

# Introduction to Legal Studies

## Spring 2006

### *Mid-term Examination*

You have the full class period (2:30-3:45) to complete this exam. *All students must respond to question one. You may then choose between questions two or three (answer one or the other).* Responses must be in essay form. Question one will count for 60% of the grade, question two or three will count for 40%. I recommend you spend 45 minutes on the first question and 30 minutes on the second.

**Question One** (*all students must answer the following question*):

**Read the following story and analyze it according to the ideas set out in *The Common Place of Law*. You are NOT expected to touch on every single way in which this story connects to the concepts discussed in the book. However, you must demonstrate that you understand the concepts contained within Ewick & Silbey's book and that you can correctly apply those concepts to the story below, explaining in each case why it applies. Do not simply say "this person is ATL." Like a biologist would do in explaining why an animal is categorized as a mammal, you must explain the characteristics (normativity, constraint, capacity, time & space) that put it in a type (ATL, BTL, WTL).**

Gabriel was normally a quiet man. García knew this, and was profoundly uneasy to see him so agitated outside Bradbury's flower-shop-and-mini-grocery. "What's happening?" asked García tentatively. "The trial finished today," Gabriel said through clenched teeth, "they found the cop who shot me and Florentino not guilty. The bastard got away with it." García just stared helplessly.

"And after all that time!" Gabriel continued, half to himself. "Remember how I was so happy when the state decided to investigate my case? All that time I had to take out of my day to spend in court, even when I wasn't testifying against the cop who shot me. Not that I minded. I wanted to see justice in action! Every time someone in our community gets into trouble with the police, they just keep quiet. But I stood up for us. I didn't even care about my medical bills, even though I still walk with a limp. A couple of cops even said they'd pay to drop the case. Maybe I should have taken their hush money after all." He snarled, "and you heard me, all 'yes sir,' and 'no sir' to the policeman's lawyer, even though he defended the brute. Me sitting in the witness chair, honoring the judge, sworn in on the Bible, and telling

the truth, like I'm supposed to. But the police just flat-out lied and got away with it! Where's the justice?"

Garcia tried to comfort his friend, but Gabriel pushed him away and continued. "I'm starting to think that Florentino did the right thing when he decided to take matters into his own hands." Garcia knew well what Florentino had done. Florentino had no illusions that courts could render justice. He figured the judge would side with his friends the cops and quash any murmurs of police brutality, even though the cops' actions were clearly *wrong*. So Florentino went into court with the idea of making life hard for the law. He wore a police uniform to court one day and gave interviews to the press (who believed he was a police spokesman) on the courthouse steps. He told the cameras that the police knew they were corrupt, but that nothing would ever change. The police commissioner was apoplectic when he saw that. And when Florentino was on the stand he answered every question in the slowest way possible. Simple answers took ten minutes. Florentino knew the judge couldn't do anything so long as Florentino was actually answering, so the trial was taking way too long. The judge and all those cops were stuck in court for days on end. Florentino had kept them off the streets. Maybe he even saved someone's life as a result.

As for Garcia, he wasn't surprised by the outcome. He'd seen lots of trials like this. The cops always had the best lawyers in town. They had team of investigators on their side to dig up lots of dirt on the people the cops shot. No matter how sympathetic the judge and jury, the evidence was invariably one-sided. But Garcia figured that was just the way the system worked. The cops might muster a stronger team and the judge sided with the people who presented the strongest case. Garcia had a sense of what might be done to change things. "Listen, Gabriel," he told his friend, "The same thing always happens to everyone in this community, because nobody knows their rights. You think the police can just hold anybody? You know that lawyer lady, Ms. Marquez, right? Well, we started organizing in the area, to let people know that the police have to have warrants to conduct investigations, arrest people and whatever. We're handing out pamphlets to people, to *educate* them, Gabi. Our organization is getting sponsorship from local businesses to buy cameras to record the police when they come to the neighborhood, and we're teaching people how to take down records of any incident of brutality. Better yet, we're getting money together to hire an *amazing* lawyer the next time the cops shoot a guy. This way, when the boys in blue get out of line, we'll give them in court what they've been giving us for way too long."

Gabriel wasn't convinced. "I don't know about that Ms. Marquez. She's very buddy-buddy with some of the police. You know her sister is married to a cop, right?" "Yeah, but that doesn't matter. She's still been helpful in giving us legal advice to fight back. According to her, if we have evidence like pictures, and if we can get others in the community to be willing to testify, we can even sue the police ourselves! I personally could use the money. Why don't you come to our next meeting?"

Gabriel's hard-set face softened almost imperceptibly. He nodded curtly, and set off, leaving García standing in front of Bradbury's. "Tuesday's at nine at Rushdie's deli!" García's voice rang out faintly behind him.

**Questions Two and Three.** *Making clear use of at least three of the readings from class (other than *The Common Place of Law*), you must answer **ONE** of the following **TWO** questions:*

2. Based on the relevant readings, what are the various forces that form law's basis? In other words, if we are to truly understand law, what are the different influencing factors we need to take into account?
3. Based on the relevant readings, why do people obey or not obey the law? In what situations might people justify disobeying a law, according to the authors we have read?