POS4284 -23Fall 0W60

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 decisions. 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 are 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 operate 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 later enforced. The results often are much different than the original intent of the law's creators. The discrepancy can be most obvious in criminal cases where the defendant receives little or no punishment across a variety of cases.

Court systems are politically created, their primary 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 are 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 those 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 the 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. You see that in Governor DeSantis's appointments are completely reshaping the Florida Supreme Court. The new conservative justices are reversing precedents and expanding others in directions opposite that of the previous court.

The United States Supreme Court (USSC) will be examined 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. The USSC showed the exception in 2022 when it reversed a major precedents *Roe V. Wade* (1973), the abortion decision. https://www.nytimes.com/2021/12/16/opinion/supreme-court-trump.html.

Links to an external site. The ramifications of that decision can be seen in continual state battles over abortion policy. The Court essentially made its decision and threw back to the states what that will mean in each state - strict effective bans on abortion to reaffirmations of the right to abortion.

Required Text:

- Robert A. Carp, Kenneth L. Manning, and Lisa M. Holmes - *Judicial Process in America* (12th 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 and study. Students are responsible for making sure they read all such assigned 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. but are usually essay format. The exact mix may 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. Essay exams require writing in terms of sentences and paragraphs, not mere lists of concepts unexplained. Simply copying and posting materials from the course modules or other locations does not constitute an essay answer. Proper grammar and spelling is expected. You should consider such exams as practices for law school where essay exams are common and in addition in court often what a lawyer writes is what the judge considers. Many cases on appeal are effectively decided by the written briefs rather than a lawyer's eloquence or personality.

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, page numbers expected, and at least 5 references. Note well: 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 grammar and spelling is expected. The essays are to be your personal work, not the product of assistance by devices or other means.**

Proper citation is important especially since I reserve the right to check on your cite as to its relevance and accuracy. In other words, do not list references you have not read. Be aware, I read all assignments and exams, not a graduate teaching assistant, this takes time so be patient while I am grading.

Formatting for Assignments, proposals and papers:

Papers should be 10 or 12 point font, double space or 1.5 space between sentences. **Must provide page numbers in assignments.** Use APA format as described in UCF Library resources, **do not provide an abstract**: https://guides.ucf.edu/apa

All web references must include the website's URL and the date you accessed the website. 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 but not explicit points assigned. 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. Furthermore, the instructor reserves the right to submit assignments to Turnitin.com in cases of suspected plagiarism or other cheating.**

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 informational purposes

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.

Turnitin.com may used if excessive cheating is suspected

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

Links to an external site.

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Fall 2023

Schedule/Syllabus

Module number	Module Name	Date Open	Date Close	Assignment
Module 0	**Getting Started**	**August 21st**	**August 31st by 11 pm**	**Complete items in Module 0 including posting web annotation and completing Introductory Assignment;**

Financial Aid Verification	**Financial Aid Verification**	**August 21st**	**August 26th at 11pm**	**complete Financial Aid Verification by August 26th, do not ignore may lead to financial aid issues. Complete even if past due date.**
Module 1	**Introduction**	**August 21st**	**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 21st**	**September 16th by 11 pm**	**Turn Assignment 1 in through Assignments page**

Module 3	**Federal Courts**	**September 15th**	**September 29th by 11 pm**	**Complete assigned readings**
Module 4	**State Courts**	**September 30**	**October 14th at 11 pm**	**Complete assigned readings**
First Exam	**Exam 1**	**October 14th**	**October 17th by 11 pm**	**Complete exam on line**
Module 5	**Supreme Court Nominations**	**October 18th**	**October 15th by 11 pm**	**Complete readings and work on Assignment 2**
Assignment 2	**Assignment 2**	**September 20th**	**October 15th by 11 pm**	**Turned in through Assignments tab**

Module 6	**Legal Profession**	**October 26th**	**November 3rd 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 3rd**	**November 10by 11 pm**	**Complete assigned readings**
Module 8	**Judicial Power**	**November 11**	**November 18th by 11 pm**	**complete Assignment 3**
Assignment 3	**Assignment**	**November 3rd**	**November 18th at 11pm**	**Assignment 3 turned in through Assignments tab**

Module 9	**Judicial Policy Making: Success or Failure**	**November 18th**	**December 1st 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 2nd**	**December 5th by 11 pm**	**Complete exam on line**