

POLS 3385:: Introduction to Law
Charles F. McElhinney Hall 108, TTH 10:00 - 11:30
Fall, 2018

Instructor: Dr. Alex Badas

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Course Description: This course introduces students to the study of law and legal institutions. This course pays particular attention to the politics of law and legal institutions. In this course, students will learn about the foundations and functions of laws and legal institutions. Specific topics will include race and the criminal justice system, judicial elections, capital punishment, and theories of judicial review. At the end of this course students will have a better understanding of how political processes influence the implementation and development of law and legal institutions. Students will be able to apply what they learned in this course to current events involving law and legal institutions. Students will also learn the basics of social science research design and methodology and be able to apply this knowledge to questions involving law and legal institutions.

Required texts: The following textbooks are required for this course. Additional readings will be posted to the course' blackboard site.

- Mays, G. L. and Fidelie, L. W. (2017). *American Court and the Judicial Process*

Course Requirements:

- Three exams: 15% each
 - o Students will complete three exams. Exams will not be cumulative. Exams will be a mixture of multiple choice and short response. Exams are designed to test students' underlying understanding of the concepts discussed. A review session will be held before each exam.
 - Exam 1 date September 13
 - Exam 2 date October 30
 - Exam 3 date December 11, 11-2

- Three case briefs 5%
 - o Students will brief three cases that are currently before the Supreme Court. Students should outline the legal issue involved in the case, summarize the plaintiff and respondent's arguments, explain the lower court's decision, and discuss potential political implications of the decision. Briefs should be roughly 2-4 pages.
 - September 6
 - October 4
 - November 15
- Argumentative Essay 10%
 - o Student will be required to write an argumentative essay on the topic of judicial selection. Specifically, students should address the question: Should judges be elected or appointed? Argumentative essays should be 5 pages in length.
 - Due date November 6
- Research Design Paper 20%
 - o Students will write a research design paper. This paper must be between 8-10 pages. The paper should identify a research question related to the law and politics and put forth a hypothesis which answers this research question. Further, the paper should explain why the question is relevant to our understanding of law and politics. Students are allowed to work in groups of up to three for their research design papers. Students will have the opportunity to present their designs for extra credit.
 - Due date November 29
- Participation 10%
 - o Students are expected to be active participants in class discussion. Active participation does not simply mean "talking a lot." Participation means reading the materials, coming to class prepared to ask and answer questions about the reading, and offering your opinion on the material when appropriate.
- Attendance
 - o Students are expected to attend each class session. However, I understand things do come up. Therefore, each student will be granted three excused absences for the semester. After your three excused absences, for each class you miss your final grade will be reduced by 1%. If you make an appointment to meet with me during office hours and do not show up, this is counted as an absence. If you leave class early, this is counted as an absence. I will pass out an attendance sheet at the start of each class. It is your responsibility to sign the attendance sheet if you are in class. Signing the attendance sheet for another student is a form of academic dishonesty and will be reported.

Late Assignments:

Late assignments will not be accepted. Students who do not submit work on time will receive zero credit for the assignment. Students who are absent on a day on which we have an exam and do not have a university approved excuse will receive zero credit for the exam.

Course Schedule and Readings

August 21 - Introduction to the course

Readings: The Syllabus. Seriously.

August 23 - The Legitimacy of Laws

Readings:

- Gibson, J. L., Lodge, M., and Woodson, B. (2014). Losing, but accepting: Legitimacy, positivity theory, and the symbols of judicial authority. *Law & Social Review*, 48(4):837–866
- Zink, J. R. (2015). The dead hand of the past? toward an understanding of “constitutional veneration”. *Political Behavior*
- Sunshine, J. and Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & society review*, 37(3):513–548

August 28 - The American Legal System

Readings:

- Chapter 1 in Mays and Woods Fidelie

August 30- Foundations and Functions of Law

Readings:

- Chapter 2 in Mays and Woods Fidelie
- Webster, C., Doob, A. N., and Zimring, F. E. (2006). Proposition 8 and crime rates in california: The case of the disappearing deterrent. *Criminology & public policy*, 5(3):417–448

September 4 - The Courtroom Work Group

Readings:

- Chapter 3 in Mays and Woods Fidelie
- Kromphardt, C. D. (2017). Evaluating the effect of law clerk gender on voting at the united states supreme court. *Justice System Journal*, 38(2):183–201

September 6 - Judges

Readings:

- Chapter 4 in Mays and Woods Fidelie [skip 95-108]

Assignment:

- First case brief due. Upload to Blackboard before class.

September 11 -Judicial Decision-Making

Readings:

- Wahlbeck, P. J., Spriggs, J. F., and Maltzman, F. (1998). Marshalling the court: Bargaining and accommodation on the united states supreme court. *American Journal of Political Science*, pages 294–315
- Segal, J. A. (1984). Predicting supreme court cases probabilistically: The search and seizure cases, 1962-1981. *American Political Science Review*, 78:891–900
- Segal, J. A. and Cover, A. D. (1989). Ideological values and the votes of supreme court justices. *American Political Science Review*, 83:557–565
- Braman, E. (2006). Reasoning on the threshold: Testing the separability of preferences in legal decision making. *The Journal of Politics*, 68(2):308–321

September 13 -Exam 1 Review

Come to class with your questions.

September 18 - Exam 1

September 20 - Judicial Elections Pt. 1

Readings:

- Geyh, C. G. (2003). Why judicial elections stink. *Ohio State Law Journal*, 64:43:43–79
- Hall, M. G. and Bonneau, C. W. (2006). Does quality matter? challengers in state supreme court elections. *American Journal of Political Science*, 50:20–33
- Bonneau, C. W. (2012). A survey of empirical evidence concerning judicial elections. *The Federalists Society*

September 25- Judicial Elections Pt. 2

Readings:

- *Caperton v. A.T. Massey Coal Co.* (skim)
- Hazelton, M. L., Montgomery, J. M., and Nyhan, B. (2016). Does public financing affect judicial behavior? evidence from the north carolina supreme court. *American Politics Research*, 44(4):587–617
- Gibson, J. L. (2008). Challenges to the impartiality of state supreme courts: Legitimacy theory and “new-style” judicial campaigns. *American Political Science Review*, 101:59–75
- Canes-Wrone, B., Clark, T. S., and Park, J.-K. (2012). Judicial independence and retention elections. *Journal of Law, Economics, and Organization*, 28(2):247–268

September 27- Lawyers and Litigants

Readings:

- Chapter 5 in Mays and Woods Fidelie
- Anderson, J. M. and Heaton, P. (2012). How much difference does the lawyer make: The effect of defense counsel on murder case outcomes. *Yale Law Journal*, 122:154 (skim)

Oct 2 - Jurors and Witnesses

Readings:

- Chapter 6 in Mays and Woods Fidelie
- Hinkel, D. and Mahr, J. (2011). Drug-sniff dogs in traffic stops are often wrong. *Chicago Tribune*
- Hawkins, I. and Scherr, K. (2017). Engaging the CSI effect: The influences of experience-taking, type of evidence, and viewing frequency on juror decision-making. *Journal of Criminal Justice*, 49:45–52

October 4 - Trials and Trial Procedures

Readings:

- Chapter 7 in Mays and Woods Fidelie

Assignment:

- Second case brief due. Upload to canvas before class.

October 9 - Sentencing

Readings:

- Chapter 8 in Mays and Woods Fidelie

October 11 - Capital Punishment Pt 1

Readings:

- *Furman v. Georgia* 1972 (skim)
- *Gregg v. Georgia* 1976 (skim)
- *Kennedy v. Louisiana* 2008 (skim)
- *Roper v. Simmons* 2005 (skim)

October 16 - Capital Punishment Pt 2

Reading:

- Shepherd, J. M. (2004). Murders of passion, execution delays, and the deterrence of capital punishment. *The Journal of Legal Studies*, 33(2):283–321
- Beim, D., Clark, T. S., and Lauderdale, B. E. How consistently are death penalty appeals decided?
- Williams, M. R. and Holcomb, J. E. (2004). The interactive effects of victim race and gender on death sentence disparity findings. *Homicide Studies*, 8(4):350–376

October 18 - Research Design and Argumentative Essay Advice Session

Assignment:

- Come to class with questions you have about completing your research design and prediction papers. This class session will give you an introduction to research design and provide you with tips for completing your prediction paper.

October 23 - Courts of Limited Jurisdiction and Specialized Courts

Reading:

- Chapter 9 in Mays and Woods Fidelie

October 25- Exam 2 Review

Come to class with your questions.

October 30 - Exam 2

November 1 - Courts of Appellate Jurisdiction

Readings:

- Chapter 11 in Mays and Woods Fidelie
- Zorn, C. and Bowie, J. B. (2010). Ideological influences on decision making in the federal judicial hierarchy: An empirical assessment. *The journal of politics*, 72(4):1212–1221

November 6 - Race and the Legal System

Readings:

- Correll, J., Park, B., Judd, C. M., and Wittenbrink, B. (2006). The police officer's dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 42:120–128
- Gelman, A., Fagan, J., and Kiss, A. (2007). An analysis of the new york city police department's stop-and-frisk policy in the context of claims of racial bias. *Journal of the American Statistical Association*, 102(479):813–823
- Tyler, T. R., Fagan, J., and Geller, A. (2014). Street stops and police legitimacy: Teachable moments in young urban men's legal socialization. *Journal of Empirical Legal Studies*, 11(4):751–785

Assignment:

- Argumentative Essay due

November 8- Theories of Judicial Review

Readings:

- Whittington, K. E. (2005). interpose your friendly hand: Political supports for the exercise of judicial review by the united states supreme court. *American political science review*, 99(4):583–596
- Cross, F. B. and Lindquist, S. A. (2006). The scientific study of judicial activism. *Minn. L. Rev.*, 91:1752
- Howard, R. M. and Segal, J. A. (2002). An original look at originalism. *Law & Society Review*, 36:113

November 13 - Torts and Tort Reform

Readings:

- [McDonald's hot coffee lawsuit summary and discussion](#)
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November 15 - Student Selected Topics

Students will be surveyed during the first week of class about topics they'd like to see discussed. This week we will discuss these topics. Readings: TBA

- Assignments:
 - o Case Brief 3 due

November 20 - Addressing Problems and Creating Solutions

Readings:

- Chapter 12 in Mays and Woods Fidelie

November 22 - NO CLASS

November 27 - Student Presentations

Assignment: Email me a PDF of your presentation slides before noon

November 29 - Exam 3 Review and Student Presentations

Come to class with your questions. Assignments:

- Research Design due. Upload copy and submit a hardcopy

December 11 - Final Exam

Academic Integrity:

I strictly enforce all of the policies regarding academic integrity such as cheating and plagiarism as determined by University of Houston. A copy of these regulations is available through the University's [website](#). Ignorance of these policies is not an excuse for violations. All assignments will be processed through plagiarism detection software.

Disabilities:

The University of Houston is committed to providing reasonable accommodations for eligible students with disabilities, including students who have learning disabilities, health impairments, psychiatric disabilities, and/or other disabilities. If you believe you have a disability that requires accommodation, please contact the Center for Students with Disabilities (CSD) at 713-743-5400 voice or 713-749-1527 (TTY).

Last updated September 8, 2018