POS 4284
Judicial Process and Politics
Spring 2017
Monday, 6:00-8:50
Valencia West Building 11, Room 311

Instructor: Nathan Ilderton
Office: 328 Valencia West Building 11
Office Hours: 2:00-5:00pm Monday and Thursday or by appointment.
Phone: 582-5611 (West Campus); 823-2608 (Orlando Campus)*
Email: Nathan.Ilderton@ucf.edu
*I have an office on main campus and can hold meetings there by appointment.

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*, 7th 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:
Exams: Students will be graded on the basis of two exams. The first will be given in class on February 27th. Exam 2 will be given during the final exam period, Monday, May 1st, 7:00-9:50pm. 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.

Attendance and Participation: 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.

Talking Points: Students will be assigned to write talking points on readings from the Diascro and Ivers textbook three times over the course of the semester. These talking points will be used to guide the class discussion. I will provide the Week 2 talking points to give everyone an example of how talking points should be formatted. The class will be divided into two rotations with each rotation assigned three class discussions for which they must turn in talking points. Neither rotation 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 email.

Discussion: 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.

Film Response Papers: 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 two of the three films viewed during the semester. The papers will be due in class the week following the in class viewing of the film. Students may only turn in papers on two of the three films.

Final grades will be calculated using the following formula:

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

Film Papers: 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 January 13th. 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. You may 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: Law and Legal Systems. January 9th
Readings: Judicial Process Ch. 1, 2

No Class, Martin Luther King Holiday, January 16th

Week 2: The Federal System. January 23rd
Readings: Judicial Process Ch. 3
Diascro and Ivers:
Federalist 75 p. 5
FISA Court Case: Memorandum Opinion p. 90
On Motions for Review of Orders of United States Foreign Surveillance Court p, 96
Rotation: Sample Talking Points

Week 3: State Courts. January 30th
Readings: Judicial Process Ch. 4
Diascro and Ivers:
Federalist 82 p. 75
Martin v. Hunter's Lesse p. 77
Supreme Court Monitoring of State Courts in the Twenty-First Century p.83
Talking Point Rotation: 1

Week 4: Judges. February 6th
Readings: Judicial Process Ch. 6
Diascro and Ivers:
Federalist 66 and 76 p. 125
Advice and Consent: A Historical Argument for Substantial Senatorial Involvement in Judicial Nominations p. 128
Justice for Sale p. 156
Talking Point Rotation: 2

Week 5: Lawyers. February 13th
Readings: Judicial Process Ch. 5
Film: *Hot Coffee*

Week 6: Litigants and Interest Groups. February 20th
Readings: Judicial Process Ch. 7
Diascro and Ivers:
Private Attorneys-General: Group Action in the Fight for Civil Liberties p. 239
Amicus Curiae Participation in U.S. Supreme Court Litigation p. 247
Grutter v. Bollinger and Brief of Cato Institute as Amicus Curiae p. 255
Talking Point Rotation: 1

Week 7: Exam 1, Monday, February 27th

Week 8: Criminal Trials. March 6th
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
United States v. Booker p. 300
Talking Point Rotation: 2

Spring Break, No Class, March 13th

Week 9: Civil Trials. March 20th
Readings: Judicial Process Ch. 10, 11
Film: *Injustice*

Week 10: Juries. March 27th
Readings: Judicial Process, Ch. 12
Jury Simulation- Read "Jury Simulation" materials available on Webcourses.

Week 11: Appeals Process April 3rd
Readings: Judicial Process Ch. 13
Diascro and Ivers:
Newdow v. U.S. Congress et al. p. 351
Judging by Where You Sit p. 359
The Work of Appellate Judges p. 363
Talking Point Rotation: 1

Week 12: Supreme Court 1. April 10th
Readings: Judicial Process Ch. 14
Diascro and Ivers:
Interview with Acting Solicitor General of the United States p. 218
First Arguments at the Supreme Court of the United States: Twice Grilled p. 367
The Influence of Amicus Curiae Briefs on the Supreme Court p. 250
Talking Point Rotation: 2

Week 13: Supreme Court 2. April 17th
Readings: Judicial Process Ch. 15
Diascro and Ivers:
On the Nature of Supreme Court Decision Making p. 51
Leaving Things Undecided p. 57
The Freedom of Speech p. 66
Talking Point Rotation: Make Up Week

Week 14: Policy Impact of Judicial Decisions, April 24th
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
Film: *Q&A: Antonin Scalia*

Exam 2, Monday, May 1st, 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.