GOVT 357L
The American Legal System: Judicial Process & Behavior
Prof. John P. McIver

Fall Semester 2012
Monday/Wednesday/Friday 10:00-11:00
MEZES B0.306

The purpose of this course is to introduce you to the American legal system with a particular emphasis on the role of its key actors. The political nature of many legal disputes will be explored as will the legal aspects of many political disputes. This course will also examine the potential (as well as actual) impact of citizen participation at all levels of the legal system.

BOOKS

* The primary (required) textbook is:


* Web-based and supplemental readings - See the "Syllabus" section of these web pages. (Check the syllabus regularly for updates and new supplemental materials)

COURSE WEB SITES

• Webspace: https://webspace.utexas.edu/jm59399/www/357L/357L_idx.html. This site includes a copy of the syllabus, a detailed description of required papers and the necessary course materials to complete the paper assignments. Please check the site regularly during the semester.

• Blackboard: Additional supplemental materials will be available on BB. You may also use BB to communicate with the instructors or with classmates.

COURSE REQUIREMENTS

Two examinations will be given - a midterm worth 30% of your grade and a comprehensive final exam worth 30%. Two short papers (chosen from a set of 5 assignments) are also required. They are worth 30% of your final grade. Additional assignments and class participation will be worth 10%. Papers must be completed to receive a passing grade in the course.

Midterm Exam. Wednesday, October 24th.

This examination will cover the readings and lectures. It will be a multiple-choice and short answer exam. Please bring a #2 pencil (with an eraser).
Final Exam: Saturday, December 15th 9:00AM-12:00 Noon

The final examination will be comprehensive. It will be a multiple-choice and short answer exam. Please bring a #2 pencil (with an eraser).

Papers. Each short paper will be written on topics offered on the class website. These topics focus attention on examples of how the law and legal system operate. You will have a choice on each paper and the initial research is provided in the form of newspaper coverage of events plus multiple opinions and comments about those events from all political perspectives.

Paper 1. Due in class on Monday, October 8th

Paper 2. Due in class on Friday, November 30th

GRADING POLICIES

No makeup exams will be given unless I am notified IN ADVANCE and the reason you cannot attend is valid. (That you've already purchased a plane ticket to go home or on vacation is not a valid excuse.)

There is NO excuse for late papers - a letter grade will be deducted for each day your paper is late.

Extra Credit will NOT be given for projects not generally assigned. (Complete the assigned work and you will not need "extra credit".)

To complete this class and receive a final grade you must turn in all papers and take each of the exams.

Attendance: Attendance will not be taken each day but attendance COUNTS. That is, you will probably not perform well on the exams without attending class.

UNIVERSITY POLICIES

Academic Honesty

The University of Texas operates under an "Honor Code": The core values of the University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the University is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

Please review the following to learn your rights and obligations:

What is Academic Dishonesty? (UT Dean of Students)

http://deanofstudents.utexas.edu/sjs/scholdis_whatis.php
Students with Disabilities

Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities, 471-6259, http://www.utexas.edu/diversity/ddce/ssd/

If you have a disability that may have some impact on your work in this class, please see me or a TA, after class or during office hours, so we may accommodate your needs. We are willing to work with any student who needs additional help, but please let us know of any problems in a timely manner.

Religious Observances

The University of Texas acknowledges an obligation to accommodate all students who must be absent from classes or miss scheduled exams in order to observe religious holidays.

By UT Austin policy, you must notify me of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

Emergency Evacuation Policy

In the event of a fire or other emergency, it may be necessary to evacuate a building rapidly. Upon the activation of a fire alarm or the announcement of an emergency in a university building, all occupants of the building are required to evacuate and assemble outside. Once evacuated, no one may re-enter the building without instruction to do so from the Austin Fire Department, University of Texas at Austin Police Department, or Fire Prevention Services office.

Students should familiarize themselves with all the exit doors of each room and building they occupy at the university, and should remember that the nearest exit routes may not be the same as the way they typically enter buildings.

Students requiring assistance in evacuation shall inform their instructors in writing during the first week of class.

About the Instructor:  

Prof. John P. McIver  
Office: Batts Hall 3.134  
Office Hours: MWF 11:00-12:00 and by Appt.  
Telephone: 512-232-7271  
E-mail: mciver@austin.utexas.edu

E-mail is my preferred method of first contact

About the Teaching Assistant:  

Ilana Lifshitz  
Office Hours: TBA  
E-mail: TBA
**WEEKLY SYLLABUS**

Week 1 – Law, The Rule of Law, American Legal History

   Carp, Stidham & Manning, Chapter 1  
   US Constitution & Bill of Rights

Week 2 - Structure of the Legal System (Courts, Legislatures, Agencies)

   Carp, Stidham & Manning, Chapters 2, 3 & 4

Week 3 - Lawyers

   Carp, Stidham & Manning, Chapter 8

Week 4 - Judges

   Carp, Stidham & Manning, Chapters 5-7

Week 5 - Lower Court Process - Civil

   Carp, Stidham & Manning, Chapter 11  
   Frank (1950) "The Fight Theory vs the Truth Theory" from Courts on Trial.  
   Wile E. Coyote vs. Acme  
   Class Action Fairness Act

Week 6 - Lower Court Processes - Criminal Variations

   Carp, Stidham & Manning, Chapter 9-10  
   "Certiorari" aka Tomayto/Tomahto

   ************* PAPER I DUE *************  
   ************* Monday, October 8th *************

Week 7

Legal Reasoning

   Carp, Stidham & Manning, Chapters 12 & 13  

Cases:

   State v. Pendergrass (19 NC 365, 1837)  
   Joyner v. Joyner (59 NC 322, 1862)  
   State v. Black (60 NC 266, 1864)  
   State v. Rhodes (61 NC 453, 1868)  
   State v. Mabrey (64 NC 592, 1870)
State v. Oliver (70 NC 60, 1874)

Judicial Decision Making

Walker v. Birmingham
Statement criticizing civil rights protest in Birmingham
Martin Luther King, "Letter from a Birmingham Jail"

Week 8

The Public and the Legal System (Litigants/Witnesses/Juries)
Alternative Dispute Mechanisms (Arbitration, Mediation, Community)

********** MIDTERM EXAM **********
********** Wednesday, October 24th **********

Week 9

Impact of the Courts on the Political/Legal System

Carp, Stidham & Manning, Chapter 14 & 15

Cases:

Marbury v. Madison, (5 US 137)
Brown v. Board of Education (347 US 483)
Gideon v. Wainwright (372 US 335)
White v. Texas (310 US 530)

Week 10 - Introduction to the Criminal Justice System

Carp, Stidham & Manning, Chapters 9 & 10 (again)

Week 11

Policing America


Policing - Discretionary Authority I

Policing - External Controls/Judicial Intervention I

The US Supreme Court & Search & Seizure Law
Mapp v. Ohio (1961)
Brown v. Texas(1979)
Hiibel v. 6th Judicial District Court (2000)

Week 12

Policing - Discretionary Authority II

The Use of (Deadly) Force

FBI/Uniform Crime Reports: Police Officers Killed and Assaulted

Police Views of Abuse of Authority

Chapter 4 "Measuring the Amount of Force Used by and Against Police..."

Policing - External Controls/Judicial Intervention II - Use of Force


Week 13

Policing - Internal Controls/Supervision, Training, IAD

Houston PD Training Bulletin: Use of Firearms
Houston PD Training Bulletin: Fresh Pursuit
Ft. Lauderdale PD Policy: Treatment of the Homeless

Internal Controls/Supervision: Racial Profiling

*************** PAPER II DUE **************
********** Friday, November 30th **********

Week 14 - Rehabilitation/Decriminalization/Punishment (Prison & Capital Punishment)

The Queen v. Dudley & Stephens
Johnson (1987) The Punishing Decade

Supplemental Materials

Dept. of Justice - Trends in Prisons
NPR - Prison Diaries
360 Degrees - Stories
Prison Law
Prison Lingo
Prison Brutality

State Execution Methods
Executions 1977 – 2010
Ray Suarez (Host) The Execution Tapes
Amnesty International - Letter to President Clinton
American Bar Association - The Death Penalty: A Scholarly Forum
ABA Journal - Capital Punishment: Deadly Choices
Freeman - Does America Need a Death Penalty?
Sharp - Pro Death Penalty arguments
Bedau - Anti Death Penalty arguments
Radelet- Wrongful Convictions
Martha W. Barnett: “President’s Message: Call to Action on Executions” (ABA Journal October 2000)
Bob Grant: “Capital Punishment A Valid Option” (Denver Post, March 18, 2001)
David Lane: “Stop Murder Sanctioned By The State” (Denver Post, March 18, 2001)