

GENDER, LAW, AND POLITICS

POLS 4750 - Spring 2018

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Office hours:

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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.

REQUIREMENTS

This class is divided into three parts. The schedule of assignments for part I is at the end of this syllabus. Assignments and due dates for parts II and III will be uploaded via ELC later this semester. Students should check email accounts regularly (and ELC) for messages and updates.

Participation (10%). All students are expected to attend class prepared on a regular basis. At the beginning of each class, I will list approx 7-10 names on the board of those who will be called upon during the class period to assist in the discussion of readings assigned for that date. Names will be drawn randomly and regularly so that each student is given a chance to “shine.” Case briefing is essential to understanding the court opinions--you will be well-prepared if you have briefed the case. Materials uploaded to ELC will provide more guidance on case briefing. Your participation grade will take into account your attendance and my evaluation of your preparation for class. I will occasionally provide hypotheticals to facilitate your participation.

Mini simulation: oral argument (10%). On February 8-13, each student will participate in a mini Supreme Court simulation of oral argument. Your grade in this assignment will consist of two components: your participation in simulated oral argument and a one-page essay in which you analyze the issues presented in each case from the perspective of your assigned role.

Quizzes (10%)

The first part will also introduce students to case law and doctrine examining issues of gender equality, particularly in the workplace. There will be two quizzes (each worth 5%) that consist of short answer and (very) short essay questions.

Exams (50%)

At the conclusion of the second section, there will be a test consisting of short and long essay questions (20%). I am tentatively scheduling the second test for **March 29th**. The final exam (30%) is scheduled for **May 1st**, 12-3pm. The final exam is cumulative. It will include much 5 longer essay questions (a page or two per question) that will be drawn from a list of 9 essay questions that I will circulate prior to the end of the semester.

Full Simulation (20%). This simulation will take place during the third part of the semester. 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 or advocating for an interest group 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 no later than **February 27th**; the simulation is tentatively scheduled to take place **April 17th and 19th**.

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

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, **for more information see: <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 timely, thorough information on what’s currently before the US Supreme Court:

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

SCHEDULE OF ASSIGNMENTS

Part I.

Class 1 (Jan. 4) the historical context, p. 12-22; in class video

Class 2 (Jan. 9) - Overview of the court system and case briefing

p. 1-12; additional readings on court system and case briefing on ELC

Class 3 – (Jan. 11) - Formal equality – p. 23-33

Class 4 (Jan 16) – Formal equality – p. 34-44

Class 5 – (Jan 18) Quiz 1 (first half of class)

Discrimination without intent p. 45-50 – January 18th – second half of class

Class 6 - (Jan 23) Employment and equality – Equal Pay Act; intro to Title VII p. 50-64

Class 7 - (Jan 25) Title VII continued p. 64-88

Class 8 – (Jan 30) Appearance discrimination p. 88-104

Class 9 - (Feb 1) BFOQs – p. 104-120

Class 10 – (Feb 6) Quiz 2 – first half of class; prep for simulated oral argument in second half of class

Classes 11, 12 (Feb 8th -13) –Title VII – employment discrimination

Supreme Court simulated oral argument *to consider the following decisions (these are real decisions that are NOT currently before the US Supreme Court)*

Hively v. Ivy Tech Comm College (7th Circuit, US Court of Appeals)

Evans v. Georgia Regional Hospital (11th Circuit)

Zarda v. Altitude Express Inc (2nd Circuit)

In this mini-simulation that focuses on oral argument, you will be assigned a role to play: lawyer or Supreme Court justice. Although the Court decided not to hear the Evans case and the Zarda case has not (yet) been appealed, for this simulation, we are going to assume that they granted oral argument for all three cases. To prepare for this assignment, you will be reading all briefs and lower court opinions associated with each case (more information will be available via ELC).