



THE OHIO STATE UNIVERSITY

JOHN GLENN COLLEGE OF PUBLIC AFFAIRS

PUBAFRS 4510

Law and Public Affairs

Spring 2016

Date/Time: MW 4:10 pm - 5:30 pm

Classroom: Page Hall Room 60

Credit hours: 3

Prerequisites: None

Instructor: Maria Armstrong

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Phone/text: 614-208-3439 Office hours by appointment

COURSE DESCRIPTION

One critique of the field of public affairs is its overemphasis on the work of the Executive branch and failure to appreciate the role and significance of the judicial branch in administration. This course introduces students to the legal environment within which public employees and administrators operate, emphasizing the work of the judicial branch, and providing a legal basis for the study of public affairs. The purpose of the course is to provide students with a balanced perspective of the constitutional operating environment in the U.S., with a focus on how the courts engage in the policymaking process.¹

In this course, students will gain foundational knowledge of the separation of powers and role of the judiciary in the administration of government. This is accomplished by examining a) the formal powers of the judicial branch over the executive, b) the development and implementation of administrative law, and c) varying individual legal concepts that have shaped the development of public administration. Students will apply the theories learned by analyzing specific controversial court decisions or legislative actions to be selected by the class. (Examples: privacy issues, religious freedom, guns, legalization of marijuana, money in politics, food safety, animal rights, marriage, education reform, etc.) The selected issues will be examined during class discussion to demonstrate the impact of the juridical branch on administrative governance and management.

LEARNING OBJECTIVES

Upon successful completion of this course students will:

¹ This course is distinct from Political Science 4130, 4135 and 4137 in that the focus here is on how the legal system impacts the practice of management in the public sector.

- Identify the legal basis for the practice of public affairs, the role of the judiciary, and separation of powers
- Understand the environment and structures within which public administrators operate and the impact of various constitutional rights and legal provisions that govern how public employees do their jobs
- Demonstrate knowledge of law and public affairs through class presentations, discussion, small group analysis, court case briefs, exams and related assignments

TEXTBOOK

Rosenbloom, D.H., R. O’Leary, and J. Chanin. (2010). *Public Administration and Law*. 3rd Edition. CRC Press: Boca Raton, FL. ISBN: 9781439803981

Students can access textbook information via the Barnes & Noble bookstore website: www.shopOhioState.com as well as from their BuckeyeLink Student Center. This information is disseminated by B&N to all area bookstores. You may buy from a store of your choice and/or shop for books (always use ISBN# for searches) on line.

GRADING AND ASSIGNMENTS

Class participation	10%
Class presentations	40% (2@20%)
Case Briefs	20% (2 @10%)
Midterm examination	15%
Final examination	15%

Class Participation

Students are expected to attend and participate in class. Missing class, not being prepared, and not contributing to course discussion or group activities will adversely affect a student’s participation grade. Participation includes not only discussion of course concepts, but also careful listening and respect for others in the classroom.

Case briefs

There are two case briefs required for the course. Students will have an opportunity to select any United States Supreme Court case or Ohio Supreme Court case which impacts any area of administrative law. Case briefs should be at least three and no more than five pages double-spaced and must follow a briefing format discussed in class.

Class Presentations

Students will make two presentations and lead class discussions during the semester:

1. Government Gone Wrong: Students will choose a media story critical of administrative processes or government “red tape”, analyze the legal underpinnings of the issue, and lead the class in a short (10- 15 minute) discussion about the situation, the role of administrators in managing the problem, and the potential or actual legislative or judicial responses to the matter.

- Recent Ohio Supreme Court Cases: Working in small groups, students will watch a video recording of an Ohio Supreme Court case oral argument related to administrative functions in state government. Students will also read the case decision and will then lead the class in a 20 to 30 minute discussion about the case and the underlying issues.

Examinations

Students will take a midterm and final exam in this course. The midterm exam will cover all assigned material from weeks 1-8. The final exam will cover all assigned material from weeks 10-14.

Grading scale

93 - 100	A	80 - 82	B-	68 - 69	D+
90 - 92	A-	78 - 79	C+	64 - 67	D
88 - 89	B+	73 - 77	C	63 & below	E
83 - 87	B	70 - 72	C-		

Grade Appeals

If you believe that any grade was not properly assigned you may write a short email explaining why you believe the grade was incorrectly assigned within one week of receiving the graded assignment back. Each appeal will be considered, and if a re-grade is performed, the entire assignment will be re-graded. The final grade may be greater, less, or equal to the original grade.

COURSE POLICIES

Academic Integrity:

It is the responsibility of the Committee on Academic Misconduct to investigate or establish procedures for the investigation of all reported cases of student academic misconduct. The term "academic misconduct" includes all forms of student academic misconduct wherever committed; illustrated by, but not limited to, cases of plagiarism and dishonest practices in connection with examinations. Instructors shall report all instances of alleged academic misconduct to the committee (Faculty Rule 3335-5-487). For additional information, see the Code of Student Conduct (http://studentaffairs.osu.edu/info_for_students/csc.asp).

Disability Services:

Students with disabilities that have been certified by the Office for Disability Services will be appropriately accommodated. Students should inform the instructor as soon as possible of their needs.

The Office for Disability Services is located in 150 Pomerene Hall, 1760 Neil Avenue; telephone 292-3307, TDD 292-0901; <http://www.ods.ohio-state.edu/>.

Mental Health Statement

As a student you may experience a range of issues that can cause barriers to learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance or reduce a student's ability to participate in daily activities. The Ohio State University offers services to assist you with addressing these and other concerns you may be experiencing. If you or someone you know is suffering from any of the aforementioned conditions, you can learn more about the broad range of confidential mental health services available on campus via the Office of Student Life Counseling and Consultation Services (CCS) by visiting ccs.osu.edu or calling 614-292-5766. CCS is located on the 4th Floor of the Younkin Success Center and 4th Floor of the PAES Building. 24 hour emergency help is also available through the National 24/7 Prevention Hotline at 1-800-273-TALK or at suicidepreventionlifeline.org

COURSE OUTLINE

Date	Topics, Readings & Activities
Week 1	January 11: Course introduction, review syllabus, Introduction to American Legal Systems; Discuss Applied Analysis curriculum January 13: Introduction to American legal system, cont. Government Gone Wrong (GGW) assignment explanation <u>Watch</u> : Before class, watch Introduction to the Ohio Court System/ link on Carmen <u>Due Friday January 15 by midnight on Carmen</u> : Topic ideas for Applied Analysis
Week 2	January 18: No class. Martin Luther King Day January 20: Role of the administrative state; How to brief a judicial opinion <u>Read</u> : Rosenbloom Chapter 1- (Skim to page 30, read pages 31 to 44.)
Week 3	January 25: Administrative law; Sign up for GGW presentations in class <u>Read</u> : Rosenbloom Chapter 2 January 27: Operating in a public environment: ethics, public records open meetings <u>Read</u> : "Government Gone Bad" and "12 Most Impressive Government Successes of 2015" on Carmen
Week 4	February 1: Environmental law <u>Read</u> : Rosenbloom Chapter 3 February 3: Applied Analysis # 1; How to brief a case in class exercise <u>Read</u> : Case Opinion TBD GGW Presentations

Week 5	<p>February 8: Constitutional Processes <u>Read</u>: Rosenbloom Chapter 4</p> <p>February 10: Constitutional Processes, cont. GGW Presentations; Q & A and working session for Brief #1; <u>Brief #1 Due: February 12th midnight</u></p>
Week 6	<p>February 15: Applied Analysis #2; Supreme Court Group Project overview GGW Presentations</p> <p>February 17: Supreme Court Group Project in class working session GGW Presentations</p>
Week 7	<p>February 22: Street Level Encounters <u>Read</u>: Rosenbloom chapter 5 GGW Presentations</p> <p>February 24: Applied Analysis #3 <u>Read</u>: TBD GGW Presentations</p>
Week 8	<p>February 29: Guest Speaker: <i>Ohio Supreme Court Justice Judith French</i></p> <p>March 2: Midterm exam review GGW Presentations</p>
Week 9	<p>March 7: Midterm exam</p> <p>March 9: Optional class attendance: Working session for Case Brief #2 and Supreme Court case project</p>
Week 10	<p>March 21: Public employees and contractors <u>Read</u>: Rosenbloom chapter 6 GGW Presentations</p> <p>March 23: Public employees and contractors, cont. Guest Speaker? GGW Presentations <u>Brief #2 Due: March 25th midnight</u></p>

Week 11 March 28: Inmates/wards of administrative institutions
Read: Rosenbloom Chapter 7
GGW Presentations

March 30: Inmates/wards of administrative institutions, cont. In class working session for Supreme Court case presentations
GGW Presentations

Week 12 April 4: Antagonists of the administrative state
Read: Rosenbloom Chapter 8

April 6: Applied Analysis #4
Read: TBD

Week 13 April 11: Supreme Court Case Group Presentation

April 13: Supreme Court Case Group Presentations

Week 14 April 18: Supreme Court Case Group Presentations

April 20: Optional class attendance: final exam preparation

Week 15 Final Exam

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