

POLITICAL SCIENCE 452 – Section 1

THE JUDICIAL PROCESS

FALL, 2018

INFORMATION

COURSE: Tuesday & Thursday, 1:40 – 2:55pm, in EHFA #169

INSTRUCTOR: Dr. Mikel Norris

OFFICE: Brittain Hall, #356

OFFICE HOURS: Tuesday & Thursday, 8:00 – 10:30am, 12:15 – 1:30pm, and by appointment

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INTRODUCTION

Welcome to Political Science 452, the Judicial Process.

Catalog Description

A study of the growth of law, the law-making function of the courts, the structure and organization of federal and state courts, the procedures involved in civil and criminal cases, and the problems and proposals for reform in the administration of justice.

Course Objectives

1. Describe and explain the major structural and functional concepts underlying the American legal system.
2. Identify the important actors in American courts and explain how their roles affect the allocation of gains and losses in the American legal system.
3. Describe and explain important elements of criminal and civil lawsuits.
4. Explain how politics affects and is affected by judicial processes.

Student Learning Outcomes

Upon successful completion of the course, students are expected to be able to:

1. Identify the different types of courts in the American legal system and explain their specific functions within that system.
2. Explain how judicial processes shape the development of individual lawsuits and the development of the larger body of law in the United States.
3. Identify the different procedures used criminal and civil lawsuits and be able to discern when these procedures are applicable in different contexts.
4. Apply their understanding of an aspect of the judicial process to an appropriate research question on United States courts.

REQUIRED READING

The following required book is available for purchase at the University Bookstore:

- Robert A. Carp, Ronald Stidham, Kenneth L. Manning & Lisa M. Holmes. 2017. *Judicial Process in America, 10th Edition*. Sage: CQ Press. (ISBN: 9781483378251)

This book is also available online through several different websites. Students who intend on purchasing this text in this way need to do so IMMEDIATELY, as we will begin using the text for this class beginning immediately.

We will also be reading several selections from academic journals. The selections from academic journals will be available on JSTOR. You will be expected to find these articles yourself, as you should know how to use JSTOR by now. If you don't please come see me and I will show you how to use it.

ASSIGNMENTS

- **MID-TERM EXAMINATION:** The mid-term examination will consist of multiple choice questions, short answers and essay questions. It will be worth 20% of your final grade. The mid-term examination will be on **Thursday, October 4th**
- **FINAL EXAMINATION:** The final examination will be in the same format as the mid-term examination, but will be a little longer. It will be worth 25% of your final grade. The final examination will be on **Tuesday, December 11th**
- **QUIZZES:** There will be two (2) quizzes during the semester. They will consist of multiple choice and short answer. Each quiz will be worth 10% of your final grade. Cumulatively, the quizzes will be worth 20% of your final grade. The date of the first quiz will be **Thursday, September 13th**. The date of the second quiz will be **Thursday, November 8th**.
- **RESEARCH PAPER:** Students will write a research paper that analyzes a facet of the American judicial process. Specifically, students should show a thorough understanding of an area of the judicial process, examine a specific puzzle associated with that area of the judicial process, and formulate a thesis explaining that puzzle. There is no page maximum for this paper, but papers should be no shorter than 10 pages. The research paper will be worth 25% of your final grade. The research paper will be due on **Thursday, November 15th**.
- **CLASS PARTICIPATION:** Class participation will be worth 10% of your final grade.

I will hand out material later in the class that will explain in more detail what is expected for the research paper. I highly recommend that you begin your research paper AS SOON AS YOU CAN! Conducting good research takes time and, more specifically, time management. Getting started on your research immediately will allow you to find all the information necessary to write an excellent paper. Papers written over time are always better than those written at the last minute. Also, writing in this way reduces the amount of stress on you (honestly!).

GRADING

A total of 500 points can be earned in this class. You will earn points as follows:

- Mid-term examination: 100 points
- Final examination: 125 points
- Quizzes: 100 points (50 points each)
- Research paper: 125 points
- Class participation: 50 points

Your grade will be based on the following grade calculations:

- A (90% - 100%) = 450-500 points
- B+ (88% - 89.9%) = 438-449 points
- B (80% - 87.9%) = 400-437 points
- C+ (78% - 79.9%) = 388-399 points
- C (70% - 77.9%) = 350-387 points
- D+ (68% - 69.9%) = 338-349 points
- D (60% - 67.9%) = 300-337 points
- F (0% - 59.9%) = 299 points or less

ATTENDANCE AND CLASS PARTICIPATION

It should be common knowledge that students who attend class and participate in class discussion perform better on tests and papers and ultimately receive higher grades. Therefore, class attendance will be **mandatory**. Students will be given **two** free absences. Students will lose 5 participation points for each additional absence. Per University policy, professors reserve the right to fail students who miss 25% or more of their classes. This comes out to **eight** absences. This policy will be strictly enforced. I will send any student who misses seven classes a warning email about their attendance status. If the student misses an eighth class they will fail the course **REGARDLESS OF PREVIOUS COURSE PROGRESS**. There will be no exceptions to this rule.

Excused Absence Policy: I will only accept excused absences for three instances. Please make sure you are absolutely clear about these instances if you plan on missing class:

- **University Representation:** A student will have an excused absence if they miss class because they are representing the University in an official capacity (ex: sports, mock trial, Model UN, SCSL, etc.). Students must supply me with documentation of this event on Coastal Carolina University letterhead **BEFORE THE EVENT** to have these absences excused.
- **Death of a Family Member:** A student will have an excused absence if they miss class due to a death in the family. However, merely telling me this is not sufficient. If you miss class for this reason you **MUST** inform the Dean of Students Office that you will be missing time because of this event. Your absence will **ONLY** be excused when I receive notification from the Dean of Students' Office that you will be missing extended class time.
- **Extended Illness:** The key word in this incidence is **EXTENDED**. I **WILL NOT** excuse single absences for illness, and I **WILL NOT** accept doctor's notes or paperwork from Health Services as an excuse. If you are going to miss extended time due to illness, you **MUST** inform the Dean of Students' Office that you will be missing time because of this event. Your absence

will **ONLY** be excused when I receive notification from the Dean of Students' Office that you will be missing extended class time.

Class participation is also important to class success. All students should come to class prepared to discuss the materials to be covered for each lecture. Class preparation includes reading and thinking critically about all class material. Students should also be prepared to ask questions about material they do not understand, answer questions during class, and make appropriate comments and insights that will benefit and enhance class discussion. Participation will keep your participation grade steady and, in some circumstances, may raise it if it has fallen due to absences and cell phone usage. These points will be given at the discretion of the professor.

Students are also asked to speak and act appropriately during class. This includes not talking to other students in a disruptive manner during class, or making inappropriate comments toward other students. **Cell phones should also not be used during class.** They are disruptive to the instructor and other students. 3 points will be deducted from a student's class participation grade each time I see a student using their cell phone in class. Depending on circumstances, more points may be deducted, and I will ask the student to leave the class.

I would ask all students to think of their participation grade as a clean slate. Everyone has a 100% on the first day of class. If you regularly attend class, come to class prepared, participate in discussion and don't use your cell phone you will get a 100% participation grade. If you don't exhibit these behaviors your grade will drop. It will ultimately be up to you what this final grade will be.

CHEATING AND PLAGIARISM

Cheating and plagiarism are wrong and I do not like it. It is unfair to other students. Furthermore, it reflects very poorly on your character. Cheating carries with it a severe penalty, and may even lead to expulsion from the university. **DON'T DO IT.** It is wrong and will not be tolerated. Those caught cheating or plagiarizing (e.g., looking at someone else's paper during a test, consulting notes during a test, plagiarizing material on papers, etc.) will be brought before Student Affairs, and I will request that the student receive an **F for the course**. Harsher penalties may be levied depending on the extent of cheating and/or plagiarism.

Coastal Carolina University operates under a Code of Student Conduct, which governs both academic and social conduct. The Code of Student Conduct may be reviewed here:

<http://www.coastal.edu/conduct/documents/codeofconduct.pdf>

Per the Code of Student Conduct, all students at Coastal Carolina pledge to oppose all instances of academic dishonesty. Plagiarism is listed as the first form of prohibited conduct in the Code of Conduct. This should make clear the importance of not engaging in this type of action. Students may talk to me privately if they have any questions or concerns involving cheating and plagiarism.

ACCOMODATION FOR STUDENTS WITH DISABILITIES

I am committed to making all necessary accommodations for students with verified disabilities. Students with disabilities are urged to contact the Office of Accessibility and Disability Services (843-349-2503, or Karen Howard-Goss at kgoss@coastal.edu) to learn more about the rights and responsibilities of disabled students attending Coastal Carolina University.

ODDS AND ENDS

LATE ASSIGNMENTS: Late assignments will not be tolerated. No make-up quizzes or exams will be given unless the student missed the quiz or exam for reasons excused by Coastal Carolina University (incapacitating illness, University representation, death of a close family member, or religious observance). In these instances it is the responsibility of the student to supply proper and acceptable documentation. I will accept late research papers; however, 15 points will be deducted each day that the paper is late. To be clear, a paper is considered late at the end of the class period in which the paper is due.

WITHDRAWL: It is the responsibility of students to make sure they take all of the necessary steps to withdraw from a class if they choose to do so. If you withdraw from this class and continue to receive emails from me then there is still a problem and you will need to talk to the University registrar. If you remain on the class register after the withdraw date I will have no choice but to give you failing grade. The last day to drop and receive a **W** is **Thursday, October 25th**.

INCOMPLETES: No incompletes will be issued except in extraordinary and well-documented circumstances.

*******THE PROFESSOR RESERVES THE RIGHT TO MAKE CHANGES TO THE SYLLABUS DURING THE COURSE OF THE SEMESTER. ANY CHANGES WILL BE DISCUSSED IN CLASS BEFOREHAND*******

COURSE SCHEDULE AND ASSIGNMENTS

TUESDAY, AUGUST 21.....COURSE INTRODUCTION

THURSDAY, AUGUST 23 & TUESDAY, AUGUST 28.....COURTS OVERVIEW

- TEXTBOOK: pp. 1 – 23

THURSDAY, AUGUST 30 thru TUESDAY, SEPTEMBER 11.....COURT ORGANIZATION

- TEXTBOOK: pp. 24 – 89
- Curry, Brett. 2007. “Institutions, Interests, and Judicial Outcomes: The Politics of Federal Diversity Jurisdiction.” *Political Research Quarterly*. 60:3. 454-467.
- Fitzgerald, Laura S. 2002. “Suspecting the States: Supreme Court Review of State-Court State-Law Judgments.” *Michigan Law Review*. 101:1. 80-178.

THURSDAY, SEPTEMBER 13 thru TUESDAY, SEPTEMBER 25.....JUDGES

- TEXTBOOK: pp. 90 – 176
- Gann Hall, Melinda. 2001. “State Supreme Courts and American Democracy: Probing the Myths of Judicial Reform.” *American Political Science Review*. 95:2. 315-330.
- Norris, Mikel; and Holley Tankersley. 2018. “Women Rule: Gendered Leadership and State Supreme Court Chief Justice Selection.” *Journal of Women, Politics & Policy*. 39:1. 104-125.
- Stiglitz, Edward H. 2014. “Appointment Politics and the Ideological Composition of the Judiciary.” *Legislative Studies Quarterly*. 39:1. 27-54.
- Vining, Richard; Amy Steigerwalt and Susan Navarro Smelcer. 2012. “Bias and the Bar: Evaluating the ABA Ratings of Federal Judicial Nominees.” *Political Research Quarterly*. 65:4. 827-840.
- **QUIZ #1: THURSDAY, SEPTEMBER 13th**

THURSDAY, SEPTEMBER 27 thru TUESDAY, OCTOBER 2.....LAWYERS

- TEXTBOOK: pp. 177 – 201
- Sandefur, Rebecca. 2007. “Lawyers’ Pro Bono Service and American-Style Legal Assistance.” *Law & Society Review*. 41:1. 79-112.
- Laird, Lori. 2014. “Too Many Lawyers? Not Here. In Rural America, Lawyers are Few and Far Between.” *ABA Journal*. 100:10. 36-45.

MID-TERM EXAMINATION: THURSDAY, OCTOBER 4th

TUESDAY, OCTOBER 9 thru THURSDAY, OCTOBER 18.....CRIMINAL LAW and PROCESS

- TEXTBOOK: 202 – 263
- Blumberg, Abraham. 1967. “The Practice of Law as a Confidence Game: Organizational Cooptation of a Profession.” *Law & Society Review*. 1:2. 15-40.
- Brown, Darryl K. 2014. “The Pervasive Effects of Efficiency in Criminal Process.” *Virginia Law Review*. 100:1. 183-223.

TUESDAY, OCTOBER 23 thru TUESDAY, OCTOBER 30.....CIVIL LAW and PROCESS

- TEXTBOOK: 264 – 327
- Samborn, Hope Vinder. 2002. “The Vanishing Trial: More and More Cases are Settled, Mediated or Arbitrated without a Public Resolution. Will the Trend Harm the Justice System?” *ABA Journal*. 88:10. 24-27.
- Thomas, Suja A. 2007. “Why Summary Judgment is Unconstitutional.” *Virginia Law Review*. 93:1. 139-180.

THURSDAY, NOVEMBER 1 thru TUESDAY, NOVEMBER 13.....APPELLATE COURT PROCESS

- TEXTBOOK: pp. 328 – 364
- Johnson, Timothy; James Spriggs, and Paul Wahlbeck. 2005. “Passing and Strategic Voting on the U.S. Supreme Court.” *Law & Society Review*. 39:2. 349-377.
- Maltzman, Forrest; and Paul Wahlbeck. 2004. “A Conditional Model of Opinion Assignment on the U.S. Supreme Court.” *Political Research Quarterly*. 57:4. 551-563.
- Spriggs, James; Forrest Maltzman, and Paul Wahlbeck. 1999. “Bargaining on the U.S. Supreme Court: Justices’ Responses to Majority Opinion Drafts.” *Journal of Politics*. 61:2. 485-506.
- **QUIZ #2: THURSDAY, NOVEMBER 8th**

TUESDAY, NOVEMBER 6th: ELECTION DAY (NO CLASSES)

THURSDAY, NOVEMBER 15 thru THURSDAY, NOVEMBER 29.....APPELLATE COURT POLICY

- TEXTBOOK: 365 – 399
- Wilkinson III, J. Harvie. 2009. “Of Guns, Abortions, and the Unraveling Rule of Law.” *Virginia Law Review*. 95:2. 253-323.
- Lynch, Mona; and Marisa Omori. 2014. “Legal Change and Sentencing Norms in the Wake of *Booker*: The Impact of Time and Place on Drug Trafficking Cases in Federal Court.” *Law & Society Review*. 48:2. 411-445.
- **RESEARCH PAPER DUE: THURSDAY, NOVEMBER 15th**

TUESDAY, NOVEMBER 20th and THURSDAY, NOVEMBER 22nd: THANKSGIVING BREAK (NO CLASSES)

TUESDAY, DECEMBER 4.....WRAP-UP and COURSE REVIEW

FINAL EXAM: TUESDAY, DECEMBER 11th, at 1:30pm, in this classroom.

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