The first thing we do, let’s kill all the lawyers.

- Shakespeare
King Henry VI, Act IV, Scene 2

We have the heaviest concentration of lawyers on earth . . . three times more than England, four times more than in Germany, twenty-one times more than in Japan. We have more litigation; but I am not sure we have more justice. No resources of talent and training in our society, not even medical care, are more wastefully or more unevenly distributed than legal skills. Ninety percent of our lawyers serve ten percent of our people. We are over-lawyered, and under-represented.

-President Jimmy Carter,
Speech before the Los Angeles Bar Association, 4 May, 1978

This is a court of law, young man, not a court of justice.

- Oliver Wendell Holmes, Jr.

There is no more ridiculous opinion than to believe that all customs and laws of nations are inherently just.

- Cicero, Laws

Course Objectives:
The objective of this course is to examine the effect of the legal system on American public policy and ask how this system actually creates public policy. This examination will consist of three components. First, we will discuss what law, the public good and justice are and how they are best achieved. Second, we will examine three specific components of the legal system that affect public
policy. Finally, we will analyze three separate contemporary public policy issues: fetal rights, the death penalty, and legal issues surrounding sexual orientation.

**Student Learning Outcomes:**

By the end of this course the students should:

- Understand the legal system and how it affects public policy.
- Have a grasp of legal ethics and understand why those ethics are incongruent with the ethics of society.
- Understand the procedural framework of civil and criminal cases.
- Have a firm grasp on the following public policy issues: fetal rights, the death penalty and the legal status of gay marriage.
- Be able to argue principles involved in Constitutional cases.

**Textbooks:**

Selected Readings (on Wise or via email).

**Attendance:**

As you might expect, attendance is extremely important. Not only will you have a hard time understanding the case holdings when you are absent, but class discussions cannot occur absent a class. This is particularly important because our class meets only two times during the week. Attendance is therefore expected and is required to satisfactorily complete this course. My attendance policy is as follows: you may miss 2 classes without an excuse, but your grade will decrease by one-third of a grade for each additional unexcused absence. You may be absent for an unlimited amount of time with a valid excuse. I will make the final call, but it does include the following: a genuine personal or family emergency, sickness or health issues, and mandatory university activities. While class is important, it will never be more important than a true family or personal emergency. I do expect students to communicate with me when they will be absent. Unexcused absences on exams or failure to return a take-home final exam or paper by the deadline will result in a failing grade. Quizzes which are missed on a day with an unexcused absence will not be able to be made up.

**Assignments:**

- Debate and Position Paper (30%)
- Policy Analysis Paper (30%) (5% rough draft; 25% final draft)
- Class Participation (20%)
- Quizzes or Responsive Writing (20%)
Grading:

98-100% = A+(*)  94-97% = A  90-93% = A-
87-89%  = B+  83-86% = B  80-82% = B-
77-79%  = C+  73-76% = C  70-72% = C-
67-69%  = D+  63-66% = D  60-62% = D-
59% or below = F

Late Policy:
My late policy is as follows: every day an assignment is late, 1/3 of a grade will be deducted from it. I will not accept papers more than one week late.

Weekly Readings:

Week 1.

**Tuesday, 25 August — Justice, Law and the Moral Order**
- **Intro**: go over syllabus, course expectations; introduction to Politics 334
- **What is Justice?**

**Thursday, 27 August — Courts and Law; The Federal and State Court System; Judges**
- **Judicial Process**: Chapters 1-3
- **Taking Sides**: Issue 1: Should Lawyers be Prohibited from Presenting a False Case?

Week 2.

**Tuesday, 1 September — Lawyers, Trials and Appeals, Criminal Justice and the Courts**
- **Judicial Process**: Chapter 4-6
- **Moral Compass**: Intro, Chapters 1 and 2

**Thursday, 3 September — Quiz; Proposal**
- **QUIZ NO. 1**—covers all material to this point (readings and lectures)
- **Discuss Proposal**

Week 3.

**Tuesday, 8 September — Judicial Decision and Policymaking**
- **Judicial Process**: Chapters 7-9
- **Discuss Proposal**

**Thursday, 10 September — Discovery and the Culture of Firms; The Legal Profession; Whistleblowers**
- **Moral Compass**: Chapters 3-5
• **Constitutional Law for a Changing America, 5th ed.: Roe v. Wade**
• **PROPOSAL DUE**

**Week 4.**

**Tuesday, 15 September — Federal and State Court Policymaking; Abortion**

- **Judicial Process:** Chapters 10-11
- **Constitutional Law for a Changing America, 5th ed.: Casey v. Planned Parenthood**

**Thursday, 17 September — Quiz; Fetal Rights**

- **Hollis v. Commonwealth,** Supreme Court of Kentucky (1983).
- **QUIZ NO. 2**—covers all material between the last quiz and today

**Week 5.**

**Tuesday, 22 September — Fetal Rights**

- **Kentucky v. Morris,** Supreme Court of Kentucky (2002).
- **People v. Taylor,** Supreme Court of California (2004).

**Thursday, 24 September — Fetal Rights**

- **Oregon Legislative History/ORS:** Fetal Rights
- **Congressional Legislative History:** Fetal Rights
  - **Congressional Record:** House
  - **Congressional Record:** Senate
- **Lacey-Conner Bill/Law**

**Week 6.**

**Tuesday, 29 September — Death Penalty**


**Thursday, 1 October — Death Penalty; Quiz**

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1 All further readings are on WISE.
2 It is important that you read the first two fetal rights cases, Hollis and Keeler, before the second two, Taylor and Morris. It is listed accordingly on the syllabus, but this is not something to jump ahead on.
• **QUIZ NO. 3** — covers all material between the last quiz and today.

Week 7.

**Tuesday, 6 October**
- Paper Presentations
- ROUGH DRAFT DUE

**Thursday, 8 October — Death Penalty**

Week 8.

**Tuesday, 13 October — PAPERS DUE**

**Thursday, 15 October — Sexual Orientation and the Law**

Week 9.

**Tuesday, 20 October — PAPERS DUE!!!; Sexual Orientation and the Law**
- *Oregon Domestic Partnership* (Oregon State statutes re same sex civil union; other states’ laws, etc. *See WISE*)

**Thursday, 22 October — Sexual Orientation and the Law**

Week 10.

**Tuesday, 27 October — Debate**
- Debate No. 1: TBA

**Thursday, 29 October — Sexual Orientation and the Law**

Week 11.
Tuesday, 3 November — Debate
  • Debate No. 2: TBA

Thursday, 5 November — Civil Justice; Quiz
  • Moral Compass: Chapters 6-8
  • Quiz No. 4 — covers all material between the last quiz and today

Week 12.
  Tuesday, 10 November — Debate
  • Debate No. 3: TBA

  Thursday, 12 November — Secret Agreements and Class Actions
  • Moral Compass: Chapters 9, 10 and conclusion

Week 13.
  Tuesday, 17 November — Debates
  • Debate No. 4: TBA

  Thursday, 19 November — Debates
  • Debate No. 5: TBA

Week 14.
  Tuesday, 24 November — Catch Up
  • Catch up on Material

  Thursday, 26 November—THANKSGIVING

Week 15.

  Tuesday, 1 December — Catch Up
  • Catch up on Material

  Thursday, 3 December— Quiz; Evaluations
  • Quiz No. 5 — covers all material between the last quiz and today
  • Class Evaluations