POS 4284
Judicial Process and Politics
Fall 2014
Monday, 6:00-8:50
Valencia West Building 11, Room 301

Instructor: Nathan Ilderton
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Office Hours: 3:00-5:00, Monday (Valencia West Campus), 1:00-3:00 Tuesday (Orlando Campus), 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.

- David W. Neubauer and Stephen S. Meinhold. *Judicial Process: Law, Courts, and Politics in the United States*, 6th edition (Cengage Learning).
- Jennifer Segal Diascro and Gregg Ivers. *Inside Judicial Politics.* (Houghton Mifflin Company.

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 class on October 13th. 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 three part participation grade. Part of eight class periods will revolve around a discussion of several readings.

The first part of the participation grade will be based on attendance. See below for the full attendance policy.

Students will be divided into two groups and over the course of the semester will write talking points on readings from the Diascro and Ivers 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. Students who fail to turn in an assigned talking point may turn one in that week with no penalty for the missed talking point. Students who turned in all their talking points, but wish to improve their talking point grade may turn in a Week 13 talking point. The grade for the Week 13 talking point will substitute for the lowest talking point grade the student received.

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 will be graded on a 10 point scale. They will be graded on the basis of the insight and critical thought displayed in the talking point as well as the quality of the writing. I also reserve the right to penalize a talking point if the author has an unexcused absence on the day the talking point is to be discussed. Talking points are limited to 250 words. They must be submitted by 12:00pm 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. This requires both attendance and careful reading of the assignments.

Three times during the semester the class will watch a film during the second part of the class period. Following each film I will handout a series of questions on the film. Each student will turn in a two to three page paper (double spaced, 12 point font, proper citations to any works cited in the paper) on one of films viewed during the semester. The paper will be due in class the week following the in class viewing of the film. Students may only turn in papers on one of the three films.

Final grades will be calculated using the following formula:

Participation: 30%
- Attendance: 10%
- Talking Points: 10%
- Discussion: 10%

Film Paper: 10%
Exam 1: 30%
Exam 2: 30%

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.

Student Engagement and Financial Aid
As of Fall 2014, all faculty are required to document students' academic activity at the beginning of each course. In order to document that you began this course, please complete the syllabus quiz by the end of the first week of classes or as soon as possible after adding the course, but no later than August 27th. Failure to do so may result in a delay in the disbursement of your financial aid.

The syllabus quiz is a five question multiple choice quiz and can be found on the class' webcourses site under the "Quizzes" tab. The only purpose of the syllabus quiz is to satisfy the financial aid requirement for this class. It will not be included in the calculation of your final grade.

Attendance Policy:
Because of this class' discussion component, attendance will be mandatory and will be a part of your participation grade. Be warned, I will usually take attendance after the break between the lecture and discussion portions of the class. Absences can be excused if you can document that you have been absent for a legitimate reason, i.e. illness, family emergency, mandatory university activity.

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 or other assignment

please inform me prior to the class period the assignment is due. If you cannot inform me ahead of time, please inform me within one business day of the scheduled due date for the assignment of the reason you missed the assignment and request a makeup. This should be done 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 "send message" under the people tab to turn in 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 Diascro and Ivers readings are to be used to create talking points.

Week 1: Introduction to Class. August 18th

Week 2: Law and Legal Systems. August 25th
Readings: Judicial Process Ch. 1, 2
Diascro and Ivers:
Federalist 78 p. 5
Judicial Independence through the Lens of *Bush v. Gore*: Four Lessons from Political Science p. 11
The Notion of a Living Constitution p. 22
Reflections on the Bicentennial of the United States Constitution p. 25
Talking Points Group: Sample Talking Points

No Class: Labor Day, Monday, September 1st

Week 3: The Federal System. September 8th
Readings: Judicial Process Ch. 3
Diascro and Ivers:
Federalist 82 p. 75
Supreme Court Monitoring of State Courts in the Twenty-First Century p.83
Statements Concerning the Ninth Circuit Court of Appeals Reorganization Act p. 113
Talking Point Group: 1

Week 4: State Courts. September 15th
Readings: Judicial Process Ch. 4
Film: *Hot Coffee*

Week 5: Judges. September 22nd

Readings: Judicial Process Ch. 6
Diascro and Ivers:
Advice and Consent: A Historical Argument for Substantial Senatorial Involvement in Judicial Nominations p. 128
Justice for Sale p. 156
The Stealth Candidate p. 161
Talking Point Group: 2

Week 6: Lawyers. September 29th
Readings: Judicial Process Ch. 5
Film: *InJustice*

Week 7: Litigants and Interest Groups. October 6th
Readings: Judicial Process Ch. 7
Diascro and Ivers:
The Profession and the Public Interest p. 199
Private Attorneys-General: Group Action in the Fight for Civil Liberties p. 239
The Influence of Amicus Curiae Briefs on the Supreme Court p. 250
Talking Point Group: 1

Exam 1, Monday October 13th

Week 8: Criminal Trials. October 20th
Readings: Judicial Process Ch. 8, 9
Diascro and Ivers:
Trial by Jury in the United States Considered as a Political Institution p. 281
Under Suspicion: The Fugitive Science of Criminal Justice p. 291
The Federal Sentencing Guidelines and the Key Compromises on Which They Rest p. 295
Talking Point Group: 2

Week 9: Civil Trials. October 27th
Readings: Judicial Process Ch. 10, 11
Diascro and Ivers:
Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change p. 316
From *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* p. 321
Fistful of Fees: The Hired Gun or Lawyer Is Due What He's Been Promised, But No More p. 324
Greed on Trial p. 329
Talking Point Group: 1

Week 10: Juries November 3rd
Readings: Judicial Process, Ch. 12
Jury Simulation

Week 11: Appeals Process November 10th
Readings: Judicial Process Ch. 13

Diascro and Ivers:
On the Road: The Supreme Court and the History of Circuit Riding p. 340
Judging by Where You Sit p. 359
Speaking in a Judicial Voice p. 361
The Work of Appellate Judges p. 363
First Arguments at the Supreme Court of the United States: A Rarefied Kind of Dread p. 365
Talking Point Group: 2

Week 12: Supreme Court 1. November 17th
Readings: Judicial Process Ch. 14
Film: *Q&A: Antonin Scalia*

Week 13: Supreme Court 2. November 24th
Readings: Judicial Process Ch. 15
Diascro and Ivers:
Ideologies and Attitudes, Academic and Judicial p. 44
On the Nature of Supreme Court Decision Making p. 51
Leaving Things Undecided p. 57
The Freedom of Speech p. 66
Talking Point Group: Make Up Week

Week 14: Policy Impact of Judicial Decisions, December 1st
Readings: Diascro and Ivers:
The Court and American Life p. 382
The Law of the Land: Myth and Reality p. 441
Responses to Judicial Policies p. 447
The Dynamic and Constrained Court p. 457
Benched: The Pros and Cons of Having Judges Make the Law p. 465
No Talking Points

Exam 2, Monday, 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 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.