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.

Incompletes 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.

You must attend the section in which you are enrolled. Furthermore, all class and section registrations must be done through Telebears. There is one exception: If two students in different sections would like to switch sections with one another, they should email both Ryan rwcopus gsi@gmail com and Cait cait unkovic gsi@gmail to request a switch
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.

**Tue. January 22: Course Overview**

**Required Reading**

Chapter 1 of Murphy et al.

**Thur. January 24: Background Normative Issues**

**Required Reading**

Chapter 2 of Murphy et al.

**Tue. January 29: The Organization of the U.S. Judicial System**

**Required Reading**

Chapter 3 of Murphy et al.

**Thurs. January 31: Access to Judicial Power**

**Required Reading**

Chapter 6 of Murphy et al.

**Tue. February 5: Instruments of Judicial Power**

**Required Reading**

Chapter 7 of Murphy et al.
Thurs. February 7: Checks on Judicial Power

Required Reading
Chapter 8 of Murphy et al.

Tue. February 12: Statutory Interpretation

Required Reading
Chapter 11 of Murphy et al.

Thurs. February 14: Constitutional Interpretation

Required Reading
Chapter 12 of Murphy et al.

Tue. February 19: The Interpreting Population I

Required Reading
Chapter 2 of Canon and Johnson

Thurs. February 21: The Interpreting Population II

Required Reading
Tue. February 26: The Implementing Population I

Required Reading
Chapter 3 of Canon and Johnson

Thurs. February 28: The Implementing Population II

Required Reading


Tue. March 5: The Consuming Population I

Required Reading
Chapter 4 of Canon and Johnson


Thurs. March 7: The Consuming Population II

Required Reading


Tue. March 12: Midterm Exam

Thurs. March 14: The Secondary Population I

Required Reading
Chapter 5 of Canon and Johnson
Tue. March 19: The Secondary Population II

Required Reading

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

Canon and Johnson, 1998, pp. 3-16


Required Reading


Tue. March 26: Spring Break

Thurs. March 28: Spring Break

Tue. April 2: The Impact of Judicial Decisions I (Conceptual Issues)

Required Reading

pp. 1-36 of Rosenberg
Thurs. April 4: The Impact of Judicial Decisions II (Civil Rights)

Required Reading
Chapters 2 and 3 of Rosenberg

Tue. April 9: The Impact of Judicial Decisions III (Civil Rights)

Required Reading
Chapters 4 and 5 of Rosenberg

Thurs. April 11: The Impact of Judicial Decisions IV (Abortion and Women’s Rights)

Required Reading
Chapters 6 and 7 of Rosenberg

Tue. April 16: The Impact of Judicial Decisions V (Abortion and Women’s Rights)

Required Reading
Chapters 8 and 9 of Rosenberg

Thurs. April 18: Baker v. Carr and Redistricting (Background)

Required Reading
Chapters 1, 2, 3, and 4 of Ansolabehere and Snyder

Tue. April 23: Baker v. Carr and Redistricting (Judicial Action)

Required Reading
Chapters 5, 6, 7, and 8 of Ansolabehere and Snyder
Thurs. April 25: *Baker v. Carr* and Redistricting (Consequences)

**Required Reading**

Chapters 9, 10, 11, and 12 of Ansolabehere and Snyder

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**Tue. April 30: Event Studies**

**Required Reading**


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**Thurs. May 2: Review**
A variety of information escrows—including allegation escrows, suspicion escrows and shared-interest escrows—hold the...