

GENDER, LAW, AND POLITICS

POLS 4750 - Spring 2017

Susan B. Haire, Ph.D

Baldwin 221C

Office hours:

By appt

cmshaire@uga.edu

Over the last several decades, judges have grappled with disputes that range from questions of contractual obligations by surrogate mothers to allegations of unequal athletic programs in colleges and universities. In this respect, courts play an important policy making role as they define the legal parameters for marriage and divorce, equal employment opportunities, domestic violence, reproductive freedom, child custody, economic and educational equity. To understand the influence of law on the status of women and men in society, this course will draw on case law, doctrinal analyses, and social science scholarship. This class will also consider issues surrounding shifts in the gender composition of the judiciary, legal profession, and law student population.

REQUIREMENTS

Participation (10%). All students are expected to attend class prepared on a regular basis (translation: READ and THINK about the material prior to our class meeting). I will call upon a small group of students during the class period to assist in the discussion of readings assigned for that date. Case briefing is essential to understanding the court opinions--you will be well-prepared if you have briefed the case. I will circulate via ELC more guidance on case briefing. Your participation grade will take into account your attendance and my evaluation of your preparation for class. I may also provide helpful information to facilitate your participation via ELC. Check your email daily for messages from me. One important note: I will follow a “no open laptops/tablets” policy for this class. If you have an e-version of the text, you should make careful notes (or print out select pages) and bring them with you to class.

Simulation (25%). Each member of the class will participate in one of two separate simulations that will run concurrently. Each simulation will involve the consideration of a hypothetical case that requires the resolution of a legal issue relevant to our course. Students will play one of the following roles: a specific justice of an appellate court, an attorney who represents an organized interest filing a “friend of the court” brief, or an attorney representing a direct party in the case.

Justices: Justices are expected to prepare for their role by analyzing the past voting behavior and opinion writing of their assigned judge/justice. You are to vote, debate, and write in the simulation as you believe the jurist would do if actually confronted with a real case similar to the hypothetical dispute. You will turn in an essay (approximately 8-10 pages) that includes: your justice’s professional background as it relates to the case, an analysis of the justice’s previous positions on similar issues, and an analysis of the justice’s present stance on the hypothetical case before the court. Although the writings of your justice will guide your paper, the essay also will be expected to demonstrate an

ability to develop an appropriate analytical framework for that issue. In addition, justices will participate in oral argument and conference deliberations.

Attorneys: Attorneys for each side will be paired to work as a team. You will write an appellate brief that details the arguments presented on behalf of your client. I will provide “sample” appellate briefs as a guide and meet with attorneys to discuss any questions on legal research and writing. An attorney’s grade will rest primarily on the written brief; however, attorneys also will participate in oral argument before the Court. Information on the simulations, including assignments, will be distributed via email no later than **February 28th**; simulation papers will be due **April 12th** the simulations will be conducted **April 18th and 20th**.

Exams (65%). The readings and materials are divided into three parts with a test following each of the first two sections and the simulation that will conclude the third part. The first part will also introduce students to case law and doctrine examining issues of gender equality, particularly in the workplace. In the second part, we turn our attention to legal policy and caselaw as it relates to affirmative action, pregnancy discrimination, education, athletics, divorce, child custody, and marriage. In the third section, we will focus on sexual harassment, domestic violence, and laws governing rape. The simulations will focus on hypothetical cases dealing with reproductive freedom.

The first test (15-20%) is scheduled for **February 9th**. The second test (15-20%) is scheduled for **April 4th**. Both tests will consist of short answer and short essay questions. The weight given to each of these tests will vary so that the higher score is weighted more heavily. The final exam (30%), scheduled for May 2nd, is cumulative. It will include much longer essay questions (a page or two per question) that will be drawn from a list that I will circulate prior to the end of the semester.

Academic honesty.

All students are responsible for maintaining the highest standards of honesty and integrity in every phase of their academic careers. The penalties for academic dishonesty are severe and ignorance is not an acceptable defense. All academic work for this course must meet the standards contained in "A Culture of Honesty." Students are responsible for informing themselves about those standards before performing any academic work. The penalties for academic dishonesty are severe, and ignorance is not an acceptable defense.

Emergency preparedness

We will review evacuation procedures the first day of class. Please make yourself familiar with the nearest exit in the event of a fire and what to do in the event of a tornado warning. If you have concerns about other emergencies or if you have special circumstances that I need to know about in case of an emergency, please speak to me after class.

Disability

If you plan to request accommodations for a disability, please register with the Disability

Resource Center. They can be reached by visiting Clark Howell Hall, calling 706-542-8719 (voice) or 706-542-8778 (TTY), or by visiting <http://drc.uga.edu>.

Text

Katharine T. Bartlett, Deborah L. Rhode, Joanna L. Grossman, and Samantha L. Buchalter. *Gender, Law, and Policy*. 2014. 2nd edition New York: Wolters Kluwer
Additional readings (including court opinions) to be announced. All additionally assigned readings will be available through GALILEO/LEXIS, publicly accessible web sites or via ELC from me.

You may find the following web sites to be helpful:

“Oyez” www.oyez.org: a multimedia source, the web site also archives oral arguments.
“The Legal Information Institute” www.law.cornell.edu : a comprehensive source that allows searches by topic, case, and author.

For some “basics” in terms of background of the courts:

<http://www.uscourts.gov/educational-resources/get-informed.aspx>

For timely, thorough information on what’s currently before the US Supreme Court:

<http://www.scotusblog.com/>

SCHEDULE OF READING ASSIGNMENTS

Part I.

Class 1 – Introduction to the class: expectations: January 5th

Class 2 - Overview of the court system and case briefing

p. 1-12; additional readings will be uploaded via ELC - January 10th

Class 3 – Video – January 12th

Class 4 – Formal equality – p. 23-33; p. 34-44 – January 17th

Class 5 – Hypotheticals (will be uploaded via ELC); Discrimination without intent p. 45-50 – January 19th

Class 6 - Employment and equality – Equal Pay Act; intro to Title VII p. 50-64 – January 24th

Class 7 – Title VII continued p. 64-88 – January 26th

Class 8 - Appearance discrimination p. 88-104 – January 31st

Class 9 - BFOQs – p. 104-120 - February 2nd

Class 10 – BFOQs – hypotheticals and state accommodations laws: p. 122-135 – February 7th

Class 11 – TEST 1 – February 9th