

POLI 452
Judicial Process
Fall 2007
MWF 9:05 – 9:55 in GAMB 247

Instructors

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Office Hours

MW 2 – 3:20 p.m.
F 10 – 11:30 a.m.
And by appointment

MTW 10 – 11 a.m.
And by appointment

Course Overview and Objectives

This course is intended to familiarize the student with the organization of American courts (both state and federal), their role in our society, the processes in practice through which judges act, and their impact on politics. We will compare the reality of how judges behave to society's myths and expectations about how they should function and will discuss the limits of what can and should be expected of courts and judges. A central theme will be to analyze judges as political players who have a profound impact on the development and implementation of public policy. In addition, the course will provide an introduction to how political scientists research courts and the behavior of judges. Therefore, as we discuss the readings, we will examine both what was learned and how it was learned.

The objectives of this course are therefore:

- To introduce students to the structure of the U.S. American judiciary system
- To provide students with an understanding not only of how the system works in theory but also how the theoretical structure translates into day to day life
- To provide a framework for students to critically examine the functions of the American legal system
- To give students an understanding of the courts and judges as political players based on their role as political actors

Special Needs

Any student with special needs should inform the professor as soon as possible, so that appropriate accommodations can be made.

Requirements and Grading

Background: Students are required to have a working knowledge of the U.S. American Government, that is, to have successfully completed POLI 201 before attending this course. No prior knowledge of judicial process or law is needed.

Attendance: Much of the lecture material will supplement (rather than repeat) the assigned readings. Since tests will cover all material presented in class (e.g., lectures, audio visuals, student presentations) as well as all assigned readings, you are advised to attend class regularly. Also, in order to receive extra credit for the two simulations scheduled in the semester, students have to actively participate (see *Extra Credit*). In addition, students will be held accountable for knowing the details of any changes in the nature or timing of assignments that are announced in class. You should also check Blackboard regularly for any announcements, changes, new material, etc.

Exams: Exams will consist of a combination of "short answer" and essay questions. You are responsible for all material from assigned readings, lectures, and other material presented in class (e.g., videos, student presentations) on exams. Only the essay portion of the final exam will be cumulative. In order to take a make-up exam, your absence must be excused far enough in advance to enable you to take the make-up **before** the regularly scheduled exam. If you miss an exam due to a **sudden, unforeseen medical emergency** that is excused by the professor, you may substitute your score on the cumulative essay portion of the final exam for the missed exam. If you miss an exam for such a catastrophic emergency, you must contact me as soon as it is practical to do so - do **not** wait until you return to class. If you are absent on an exam day for any other reason or you fail to make timely arrangements for your make-up exam, you should expect to receive a zero on the exam.

Academic Honesty: Cheating, plagiarism and academic misconduct will not be tolerated. If you are unfamiliar with standards regarding plagiarism, learn them. A good place to start is: <http://www.chem.sc.edu/faculty/morgan/resources/plagiarism.html>

Final Grades:

Grades will be based on the number of "points" you receive from a variety of options. Thus, the better you do on the tests, the fewer extra options you will have to pursue. Conversely, there are many opportunities for students who do not do as well as they had hoped on their tests to achieve a good grade in the course by working harder to complete more of the optional opportunities. There will be two tests given during the semester, followed by a final exam. The tests will be worth 100 points each; the final will be worth 150 points.

The **final grade** will be determined by the cumulative points of all tests and exams as well as all extra credits as follows:

A	340 & up
B	300 – 339
C	260 – 299
D	210 – 264
F	0 – 209

Extra Credit: A series of opportunities to collect extra credit will be offered throughout the semester:

<i>Activity</i>	<i>Est. Time</i>	<i>Points</i>
<i>Audio/Video:</i>		
Video: The Plea	2 h	5
Video: Gideon's Trumpet	3 h	5
Video: A Civil Action	3 h	5
DVD Russett Interview	2 h	5
Supreme Court Argument	1 h	5
<i>Plea Bargaining simulation:</i>		
Lawyer	1 h	Pass = 5 Honors = 10
Defendant	1 h	Pass = 5 Honors = 10
<i>Mocktrial simulation:</i>		
Attorneys	15 h	Pass = 15 Honors = 20
Witness	10 h	Pass = 10 Honors = 15
Jurors	2.5 h	5
<i>Short exam on book:</i>		
"A Class Action"	15 h	Pass = 15 Honors = 20
"How Courts Govern America"	12 h	Pass = 10 Honors = 15
"One L: The Turbulent True Story of a First Year at Harvard Law School"	12 h	Pass = 10 Honors = 15
<i>Courts Project</i>		
Visit courts and write paper	8 h	Pass = 20 Honors = 25
<i>Research Project</i>		
Literature Review	15 h	Pass = 15 Honors = 20
Empirical Research	20 h	Pass = 15 Honors = 25
<i>Good participation in class:</i>		5-10

Required Texts

- Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2004. Judicial Process in America, 7th Edition. Washington, DC: CQ Press (Referred to as **CSM** in *Schedule of Assignments*)
- Bogira, Steve. 2005. Courtroom 302. Knopf Publishing Group.
- Other assigned readings are available on Blackboard and indicated as **(BB)** on the syllabus.

Books for Extra Credit

- Bingham, Clara and Laura Leedy Gansler. Class Action. Random House Publishing.
- Neely, Richard. How Courts Govern America. Yale University Press.
- Turow, Scott. One L: The Turbulent True Story of a First Year at Harvard Law School. Grand Central Publishing.

Schedule of Assignments

Week 1 (August 24)

Topic: Introduction

Week 2 (August 27, 29, 31)

Topic: Courts and Law – An overview

Assigned readings: CSM Ch. 1

August 27: Law, forms of Law and the function of law

August 29: American legal system: myth and reality; common law and civil law

August 31: Courts – a short overview of courts as political players

Week 3 (September 5, 7 – no classes on September 3: Labor Day)

Topic: Criminal Courts

Assigned Readings: CSM Ch. 9, 10

September 5: Intro to criminal courts

September 7: Criminal courts cont.

Week 4 (September 10, 12, 14)

Topic: Criminal Courts cont.

Assigned readings: Porto Ch. 5 (**BB**), Courtroom 302 Ch. 1 – 9

Activities: Watch the documentary “The Plea” in class

September 10: The criminal trial process

September 12: Criminal trial process cont./ start “The Plea”

September 14: Watch rest of “The Plea”

Week 5 (September 17, 19, 21)

Topic: Criminal Courts cont.

Assigned readings: Courtroom 302 Ch. 10 – 19

Activities: A Plea Bargaining Simulation

September 17: Criminal trial cont./Courtroom 302

September 19: Courtroom 302

September 21: A Plea Bargaining Simulation

Week 6 (September 24, 26, 28)

Topic: Criminal Courts cont.

Activities: Watch the movie “Gideon’s Trumpet”

September 24/26: “Gideon’s Trumpet”

September 28: Wrap up Criminal Trial

Monday, October 1: TEST 1

Week 7 (October 3, 5)

Topic: Lawyers, Litigants, Interest Groups and Jurisdictions

Assigned readings: CSM Ch. 4, 8

October 3: Lawyers, litigants, interest groups

October 5: Jurisdictions

Week 8 (October 8, 10 - no classes on October 12: Fall Break)

Topic: Civil Procedure

Assigned Readings: CSM Ch. 11, Porto Ch. 6 (**BB**)

October 8: Introduction to civil procedure

October 10: Civil procedure

Week 9 (October 15, 17, 19)

Topic: Civil Procedure cont. and Rules of Evidence

Activities: Watch the movie "A Civil Action"

October 15: Rules of Evidence

October 17/19: "A Civil Action"

Week 10 (October 22, 24, 26)

Topic: State Judicial System and Federal Judicial System

Assigned readings: CSM Ch. 2, 3

October 22: State Courts

October 24: Federal Courts

October 26: The Appellate process

Monday, October 29: TEST 2

Week 11 (October 31, November 2)

Topic: State Judges, Federal Judges, and Policy Links to the Federal Judiciary

Assigned readings: CSM 5, 6, 7

October 31: State judges and federal judges

November 2: Policy: Actors in the federal judiciary

Week 12 (November 5, 7, 9)

Topic/Activity: Simulation: A Mock Trial

Week 13 (November 12, 14, 16)

Topic: Decision making

Assigned Reading: Carter Ch. 1,2 (**BB**); CSM Ch. 12, 13

November 12: Justifying Judicial Power

November 14: Decision making in Trial Courts

November 16: Decision making in Appellate Courts

Week 14 (November 19 – no classes on: November 21, 23: Thanksgiving Break)

Topic: The U.S. Supreme Court, an introduction

Activity: Hearing before the U.S. Supreme Court

Week 15 (November 26, 28, 30)

Topic: The U.S. Supreme Court, Policymaking

Assigned Reading: CSM Ch. 14

Activity: Watch Tim Russert Interview with the Supreme Court Justices

November 26: Setting the agenda

November 28: Supreme Court decision making

November 30: Tim Russert Interview

Week 16 (December 3, 5, 7)

Topic: Judicial Policymaking

Assigned Reading: CSM Ch. 15

Activities: Which U.S. Supreme Court Justice are you?

December 3: Opinion writing & policy making

December 5: Policy making cont.

December 7: Which U.S. Supreme Court Justice are you? & Questions

Saturday, December 15th, 9-12 h Final Exam