POLS 4284: Judicial Process and Politics

Department of Political Science

College of Sciences, University of Central Florida

Instructor:	Barry C. Edwards, J.D., Ph.D.	Term:	Fall 2014
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COURSE SYLLABUS

I. Course Description

Judicial Process and Politics examines the role of the judiciary in American society. In this course, we will primarily be concerned with the *process* of law, rather than the product of legal processes. The law is not simply a collection of outcomes, policies, decisions and decrees. Law is also a method for transforming contentious issues into enforced solutions. But this process is far from simple or mechanical. Abstract rules and general principles provide some guidance in this transformation of contentiousness, but social norms, broader public understanding, and strategies of legal interpretation also play a role in this process.

A number of important questions will concern us throughout this course. Beyond understanding the mechanics of how courts function, the players who are involved and their role in society, we want to form opinions on how the judicial process *ought* to function. How *should* judges interpret decisions? How *should* the Supreme Court decide cases? If the current process is flawed, then what should replace it?

This course provides information so that you will be able to form your own responses to those questions. Political scientists often do not agree on how those queries should be answered; this course will present some of their theories. Then you will evaluate the merits of any particular answer compared to other possibilities.

University Course Catalog Description: Study of the formal and informal judicial process. Legal culture, bureaucratic model, judicial recruitment and outputs, comparative judicial behavior.

II. Course Prerequisites

ENC 1102 (Freshman Composition II), POS 2041 (American National Government) or consent of the instructor.

III. Course Objectives

You should learn how various actors interact in the legal process, including jurors, lawyers and lower court and appellate judges. You should also learn how the Supreme Court makes decisions, beginning from the certiorari process and continuing to the final decision. Finally, you should gain an awareness of the pervasiveness of politics, as we will come to know it, even in the judicial branch.

Hopefully, this class will also contribute to the development of your analytical and reasoning skills; the strengthening of your reading comprehension; the expansion of your vocabulary and verbal expression; the improvement of your writing skills; and the heightening of your personal expectations and discipline.

IV. Required Texts and Materials

Neubauer, David, and Stephen Meinhold. 2013. *Judicial Process: Law, Courts, and Politics in the United States, Sixth Edition*. Boston, MA: Wadsworth, Cengage Learning (hereafter "Neubauer & Meinhold").

Additional readings will be announced and/or distributed in class. In particular, these readings will focus on rulings from the most recent Supreme Court term(s), and articles regarding the various uses of federal and state judicial power.

V. Basis for Final Grade

Your grade is based on four components:

1. Class Participation and Attendance (15%) - Students should be prepared to discuss all assigned readings at the appropriate time. Students should share thoughtful comments and questions during class discussion and be respectful to one another. You can participate by listening and taking notes. Text messaging or surfing the web during class is not appropriate. There may also be opportunities to participate in online discussions through our webcourses@UCF page.

2. Civic Engagement Exercise (20%) – A significant component of this course will be your gaining some first-hand experience of the judicial process in action. This exercise requires advanced planning and provides you an opportunity to learn about aspects of law and courts that you find most interesting. You will document your experience in writing to be turned in (as a hard copy) no later than 5 pm on Wednesday, November 26, 2014. See section entitled "Civil Engagement Exercise", below, for more information.

3. Midterm One (15%) – Midterm One will focus on material covered from the beginning of class to the date of the first midterm. Students can expect a mix of multiple choice, true/false, and short answer questions.

4. Midterm Two (15%) - Midterm Two will focus on material covered since the first mid-term. Students can expect a mix of multiple choice, true/false, and short answer questions.

5. Final Exam (35%) – The final examination is cumulative and will require students to apply their understanding of the subject matter in a constructive manner. Students can expect a mix of multiple choice, short answer, and essay questions. At least one of the essay questions will require students to apply course material to a hypothetical situation.

Grading Scale.

>=93	90-92	87-89	83-86	80-82	77-79	73-76	70-72	67-69	63-66	60-62	<=59
A	A-	B+	B	B-	C+	C	C-	D+	D	D-	F

VI. Grade Dissemination

Graded tests and materials in this course will be returned individually only by request. You can access your scores at any time using "myUCF Grades" in the portal. Please note that scores returned mid-semester are unofficial grades. If you need help accessing myUCF Grades, see the online tutorial: https://myucfgrades.ucf.edu/help/.

VII. Schedule (Subject to Revision)

Date	Topic(s)	Assignment(s)
Week of Aug. 18th	Welcome; Law, Courts, and Politics Law and Legal Systems	Read Neubauer & Meinhold, pp. 1-15, 16-47. Visit Textbook web site: www.cengage.com/politicalscience/neubauer/judicialprocess6e
Week of Aug. 25th	Federal Courts	Read Neubauer & Meinhold, pp. 48-82.
Week of Sept. 1st	State Courts Note: No UCF classes on Labor Day, Monday, Sept. 1st	Read Neubauer & Meinhold, pp. 83-116.
Week of Sept. 8th	Lawyers and Legal Representation	Read Neubauer & Meinhold, pp. 117-155.
Week of Sept. 15th	Judges	Read Neubauer & Meinhold, pp. 156-193.
Week of Sept. 22nd	Mobilizing the Law: Litigants, Interest Groups, Court Cases, and the Media **Civic Engagement Proposal Due – Thurs. Sept. 25** (deliver in class)	Read Neubauer & Meinhold, pp. 194-220.
Week of Sept. 29th	Review for Midterm One **Midterm One – Thursday, Oct. 2 (in class)**	Prepare for Midterm One
Week of Oct. 6th	Criminal Trials	Read Neubauer & Meinhold, pp. 221-250, 251-288.
Week of Oct. 13th	Civil Trials	Read Neubauer & Meinhold, pp. 289-321, 322-349.
Week of Oct. 20th	Trials and Juries	Read Neubauer & Meinhold, pp. 350-380.

Date	Topic(s)	Assignment(s)
Week of Oct. 27th	Review for Midterm Two **Midterm Two – Thursday, Oct. 30 (in class)**	Prepare for Midterm Two
Week of Nov. 3rd	The Appellate Process	Read Neubauer & Meinhold, pp. 381-413.
Week of Nov. 10th	The Supreme Court: Deciding What to Decide Note: No UCF classes on Veterans' Day, Tuesday, Nov. 11th	Read Neubauer & Meinhold, pp. 414-445.
Week of Nov. 17th	The Supreme Court: The Justices and Their Decisions	Read Neubauer & Meinhold, pp. 446-484.
Week of Nov. 24th	Emerging Issues in the U.S. Courts: Tort Reform and Alternative Dispute Resolution **Your written summary of your civil engagement exercise is due Wed., Nov. 26th by 5 pm.** Note: No UCF classes on Thurs, Nov. 27th or Fri, Nov. 28th. Happy Thanksgiving!	
Week of Dec. 1st	**Final Exam on Tuesday, Dec. 9 from 1 –to 3:50 pm** Note: UCF classes end on Monday, Dec. 1st	

VIII. Civic Engagement Exercise

The judiciary is more than a set of rules and abstract principles. The judiciary is an institution operated by people that permeates American culture. A significant component of this course will be your gaining some first-hand experience of the judicial process in action.

To complete this exercise, you will need to (a) identify an upcoming legal proceeding, (b) research what is at issue in the proceeding, (c) observe the proceeding, and (d) reflect on the proceeding. Each stage of the exercise (identification, research, observation, and reflection) should be documented in writing. You must identify the proceeding and complete your research prior to observing the proceeding.

Examples of legal proceedings include civil and criminal trials, hearings on key motions in complex trials, and oral arguments in appellate courts. Other types of proceedings (such as depositions or mediation sessions) could also be observed to complete this assignment but would require your obtaining permission from the attorneys/parties involved in advance.

This exercise requires advanced planning and provides you an opportunity to learn about aspects of law and courts that you find most interesting. To aid your planning, you will submit a one paragraph description of your proposed civic engagement in class on **Thursday, Sept. 25th**. Students are expected to be original, even innovative, in completing this assignment. While observing proceedings in person is preferable, I recognize this is not always possible (i.e. observing an oral argument in the U.S. Supreme Court or the Florida Supreme Court).

You will document your experience in writing to be turned in (as a hard copy) no later than 5 pm on **Wednesday, November 26, 2014**. Your written summary of your experience should be 4-5 pages long. You will be assessed primarily on the quality of your engagement experience.

IX. Course Policies

Late Work Policy: Make-ups for in-class writing, quizzes, the midterm, or the final exam will only be allowed for official University activities or personal emergencies. Written documentation is required. Make-up assessments may be different. Essays turned in late will be assessed a penalty: a half-letter grade if it is one day late, or a full-letter grade for 2-7 days late. Essays will not be accepted if overdue by more than seven days.

Extra Credit Policy: There is no extra credit available.

Grades of "Incomplete": Incomplete grades are given only in situations where unexpected emergencies prevent a student from completing the course and the remaining work can be completed the next semester. Your instructor is the final authority on

whether you qualify for an incomplete. Incomplete work must be finished by the end of the subsequent semester or the "I" will automatically be recorded as an "F" on your transcript.

Group Work Policy: There are no group projects in this class. You are welcome to discuss course material with other students, but you are responsible for your own work.

Email: I may occasionally email students supplementary material or reminders about the class. I check my email regularly during weekdays and occasionally during the weekend. Students may expect an email reply by the next business day and encouraged to follow-up with me if I do not reply by the next business day.

Laptop Usage: I recommend that you take hand written notes on my lecture outlines. Educational research strongly suggests that taking notes by hand is more effective than taking notes on a laptop (see e.g. http://www.vox.com/2014/6/4/5776804/note-taking-by-hand-versus-laptop).

Classroom Devices: You are welcome to use calculators, tape recorders, other audio & technology devices for your course so long as they are not disruptive to any student in the class (including you).

Disability Access: 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, Ferrell Commons Room 185, phone (407) 823-2371, TTY/TDD only phone (407) 823-2116, before requesting accommodations from the professor.

Attendance Policy: Class participation and attendance is 15% of your grade in this class.

Professionalism Policy: Per university policy and classroom etiquette; mobile phones, iPods, *etc*. **must be silenced** during all classroom and lab lectures. Those not heeding this rule will be asked to leave the classroom/lab immediately so as to not disrupt the learning environment. Please arrive on time for all class meetings. Students who habitually disturb the class by talking, arriving late, *etc*., and have been warned may suffer a reduction in their final class grade.

Academic Conduct Policy: Academic dishonesty in any form will not be tolerated. If you are uncertain as to what constitutes academic dishonesty, please consult The Golden Rule, the University of Central Florida's Student Handbook (http://www.goldenrule.sdes.ucf.edu/) for further details. As in all University courses, The Golden Rule Rules of Conduct will be applied. Violations of these rules will result in a record of the infraction being placed in your file and receiving a zero on the work in question AT A MINIMUM. At the instructor's discretion, you may also receive a failing grade for the course. Confirmation of such incidents can also result in expulsion from the University

University Writing Center: The University Writing Center (UWC) is a free resource for UCF undergraduates and graduates. At the UWC, a trained writing consultant will work individually with you on anything you're writing (in or out of class), at any point in the writing process from brainstorming to editing. Appointments are recommended, but not required. For more information or to make an appointment, visit the UWC website at http://www.uwc.ucf.edu, stop by MOD 608, or call 407.823.2197.

Religious Observances: Students are expected to notify their instructor in advance if they intend to miss class to observe a holy day of their religious faith (not already reflected in the normal class schedule). For a current schedule of major religious holidays, see the Faculty Center's main web page under "Calendars," and for additional information, contact the Office of Diversity Initiatives at 407-823-6479.