

Law and Social Change in Comparative Perspective
Gov 312L (Unique 38175)

Classroom: MEZ 1.306
TTH 8:00-9:30
TAs: Daniel Ryan and Kate Schlosser

Professor Daniel Brinks
danbrinks@austin.utexas.edu
Office hours: Tue, Wed (9:30-11:00). Office: 3.128 Mezes

The purpose of this course is to understand the place of the law and the legal system in society, and the ways in which each shapes the other. We will explore the basic structure of the legal system and then focus on specific issues in which the law might appear to be most important for changing society – civil rights, individual rights generally, the redistribution of wealth and the alleviation of poverty, and civil litigation, for example. We will see which features our legal system shares with others, and which make it unique. By the end of the course, we should have a clear grasp of the mutual relationship between law and society.

I would like to make this course as relevant as possible to current events. Rather than buy a course pack, any readings that do not come from the book will be posted on Blackboard, so that we can adapt the course content to new developments, such as an important trial, a Supreme Court decision, or a judicial nomination.

General Policies and Boilerplate: This class is subject to the Honor Code, standard University policies on Academic Dishonesty, and all University policies on non-discrimination, equality of access and the like. These policies are available on the UT website. If you cannot find them, please let me know, and I will direct you to their location.

At the beginning of the semester, students with disabilities who need special accommodations should notify the instructor by presenting a letter prepared by the Services for Students with Disabilities (SSD) Office. To ensure that they will receive the most appropriate accommodations, students should contact the SSD Office at 471-6259 or 471-4641 TTY.

Your grade in this course will be calculated in the following manner:

- 10% each, two quizzes, total 20%
 - 10% your average grade on the various assignments due throughout the semester
 - 30% midterm
 - 40% final exam (non-cumulative)
- The tests are largely multiple choice with some short answer questions.

Required Books:

- A series of readings will be available on Blackboard
- Tarr, G. Alan. 2006. Judicial Process and Judicial Policymaking, 4th Edition.

Course schedule and reading assignments

Day	Date	Course schedule and reading assignments
Tuesday	20-Jan	Introduction. No readings. For Thursday, see Justice Talking Assignment sheet (on Blackboard); listen to the 1 hr. program on the 07 term of the US Supreme Court posted on Blackboard.
Thursday	22-Jan	Discussion of the role of law in society, based on assignment 1.
Tuesday	27-Jan	Ch.1 Tarr Overview of law
Thursday	29-Jan	Creating and empowering courts: Stone Sweet
Tuesday	3-Feb	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 1-28
Thursday	5-Feb	Shapiro ch. 1: the function of courts and their relationship to the state. Read pp. 28-64
Tuesday	10-Feb	Ch.2 Tarr Fed and State courts in US.
Thursday	12-Feb	Quiz 1 Ch.3 Tarr: Selecting Federal judges
Tuesday	17-Feb	More on selecting judges
Thursday	19-Feb	Effect of selection mechanisms on courts: Dahl article
Tuesday	24-Feb	Judicial independence in the US: Rosenberg article
Thursday	26-Feb	Watch The Murder of Emmett Till. Keep an eye out for the following issues: the relationship between law and society; the role of the jury in decision making; the role of the police and society in a trial; how dominant social norms can trump due process.
Tuesday	3-Mar	Begin Tarr ch. 5 on trials and appeals.
Thursday	5-Mar	Trials and Appeals continued; review for midterm
Tuesday	10-Mar	MIDTERM
Thursday	12-Mar	Tarr ch.6: crim justice and courts
Tuesday	17-Mar	Spring Break
Thursday	19-Mar	Spring Break
Tuesday	24-Mar	Issues in criminal justice: Effect of politics on prosecutorial priorities; Trials and guilt; the Death Penalty (readings on BB)
Thursday	26-Mar	Cont.
Tuesday	31-Mar	Civil justice: the litigation explosion Tarr ch.7; view "A Civil Action," time & place TBD
Thursday	2-Apr	Tarr ch.7 and A Civil Action
Tuesday	7-Apr	Civil litigation
Thursday	9-Apr	Civil Litigation
Tuesday	14-Apr	pre-quiz review
Thursday	16-Apr	Quiz 2
Tuesday	21-Apr	Copyright
Thursday	23-Apr	Haltom and McCann on the McDonald's hot coffee case: media and tort litigation
Tuesday	28-Apr	Finish Haltom McCann, begin judicial policy making
Thursday	30-Apr	Tarr ch.9: Judicial policy making - intro: pp. 277-286, 293 (criteria for evaluation), and 297-300 (legitimacy) Tarr ch.10: <i>Brown</i> , pp.304-315.
Tuesday	5-May	Finish Judicial policy making.
Thursday	7-May	A summary on the relationship between law and society