

**Women and the Law
Political Science 353 (Section 001)
Fall 2009**

Dr. Hausegger
lorihausegger@boisestate.edu
Office Hours: Tu, Th 10:30-11:30 AM
Tues. 1:35-2:35PM
and by appointment

Office: PAAW #126A
Phone: 426-5804

This course examines legal issues that are especially relevant to women. We will focus on decisions made throughout the United States, but primarily those made by the US Supreme Court. We will review rulings of the judiciary on issues ranging from employment discrimination to abortion to sexual assault. We will also consider government laws and policies in these issue areas. This approach will allow us to understand both the issues themselves and the workings of government and politics.

LEARNING OBJECTIVES/OUTCOMES:

One objective of this course is to make you familiar with court decisions and the content of major legal rules affecting women. At the end of this course, you should be able to trace the line of case development and the progression of legal rules in a variety of issues with relevance to women -- understanding both the path of doctrine and the state of precedent and policy today. Perhaps more importantly, however, this course is designed to help you develop analytical skills for determining the significance of cases, as well as the forces that shape legal rules and influence judicial decision making. Finally, you should achieve an understanding of the impact of court decisions, legal rules and government policies on Americans and their institutions.

REQUIRED READING:

Judith Baer and Leslie Friedman Goldstein. 2006. *The Constitutional and Legal Rights of Women*, 3rd ed. Los Angeles, CA: Roxbury Publishing Company.

Various handouts that will be provided throughout the quarter.

The lecture and reading materials are meant to complement, **NOT duplicate** each other. Thus some of what you read will not be discussed in class and some of the material discussed in class will not appear in your readings. You will be responsible for material covered in class and the reading -- the exams will cover material from **BOTH** lecture and readings.

Cases listed on the syllabus are considered particularly important. However, you are responsible for all cases covered in your reading and in lecture.

COURSE REQUIREMENTS:

First Exam	21%	September 29, 2009
Second Exam	22%	October 29, 2009
Moot Court Paper	22%	November 19, 2009, in class
Final Exam	24%	December 17, 2009 8-10AM
Quizzes	6%	Weekly
Participation/Moot Court Exercise	5%	

In addition to taking the exams and quizzes and turning in the written assignments students are required to read the assigned pages, to be prepared for discussion and to attend class **on time** and for the duration of the class.

GRADING SCALE:

A = 94% and above	C = 74-76%
A- = 90-93%	C- = 70-73%
B+ = 87-89%	D+ = 67-69%
B = 84-86%	D = 64-66%
B- = 80-83%	D- = 60-63%
C+ = 77-79%	F = 59% and below

Exams: The exams will consist of multiple choice, short answer and essay questions and will cover material from both lecture and readings.

I will only make special arrangements for students who miss an exam for a compelling reason (serious illness, family crisis etc.) and who notify me and receive my permission **PRIOR** to the exam (or in the case of emergency as soon as possible). Documentation will be required. If you **do not meet these conditions** you will **earn a zero**. If you **do meet these conditions**, an **ALL ESSAY MAKEUP** exam will be administered.

Mock Court Paper A separate handout will be distributed describing this assignment and its requirements. Students will choose between acting as a justice, counsel, amicus curiae, or a law clerk for a hypothetical case. Students will be responsible for writing a 12-15 page “brief” or “opinion” depending on their role. Preliminary steps to the paper will be due throughout the semester to make sure you are on the right track. The paper will be due in class and late papers will be penalized.

Quizzes: There will be a short pop quiz most weeks (beginning the week of September 8th). These quizzes are meant to ensure that you keep up with the reading load so you will not be overwhelmed when studying for the three exams. The date of these quizzes

will not be pre-announced and **NO MAKEUPS** will be available (no matter how good the excuse). If you come late to class you will **NOT** be given extra time to finish the quiz. However, your two lowest grades on the quizzes will be dropped when calculating your final grade.

Class Attendance/ Participation: Students should regularly both attend class and participate in class discussion. This component will be considered as part of the final grade. For those choosing to be justices or counsel in the mock court exercise, your oral questions (in the case of justices) or oral arguments (in the case of counsel) will count towards your participation grade (and you will be required to hand those in as well). For those choosing to take the quieter roles of amicus and law clerks, you will need to speak in class each week OR hand in a short (one page maximum) writeup each week. This writeup will detail your reaction to a topic we are covering or offer analysis of a story in the news that is relevant to the class. If you have not spoken in class that week you need to hand in a writeup. Findlaw.com is one possible source for legal news – it compiles stories from various levels of court. Take your participation grade seriously as it will make the difference between an A and a B in the class.

Extra Credit: There will be an extra credit opportunity that will require attendance at an academic talk sometime in October or November. Students will receive credit if they attend the talk and hand in a short writeup of the speaker’s presentation. More information on this opportunity will be given closer to the event.

ACADEMIC HONESTY: All of the work you do in this course is expected to be your own. Absolutely no cheating or plagiarism (using someone else’s words or ideas without proper citation) will be tolerated. Any cases of cheating or plagiarism will be reported to the Dean of Students and handled according to university policy. Please refer to <http://www2.boisestate.edu/studentconduct>

TOPICS AND TENTATIVE SCHEDULE OF READINGS

Aug. 25-27	Introduction to the course and to the US legal system
	<u>Equality in the Law</u>
Sept. 1, 8	Historical Overview of Legal Equality and Differential Treatment Text: pp.1-9; 11-23 Bradwell v. Illinois 1873
Sept. 3	Introduction to Legal Research
Sept. 10-17	Interpreting Equal Protection Text: pp. 46-56; 58-136

Family

Oct. 22-27 Marriage
 Text: pp. 264-280
 US v. Yazell 1966
 Kirchberg v. Feenstra 1981

October 29 SECOND EXAM

Nov. 3 Alternatives to Marriage
 Text pp: 241-264; 297-319

Nov.5-10 Divorce and its Consequences
 Text pp: 280-297
 *Long v. Long 1955*
 Salk v Salk 1975

Reproduction

Nov. 12-17 Development of the Right to Privacy and *Roe*
 Text: pp. 352-382
 Griswold v. Connecticut 1965
 Roe v. Wade 1973

Nov. 19 MOCK SUPREME COURT PAPER DUE

Nov. 19, Dec.3 Restrictions and Changes after *Roe*
 Text: pp. 382-446
 Webster v. Reproductive Health Services 1989
 Planned Parenthood v. Casey 1992
 Stenberg v. Carhart 2000
 Gonzalez v. Carhart 2007

Nov. 23-29 THANKSGIVING BREAK – NO CLASSES**Dec. 1 ***MOCK SUPREME COURT EXERCISE*****

Dec, 3 Recent Issues in Reproduction
 Text: pp. 464-494

Women and Crime

Dec. 8-10 Abuse and Sexual Assault (IF TIME)
Text: pp. 566-609

December 17 FINAL EXAM (8-10AM)

You can find more information on these and other cases through the web using the *US Reports*, or through *LEXIS/NEXIS* or *Westlaw* – available on the BSU Library Homepage. At the library homepage, click on *Article Indexes and Databases*, then select *LEXIS/NEXIS* or *Westlaw* from the list of choices. For example, in *Westlaw*, you can search for a case using its citation or name in the “case database” (clicking on either “all federal cases” or “Supreme Court cases after 1944”).

You can also access the cases through Findlaw at:
<http://www.findlaw.com/casecode/supreme.html>

Or at: <http://www.law.cornell.edu/supct> (then hit search from the left menu)