POS 4284
Judicial Process and Politics
Fall 2011
Thursday 6:00-8:50
Valencia West Building 11, Room 301

Instructor: Nathan Ilderton
Office: 328 Valencia West Building 11
Office Hours: 1:00-3:00 Tuesday and Thursday or by appointment
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Course Description:
This class is a study of the U.S. court system, its processes, participants, structure, and policy impact. This is not a course on the law, but on the branch of government charged with interpreting the law. We will examine state and federal court systems, the key participants in the legal process (judges, lawyers, special interest, etc.), and the process by which decisions are made in the judicial branch. We will also examine the impact of these decisions on public policy.

Course Objectives:
The first objective is to understand the basic procedures of the judicial process. However, we must also recognize that Article 3 of the Constitution is the shortest article describing a branch of government. It left wide open the structure of the judicial branch below the Supreme Court, issues of jurisdiction, and even the process by which judges render decisions. This means that the judicial process and structure of the judiciary as we see it today was created by a political process. Further, the effects of judicial decisions are deeply political. Therefore, we will go beyond just a simple understanding of the mechanics of the judicial process and seek to understand the political nature of its creation and its political impact.

Required Reading:

There are two books required for this class. Each is available at the University Bookstore and through the usual off campus and internet outlets.

- Robert A. Carp, Ronald Stidham, and Kenneth L. Manning. *Judicial Process in America*, 8th edition (Sage CQ Press).
- Elliot E. Slotnick, editor. *Judicial Politics: Readings from Judicature.* 3rd edition (Sage CQ Press).

If you purchase the text books online please insure that you are purchasing the correct editions of the required texts. This course will adhere to the listed editions; students who purchased the wrong editions are responsible for acquiring any new or changed material.

Assignments, Exams and Grading:
Students will be graded on the basis of two exams. The first will be given in the seventh week of class. Exam 2 will be given during the final exam period. Even though it will be given during the final exam period, Exam 2 will not be cumulative. Format for the exams will be multiple choice and short answer questions.

Students will also be graded on the basis of a two part participation grade. Part of each class period will revolve around a discussion of several readings.

Students will be divided into three groups and over the course of the semester will write talking points on readings from the Slotnick textbook. Each student will submit their talking point individually. These talking points will be used to guide the class discussion. Each group will be assigned three class weeks meaning every student will turn in three talking points by the end of the semester. I will provide the week 2 talking points to give everyone an example of how talking points should be formatted. No group is assigned week 13, but students who fail to turn in an assigned talking point may turn one in that week with no penalty for the missed talking point.

Talking points are questions or statements meant to prompt and guide discussion. A good talking point will help your fellow students think about and discuss the material in the class. Talking points are limited to 250 words. They must be submitted by 9:00 am the day of the class meeting. They are to be submitted to me via the mail tool in this class' webcourses section.

Participation in the actual discussion is also expected. I will expect that students who submit talking points for a given week to be the most active in the discussion for that week, though I encourage everyone to participate in all discussions.

Final grades will be calculated using the following formula:

Participation: 30%
    Talking Points: 20%
    Discussion: 10%
Exam 1: 35%
Exam 2: 35%

The grading scale for final grades is as follows:

A: 89.5% or above
B: 79.5% to 89.4%
C: 69.5% to 79.4%
D: 59.5% to 69.4%
F: 59.4% or below

Final grades are just that, final. I will not reconsider them except in a case where I made a computational error in calculating them (I have taught for several years and have yet to

miscalculate a final grade). Please do not email or call me asking for a grade change for another reason, it will not happen.

Attendance Policy:
Because of this class' discussion component, attendance is extremely important. However, attendance is not required. Be warned, 30% of your grade comes from participation and you cannot earn points for participation if you are not present to participate.

Makeup Work:
I will not allow missed assignments to be made up without a documented university excused absence. If you know ahead of time that you will miss a scheduled exam please inform me prior to the exam period. If you cannot inform me ahead of time, please inform me within one business day of the scheduled exam period that you need to make up the exam either via phone or email. Date and time of makeup exams will be determined by the instructor on a case by case basis. I reserve the right to change the format and questions of makeup exams at my discretion.

Webcourses
A webcourses section has been created for this class and is accessible through the myUCF web portal at my.ucf.edu. This space will be used to post the syllabus, lecture notes, grades, and important class notices. Use the mail tool in on this site to submit talking points.

Class Topics and Reading Assignments:
Students are expected to complete the assigned reading by the beginning of each week. Please note that I reserve the right to change the lecture and readings schedule as necessary to adequately cover all topics. I also reserve the right to add or subtract readings from the course. Any changes to the schedule or assigned readings will be announced in class. The Slotnick readings are to be used to create talking points.

Week 1: Introduction to Class, Introductory Lecture. August 25th
Readings: CSM Ch. 1
Talking Point Group: None

Week 2: The Federal Court System. September 1st
Readings: CSM Ch. 2
Slotnick:
"The Place of Judicial Review in the American Tradition." pg. 2-17
"Judicial Review: The Usurpation and Democracy Questions." pg. 18-29.
Talking Point Group: Sample Talking Points

Week 3: State Courts. September 8th
Readings: CSM Ch. 3
Slotnick:
"The State of State Courts." pg. 580-82
"Problem-solving Justice: A Quiet Revolution." pg. 583-84
"The New Federalism: State Constitutions and State Courts." pg. 585-98
Talking Point Group: 1

Week 4: Jurisdiction and Boundaries of Judicial Power. September 15th
Readings: CSM Ch. 4
Slotnick:
"The Judiciary is too Powerful." pg. 30-32.
"Interpreting the Constitution: The Case for Judicial Restraint." pg. 33-37
"Interpreting the Constitution: The Supreme Court's Proper and Historic Function." pg. 41-46
"Reining in the Federal Judiciary." 636-641
Talking Point Group: 2

Week 5: Judges. September 22nd
Readings: CSM Ch. 5, 6
Slotnick:
"Judicial Selection in the United States: a Special Report." pg. 50-52
"Trends in judicial Retention Elections." pg. 65-68
"A Historical Perspective on Federal Judicial Selection." pg. 69-72
"The Judicial Confirmation Process: Mobilizing Elites, Mobilizing Masses." pg. 73-85
Talking Point Group:3

Week 6: Policy Linkages between the Judiciary and the President. September 29th
Readings: CSM Ch. 7
Slotnick:
"W. Bush Remaking the Judiciary: Like Father Like Son?" pg. 86-111.
"The Senate's Confirmation Role in Supreme Court Nominations and the Politics of Ideology Versus Partiality." pg. 529-543
Talking Point Group: 1

Exam 1, Thursday, October 6th

Week 8: Lawyers, Litigants, and Interest Groups. October 13th
Readings: CSM Ch. 8
Slotnick:
"The Legal Profession: a Critical Evaluation." pg. 146-153
"Truth, Justice, and the Client's Interest: Can the Lawyer Serve All Three?" pg. 154-156
"Civil Rights Litigation by Organizations: Constraints and Choices." pg. 167-179
Talking Point Group: 2

Week 9: Criminal Trials. October 20th
Readings: CSM Ch. 9, 10
Slotnick:
"Policy making by Prosecutors: The uses of Discretion in Regulating Plea Bargaining." pg. 305-313
"Twenty years of Sentencing Reform: Steps Forward, Steps Backward." pg. 314-318.
"'Three Strikes and You're Out': Are Repeat Offender Laws Having their Anticipated Effects?" pg. 319-324
" Race and Crime: What Evidence is there that Race Influences Results in the Criminal justice System?" pg. 324-327.
Talking Point Group: 3

Week 10: Civil Trials. October 27th
Readings: CSM Ch. 11
Slotnick:
"From U.S. Magistrates to U.S. Magistrate Judges." pg. 122-130
"The Changing Role of the Trial Judge." pg. 333-335
"Judicial Decision Making and the Impact of Election Year Rhetoric." pg. 642-650
Talking Point Group: 1

No Class: UCF Thursday Night Football, November 3rd

Week 11: Trial Court Decisions. November 10th
Readings: CSM Ch. 12
Slotnick:
"Complex Scientific Evidence and the Jury." pg. 236-243
"The Capital Jury: is It Tilted Toward Death?" pg. 252- 256
"Is the Grand Jury Worth Keeping?" 257-263
Talking Point Group: 2

Week 12: Collegial Court Decisions. November 17th
Readings: CSM Ch. 13
Slotnick:
"Deciding What to Decide: How the Supreme Court Sets its Agenda." pg. 338-349
"The Spirit of Dissent." pg. 425-430
"Freshman Opinion Writing on the U.S. Supreme Court, 1921-1991." pg. 453-459
Talking Point Group: 3

No Class: Thanksgiving, November 24th

Week 13: Implementation of Judicial Decisions and Judicial Policymaking. December 1st
Readings CSM Ch. 14 and 15
Slotnick:
"Congressional Responses to Federal Circuit Court Decisions." pg. 520-528
"Supreme Court and Public Support for Rights Claims." pg. 487-495.
"Why Should We Care About Independent and Accountable Judges?" pg. 661-667
"Attacks on Judges: Why They Fail." pg. 668-674
Talking Point Group: Make up week.

Exam 2, Thursday, December 8th, 7:00-9:50pm

UCF Creed and Academic Honesty
Integrity, scholarship, community, creativity, and excellence are the core values that guide our conduct, performance, and decisions.

Integrity
I will practice and defend academic and personal honesty.

Scholarship
I will cherish and honor learning as a fundamental purpose of my membership in the UCF community.

Community
I will promote an open and supportive campus environment by respecting the rights and contributions of every individual.

Creativity
I will use my talents to enrich the human experience.

Excellence
I will strive toward the highest standards of performance in any endeavor I undertake.

As reflected in the UCF creed, integrity and scholarship are core values that should guide our conduct and decisions as members of the UCF community. Plagiarism and cheating contradict these values, and so are very serious academic offenses. Penalties can include a failing grade in an assignment or in the course, or suspension or expulsion from the university. Students are expected to familiarize themselves with and follow the University's Rules of Conduct (see http://www.osc.sdes.ucf.edu/).

Students with Disabilities

The University of Central Florida is committed to providing reasonable accommodations for all persons with disabilities. This syllabus is available in alternate formats upon request. Students with disabilities who need accommodations in this course must contact the professor at the beginning of the semester to discuss needed accommodations. No accommodations will be provided until the student has met with the professor to request accommodations. Students who need accommodations must be registered with Student Disability Services, Student Resource Center Room 132, phone (407) 823-2371, TTY/TDD only phone (407) 823-2116, before requesting accommodations from the professor.

Unauthorized Use of Class Notes

Third parties may be selling class notes and other materials from this class without my authorization. Please be aware that such class materials may contain errors, which could affect your performance or grade. Use these materials at your own risk.