Preliminaries

Overview
Most commentators assume that Supreme Court decisions have a direct and substantial impact on public policy. However, such a move ignores many of the realities of the policy process. For instance, how will lower courts interpret the decision? How will other governmental actors implement the decision? How will the U.S. population at large respond to the decision? Will the relevant actors comply with the decision? Even if the decision is faithfully implemented will there be unintended consequences?

To get some traction on these questions, and the broader question of whether the Supreme Court really can be an engine for major social change, we will examine the legal and political science literature on the implementation and impact of judicial decisions. In addition, we will read many of the relevant opinions themselves.

Class Requirements
Students are required to: attend lecture and section, carefully read any assigned material before lecture or section, and to participate appropriately. Your section syllabus will have more detailed information about what your GSI expects from you.

Students’ final grades will be based on the following three factors:

- mid-term examination (30% of final grade)
- final examination (50% of final grade)
- section attendance and participation (20% of final grade)

Professor Quinn will not participate in grade disputes. If you would like to challenge a grade received from your GSI, please refer to your section syllabus for how to do so.

Incompletes will not be given in this course

Attendance will be taken during the first two weeks of class during lecture and section. Students who do not attend lecture and/or section in the first two weeks may be dropped from the class roster to make room for students on the waitlist who have been attending.

You must attend the section in which you are enrolled. Furthermore, all class and section registrations must be done through Telebears.
Office Hours and Availability
Professor Quinn will hold office hours on Wednesdays from 10:15am to noon. Please sign up for office hours using the signup form on bSpace.

Professor Quinn’s email address is kquinn@law.berkeley.edu. He checks his email once per day and will try to respond within 48 hours. Professor Quinn will not answer substantive questions about the reading or lecture via email. Those questions can, and should, be raised during office hours. To ensure your email gets the attention it deserves, please put the course number (LS 138) in the subject line.

Cait Unkovic will also hold office hours. These office hours will be announced during section meetings. Please see your section syllabus for your GSI’s email policy.

Accommodation Policy
We will abide by the UC Berkeley campus plan for accommodating the academic needs of students with disabilities. Information on the accommodation policy can be found at: http://dsp.berkeley.edu/accommodationpolicy.html. Please contact both Professor Quinn and Cait Unkovic as soon as possible if you require accommodation under this policy. Prompt notification will help us make sure that you receive appropriate accommodation.

Course Website
The course website is available via bSpace.

Course Reading
There are five required books for this course. They are:

Required Books


In addition, the required reading for some weeks will include a small number of academic articles and / or court opinions. These are available on the course website.
Preliminary Schedule

The following is a preliminary schedule of course topics. It is a rough guide to what we will be covering and may well undergo some changes over the semester.

Thursday August 28: Course Overview

Required Reading
Chapter 1 of Murphy et al.

Tuesday September 2: Background Normative Issues

Required Reading
Chapter 2 of Murphy et al.

Thursday September 4: The Organization of the U.S. Judicial System

Required Reading
Chapter 3 of Murphy et al.

Tuesday September 9: Access to Judicial Power

Required Reading
Chapter 6 of Murphy et al.

Thursday September 11: Instruments of Judicial Power

Required Reading
Chapter 7 of Murphy et al.
Tuesday September 16: Checks on Judicial Power

Required Reading
Chapter 8 of Murphy et al.

Thursday September 18: Statutory Interpretation

Required Reading
Chapter 11 of Murphy et al.

Tuesday September 23: Constitutional Interpretation

Required Reading
Chapter 12 of Murphy et al.

Thursday September 25: The Interpreting Population I

Required Reading
Chapter 2 of Canon and Johnson

Tuesday September 30: The Interpreting Population II

Required Reading


Thursday October 2: The Implementing Population I

Required Reading

Chapter 3 of Canon and Johnson

Tuesday October 7: The Implementing Population II

Required Reading


Thursday October 9: The Consuming Population I

Required Reading

Chapter 4 of Canon and Johnson


Tuesday October 14: The Consuming Population II

Required Reading


Thursday October 16: The Secondary Population I

Required Reading

Chapter 5 of Canon and Johnson
Tuesday October 21: The Secondary Population II

Required Reading

Roe v. Wade, 410 U.S. 113 (1973)

Canon and Johnson, 1998, pp. 3-16


Thursday October 23: Midterm Exam

Tuesday October 28: The Impact of Judicial Decisions I (Conceptual Issues)

Required Reading

pp. 1-36 of Rosenberg

Thursday October 30: The Impact of Judicial Decisions II (Civil Rights)

Required Reading

Chapters 2 and 3 of Rosenberg

Tuesday November 4: The Impact of Judicial Decisions III (Civil Rights)

Required Reading

Chapters 4 and 5 of Rosenberg
Thursday November 6: TBD

Required Reading
TBD

Tuesday November 11: No Class

Thursday November 13: A Closer Look at the Supreme Court and Civil Rights I

Required Reading
Introduction and Chapters 1 and 2 of Klarman

Tuesday November 18: A Closer Look at the Supreme Court and Civil Rights II

Required Reading
Chapters 3, 4, and 5 of Klarman

Thursday November 20: A Closer Look at the Supreme Court and Civil Rights III

Required Reading
Chapters 6, 7, and Conclusion of Klarman

Tuesday November 25: Baker v. Carr and Redistricting (Background)

Required Reading
Chapters 1, 2, 3, and 4 of Ansolabehere and Snyder
Thursday November 27: No Class (Thanksgiving)

Tuesday December 2: *Baker v. Carr* and Redistricting (Judicial Action)

Required Reading

Chapters 5, 6, 7, and 8 of Ansolabehere and Snyder

Thursday December 4: *Baker v. Carr* and Redistricting (Consequences)

Required Reading

Chapters 9, 10, 11, and 12 of Ansolabehere and Snyder