

NATURE OF LEGAL AUTHORITY FINAL TAKE-HOME TEST

Choose TWO of the following alternatives and complete them according to the requirements discussed in class. In all your answers, you need to use the required readings, theories analyzed in class, class activities, and class discussions to develop your answers. This take-home exam tests how well you can apply what we did in class to the following questions. What we did in class must be the central aspect of your responses. **Evaluation criteria:** Please refer to the SOLO taxonomy included in the course syllabus. **Submission:** You need to hand in this evaluation personally on March 31, 2016 at 7 pm IN CLASS, followed –if requested- by an email. There are no other submission dates or places. The suggested maximum page limit is 5 double-spaced pages for the whole test.

- 1) Read "A Latina Judge's Voice" by Sotomayor published in Berkeley La Raza Law Journal (2002). How does Justice Sotomayor discuss her background? How do you think her background affects her decisions? "A Latina Judge's Voice" was widely reproduced in the United States and abroad. Do you think it is important for judges to disclose their backgrounds? Or should judges keep their backgrounds and ideas private?
- 2) Explain and critically analyze Donald Black's Sociology of the Case? Is it helpful to predict court decisions? Does it always work? What are the positive and negative aspects of the Sociology of the Case?
- 3) Choose any Canadian law and do a gender analysis of that law.
- 4) Suppose that you are a judge in the Speluncean Explorers case. You are the swing vote. Write your judicial opinion based on the facts and law in the case (not on current Canadian Law). Address whether the defendants should be convicted of murder and if so if they should be executed. For your opinion, choose one of the theories analyzed in class not followed in the case, and write your opinion from this legal theory's perspective.
- 5) Choose any Canadian law and do a legal postmodernist analysis of that law.
- 6) Watch a film or TV show dealing with a legal issue. Briefly summarize it and critically analyze it from one of the legal theories discussed in class.
- 7) Find a newspaper article online dealing with a legal issue. Briefly summarize it and critically analyze it from one of the legal theories discussed in class.
- 8) Read the following case "US SUPREME COURT FCC v. FOX TELEVISION STATIONS, INC., et al. April 28, 2009". Explain the Supreme Court's following assertion that "the FCC's prediction that [an] exemption for fleeting expletives would lead to their increased use merits deference and makes entire sense." Are there any flaws in this assertion? Analyze the Supreme Court's discussion of the first-blow theory? What are the legal foundations for this theory? How does the Supreme Court analyze the Fox case? Focus on the logical structure, if any, of the analysis. Are there any flaws in the analysis? What is the conclusion of the Supreme Court? How does the Supreme Court reach this conclusion? What, if any, is the logical structure of the conclusion?
- 9) Read the entry for legal positivism from Wikipedia. It does not clearly explain the notion of law for positivism. The explanation of the relationship between legal positivism and natural law is not clear. Write a very good entry for Wikipedia.