**

**PPD 314: Public Policy and the LAW**

Frank V. Zerunyan, J.D. LL.D. (hc)

Professor of the Practice of Governance

**Term:** Spring 2022

**Location:** VPD 110 **Instructor:** Frank V. Zerunyan, J.D.

**Office:** RGL 200 or Zoom **Office Hours:** By Appointment

**Day and Time:** Wednesdays 6:00 p.m. to 9:20 p.m. weekly class sessions (51118)

**Contact Info:** frank.zerunyan@usc.edu (213) 740-0036 Mobile (310) 971-5219

This course provides the student with a strong foundation in the American legal system and with a clear understanding of the fundamental relationship between public policy and the law, including regulation. As every student of American government and policy understands, the Framers of the U.S. Constitution created three separate and distinct branches of government: The Executive, the Legislative, and the Judicial. This class aims to investigate how the president and the legislators influence and create law and public policy and then focus on how courts interpret, enable -- and limit -- the elected branches' policymaking choices.

We will study the U.S. Constitution and read and analyze various judicial opinions and case studies to understand the full extent of judicial power. As we will see, judges have addressed and shaped major policy issues throughout history, including expression, religion, campaign finance, segregation, privacy, and guns. There are, of course, many more, but so little time to explore.

By investigating judges and courts, the class will highlight a significant (though often hidden) field of public policy shaping in the judicial branch. For this reason, the course is ideal not only for every student of public policy but also for undergraduate students interested in law and public policy generally as well as those students considering law school.

Finally, we will examine the context of law at various governments' levels (federal, state, county, and city). We will explore sound policymaking as it correlates to good governance—the skill of consensus building in policy negotiations. We will conclude with the role of leadership in policymaking and legislating. We hope to have at least two guest speakers, one from the judicial branch (Judge) and the other from the legislative branch (State Assembly Member or Senator).

The learning objectives of this class include the following: (1) identifying the division of policymaking powers concerning the law across the three branches of government, (2) discerning the inter-connectedness between law and public policy, (3) understanding the specific nature of the courts' policy-shaping powers, (4) reading and analyzing judicial opinions, and (5) objectively presenting and discussing controversial law and public policy topics (6) sound policymaking, governance through consensus and leadership.

I LOVE THIS COURSE! I live it. I am a proud lawyer and policymaker. I intend to make it enjoyable and instill in you the love of Policy and Law. This love has served me well. I hope it will you too.

I am looking forward to seeing you all in our class.

PLEASE read this SYLLABUS CAREFULLY. I will explain all of this and more on January 19.

**Course Description**

**Required Texts**

Tarr, A.G. *Judicial Process and Judicial Policymaking* 7th Edition (2019) Rutledge, Taylor & Francis Group

Duzert, Y. and Zerunyan, F.V*. Newgotiation for Public Administration Professionals* (2019) Vandeplas Publishing

**Other Materials**

Selected readings and other instructional materials are listed below (see Hyperlinks) or will be distributed via Blackboard. To receive communications from me, please ensure that Blackboard displays your preferred email address.

I recommend watching C-SPAN’s Landmark Cases: Season One and Two (I watched most and loved it all!) <http://landmarkcases.c-span.org/SeasonOne.aspx>

<http://landmarkcases.c-span.org/default.aspx> I will say more about this in class on January 19.

**Assignments and Grading**

One Individual Paper - Mid Term (Possible Points 350) (TBA) Due March 27 by 6:00 p.m.

Final Exam; Short answers/Multi State (Possible Points 350)

Class Participation (Possible Points 100) (Knowledge Checks)

Team Projects (Possible Points 200) (Team presentations in class; graded)

Class is built on 1,000 points

940 Points plus = A

900-939 Points A-

870-899 B+

840-869 B

800-839 B-

770-799 C+ etc.

**Assignment Submission Policy**

Please submit your written assignments to Blackboard and my TA via email (if one is assigned). Your written work must be attached to the email in a PDF format. Please name your paper with your last name and assignment number (i.e., in my case, zerunyanpaper1.doc). I will introduce you to my TA on January 19 (again if one is assigned).

**Additional Policies**

This is a four-unit course and very interactive. You are very important to the class. Your attendance is of utmost importance. Please no unexcused absences and certainly not more than two excused absences per student. More importantly, your attendance will earn you points toward your grade.

**Course Schedule**

All reading assignments must be completed for the day they are listed. **Required Readings** are indicated as such. **Optional or Suggested Readings** are for those of you who are interested in the subject matter as future policymakers, lawyers, or judges (10 to 20% of my previous classes have gone or will go to law school; VERY COOL!). These extra readings are, therefore, optional. Your reading or not reading will not affect your grade. In addition, while you will all be responsible for reading the landmark cases I listed as part of our curriculum, I will assign each case to a TEAM for class presentations (see below; I will explain more on January 19). Some class lectures are on PowerPoint and posted on Blackboard under “Content” (subject to slight variations).

**Week 1: JANUARY 12**

DO NOT COME TO CLASS. WE WILL START WITH FOUNDATIONAL VIDEOS.

PLEASE DOWNLOAD and Check out and explore [“The Interactive Constitution”](https://constitutioncenter.org/interactive-constitution)

We will refer to the constitution often.

PLEASE WATCH on your own during your class time (about 1 hour and 1.5 hours duration respectively)

[National Constitution Center’s Introduction of Landmark Cases](https://www.c-span.org/video/?328073-1/discussion-landmark-supreme-court-cases)

[Marbury v. Madison](http://landmarkcases.c-span.org/Case/1/Marbury-V-Madison)

*For reference, you may also find**The Constitution of the United States at* [Archives](https://www.archives.gov/founding-docs/constitution) or [Cornell Law](https://www.law.cornell.edu/constitution/overview)

**Week 2: JANUARY 19**

Course Introduction – I will see you in class.

Separation of Powers Articles I, II and III. Landmark cases and the relevance in class.

**Required Readings**:

The Constitution of the United States including all 27 amendments

**Optional or Suggested Readings:**

James Reichley, *Introduction & the Intention of the Founders,* 1-28 in The Life of the Parties (1992)

Daniel Farber and Philip Frickey, *Arrow’s Theorem and the Democratic Process, 38-62* in Law and Public Choice: A Critical Introduction (University of Chicago Press 1991)

**Class Discussion**

***Marbury v. Madison*** 5 U.S. 137 (1803)

(To familiarize yourselves with legal terms and to help you with some of the questions I will ask (issue, holding, dicta, etc.) in class, read: [“How to write a case brief for law school”](https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page)

**Week 3: JANUARY 26**

Federalism Article IV and the 10th Amendment

California Constitution Article XI (Charter and General Law Cities)

**Required Readings:**

Zerunyan, Frank V. “Evolution of the municipal corporation and the innovations of local governance in California to preserve home rule and local control.” Fordham Urban Law Journal Vol. XLIV 2017 Pages 217-245

**Week 4: FEBRUARY 2**

The Relationship Between LAW and Policy

What is law? What is Policy?
The U.S. Constitution – the supreme law of the land.

The relationship between law and policy in the American Court System.

**Required Readings:**

*Judicial Process and Judicial Policymaking* 7th Edition -Chapter 1 and 2

**Knowledge Check? (10 pts)**

**Week 5: FEBRUARY 9**

The Policymaking and Lawmaking Players. The role of Regulation.

**Required Readings**:
*Judicial Process and Judicial Policymaking* 7th Edition - Chapters 3 and 4; and 9

Judge Richard Posner, Nine Theories of Judicial Behavior, pages 19-56 in Richard Posner’s book, How Judges Think (Harvard College Press 2008) (Open link on the web; simply search for it)

Lee Epstein and Andrew Martin, *Does Public Opinion Influence the Supreme Court? Possibly Yes (But We’re Not Sure Why),* 13 U. Pa. J. Const. Law 263-281 (2011)

**Optional or Suggested Readings:** [MBC](http://www.dca.ca.gov/publications/rulemaking/index.shtml) and [Cal. OAL](http://ccr.oal.ca.gov/) Web Sites for Regulations

**Knowledge Check? (10 pts)**

**Week 6: FEBRUARY 16**

Policies and Law Arising out of the 1st Amendment

Look at the 1st Amendment

**Class Oral Arguments:**

Team 1: First Amendment (Speech)

 Brandenburg vs. Ohio 395 U.S. 444 (1969)

Team 2: First Amendment (Individual Expression)

 Tinker vs. Des Moines Ind. Comm. School 393 U.S. 503 (1969)

**Optional or Suggested Readings:**

Lee Epstein and Andrew Martin, *Does Public Opinion Influence the Supreme Court? Possibly Yes (But We’re Not Sure Why),* 13 U. Pa. J. Const. Law 263-281 (2011)

**Week 7: FEBRUARY 23**

Policies and Law Arising out of the 1st Amendment

**Class Oral Arguments:**

Team 3 : First Amendment (Corporate Expression)

 Citizens United vs. Federal Election Comm. 558 U.S. 310 (2010)

Team 4: First Amendment (Religion-Establishment)

 Lemon vs. Kurtzman 403 U.S. 602 (1971)

Team 5 : First Amendment (Free Exercise)

Masterpiece Cake Shop vs. Colorado Civil Rights Commission 584 U.S. \_\_\_ (2018)

138 S. Ct. 1719; 201 L. Ed. 2d 35

**Week 8: - MARCH 2**

14th Amendment Discrimination – Equal Protection of Laws

**Class Oral Arguments:**

Team 6 : Fourteenth Amendment (Discrimination)

 Yick Wo vs. Hopkins 118 U.S. 356 (1886)

Team 7: Fourteenth Amendment (Discrimination)

 Brown vs. Board of Education 347 U.S. 483 (1954)

**Class Discussion**

***Plessy vs. Ferguson*** 163 U.S. 537 (1846) - (to help you with some of the questions I will ask during our discussion see the essential elements of a case brief: [“How to write a case brief for law school”](https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page)

**Week 9: MARCH 9**

Policies and Law Arising out of Discrimination/Due Process/14thAmendment

Judicial Decision Making

**Class Oral Arguments:**

Team 8 : 14th Amendment - Privacy

 Griswold vs. Connecticut 381 U.S.479 (1965)

**Class Discussion: USC Lambda LGBTQ Alumni Association Event (Video)**

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“*Over the years, the US Supreme Court has heard several cases whose outcomes have both hindered and upheld LGBTQ+ rights in America. From the 1958 free speech case brought on by ONE, Inc. (the namesake of ONE Archives at USC Libraries) to the 2013 ruling that paved the way for marriage equality, the cake baker case in 2018, and the recent decision affirming non-discrimination protection for employees, this online event will discuss how the Supreme Court has shaped LGBTQ+ rights in America and what political and social implications its decisions will have in the foreseeable future.*”

**Required Readings**:

*Judicial Process and Judicial Policymaking* 7th Edition -Chapter 8

**Knowledge Check? (10 pts)**

**Week 10: MARCH 23**

Criminal Justice – 4th Amendment Search and Seizure and GUNS

**Class Oral Arguments:**

Team 9: Fourth Amendment

 Katz vs. United States 389 U.S. 347 (1967)

Team 10 : Second Amendment (Right to bear)

 District of Columbia vs. Heller 554 U.S. 570 (2008)

**Required Readings**:

*Judicial Process and Judicial Policymaking* 7th Edition -Chapter 6

**Class Discussion**

***Gideon v. Wainwright*** 372 U.S. 335 (1963) Right to Counsel - (to help you with some of the questions I will ask during our discussion see the essential elements of a case brief: [“How to write a case brief for law school”](https://www.lexisnexis.com/en-us/lawschool/pre-law/how-to-brief-a-case.page)

**Week 11: MARCH 30**

Movie Night TBA

Class Discussion

**Week 12: APRIL 6**

Good Policy Making and Good Governance

**Required Readings**:

Duzert, Yann and Zerunyan, Frank (2019). *Newgotiation for Public Administration Professionals*. Vandeplas Publishing (2019) Chapter 1 and 2

**Class Discussion**

Eight Neighbors Case Study – See Blackboard

**Week 13: APRIL 13**

Consensus Building in Policy Negotiations

**Required Readings**:

Duzert, Yann and Zerunyan, Frank (2019). *Newgotiation for Public Administration Professionals*. Vandeplas Publishing (2019) Chapter 6, 7, 8

**Week 14: APRIL 20** – Negotiation Case Study

Guest Speaker(s) Policy Maker (California Senator or Member of the Assembly TBA)

Guest Speaker Bench Officer (Judge)

**Week 15: APRIL 27** – Importance of Leadership in Policy and LAW

**Required Readings**:

Duzert, Yann and Zerunyan, Frank (2019). *Newgotiation for Public Administration Professionals*. Vandeplas Publishing (2019) Chapter 9 and 10

White Paper *“Humble Leaders: What defines them, and how they unlock a high-performance culture.”* Dale Carnegie (2018)

Final Examination (during Finals week)

**Statement on Academic Conduct and Support Systems**

**Academic Conduct**

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences.  Please familiarize yourself with the discussion of plagiarism in *SCampus* in Section 11, *Behavior Violating University Standards* [https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions](https://scampus.usc.edu/1100-behavior-violating-university-standards-and-appropriate-sanctions/).

Other forms of academic dishonesty are equally unacceptable.  See additional information in *SCampus* and university policies on scientific misconduct, [http://policy.usc.edu/scientific-misconduct](http://policy.usc.edu/scientific-misconduct/).

Discrimination, sexual assault, and harassment are not tolerated by the university.  You are encouraged to report any incidents to the *Office of Equity and Diversity* <http://equity.usc.edu> or to the *Department of Public Safety* <http://adminopsnet.usc.edu/department/department-public-safety>.  This is important for the safety of the whole USC community.  Another member of the university community – such as a friend, classmate, advisor, or faculty member – can help initiate the report, or can initiate the report on behalf of another person.

*The Center for Women and Men* provides 24/7 confidential support. <http://www.usc.edu/student-affairs/cwm/>

The *Sexual Assault Resource Center* webpage describes reporting options and other resources. <http://sarc.usc.edu>

## **Support Systems**

A number of USC’s schools provide support for students who need help with scholarly writing.  Check with your advisor or program staff to find out more.

Students whose primary language is not English should check with the *American Language Institute*, which sponsors courses and workshops specifically for international graduate students.  <http://dornsife.usc.edu/ali>

*The Office of Disability Services and Programs* provides certification for students with disabilities and helps arrange the relevant accommodations.
<http://sait.usc.edu/academicsupport/centerprograms/dsp/home_index.html>

If an officially declared emergency makes travel to campus infeasible, *USC Emergency Information* will provide safety and other updates, including ways in which instruction will be continued by means of blackboard, teleconferencing, and other technology. <http://emergency.usc.edu>

Frank Vram Zerunyan, J.D. is a Professor of the Practice of Governance at the Sol Price School of Public Policy and Director of Executive Education at USC Price Bedrosian Center on Governance and The Neely Center for Ethical Leadership and Decision Making, an Interdisciplinary Center USC Marshall USC Viterbi and USC Price (DECIDE), as well as Director of ROTC Programs. His key areas of expertise include Local Governments, Public Private Partnerships, Civic and Ethical Leadership, Land Use and Real Property Law, Regulation, Negotiation and Executive Education. He teaches graduate courses on Intersectoral Leadership (Collaborative Governance), Business and Public Policy, International Issues in Public Policy, Negotiation, Place Institutions and Governance as well as International Laboratory. Frank also lectures locally and globally to build capacity and foster leadership among public and military executives worldwide. In his capacity as an honorary instructor colonel in the Armenian Army and Air Force, he lectures, coaches and advises on academic affairs at the Vazgen Sargsyan Military University in Armenia. For his influential work over the past five years in Armenia, he was awarded LL.D. Doctor of Laws – Honoris Causa by the Public Administration Academy (PAARA) of the Republic of Armenia.

Frank is a three term Mayor and still serving Council member in the City of Rolling Hills Estates, California. In 2008, Frank was elected and assumed a leadership role as the 52nd President of California Contracts Cities Association, the second largest municipal organization in the state of California with approximately 75-member cities and 7 million residents. As a gubernatorial appointee under Governor Schwarzenegger, Frank was a state regulator serving on the Medical Board of California in the Department of Consumer Affairs. His responsibilities on the Medical Board included the promulgation of regulation, professional discipline on behalf of 38 million medical consumers of the state and the sixty million plus budget of the Medical Board.

In January of 2013, Frank was appointed to an ad hoc committee of experts on capacity building in public administration at the United Nations (UN) Division for Public Administration and Development Management in the Department of Economic and Social Affairs. In that capacity, he lectures and conducts capacity building seminars at UN headquarters in New York as well as at UN Forums around the world. As part of his global academic service focused on governance, Frank was appointed to the Editorial Council of the Public Administration Scientific Journal for the Republic Armenia as well as the curriculum committees of Yerevan State University, PAARA and Vazgen Sargsyan Military University.

Frank has more than 30 years of comprehensive and multi-sectorial experience as a lawyer, judge pro tem, author, consultant, director, board member, professor and public servant. He has acted as a policy advisor and counsel to the Armenian National Committee of America in Washington DC. Frank also served as chairman of the Board of Governors of the worldwide Armenian Bar Association. As a lawyer, he is licensed to practice law in California, District of Columbia (inactive), Courts of International Trade, Federal Courts in the 9th Circuit, and the Supreme Court of the United States of America.

Frank earned his Doctor of Jurisprudence (Doctor of Laws) degree from Western State University College of Law and his Bachelor of Arts degree from California State University Long Beach. He also completed his advanced legal studies in Corporate Taxation at the University of Southern California Law Center (USC Gould). He is a graduate of California League of Cities’ Civic Leadership Institute, an educational forum for the state’s rising leaders.

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| **Rubric for Group Presentations** |
| **Criteria:** | **Superior** | **Proficient** | **Not Proficient** | **Not Complete** |
| Content\_\_/ 40 points | Coherent and well-organized presentation responsive to the assignment prompt (40) | Coherent, with minor flaws in organization or responsiveness to the assignment. (30 or 35) | Presentation lacked clarity or credibility or contained significant errors. (20 or 25) | Far below expectations for graduate work. (0) |
| Visuals\_\_/ 20 points | Engaging visuals help tell the story. (need not be elaborate if a minimalist theme is appropriate). (20) | Appropriate visuals help tell the story, with few exceptions.  (15) | Visual elements lack clarity or distract from the presentation. (10) | None or inappropriate. (0) |
| Delivery\_\_/ 20 points | Team members spoke with appropriate confidence, clarity, and enthusiasm, without exception. (20) | Team members spoke with appropriate confidence, clarity, and enthusiasm, with few exceptions. (15) | A lack of confidence, clarity, or enthusiasm detracted from the presentation. (10) | Delivery far below expectations for graduate work. (0) |
| Participation\_\_/ 10 points | Each teammate has a significant speaking role. (10) | One teammate lacks a significant speaking role. (7) | Two teammates lack a significant speaking role. (4) | Only one teammate narrates the presentation.(0) |
| Duration\_\_/ 10 points | Delivered on time | <1-3 minute too short or too long.  (7) | 3-5 minutes too short or too long. (4) | >5 minutes too short or too long. (0) |