POS 4284 Judicial Process and Politics
Roger Handberg

Syllabus
Spring 2013

Instructor Contact:

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Course Overview:

Within this course, students are introduced to the various groups, subcultures, organizations and processes found within the legal system along with its associated governmental and social structures. The analytic focus is upon the judge, the judicial process itself, and the factors that impinge upon both. Several theories and models of that decisional process will be presented along with some analysis of the extent to which court decisions are obeyed by those supposedly bound to obey the court's decision. The traditional view is that courts need not concern themselves with such questions as to whether actual compliance with court decisions occurs or not. Reality however is more complex where court decisions are often ignored or subverted into something very different from the court's original decision. Law is seen here as one of the several competing pressures upon participants before the court and the judges themselves. Participants is defined to include both legal practitioners, individuals as plaintiffs, defendants, witnesses and jury members along with court staff including the judge. Judges

work within workgroups whose membership consists of the judge, court staff, attorneys in various roles plus outside participants such as parole and probation officers and the police. In fact, in some circumstances, the law may not be the major influence upon the process especially in the criminal justice area where informal processes often work in ways that exclude the public and further institutional goals such as caseload management and public relations.

Court systems are politically created, their task is social control which means the question of what courts do and who the judges are remain controversial questions. Deciding what the best court system is has been a much debated question over the years. The question becomes one of balancing off the demands for public involvement in the courts and the need to preserve judicial independence. The difficulties of legal reform will be explored using Florida are one example of that process. This state has been a major player in national judicial reform issues - a fact that caused some difficulty when the public abruptly rejected these efforts. For example, in November 2000, a proposed change in how Florida's state trial court judges are selected was rejected overwhelmingly by the Florida electorate. Later in 2001, the Republican led Florida legislature changed the process of judicial selection due to their anger about the Florida Supreme Court's role in 2000 presidential election. Their change gave greater power to the then governor, Jeb Bush, whose brother's election to the presidency in 2000 had been put in doubt by the Florida Supreme Court. The parties have left office but the enhanced power of the governor to influence which judges are selected remains unaffected. Reforms made to the legal system often have long life spans in terms of their impact.

The United States Supreme Court (USSC) will be examined in depth in order to identify the exercise of justice discretion in making decisions and the possibilities for court leadership by the Chief Justice and other justices. In addition, much energy is expended on the important question of who should become a federal judge. Confirmation hearings have in some instances turned into public ordeals as interested parties clashed over the question of candidate qualifications and fitness to serve. The reason for all this commotion is simple, Americans do believe it matters who becomes a federal judge. The USSC will be one vehicle through which social science and legal perspectives are used to explain why and on what basis justices (judges generally) make decisions. Finally, we will look at the law and the courts as mechanisms through which social and political change occurs. Courts do impact the development of the law and the trends inside the society but their influence is normally indirect and long term.

Required Text:

Robert A. Carp, Ronald Stidham and Kenneth L. Manning - *Judicial Process in America,* Eighth Edition.

Readings from the textbook are indicated in the Modules. Additional materials will be put on the class website for student review. Students are responsible for making sure they read all such assignment materials since all of those will be tested on the two examinations or three

assignments. Be aware when modules open and close, so you need to read before the deadline even if no written assignment or discussion appears for that module.

Course Grade Structure:

Examinations:

- 1st examination - 20% - taken on line, closes 21 February at 2300 hours.
- 2nd examination - 20% - taken on line, closes 25 April at 2300 hours.

Module Assignments:

- Assignment 1 - 20% - at 2300 hours, due February 1st
- Assignment 2 - 20% - at 2300 hours, due March 4th
- Assignment 3 – 20% - at 2300 hours, due April 18th

Grade Record:

Activity	Points	Date close
First Examination	200 pts	February 21st
Second Examination	200 pts	April 25th
First assignment	200 pts	February 1st
Second assignment	200 pts	March 4th
Third assignment	200 pts	April 18th
Total	1000 pts	
Extra Credit	50 points	January 24th

Examinations:

No makeup examinations are given except for the last examination. All students must take the last examination, no exceptions. Examinations may be a combination of short answer and essay. The exact mix will vary from examination to examination. Specific materials to be covered on a specific examination will be announced by the instructor prior to the examination date. Students are responsible for all materials including readings posted on the web site.

Assignments:

The assignments referenced above refer to assignments posted on the course website. These assignments involve reading materials and then answering in the form of short essays various questions regarding courts and law. Assignment answers are uploaded to the Assignment function of the course. Please note the deadlines listed on the grade form preceding this section and on the Assignment page or the Schedule on the course website. Grades for these assignments like all other grades will be posted to the course grade book to which students enrolled in the course have access. **Late assignments are graded down a letter grade** a day if late. Given the large number of students in the class, missed assignments will not be made up. Meaning, the **Assignment function will not be reopened to allow completing late assignments** barring very unusual and verifiable circumstances. **Assignments must be in MS Word, minimum of 1000 words, and at least 8 references in APA or MLA format, no abstracts are allowed since that is just padding your word count. Submission of assignments in other than word will be allowed the first time to correct the failure, second time; you will receive a zero for the assignment.**

Course grading:

Grades in this course will employ only standard letter grades with no "minuses" or "pluses."

Participation in Class Discussion Topics:

Several Class Discussion Topics are posted for students to discuss issues related to the course. Constructive participation in such discussions can count as part of the student's participation portion of the course. Such participation can make the difference between what grade the student receives. Constructive refers to comments adding the discussion not tirades on some issue that the individual is emotional concerning and wishes to vent on others in the class.

Golden Rule: Students are expected to be aware of the University Golden Rule especially those provisions related to plagiarism. If not, go to: UCF-5.015 Student Academic Behavior Standards for the appropriate passages, the entire document is accessible through the UCF website.

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Schedule

Module #	Module Name	Date Open	Date Close	Assignment
Module 0	Getting Started	7 January	January 24th by 2300 hours	Complete items in Module 0 including posting web annotation and completing Introductory Assignment
Module 1	Introduction	7 January	January 24th by 2300 hours	Read assigned materials
Module 2	Repeat Players vs. One Shot Players	January 24th	February 1 by 2300 hours	Read assigned materials and respond to discussion group: Do Repeat Players Truly Dominate?
Assignment 1	Assignment 1	7 January	February 1st by 2300 hours	Turn Assignment 1 in through Assignments tab
Module 3	Federal Courts	February 1	February 10 by 2300 hours	Complete assigned readings
Module 4	State Courts	February 10	17 February at 2300 hours	Complete assigned readings
First Exam	Exam 1	17 February	February 21 by 2300 hours	Complete exam on line
Module 5	Supreme Court Nominations	February 21	March 4th by 2300 hours	Complete readings and work on Assignment 2
Assignment 2	Assignment 2	February 10th	March 1th by 2300 hours	Turned in through

				Assignments tab
Module 6	Legal Profession	March 11th	March 25th by 2300 hours	Complete assigned readings and respond to discussion group: "Individuals should be able to have anyone defend them in court, not just lawyers?"
Module 7	Lobbying the Courts	March 25th	April 4th by 2300 hours	Complete assigned readings
Module 8	Judicial Power and the Presidency	April 4th	April 11th by 2300 hours	Work on Assignment 3
Assignment 3	Assignment	March 25th	April 15th by 2300 hours	Assignment 3 turned in through Assignments tab
Module 9	Judicial Policy Making: Success or Failure	April 11th	April 21th by 2300 hours	Complete readings and respond to discussion group: "An imperial judiciary is a great danger to American democracy?"
2nd Exam	Exam 2	21 April	April 24th by 2300 hours	Complete exam on line