronic devices during quizzes or exams will receive an automatic zero on that exam or quiz.

Make-up Exams:

Students are expected to be present for all exams on the dates which the class will take them. A make-up exam will only be given if the following criteria are met: If a student has a course-approved excuse and the instructor is notified **in writing, prior** to the examination, and the instructor approves the excuse and make up exam, arrangements for a make-up exam will be made. If a student fails to notify the instructor, the student will receive a zero for the exam. **Unless arrangements have already been made in accordance with this policy, no exam may be administered after the graded exam is returned to the class.**

Missing the Final Exam:

If the final exam is missed and arrangements for a make-up exam have not been made in advance, the final exam cannot be made up.

Taking Exams Early:

Only under extraordinary circumstances can a student take an exam early. Only university-approved excuses, death in the family, or illness with a doctor's note be considered for taking an exam early. The request for an early exam must be made **in writing**. For any reason, no request will be approved to schedule the final exam earlier than one week before its scheduled date.

Arriving Late to Exams:

Students arriving late to an exam, including the final exam, will not be allowed to take the exam if any student in the course has already completed the exam.

Leaving During Exams:

Students are expected to be present for the entire exam. Once a student has received the exam, the student may not leave the classroom until the exam has been submitted. If a student requires an accommodation to this rule (e.g. due to illness or medical condition), this matter must be approved by the professor in advance of the exam.

Academic Dishonesty:

Academic dishonesty on exams, quizzes and assignments will result in a ZERO on the quiz, assignment, or exam and the student or students in question may receive an F in the course and/or be turned over to the University for sanction.

Accommodations:

Any student who, because of a disability, may require special arrangements in order to meet the course requirements should contact the instructor as soon as possible to make necessary arrangements. Students must present appropriate verification from the University's Disability Support Services (DSS) during the instructor's office hours. Please note that instructors are not allowed to provide classroom accommodation to a student until appropriate verification from DSS has been provided.

Safe Zones Statement:

This class is a place where everyone will be treated with respect, regardless of gender, race ethnicity, national origin, religious affiliation, sexual orientation, gender identity, political beliefs, age, ability, or other aspects of identity. Diversity of thought is appreciated and encouraged, provided people can agree to disagree. All students should consider the classroom a safe environment.

MSU Campus Carry Statement:

Senate Bill 11 passed by the 84th Texas Legislature allows licensed handgun holders to carry concealed handguns on campus, effective August 1, 2016. Areas excluded from concealed carry are appropriately marked, in accordance with state law. For more information regarding campus carry, please refer to the University's webpage at <http://mwsu.edu/campus-carry/rules-policies>

Class Outline:

The following is a tentative outline of the semester. Students will be notified of any changes.

Defining Law and Justice

Wednesday, January 22: Introduction to Course

Friday, January 24:

Patricia Ewick and Susan S. Silbey. *The Common Place of Law: Stories from Everyday Life*. Chicago: University of Chicago Press, 1998: 3-14.

Franz Kafka. "Before the Law." Translation: Ian Johnston. Franz Kafka online.

Monday, January 27:

The Queen v. Dudley and Stephens, L.R. 14 Q.B.D. 273 (1884).

Wednesday, January 29:

Williams v. Walker-Thomas Furniture Company, 350 F. 2d 445 (1965).

A View of the Criminal Court and Its Actors

Monday, February 3:

Crook County, Introduction and Chapter 1, pp. 1-49

Wednesday, February 5:

Crook County, Chapter 2

Friday, February 7:

Crook County, Chapters 3 and 4

Monday, February 10:

Crook County, Conclusion

Legal Actors and Institutions

The Legal Profession: Education and Ethics

Wednesday, February 12:

Duncan Kennedy. "Legal Education as Training for Hierarchy." In D. Kairys (Ed.), *The Politics of Law: A Progressive Critique* (pp. 54-75). New York: Basic Books, third ed., 1998.

Friday, February 14:

Patricia J. Williams. "Diary of a Law Professor". In J. Bonsignore et al. (Eds.) *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006: 361-367.

Monday, February 17:

Introduction to Legal Ethics

Wednesday, February 19:

Charles P. Curtis. "The Ethics of Advocacy," In J. Bonsignore et al. (Eds.) *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006: 368-373.

"The Buried Bodies Case." *RadioLab*. New York: WNYC Radio. 3 June 2016.

Friday, February 21:

Nix v. Whiteside, 475 U.S. 157 (1986).

The Legal Profession: The Right to Counsel

Monday, February 24:

Gideon v. Wainwright, 372 US 335 (1963).

Wednesday, February 26:

James Mills. "I Have Nothing to Do with Justice." *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006:381-394

David Zax. "If You Cannot Afford an Attorney, Some Random Dude Will Be Appointed to You." Act One. Episode 595: Deep End of the Pool. *This American Life*. 26 August 2106.

Friday, February 28:

Marc Galanter, "Why the 'Haves' Come out Ahead: Speculations on the Limits of Legal Change". In R. Cover and O. Fiss. *The Structure of Procedure*. Foundation Press, 1979: 199-211.

Crook County Book Analysis Paper Due

Legal Enforcement

Monday, March 2:

Herbert Packer (1988). Two Models of the Criminal Process. In George F. Cole (Ed.), *Criminal Justice: Law and Politics* (pp. 15-31). Pacific Grove, California: Brooks/Cole Publishing.

Wednesday, March 4:

Rochin v. California, 342 U.S. 165 (1952).

Friday, March 6: Midterm Exam

Monday, March 9:

Stafford Unified School District v. Redding, 2009.

Term Paper Proposal Due

Wednesday, March 11:

Film: "The Confessions." *Frontline* PBS: 9 November 2010.

Friday, March 13:

Jennifer Musto. "Domestic Minor Sex Trafficking and the Detention-to-Protection Pipeline." *Dialectical Anthropology*, 37.2 (2013): 257-276.

Spring Break: No Class

Juries

Monday, March 23:

Introduction to Juries

Wednesday, March 25:

Jeffrey Abramson, "The Unanimous Verdict" In J. Bonsignore et al. (Eds.) *Before the Law: An Introduction to the Legal Process*. Boston: Houghton-Mifflin, 2006: 488-491.

Friday, March 27:

Batson v. Kentucky, 476 U.S. 79 (1986).

Monday, March 30:

Out of class assignment: *Film: 12 Angry Men*, 1957

Wednesday, April 1: Library Research Day

Friday, April 3: Term Paper Workshop

The Power and Politics of Courts and Judges

Monday, April 6:

Access Rules to Courts

Wednesday, April 8:
Access Rules continued

Friday, April 10:
Judicial Elections

Monday, April 13:
Independent State Grounds

Wednesday, April 15:
Lizzie Presser. "When Medical Debt Collectors Decide Who Gets Arrested." *ProPublica*, October 16, 2019.

Friday, April 17:
Robert A. Dahl. "Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker," *Journal of Public Law* 6, 1957: 279-295.

Gordon Silverstein. "Law is Different: The Power of Precedent," *Law's Allure: How Law Shapes, Constrains, Saves and Kills Politics*. Cambridge: Cambridge University Press, 2009: 63-92.

Experts and Evidence: Science in Courts

Monday, April 20:
Buck v. Bell, 274 U.S. 200 (1927).

Leon Whitney (1934). What Happened to Carrie Buck. In Whitney, *The Case for Sterilization* (pp. 157-169). New York: Frederick A. Stokes Co.

Wednesday, April 22:
Film: "The Real CSI." *Frontline* PBS: 12 April 2012.

Friday, April 24:
Experts and Evidence continued.

Term Paper Presentations

Monday, April 27:

Wednesday, April 29:

Friday, May 1:

Monday, May 4:

Wednesday, May 6:

Friday, May 8: **Term Paper Due**

Final Exam

Wednesday, May 13: 3:30-5:30 PM