POS4284 - Judicial Process and Politics

Roger Handberg

Instructor Contact:

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Course Overview:

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

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. Those participants 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:

- Robert A. Carp, Kenneth L. Manning, Lisa M. Holmes, and Robert Stidham - *Judicial Process in America* (11th ed). References as "text" in the modules when assigning readings from the text.

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 them 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 simply 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. 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.

Formatting for Assignments, proposals and papers in Handberg Courses:

Papers should be 10 or 12 point font, double space or 1.5 space between sentences. Students should use end notes (footnotes at the end of the paper or assignment) with references in the following format within the end notes:

Book: author name(s), book title (publisher name, year published), pages cited (***required if a quote is used from the reference***)

Article journal: author name(s), "article title in quotes," Journal title complete, volume number of journal (date published including month if available), pages in article, if quote, page required from which quote gotten.

Newspaper/periodical article: author name(s), "article title," newspaper name (date published), if web based provide complete URL (date website accessed and article read).

Government document or report: author name(s) or committee or group author name, "report title," name of agency for which report done, if web accessed provide complete URL (provide date website accessed and report read), provide pages quoted or accessed (required if quote used).

Website: author name(s) or organizational home of website, title of website or applicable tab within the website, provide complete URL (provide date website accessed and read). For the Introductory Assignment, you are expected to adhere to this format for reporting on the website you selected.

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.

Other applicable University Policies are listed below:

Academic Integrity

Students should familiarize themselves with UCF's Rules of Conduct. According to Section 1, "Academic Misconduct," students are prohibited from engaging in

1. Unauthorized assistance: Using or attempting to use unauthorized materials, information or study aids in any academic exercise unless specifically authorized by the instructor of record. The unauthorized possession of examination or course-related material also constitutes cheating.
2. Communication to another through written, visual, electronic, or oral means: The presentation of material which has not been studied or learned, but rather was obtained through someone else's efforts and used as part of an examination, course assignment, or project.
3. Commercial Use of Academic Material: Selling of course material to another person, student, and/or uploading course material to a third-party vendor without authorization or without the express written permission of the university and the instructor. Course materials include but are not limited to class notes, Instructor's PowerPoints, course syllabi, tests, quizzes, labs, instruction sheets, homework, study guides, handouts, etc.
4. Falsifying or misrepresenting the student's own academic work.
5. Plagiarism: Using or appropriating another's work without any indication of the source, thereby attempting to convey the impression that such work is the student's own.

6. Multiple Submissions: Submitting the same academic work for credit more than once without the express written permission of the instructor.
7. Helping another violate academic behavior standards.

For more information about Academic Integrity, students may consult The Center for Academic Integrity (Links to an external site.).

For more information about plagiarism and misuse of sources, see "Defining and Avoiding Plagiarism: The WPA Statement on Best Practices (Links to an external site.)."

Responses to Academic Dishonesty, Plagiarism, or Cheating

Students should also familiarize themselves with the procedures for academic misconduct in UCF's student handbook, *The Golden Rule*. UCF faculty members have a responsibility for students' education and the value of a UCF degree, and so seek to prevent unethical behavior and when necessary respond to academic misconduct. Penalties can include a failing grade in an assignment or in the course, suspension or expulsion from the university, and/or a "Z Designation" on a student's official transcript indicating academic dishonesty, where the final grade for this course will be preceded by the letter Z. For more information about the Z Designation, click here.

Course Accessibility Statement

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. Students with disabilities who need disability-related access in this course should contact the professor as soon as possible. Students should also connect with Student Accessibility Services (SAS) <http://sas.sdes.ucf.edu/> (Ferrell Commons 185, sas@ucf.edu, phone 407-823-2371). Through Student Accessibility Services, a Course Accessibility Letter may be created and sent to professors, which informs faculty of potential access and accommodations that might be reasonable. Determining reasonable access and accommodations requires consideration of the course design, course learning objectives and the individual academic and course barriers experienced by the student.

Campus Safety Statement

Emergencies on campus are rare, but if one should arise during class, everyone needs to work together. Students should be aware of their surroundings and familiar with some basic safety and security concepts.

In case of an emergency, dial 911 for assistance.

Every UCF classroom contains an emergency procedure guide posted on a wall near the door. Students should make a note of the guide's physical location and review the online version at http://emergency.ucf.edu/emergency_guide.html.

Students should know the evacuation routes from each of their classrooms and have a plan for finding safety in case of an emergency.

If there is a medical emergency during class, students may need to access a first-aid kit or AED (Automated External Defibrillator). To learn where those are located, see http://www.ehs.ucf.edu/workplacesafety.html (click on link from menu on left).

To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to ucf.edu and logging in. Click on "Student Self Service" located on the left side of the screen in the toolbar, scroll down to the blue "Personal Information" heading on the Student Center screen, click on "UCF Alert", fill out the information, including e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."

Students with special needs related to emergency situations should speak with their instructors outside of class.

To learn about how to manage an active-shooter situation on campus or elsewhere,

consider viewing this video (Links to an external site.) .

Campus Safety Statement for Students in Online-Only Courses

Though most emergency situations are primarily relevant to courses that meet in person, such incidents can also impact online students, either when they are on or near campus to participate in other courses or activities or when their course work

is affected by off-campus emergencies. The following policies apply to courses in online modalities.

To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to ucf.edu and logging in. Click on "Student Self Service" located on the left side of the screen in the toolbar, scroll down to the blue "Personal Information" heading on the Student Center screen, click on "UCF Alert", fill out the information, including e-mail address, cell phone number, and cell phone provider, click "Apply" to save the changes, and then click "OK."

Students with special needs related to emergency situations should speak with their instructors outside of class.

Make-Up Assignments for Authorized University Events or Co-curricular Activities

Students who represent the university in an authorized event or activity (for example, student-athletes) and who are unable to meet a course deadline due to a conflict with that event must provide the instructor with documentation in advance to arrange a make-up. No penalty will be applied. For more information, see the UCF policy.

Religious Observances

Students must notify their instructor in advance if they intend to miss class for a religious observance. For more information, see the UCF policy.

Deployed Active Duty Military Students

Students who are deployed active duty military and/or National Guard personnel and require accommodation should contact their instructors as soon as possible after the semester begins and/or after they receive notification of deployment to make related arrangements.

For those classes where you want to selectively use Turnitin.com, here is a sample syllabus statement:

In this course we may utilize turnitin.com, an automated system which instructors can use to quickly and easily compare each student's assignment with billions of web sites, as well as an enormous database of student papers that grows with each submission. Accordingly, you may be expected to submit assignments in electronic

format. After the assignment is processed, as an instructor I receive a report from turnitin.com that states if and how another author's work was used in the assignment. For a more detailed look at this process, visit http://www.turnitin.com

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Judicial Process & Politics

Fall 2019

Schedule/Syllabus

Module number	**Module Name**	**Date Open**	**Date Close**	**Assignment**
Module 0	Getting Started	August 26	September 6th by 11 pm	Complete items in Module 0 including posting web annotation and completing Introductory Assignment;
Financial Aid Verification	Financial Aid Verification	August 26th	September 2nd	**complete Financial Aid Verification by September 2, do not ignore may lead to financial aid issues**
Module 1	Introduction	August 26th	September 6th at 11pm	Read assigned materials
Module 2	Repeat Players vs. One Shot Players	September 7th	September 14th at 11pm	Read assigned materials and respond to discussion group: Do Repeat Players Truly Dominate?
Assignment 1	Assignment 1	August 26th	September 8th by 11 pm	Turn Assignment 1 in through Assignments page
Module 3	Federal Courts	September 15th	September 23rd by 11 pm	Complete assigned readings
Module 4	State Courts	September 24th	October 1st at 11 pm	Complete assigned readings

First Exam	**Exam 1**	**October 2nd**	**October 5th by 11 pm**	**Complete exam on line**
Module 5	Supreme Court Nominations	October 6th	October 21st by 11 pm	Complete readings and work on Assignment 2
Assignment 2	Assignment 2	September 15th	October 21st by 11 pm	Turned in through Assignments tab
Module 6	Legal Profession	October 22nd	November 4th 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	November 5th	November 12th by11 pm	Complete assigned readings
Module 8	Judicial Power	November 12th	November 18th by 11 pm	complete Assignment 3
Assignment 3	Assignment	October 22nd	November 17th by 11 pm	Assignment 3 turned in through Assignments tab
Module 9	Judicial Policy Making: Success or Failure	November 18th	November 30th by 11 pm	Complete readings and respond to discussion group: "An imperial judiciary is a great danger to American democracy?"
2nd Exam	**Exam 2**	**December 3rd**	**December 5th by 11 pm**	**Complete exam on line**