POS4284-18Spring 0W58

POS4284 - Judicial Process and Politics

Roger Handberg

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 work groups 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 in order to further institutional goals such as caseload management and public relations. Legal policy is contested both when the laws are written and enforced. The results may be much different than the original intent of the law's creators.

Court systems are politically created, their task is social control which means the question of what courts do and who becomes the judges 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 concerning the Florida Supreme Court's role in 2000 presidential election. Their changes 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 participants by now 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. Judicial appointments can last long after the original accession to office.

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:

- David W. Neubauer and Stephen S. Meinhold - *Judicial Process: Law, Courts, and Politics in the United States,* 7th Edition.

Assigned readings from the textbook are indicated in the Modules. Additional materials are linked to 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 during the two examinations or three assignments. Be aware when modules open, so you need to read even if no written assignment or discussion appears for that module. All materials can appear on the exams.

Course Grade Structure:

- Examinations:
  - 1st examination - 20%
  - 2nd examination - 20%
- Module Assignments:
  - Assignment 1 - 20%
  - Assignment 2 - 20%
  - Assignment 3 - 20%

Financial Aid Assignment:

There is a Financial Aid Assignment that all students receiving financial aid must complete in a timely manner in order to verify their attendance in the course, go to the Assignments tab to locate that requirement. Failure to complete this assignment could lead to you being required to immediately repay loans or not receive your financial aid. This is a federal requirement being enforced at UCF through Financial Aid.

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 through a class email 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 specific questions regarding courts and law. Assignment answers are uploaded as Word documents to the Assignment function of the course. **Late assignments are graded down a letter grade a day if late. Missed assignments will not be made up. This means 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 1200 words, and at least 8 references, no abstracts of your essay are allowed since that is just padding your word count. Submission of assignments in other than Word is not allowed, the second time; you will receive a zero for the assignment. NOTE: Wikipedia is not an acceptable reference, if used, it will result in a failing grade (zero) for that assignment. References are to be in APSR (American Political Science Review), that can be accessed by googling APSR format. Note all quotes must have a reference identifying where it came from, failure to do so can result in points reduction.**

Proper citation is important especially since I reserve the right to check on your cite as to relevance and accuracy. Do not list references you have not read.

Course grading:

Grades in this course will employ only standard letter grades, A, B, C, D, F, 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.**

N.B.The instructor reserves the right to amend this syllabus and course schedule due to changing circumstances and other problems that arise during the semester. Changes will be posted to the course website. The forums are linked to specific questions identified in the modules. Those announcements can include changes in the course requirements or other items of interest.

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Judicial Process & Politics

Spring 2018

Schedule

Module number	Module Name	Date Open	Date Close	Assignment
Module 0	Getting Started	January 8	January 26th by 11 pm	Complete items in Module 0 including posting web annotation and completing Introductory Assignment
Module 1	Introduction	8 January	January 24th by 11 pm	Read assigned materials
Module 2	Repeat Players vs. One Shot Players	January 24th	February 2 by 11 pm	Read assigned materials and respond to discussion group: Do Repeat Players Truly Dominate?
Assignment 1	Assignment 1	8 January	February 4th by 11 pm	Turn Assignment 1 in through Assignments tab
Module 3	Federal Courts	February 1	February 10 by 11 pm	Complete assigned readings
Module 4	State Courts	February 10	17 February at 11 pm	Complete assigned readings
First Exam	Exam 1	17 February	February 22 by 11 pm	Complete exam on line
Module 5	Supreme Court Nominations	February 21	March 8th by 11 pm	Complete readings and work on Assignment 2
Assignment 2	Assignment 2	February 10th	March 3rd by 11 pm	Turned in through Assignments tab

Module 6	Legal Profession	March 19th	March 25th by 11 pm	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 by11 pm	Complete assigned readings
Module 8	Judicial Power	April 4th	April 11th by 11 pm	Work on Assignment 3
Assignment 3	Assignment	March 25th	April 12th by 11 pm	Assignment 3 turned in through Assignments tab
Module 9	Judicial Policy Making: Success or Failure	April 11th	April 21th by 11 pm	Complete readings and respond to discussion group: "An imperial judiciary is a great danger to American democracy?"
2nd Exam	Exam 2	23 April	April 26th by 11 pm	Complete exam on line