

# POL 203 Topics in Legal Issues

## The Jury System

### Fall Term I

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Office Hours: 9:00-9:50 Monday, Wednesday, Friday  
Friday 1:00--2:00, and by appointment

#### Course Description:

Designed to provide the student with an opportunity to fully investigate a legal issue from all aspects of the political arena and at all levels. Topics may include issues such as civil, criminal, civil rights, gender rights, right to privacy, or sexuality. This semester's focus is on a variety of topics including DNA testing, Adoption Controversies, Gay Rights, Patient's Rights, Internet Privacy.

This course examines a policy area from its development to its legal interpretation. Both federal and state policy making and judicial systems will be introduced. The basic objectives of the course are (1) to increase your understanding of the role of the federal judiciary in the American system of government; (2) to broaden your understanding of the craft of judicial statesmanship by focusing upon the methods used by the judiciary in pursuing its objectives; (3) to illuminate the basic issues and doctrines of constitutional law as they relate to the development of an issue; and (4) to provide you with the skills necessary to find and interpret constitutional law.

#### Text:

*Issues in Law and Society*. CQ Press, 2001. ISBN 1-56802-667-6

#### Requirements:

**Exams:** There will be two exams: a midterm and a final. The midterm will cover the first half of the semester and the final will cover the second half of the semester. Both exams are written, essay exams. The exams consist of three sections: definitions, short answers, and essay. The student will have the discretion to delete one question in each section. Emphasis is placed on the integration of the course materials, texts, lectures, and writing skills. Students are expected to write with proper spelling and grammar. **THERE ARE NO MAKE-UP EXAMS. MISSED EXAMS RECEIVE A ZERO.** The midterm is worth 35% of the final grade. The final is also worth 35%. Students arriving late will have only the remaining allocated time to complete the exam.

**Simulation:** Each student will participate in a simulated moot-court session. The whole class will participate in a moot-court representing an issue before the U.S. Supreme Court. Each student will have a role as a judge, plaintiff, respondent, legal counsel, or other actor. Some students will be grouped together as legal staffs or as interest groups. Each student must also submit a report of their activities, their role, and rationale for their position. The report must also contain a copy of the brief submitted to the court, or the decision if the student is playing the role of a judge. The simulation and report are worth 10% of the final course grade. Attendance is mandatory during all days of the simulation. Every absence during the simulation will result in a full grade reduction in the simulation grade as well as affect the overall attendance policy of the class, as outlined below.

**Student Presentation:** Each student must choose an issue from a list of topics from the text book and present the issue to the class. Students will be teamed with one or two other students and are expected to coordinate their presentations. Each student must prepare a 10 minute presentation of the issue. Students are expected to research their topic and be aware of the arguments to be presented on the opposing side of the issue. All presentations will be scheduled, **THERE ARE NOT MAKE-UPS FOR MISSED PRESENTATIONS.** The presentation is worth 20% of the final course grade.

#### **Absences:**

Class attendance and participation are an important part of the course. Regular attendance facilitates class discussion, good performance on exams, and full participation in the course. Missed class meeting during group preparation or absences for any class meeting will result in the following deductions to the final course grade (any student arriving late or leaving early will be considered absent):

0-1 0% deduction, 2-3 5% deduction, 4-5 10% deduction, 6 or more 20% deduction

The instructor reserves the right to deny any student missing 5 or more class meetings participation on any project or exam. The student may be required to withdraw from the course.

#### **Grading Scale:**

The following grading scale is used for the final course grade: 92-100% A, 90-91% A-, 88-89% B+, 82-87% B, 80-81% B-, 78-79% C+, 72-77% C, 70-71% C-, 68-69% D+, 60-67% D, 0-59% F.

#### **Notes:**

The instructor reserves the right to make necessary changes to these requirements.

The instructor reserves the right to set a seating arrangement at any time.

Students leaving early or arriving late will be considered absent from class.

Plagiarism, fraud, or academic misconduct will result in an F for the course and a report to the Dean's office.

Please attempt to respect the instructor and the students. If you arrive late, please enter quietly. Try to refrain from leaving and re-entering the classroom, or do so with little distraction to the class.

## Reading and Topic Schedule

Sept	5	Introduction	
	10	DNA Databases, Chapter 1	
	12	Chapter 1 Student Presentations	_____ _____ _____
	17	Adoption Controversies, Chapter 2	
	19	Chapter 2 Student Presentations	_____ _____ _____
	24	Gay Rights, Chapter 3	
	26	Chapter 3 Student Presentations	_____ _____ _____
Oct	1	Prison-Building Boom, Chapter 4	
	3	Chapter 4 Student Presentations	_____ _____ _____
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	8	Policing the Police, Chapter 5	
	10	Chapter 4 Presentations	_____ _____ _____
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	15	Chapter 6 Drug Policy Student Presentations	
	17	<b>MIDTERM EXAM</b>	
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Oct 22 Patients' Rights, Chapter 11  
24 Chapter 11 Student Presentations

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29 Embryo Research, Chapter 12  
31 Chapter 12 Student Presentations

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Nov 5 Medical Mistakes, Chapter 13  
7 Chapter 13 Student Presentations

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12 Internet Privacy, Chapter 14  
14 Chapter 14 Student Presentations

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19 Copyright and the Internet, Chapter 16  
21 Chapter 16 Student Presentations

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26 Simulation  
28 Simulation

Dec 3 Simulation  
5 Simulation

**Final Exam, Tuesday, December 11, 2001 2:00-3:50**

### Reading and Briefing Supreme Court Opinions

The title of each case is taken from the names of the two parties of the controversy. Thus,

Marbury v. Madison involved one William Marbury who brought suit for his seat as Justice of the Peace in the District of Columbia, and one James Madison, Secretary of State under President Jefferson, whose alleged duty it was to deliver Marbury's commission as Justice of the Peace.

The name which appears first in a case is the Plaintiff or the party which is bringing the action. The Defendant or Respondent is the other party, against whom the action is taken. Each of the parties may be referred to as indicated in the hypothetical case which follows:

Pensyltucky v. Arkansas 335 U.S. 1 (1949)

Pensyltucky	v.	Arkansas
Plaintiff and		Defendant and
Petitioner		Respondent
(Certiorari) or		or
Appellant (Appeal)		Appellee

In reading and analyzing each case, students will undoubtedly diverge in their study habits and approaches. However, in order to grasp the essential points of each case, the following outline must be followed:

- a. Title of the Case: Who is doing what to whom?
- b. Facts of the Case: Who are the parties to the case? How do they fit into the case. (You may have to dig into the opinion, or even the dissenting opinions to discover all the facts) Get the facts straight or else the opinion will be meaningless.
- c. Legal Question or Questions: What legal question is the Court trying to answer. The Court may include a great deal of obiter dicta in a case, but the crucial material found in the Court's answer to specific legal question which the Court must answer. Most legal questions in Constitutional Law and Civil Liberties/Rights focus on a Constitutional power, amendment, or law/public policy. Usually laws are challenged as unconstitutional or individual/group behavior is challenged as unconstitutional. When a constitutional challenge is presented, a constitutional citation is necessary.
- d. Holding: What was the Court's answer to the legal questions. Usually a yes or no is sufficient at this stage.
- e. Opinion: What were the Court's reasons for its decision. How did they legally arrive at the answer? It is helpful if you can outline the Court's reasons for the decision to see how logical they are.
- f. Concurring and Dissenting Opinions: What are the major points of the conflict with the majority opinion? Who or why did other judges dissent?
- g. Significance of the Case: What impact does this case have? What makes it important enough for us to have discussed it? Are there any major flaws in the case that will need to be resolved in other cases? Does it set a precedent or overturn one?