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)

I do 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.

Incompletees 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.

Office Hours and Availability
Professor Quinn will hold office hours on Wednesdays from 11:00am 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.

The GSIs 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.

Course Website
The course website is available via bSpace.

Course Reading
There are three 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.

Thur. August 25: Course Overview
Required Reading
Chapter 1 of Murphy et al.

Tue. August 30: Background Normative Issues
Required Reading
Chapter 2 of Murphy et al.
Thurs. September 1: No Class

Tue. September 6: The Organization of the U.S. Judicial System

Required Reading
Chapter 3 of Murphy et al.

Thurs. September 8: Access to Judicial Power

Required Reading
Chapter 6 of Murphy et al.

Tue. September 12: Instruments of Judicial Power

Required Reading
Chapter 7 of Murphy et al.

Thurs. September 15: Checks on Judicial Power

Required Reading
Chapter 8 of Murphy et al.

Tue. September 20: Statutory Interpretation

Required Reading
Chapter 11 of Murphy et al.

Thurs. September 22: Constitutional Interpretation

Required Reading
Chapter 12 of Murphy et al.
Tue. September 27: The Interpreting Population I

Required Reading

Chapter 2 of Canon and Johnson

Thurs. September 29: The Interpreting Population II

Required Reading


Tue. October 4: The Implementing Population I

Required Reading

Chapter 3 of Canon and Johnson

Thurs. October 6: The Implementing Population II

Required Reading


Tue. October 11: The Consuming Population I

Required Reading

Chapter 4 of Canon and Johnson

Thurs. October 13: Midterm Exam

Tue. October 18: The Consuming Population II

Required Reading


Thurs. October 20: The Secondary Population I

Required Reading

Chapter 5 of Canon and Johnson

Tue. October 25: The Secondary Population II

Required Reading

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

Canon and Johnson, 1998, pp. 3-16


Thurs. October 27: The Secondary Population III

Required Reading


Tue. November 1: The Impact of Judicial Decisions I (Conceptual Issues)

Required Reading

pp. 1-36 of Rosenberg

Thurs. November 3: The Impact of Judicial Decisions II (Civil Rights)

Required Reading

Chapters 2 and 3 of Rosenberg

Tue. November 8: The Impact of Judicial Decisions III (Civil Rights)

Required Reading

Chapters 4 and 5 of Rosenberg


Required Reading

Chapters 6 and 7 of Rosenberg

Tue. November 15: The Impact of Judicial Decisions V (Abortion and Women’s Rights)

Required Reading

Chapters 8 and 9 of Rosenberg

Required Reading
Chapters 10 and 11 of Rosenberg

Tue. November 22: The Impact of Judicial Decisions VII (Same-Sex Marriage)

Required Reading
Chapters 12 and 13 of Rosenberg

Thurs. November 24: No Class

Tue. November 29: Assessing Rosenberg’s Argument

Required Reading
Chapter 14 of Rosenberg

http://www.press.uchicago.edu/books/rosenberg/index.html

Thurs. December 1: Review