

POLS 2930 Law and Society

Saint Louis University
Department of Political Science
Spring 2022

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Office Hours: W 1:00–2:00 p.m. or appointment

Office: (office hours online)

Web: jbduckmayr.com/teaching

Class Hours: TR 12:45–2:00 p.m.

Class Room: TBD

Course Description

This course is an introduction to the functions of law and the legal system in American society. The course material will stress the realities of the operation of the legal system, as well as the continuous interactions and feedback between the legal and political systems. Course material generally falls within four main topics:

1. Introduction to legal concepts and legal theories
2. Analyzing the operation of the appellate courts, with emphasis on the US Supreme Court
3. Examining the operation of American trial courts, especially juries and the criminal courts
4. Investigating linkages between culture and law

Course Objectives

When you complete the course, you will be able to:

- Understand the role that law and legal institutions play in our lives, culture, and political system
- Assess the realities of “law in action”
- Consider strengths and weaknesses of using the legal system vs other methods for achieving goals

Required Readings

There are two required texts for this course:

- Bonsignore, John, et al. 2006. *Before the Law: An Introduction to the Legal Process*. 8th Ed
- Carp, Robert, Ronald Stidham, & Kenneth L. Manning. 2010. *The Federal Courts*. 5th Ed

There are other required short readings that will be provided to you electronically.

Course Assignments

Class Participation

Students are expected to attend class and be prepared to discuss the reading assignments. In addition to posing questions to the class at large, for which anyone can contribute, I may also call on students to participate in discussion. I understand that from time to time there will be imperfect preparation, in which case I will be happy to move on to another student. Students will not be penalized for occasional lack of preparation; however, if a student is unprepared too frequently, their class participation grade will suffer. Due to the nature of the course, a substantial portion of our discussions may involve issues open to multiple valid interpretations. Evaluation of class participation will *not* be based on whether I agree with your conclusions, but rather whether you have studied the material and whether you appropriately justify any assertions you make using the course material.

Exams

There will be two exams in the course, a midterm and a final. The final will not be explicitly cumulative, but is implicitly cumulative; that is, I won't directly ask you about material before the midterm, but understanding of the earlier material is needed in analyzing the later material.

Research Paper

I also require you to write a paper analyzing existing literature and arguments relevant to a topic related to law and society. You may choose almost any topic of reasonable specificity; for example, you could write a paper on "hate speech" restrictions of Free Speech but not a paper on the (incredibly) broad topic of Free Speech itself.

It must be typed in a standard 12 point font and double spaced. It must be at least 1,500 words (roughly six double-spaced pages) not counting the references/bibliography. I would discourage a paper longer than 3,000 words. I do not require a specific citation style like APA or MLA, **so long as I can find your references** if I need to or decide to look them up, and please try to be reasonably stylistically consistent, whichever style you choose.

We will discuss the paper more in class, but note there are three times you will turn something in for it:

1. First you will get a topic approved, **by March 1**.

2. Next you will submit a list of five sources you have found on the topic, with a *brief* summary of each, **by March 29**.
3. Finally, you will submit your full research paper **by April 21**.

The first two parts are graded for completion and count for 10% of your research paper grade (or 3% of your final grade); they are intended to help you get your project going in the right direction. If you are unsatisfied with your grade on your research paper, you can submit a revision of it that addresses my feedback on your paper. Such a revision must be turned in to me **before the final exam**. If you obtain a higher grade on your revision, it will replace the original grade for your research paper.

Grading

Course grades are determined using a weighted average of the following four components:

- Class participation 10%
- Research paper 30%
- Midterm exam 30%
- Final exam 30%

By default, letter grades will be awarded based on the following cutoffs:

- $90 \leq A- < 92 \leq A$
- $80 \leq B- < 82 \leq B < 88 \leq B+ < 90$
- $70 \leq C- < 72 \leq C < 78 \leq C+ < 80$
- $60 \leq D < 70$
- $0 \leq F < 60$

I may choose to curve the exam grades. If I institute a curve, the formula used to curve grades will be provided to the students when grades are returned, and the curve function f is guaranteed to satisfy the following properties:

- $f(a) \geq f(b)$ if $a \geq b$, so that the rank ordering of individual grades will be preserved.
- $f(x) \geq x$ for all x observed in the raw grade distribution; in other words, no student will have a lower score after the curve than they had before the curve
- $f'(x) \leq 1$ for all x observed in the raw grade distribution; in other words, higher scoring students will not be helped more by the curve than lower scoring students.

Feedback

When I return your graded exams, I will include feedback on your answers. If any of my feedback is unclear, or you need or want additional explanation regarding the exam questions and their answers, I will be happy to meet with you during office hours or by appointment to discuss the exam. Please note that an in-person meeting for additional feedback or explanation is not sufficient to request changes to your exam grade; if you feel your exam grade should be

adjusted, please carefully consult the regrading procedure outlined in the course policies section below.

Course Policies

Make-Up Exam Policy

The exam dates are listed below in the course schedule. If you know of a compelling reason that you cannot be present during a scheduled exam, please contact me via email at least two days ahead of time to discuss scheduling a makeup exam.

If you miss an exam without previously scheduling a makeup exam, you will likely not be permitted to take the exam. Only in extreme circumstances will makeup exams be permitted when not scheduled ahead of time.

Regrading Policy

If you believe I have committed an error in grading your exam, please submit a regrade request to me in writing via email outlining the specific errors you have discovered and explaining why you believe them to be grading errors. This request must be submitted within two days of receiving your graded exam.

University-wide Policies and Resources

Academic Honesty/Integrity

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is “the pursuit of truth for the greater glory of God and for the service of humanity.” Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service through which SLU fulfills its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern. The full University-level Academic Integrity Policy can be found on the Provost’s Office website at: https://www.slu.edu/provost/policies/academic-and-course/policy_academic-integrity_6-26-2015.pdf.

Additionally, each SLU College, School, and Center has its own academic integrity policies, available on their respective websites.

Disability Accommodations

Students with a documented disability who wish to request academic accommodations must formally register their disability with the University. Once successfully registered, students also must notify their course instructor that they wish to use their approved accommodations in the course.

Please contact the Center for Accessibility and Disability Resources (CADR) to schedule an appointment to discuss accommodation requests and eligibility requirements. Most students on the St. Louis campus will contact CADR, located in the Student Success Center and available by email at accessibility_disability@slu.edu or by phone at 314.977.3484. Once approved, information about a student’s eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor’s official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact to CADR. Confidentiality will be observed in all inquiries.

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, **that faculty member must notify SLU’s Title IX Coordinator and share the basic facts of your experience.** This is true even if you ask the faculty member not to disclose the incident. The Title IX Coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886). If you wish to speak with a confidential source, you may

contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php> and <https://www.slu.edu/general-counsel>.

IMPORTANT UPDATE: SLU's Title IX Policy (formerly called the Sexual Misconduct Policy) has been significantly revised to adhere to a new federal law governing Title IX that was released on May 6, 2020. Please take a moment to review the new policy and information at the following web address: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>. Please contact the Anna Kratky, the Title IX Coordinator, with any questions or concerns.

TEMPORARY Mandatory Statement on Face Masks (2021–22)

Throughout the COVID-19 pandemic, key safeguards like face masks have allowed SLU to safely maintain in-person learning. If public health conditions and local, state, and federal restrictions demand it, the University may require that all members of our campus community wear face masks indoors.

Therefore, any time a University-level face mask requirement is in effect, face masks will be required in this class. This expectation will apply to all students and instructors, unless a medical condition warrants an exemption from the face mask requirement (see below).

When a University-wide face mask requirement is in effect, the following will apply:

- Students who attempt to enter a classroom without wearing masks will be asked by the instructor to put on their masks prior to entry. Students who remove their masks during a class session will be asked by the instructor to resume wearing their masks.
- Students and instructors may remove their masks briefly to take a sip of water but should replace masks immediately. The consumption of food will not be permitted.
- Students who do not comply with the expectation that they wear a mask in accordance with the University-wide face mask requirement may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to those outlined in the Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including any of the following:
 - dismissal from the course(s)
 - removal from campus housing (if applicable)
 - dismissal from the University
- To immediately protect the health and well-being of all students, instructors, and staff, instructors reserve the right to cancel or terminate any class session at which any student fails to comply with a University-wide face mask requirement.

When a University-wide face mask requirement is not in effect, students and instructors may choose to wear a face mask or not, as they prefer for their own individual comfort level.

ADA Accommodations for Face Mask Requirements

Saint Louis University is committed to maintaining an inclusive and accessible environment. Individuals who are unable to wear a face mask due to medical reasons should contact the Office of Disability Services (students) or Human Resources (instructors) to initiate the accommodation process identified in the University's [ADA Policy](#). Inquiries or concerns may also be directed to the [Office of Institutional Equity and Diversity](#). Notification to instructors of SLU-approved ADA accommodations should be made in writing prior to the first class session in any term (or as soon thereafter as possible).

TEMPORARY Mandatory Statement on In-Class Attendance & Participation (2021–22)

The health and well-being of SLU's students, staff, and faculty are critical concerns, as is the quality of our learning environments. Accordingly, the following University policy statements on in-person class attendance are designed to preserve and advance the collective health and well-being of our institutional constituencies and to create the conditions in which all students have the opportunity to learn and successfully complete their courses.

1. Students who exhibit any [potential COVID-19 symptoms](#) (those that cannot be attributed to some other medical condition the students are known to have, such as allergies, asthma, etc.) shall absent themselves from any in-person class attendance or in-person participation in any class-related activity until they have been evaluated by a qualified medical official. Students should contact the [University Student Health Center](#) for immediate assistance.
2. Students (whether exhibiting any of potential COVID-19 symptoms or not, and regardless of how they feel) who are under either an isolation or quarantine directive issued by a qualified health official must absent themselves from all in-person course activities per the stipulations of the isolation or quarantine directive.
3. Students are responsible for notifying their instructor of an absence as far in advance as possible; when advance notification is not possible, students are responsible for notifying each instructor as soon after the absence as possible. Consistent with the [University Attendance Policy](#), students also are responsible for all material covered in class and must work with the instructor to complete any required work. In situations where students must be absent for an extended period of time due to COVID-19 isolation or quarantine, they also must work with the instructor to determine the best way to maintain progress in the course as they are able based on their health situation.
4. Consistent with the [University Attendance Policy](#), students may be asked to provide medical documentation when a medical condition impacts a student's ability to attend and/or participate in class for an extended period of time.
5. As a temporary amendment to the current [University Attendance Policy](#), all absences due to illness or an isolation/quarantine directive issued by a qualified health official, or due to an adverse reaction to a COVID-19 vaccine, shall be considered "Authorized" absences

Class Schedule

Week 1: 01/18, 01/20

- Introduction to the Course, the Court, and the Constitution
- Reading: The United States Constitution

Week 2: 01/25, 01/27

- Introduction to Democratic Theory, Institutional Design
 - Reading: Carp et al., Chapter 1
- Basic Legal Concepts and Principles
 - Reading: Zakaria 1997 (provided electronically)

Week 3: 02/01, 02/03

- Decision Making & Legal Reasoning
 - Reading:
 - * Bonsignore, Part 1, Section 1
 - * Blake 2012 (provided electronically)
 - * Bonsignore, Part 1, Section 2
 - * Carp et al., Ch. 2

Week 4: 02/08, 02/10

- Decision Making & Legal Reasoning (continued)
- Legitimacy Theory
 - Reading: Gibson & Nelson 2014 (provided electronically)

Week 5: 02/15, 02/17

- Structure & Process in the Judicial System
 - Reading: Carp et al., Ch. 3
- Judicial Selection Systems
 - *Republican Party of Minnesota v. White* (provided electronically)

Week 6: 02/22, 02/24

- Behavioral Approaches to Decision Making
 - Reading: Bonsignore, Part 1, Section 4

- Role Theory & Judicial Activism
 - Reading:
 - * Bonsignore, Part 1, Section 5
 - * Carp et al., Ch. 5

Week 7: 03/01, 03/03

- The Law and Religion
- Reading packet provided electronically
- **Paper topic selection due by March 1**

Week 8: 03/08, 03/10

- Preparation and Review for Exam
- **Midterm Exam** on March 10

Week 9: 03/15, 03/17

SPRING BREAK: No class

Week 10: 03/22, 03/24

- Introduction to Trial Courts, Crime, Criminal Justice
- Reading: Bonsignore, Part 2, Section 10

Week 11: 03/29, 03/31

- Criminal Justice/Plea Bargaining, Due Process
- Reading:
 - Carp et al., Ch. 4
 - Bonsignore, Reading 18.4
- **Review of five sources for paper due by March 29**

Week 12: 04/05, 04/07

- Juries: History & Roles
- Reading: Bonsignore, Part 4, Section 14-15

Week 13: 04/12, 04/14

- Juries: Truth Finding & Political Roles
- Reading: Bonsignore, Part 4, Section 16-17

Week 14: 04/19, 04/21

- Lawyers and the Allocation of Justice, Cause Lawyering
- Reading: Bonsignore, Part 3, Section 13
- **Research paper due by April 21**

Week 15: 04/26, 04/28

- Lawyers: History & Organization
- Proposed Reforms of the Civil & Criminal Courts
- Reading: Bonsignore, Part 3, Section 11

Week 16: 05/03, 05/05

- Review
- **Final Exam** TBD (time set by university)
- (Optional) **Research paper revision due before final exam**