

Introduction to Legal Studies

Fall 2005

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 must then choose between questions two or three (answer one or the other). You may answer them in either order you wish, however. Responses must be in essay form. Question one will count for 60% of the grade, questions 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.

William Golding High School is located in Newton, Massachusetts. Its principal, Adam Pigston (whom the students call "Piggy"), is a generally revered figure who has run the school for over 25 years. He is often seen around town wearing wire-rimmed glasses and a tweed suit that help mark him as the school authority he is. Principal Pigston spends most of his day in his stately, wood paneled office. His staff is highly devoted to him and generally does its job with great dedication and efficiency, each according to his or her assigned role.

The goings-on at Golding High School are typical of any school. On a recent Thursday, the principal returned to his office to three waiting people – two parents and a student. He noticed his administrative staff happily chowing down on a plate of freshly-baked chocolate chip cookies that the first parent in line had brought with her when she met with the clerk in charge of attendance recordkeeping. Pigston refused the offer of a cookie and brought the woman into his office.

The parent, Jain Lattes, was upset that Pigston had suspended her daughter Lucy for repeated tardiness. Ms. Lattes began her argument before she even sat down. She understood the rule – that a student is allowed to arrive late to school eight times after which they are suspended one day. But her case was different. "Principal Pigston," Ms. Lattes began:

"I understand you made this rule for a reason. You are trying to prevent disruptions after the start of class. But I also know that you are required by district regulations to hear my side of the story. I've also heard that you're not always so strict with the rules. So, let me tell you, Lucy's late arrivals have been due to

her private soccer lessons. She's already getting attention from lots of college scouts. You must agree that we stand to benefit a great deal if she gets a scholarship."

While they were talking the phone rang. It was the superintendent of schools (Pigston's boss) calling about Lucy Lattes. "Piggy," the superintendent said:

"I hear from a friend of Jain Lattes that you've suspended our big star. I don't know if you've been following the results of our soccer team, but you should know that their undefeated record is all thanks to Lucy. Nike is now talking about putting the team in an ad. This could be big, Piggy."

Pigston hung up the phone, looking somewhat pale. He found the call inappropriate. He would run the school according to the rules, not doing favors just because it will help the school.

Moments later the attendance clerk walked in and whispered to Pigston, showing him a printout of Lucy's attendance record. It showed only four absences that year. Pigston didn't understand. He'd just had the file in front of him yesterday and it said ten. The attendance clerk's breath reeked of chocolate and she smiled at Ms. Lattes as she hovered by Pigston. Pigston sighed and looked at Ms. Lattes. "The file shows only four absences. And rules are rules. I have no grounds for punishing your daughter. I'm sorry, Ms. Lattes." As she walked out, the clerk said, "Ms. Lattes, tell that amazing daughter of yours good luck in the game!"

Pigston looked up from his desk and saw Doug Thayer standing in the doorway. Thayer was the father of two children at the school. Thayer had gone to Golding HS himself and looked upon Principal Pigston with awe and fear. "I hate to bother you," Thayer began meekly. "I wouldn't normally come all the way down here to your office, but I'm concerned about some drug use at the school I've heard about."

"I'm not so much concerned about my kids, but really about the more vulnerable population at the school - and the whole atmosphere drugs can create at a school. I just wanted to let you know what I'd heard so that you might get the process going to try to clean things up."

Pigston thanked Thayer for his concern and assured him that he would contact the drug compliance office (DCO) at district headquarters. "There's not much I can do. I can't call in the police, only the DCO can do that. But they have a great record getting lasting results." Thayer thanked the Principal for hearing him out and left feeling confident that the problem would be quickly resolved.

Soon after, Mike Dunkerley plopped down in the office. Dunkerley was bad news, a sixth-year junior who was regularly in trouble. "Whaddaya want this time, Piggy?" the student snorted. "I'm busy right now, Michael. I have much to attend to and will deal with you later." "I ain't got nowhere to go," Dunkerley retorted. "I'll just wait here." "No, Michael, you'll leave." "Whatever."

There was a pause of five long minutes while Pigston waited for Dunkerley to go. When he didn't, Pigston gave in and allowed the punk to speak. "I'm so sick of your rules,

Piggy. You and the school board just make these rules – do this, do that – but you never ask us students what we think would work. You’re just on a power trip.” “Michael, why are you here?” “I got caught smoking.” “You are well aware that smoking on school grounds is not allowed.” “Well, Piggy,” said Dunkerley, a sly smile coming across his face, “I wasn’t on school grounds. I was standing just outside school grounds.” “I hardly see the difference, you were blowing clouds of smoke onto school property.” “There isn’t a rule about *that*, Piggy Law.”

Pigston withered. He’d been had by some flunkie kid. “Maybe I should just retire,” the Principal muttered to himself as Dunkerley walked out.

Questions Two and Three (you must answer **ONE** of the following **TWO** questions):

Question Two:

An estimated one million dogs live in New York City. With a pedestrian culture unlike any other American city, the problem of dog poop on the sidewalks is particularly sticky. The risks of people stepping in the doo and the problems of disease that can come from such fecal contact constitute a public health problem. Current city law requires dog owners to clean up after their dogs. A first offense carries a fine of \$50. Yet not everyone obeys the law. If one estimate is correct that one percent of dog owners do not clean up after their dogs, then neglectful owners leave more than 10,000 droppings a day on city sidewalks. Last year there were only 491 tickets issued for this offense, suggesting that the chances of being caught are quite miniscule.

In order to understand and combat this problem, the New York City Council has called upon you – an expert in studies of why people do (and don’t) obey the law – to consult with it on how to obtain full compliance with the law. In a short essay making use of at least three of the articles and class discussions on this subject please make an argument as to the possible factors that explain why people do or do not obey this law in full. How could the law could be differently structured or enforced (either officially or otherwise) to bring compliance as close to 100% as possible. Your essay should demonstrate an understanding of the variety of possible explanations, but you must take a position – a thesis backed up with support from the readings – as to what solution you believe is most likely to succeed and why.

Question Three:

In American society we support the idea of popular will as the *best* basis for law and governance. Using at least three of the readings we have done for class thus far, answer the following question: What are the potential drawbacks of unfettered democracy. In other words, what are the possible problems that stem from rule by popular will (either in making or applying law)?

NOTE: I consider each of the individual opinions in *The Case of the Spelucean Explorers* to be a separate reading. The same goes for the separate opinions (Kennedy’s majority;

