

Joseph Mello
jmello1@depaul.edu
Office Hours: M, W: 1:00-2:30
Office: 990 Fullerton, Room 2207

PSC 260
Fall 2019
Arts and Letters Hall # 212
M, W: 2:40-4:10

LAW IN THE POLITICAL SYSTEM

This course provides an overview of the American Judicial System, with special attention to the role of courts in American politics. The course is divided into three units each exploring a different aspect of American law: constitutional law, criminal law, and civil law. The goal of this inquiry is for students to develop a better understanding of how our legal system functions; to familiarize themselves with the language of court cases and legal scholarship; and to begin to think critically about how law impacts our everyday lives.

MATERIALS

There are two required texts for this course. These texts are available for purchase in the university bookstore or online. Additional required reading materials will be made available on D2L throughout the quarter.

Lippman, Matthew. 2018. *Law and Society*. 2nd Ed. Sage Publications.

Werth, Barry. 2008. *Damages: One Family's Legal Struggles in the World of Medicine*. Simon & Schuster: New York, NY.

GRADING

Exams (20% each)	60%
Discussion Papers (7.5% each)	30%
Participation and assignments	<u>10%</u>
	100%

Exams: Your performance on three exams will account for 60% of your overall grade for this course. These exams will consist of in-class essays that must be completed within a specified time frame. The exams will be open-book, and will not be comprehensive.

Discussion Papers: Students will be expected to complete 5 short writing assignments reflecting on course readings over the course of the term. I will post discussion questions on D2L and ask you to write a 2-3 page essay answering any *one* of these questions. There are 5 total discussion papers due for the course, worth 7.5 points each. I will drop your lowest scoring paper, however, meaning only 4 assignments will count towards your final grade. These short essays must include a thesis statement which is supported with at least one citation from the course readings. Hard copies of these essays are due in class on the assigned day. Answers to discussion questions will account for 30% of your overall grade for the course.

Participation and Attendance: Regular and attentive class attendance is necessary to succeed in this course. Students are allowed 2 unexcused absences without penalty. Each additional unexcused absence will result in a 10% reduction in your participation grade. Students who miss class due to illness or other significant personal circumstance are required to complete the Absence Notification Process through the Dean of Students Office (Student Center #307 & DePaul Center #11001) in order to have their absence excused. Students are expected to come to class ready to participate meaningfully in class discussions. This means you have carefully read all required readings.

Late Assignment Policy: Students who miss class for a legitimate reason must inform me in advance, and provide documentation from the Dean of Student's Office excusing the absence. Students with excused absences may be allowed to make up work without penalty. Otherwise, I will accept late papers up to 3 days after the due date. Late papers will receive a 10% penalty for each day they are late.

Academic Integrity: Any occasion of academic dishonesty, large or small, on *any* assignment, will result in failure for the assignment and/or the entire course and disciplinary action. Work done for this course must adhere to the University Academic Integrity Policy, which you can review in the Student Handbook or by visiting Academic Integrity at DePaul University (<http://academicintegrity.depaul.edu>). Please note that ignorance of prevailing academic conventions or of DePaul's policies is never an excuse for a violation.

Students with Disabilities: Students seeking disability-related accommodations are required to register with DePaul's Center for Students with Disabilities (CSD) enabling you to access accommodations and support services to assist your success. For more information please visit www.studentaffairs.depaul.edu/csd Students are also invited to contact me privately to discuss your challenges and how I may assist in facilitating the accommodations you will use in this course. This is best done early in the term and our conversation will remain confidential.

A Note on Writing: This course requires students to complete a variety of writing assignments. Good writing is a process which takes time— you should never turn in a piece of writing that has not been thoroughly reviewed and revised beforehand. I am happy to discuss written work with you during office hours and will review rough drafts sent to me in advance. If you need additional help with writing assignments you might want to contact the writing center to schedule a face-to-face meeting or get feedback on written work (www.depaul.edu/writing).

CONSTITUTIONAL LAW

September 11	Introduction to course (no readings)
September 16	Founding Principles Locke, 2 nd Treatise of Government (D2L**) <i>Law and Society</i> pp 12-23

- September 18 **Legal Theory**
Law and Society pp 43-68
 Discussion Paper 1 Due
- September 23 **Historical Development of Courts**
 Federalist # 78 (D2L**)
Law and Society pp 69-96 (required)
Law and Society pp 133-176 (recommended)
- September 25 **Judicial Interpretation**
 Bork, “Tempting of America” pp 143-160 (D2L**)
Obergefell v. Hodges (D2L**)
Law and Society pp 96-101
- September 30 **Law and Social Change**
Law and Society pp 381-411; 425-430
 *** Discussion Paper 2 Due***
- October 2 **Law and Social Movements**
 MLK Jr. “Letter from a Birmingham Jail” (D2L**)
Law and Society pp 430-438
- October 7 *** EXAM 1***

CRIMINAL LAW

- October 9 **Substantive Criminal Law**
Law and Society pp 342-379
- October 14 **Criminal Procedure on the Books**
Terry v. Ohio (1968) (D2L**)
Miranda v. Arizona (1966) (D2L**)
Gideon v. Wainwright (1963) (D2L**)
- October 16 **Criminal Procedure in Action**
 Gonnerman, “Before the Law” (D2L**)
 Pinto, “The Bail Trap” (D2L**)
Law and Society pp 243-273
 *** Discussion Paper 3 Due***
- October 21 **Policing**
 Benforado, *Unfair* pp 1-25 (D2L**)
Law and Society pp 445-475
- October 23 **Adjudication**
Law and Society pp 274-311

October 28 **Punishment**
Law and Society pp 313-341
*** Discussion Paper 4 Due***

October 30 ***EXAM 2***

CIVIL LAW

November 4 **Intro to Torts**
Werth, *Damages* pp 9-68
Law and Society pp 178-197

November 6 **Litigation Crisis?**
Werth, *Damages* pp 69-83; 125-163
Law and Society pp 227-232

November 11 **Dispute Resolution**
Werth, *Damages* pp 164-193; 213-230
Law and Society pp 209-227

November 13 **Civil Procedure**
Werth, *Damages* pp 264-309
*** Discussion Paper 5 Due***

November 18 **Arbitration and Mediation**
Werth, *Damages* pp 310-331; 356-375
Law and Society pp 233-241

November 25 ***FINAL EXAM 2:30-4:45***