Teacher: Robert L. Deitz, rdeitz@gmu.edu (phone: (703) 993-3480). I am in my office (Rm 674 in Founders Hall, Arlington) most week days. Office drops ins are always welcome. I know it is a challenge for undergrads to meet in Arlington. I can meet with students before or after class; if necessary I can travel to Fairfax to meet with students. One way or another, we can always talk. To schedule an appointment, please phone or email.

**Required text:**


**Required readings:**

On the Web:


Marbury v. Madison – Google the case name and open at Find Law.

Youngstown Sheet and Tube Co. v. Sawyer (“The Steel Seizure Case”) – Google the case name and open at Find Law.

Other cases as assigned.
Course Description

In *The Federalist Papers* 78, Alexander Hamilton called the judicial branch of the US Government the “least dangerous branch.” Legal scholars have debated this characterization. But what is beyond dispute is the power and influence of the judiciary. In the private sphere, tort suits arise every day. Slip on a wet spot in a grocery store? Sue the store owner. Fall off a ladder? Sue the ladder manufacturer. Afternoon TV shows are often sponsored by law firms that promise to obtain damages for various ailments and accidents. The criminal justice system is a source of endless fascination as the popularity of such TV programs as Special Victims Unit and NCIS attest. I doubt whether there are many adults in the US who are not familiar with the Miranda Rule. (“You have the right to remain silent,” etc.) And I expect that virtually everyone knows what it means to “lawyer up.” Where the federal judiciary is perhaps most significant, however, is in the shaping of public policy. As Tocqueville observed, hardly any issue arises in the United States that doesn’t, sooner or later, find its way into court. This generalization, as true today as it was in the 19th Century, applies to almost any dispute. Almost any executive order or administrative rule or legislative act will be challenged in federal court for violating the Constitution or some federal legislation. This course will examine the judicial process, with emphasis placed on the federal judiciary: What types of disputes will courts hear? Over what sorts of disputes do courts have jurisdiction? What sorts of remedies are available for courts to issue? How does one get into court? What rules are used to shape disputes in court? What are the processes of adjudication? How does the appellate process work?

Learning outcomes

Students will achieve an understanding of the judicial system and its role in informing public policy.

Evaluation

Student evaluations will be comprised of the following: Week Five quiz: 10%; Week nine mid-term: 35%; Final Exam: 45%; class participation: 10%. The quiz will be short answer. The mid-term and final exams will be in-class, essay-style tests; students will be able to choose the questions they wish to answer from an extensive menu.
Advice

It is crucial that students keep up with readings and to attend class. The numbers of pages I have assigned are reasonable, but the readings can be dense. Knowledge of the readings will be crucial for understanding the course and for participating in class discussions.

Schedule

Week One (both sessions): Introduction. What this course is about? Assignment: Book VII of Plato’s Republic, above (The Allegory of the Cave) (read up to and including the discussion of geometry, a little more than halfway through the dialog).

Week Two (both sessions): Law creation; the separation of powers; what does the judiciary do? Assignment: Article III of the US Constitution, above; Marbury v. Madison, above; Youngstown Sheet and Tube, above.

Week Three (both sessions): “The law is an ass.” Mr. Bumble in Charles Dickens’ Oliver Twist. What is law? Assignment: Text, Chapter 1.

Week Four (both sessions): What are the sources of law? Assignment: Text, Chapter 2.

Week Five (first session): Judicial organization. Assignment: Text, Chapter 3; (second session): Quiz.

Week Six (first session): Assignment: Text, Chapter 3, continued; (second session): How do you get rid of judges? Assignment: Text, Chapter 4.

Week Seven (both sessions): The practice of law. Assignment: Text, Chapter 5.

Week Eight (both sessions): Access to courts. Assignment: Text, Chapter 6.

Week Nine (first session): The judicial process. Assignment: Text, Chapter 7; (second session): Mid-Term Exam.
Week Ten (both sessions): Assignment: Text, Chapter 7, continued.

Week Eleven (both sessions): Trial courts. Assignment: Text, Chapter 8.

Week Twelve (both sessions): Appellate courts. Assignment: Text, Chapter 9.

Week Thirteen (both sessions): The scope of judicial power. Assignment: Text, Chapter 10.

Week Fourteen (both sessions): Assignment: Text, Chapter 10, continued.

**Final Exam.**

**Academic Accommodation for a Disability**

If you are a student with a disability and need academic accommodations, please see me and contact the Disability Resource Center (DRC) at 703-993-2474. All academic accommodations must be arranged through the DRC.