Judicial Process and Politics
POS 4284 [0001]
University of Central Florida
Fall 2025
Instructor Jeff Dambly

Course Description and Objectives

Judicial Process and Politics examines the structures, actors, and processes – both formal and informal – that guide American courts. This is an in-person course. The course material is organized into themed modules that will guide our discussions. University Course Catalog Description: Study of the formal and informal judicial process. Legal culture, bureaucratic model, judicial recruitment and outputs, comparative judicial behavior.

Please read this syllabus carefully. When you've finished reading this syllabus, you can start with the "Syllabus Quiz" on Webcourses. You must score 5/5 on the Syllabus Quiz by Friday, August 22, 2025.

The objective of this course is to introduce you to how federal and Florida courts operate. By the end of this course, I expect you will have a better appreciation for the personnel within the courtroom and why they act the way they do. We will have a particular focus on judges and their decisions. With this end in mind, we will explore the role of the judiciary in our legal system, particularly as it relates to interpretations of law. We'll discuss why courts make decisions, their methods, and their influences. To a lesser extent, this will also include discussions about other attorneys in the courtroom and why they take certain actions.

The objectives of this class include the following:

- Understand American judicial processes and structures
- Understand how American judicial decisions are made and reasoned
- Understand due process considerations in court
- Understand legal limitations for judicial practices
- Appreciate how judicial and political issues can be distinct – or interrelated
- Apply legal reasoning to complex hypothetical problems
- Engage in discussion and deliberation of judicial issues
- Improve writing, critical thinking, and creative thinking skills

- Build collaboration skills and practice professional work habits
- Prepare you for graduate school or the professional world

Required Text & Assignments

There is no assigned textbook for this course. Course materials vary from law review and other journal articles, open-source articles, to occasional court opinions, and even videos. I do expect that the time dedicated to reviewing and absorbing course material on a weekly basis will be substantial. You will find all course materials on Webcourses either via link or download.

Be mindful that weekly assigned readings vary in length, so some weeks will have heavier reading assignments compared to others. On occasion, you may find additional recommended reading posted in Webcourses.

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

Class Format & How You Will Be Evaluated

This is an entirely in-person course meeting Monday, Wednesday, and Friday (MWF) each week. I break down the syllabus into modules. Since we have a MWF class schedule, I try to break down discussion topics for specific days. However, it is your responsibility to stay up to date on where we are, as the schedule will likely change over time. I reserve the right to amend the syllabus as I deem necessary. Moreover, I want to emphasize the importance of class discussions; the assigned readings are meant to provide a baseline of relevant information. We'll draw out the "why" through in-class discussions. Lectures will also cover materials relevant to the broader conversation that aren't assigned reading (to save you from needing to spend *more* time prepping each week). Finally, you'll note below that participation matters towards your final grade. Thus, you should not expect to skip class and succeed in this course.

Please note that traditionally legal courses center around in-class discussions and professors frequently use a Socratic method of instruction based on asking students questions. You should expect a Socratic method in this class. I use it to help moderate a discussion. I don't use it as a scare tactic, but instead I think of it

more as a moderator's tool.

Grading - your final grade will be a composite of four major factors:

1) **Participation** (20% of your grade)

- Students are expected to attend each class and should be prepared to participate in class discussions, engage in debates, and work collaboratively with their peers. Evidence to the contrary (absences, lack of participation in discussions, lack of preparedness, or lack of effectively supporting classmates) can significantly harm your participation score.

2) **Written Assignments** (35% of grade)

- Starting with Week 2, students should expect to respond to a written prompt every other week. Prompts will be released on Monday morning, and written responses will be due the following Sunday at 11:59pm. Students who provide a response in a given week should be prepared to speak to their response the next week in class discussions.

- Students will be graded based on writing style as discussed in class. My aim is to help guide you in a style appropriate for legal arguments. This should benefit you if you intend to attend law school; if not, it should still help develop professional writing skills.

- Students will be limited to a closed universe of citations and references based on course materials.

3) **Midterm** (20% of grade)

- For your "midterm," you will be provided a question based on course materials and asked to provide analysis based only on those materials. This will be an oral

exam, scheduled as a brief interview with the instructor. Students will sign up for an exam time in advance for either a Zoom or in-person discussion.

4) **Final Project** (25% of grade)

- Students will be expected to participate in a group project to identify an issue and propose a reform for a judicial process, either at a state or federal level. The final product will include a collaboratively written paper and in-class presentation. Project topics must be approved by the instructor in advance, and topics must be related to in-class discussions or assigned reading materials.

Student Expectations

a) Course Behavior

Very simply, every student should be prepared engaged on a weekly basis. If you are not engaged, it may affect your grade. Your participation and engagement may well be the deciding factor if your overall grade is on the fence to the next-highest grade range (up or down).

Be sure to understand this next point: this course will engage in discussions meant to provoke thoughtful conversation on potentially controversial legal and policy topics. I also include an array of viewpoints in reading materials so that we can critique and debate in class. All viewpoints are to be respected in an academic discussion. In expressing arguments and analysis, please be considerate and mindful of your classmates; please also have the same consideration when listening to the viewpoints of your fellow classmates, regardless of if they are consistent with your political or ideological leanings. I anticipate (and, indeed, expect) engaging, vigorous, and professional discussions. I also expect reasoned, measured, and (again) professional discussions. Those who act contrary to these expectations may lose the right to participate in class discussions and earn the associated course points.

b) Absences, Late Work, and Incomplete Grades

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. See UCF Policy 4.401. and UCF Regulation 5.020.

Excused absences include documented illnesses, deaths in the family and other documented crises, call to active military or jury duty, religious holy days, and official University activities. These absences will be accommodated in a way that does not arbitrarily penalize students who have a valid excuse. Considerations will also be given to students whose dependent children experience serious illness.

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.

c) Academic Honesty

Course assignments are designed to have educational value; the process of preparing for and completing these exercises will help improve your knowledge. Just as importantly, these efforts will improve the skills necessary to succeed in the future. Material presented to satisfy course requirements is therefore expected to be the result of your own original scholarly efforts.

Cheating, plagiarism, or any dishonesty in your work is not tolerated at this university. Please refer to your student handbook for more information about UCF's academic honor system and reach out to me if any part of the code is unclear.

Use of Generative Artificial Intelligence (GenAI) is governed on an assignment-by-assignment basis. For each assignment, you must carefully review the instructions to determine whether AI-generated content is permitted. In some cases, you may be permitted (though not required) to use GenAI. When using GenAI, you must disclose specifically where and how it was used in the process of completing the assignment. Unless explicitly allowed, all components of your work must be fully prepared by you. Any attempt to represent GenAI output inappropriately as your own work will be

treated as plagiarism. Ultimately, students are responsible for the accuracy and veracity of submitted work whether AI-generated or not. There is significant value in many AI tools, but when authorized they should at most supplement, not replace, your own efforts, to include creative and critical thinking skills.

Each student is honor-bound to submit only their own work under their name or signature, to fully acknowledge their use of any information, ideas, or other matter belonging to someone else, to properly document the source in question, and to offer for credit only that work which they have completed without assistance. If thoughts are not your own, cite appropriately! I am comfortable with either APA or Bluebook (the legal standard) citation formats. I reserve the right to use Turnitin.com or other sources to check for plagiarism or dishonesty.

I will also adhere to the highest standards of academic integrity, so please do not ask me to change (or expect me to change) your grade illegitimately or to bend or break rules for one person that will not apply to everyone.

The Center for Academic Integrity (CAI) defines academic integrity as a commitment, even in the face of adversity, to five fundamental values: honesty, trust, fairness, respect, and responsibility. From these values flow principles of behavior that enable academic communities to translate ideals into action. http://academicintegrity.org/

UCF Creed: 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.
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> Scholarship: I will cherish and honor learning as a fundamental purpose of my membership in the UCF community.
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> 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.

d) Technology

Students may, without prior notice, record video or audio of a class lecture for a class in which the student is enrolled for their own personal educational use. A class lecture is defined as a formal or methodical oral presentation as part of a university course intended to present information or teach students about a particular subject. Recording classroom activities other than class lectures, including but not limited to lab sessions, student presentations (whether individually or part of a group), class discussion (except when incidental to and incorporated within a class lecture), clinical presentations such as patient history, academic exercises involving student participation, test or examination administrations, field trips, and private conversations is prohibited. Recordings may not be used as a substitute for class participation and class attendance, and may not be published or shared without the written consent of the faculty member. Failure to adhere to these requirements may constitute a violation of the University's Student Code of Conduct as described in the Golden Rule.

Course materials are available through Webcourses. Students must have the ability to view videos, write, and upload assignments. Students should have access to high-speed internet and updated software. Mobile devices may be used to view course content or upload assignments as determined by the instructor. Please work early so that if you have any problems, you can receive any needed help prior to assignment due dates and times. Technology will not be an excuse for missing deadlines.

e) Unauthorized Use of Class Materials

There are many fraudulent websites claiming to offer study aids to students but are cheat sites. They encourage students to upload course materials, such as test questions, individual assignments, and examples of graded material. Such materials are the intellectual property of instructors, the university, or publishers and may not be distributed without prior

authorization. Students who engage in such activity are in violation of academic conduct standards and may face penalties.

f) Emergency Procedures

Students are encouraged to be aware of their surroundings and familiar with actions to take in various types of emergencies. To stay informed about emergency situations, students can sign up to receive UCF text alerts by going to <https://my.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 instructor outside of class.

g) Title IX

Title IX prohibits sex discrimination, including sexual misconduct, sexual violence, sexual harassment, and retaliation. If you or someone you know has been harassed or assaulted, you can find resources available to support the victim, including confidential resources and information concerning reporting options at https://letsbeclear.ucf.edu and http://cares.sdes.ucf.edu/.

For more information on diversity and inclusion, Title IX, accessibility, or UCF's complaint processes contact:

- Title IX – OIE – http://oie.ucf.edu/ & askanadvocate@ucf.edu
- Disability Accommodation – Student Accessibility Services
- Diversity and Inclusion Training and Events
- UCF Compliance and Ethics Office & complianceandethics@ucf.edu
- Ombuds Office

h) Third-Party Software and FERPA

During this course you might have the opportunity to use public online services and/or software applications sometimes called third-party software such as a blog or wiki. While some of these could be required assignments, you need **not** make any personally identifying information on a public site. Do not post or provide any private information about yourself or your classmates. Where appropriate you may use a pseudonym or nickname. Some written assignments posted publicly may require personal reflection/comments, but the assignments will not require you to disclose any personally identity-sensitive information. If you have any concerns about this, please contact your instructor.

i) Financial Aid Requirement

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 Evidence of Academic Engagement Quiz by the end of the first week of classes or as soon as possible after adding the course***. Failure to do so may result in a delay in the disbursement of your financial aid.

Office Hours and Professor Contact

Office hours will be Monday, Wednesday, and Friday, from 11am-12pm, in my office on the third floor of Howard Phillips Hall (305A). More generally, I will always make my best effort to be available for questions. You may email me at jeffrey.dambly@ucf.edu at any time. I am almost always connected to email, so please don't hesitate to follow up if I do not respond quickly. At a maximum, you should expect a response in no later than 1 business day. If designated office hours are problematic, we can also schedule time to meet in office or virtually on Zoom that's convenient for you.

Grading Scale

A 100-93

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

Course Accessibility Statement

The University of Central Florida is committed to providing access and inclusion for all persons with disabilities. This syllabus is available in alternate formats upon request. Students with disabilities who need specific access in this course, such as accommodations, should contact the professor as soon as possible to discuss various access options. Students should also connect with Student Accessibility Services (Ferrell Commons, 7F, Room 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.

Accommodations for Active Duty Military Students

If you are a deployed active duty military student and feel that you may need a special accommodation due to that unique status, please contact the instructor to discuss your circumstances.

Course Breakdown – Subjects and Reading Assignments

These readings are subject to change. In fact, they likely will change as the semester evolves. Please coordinate with your classmates and instructor if you have any questions about upcoming assignments

Week 1: Defining the Law
Aug. 18 - 22

Topics Covered:

Monday, August 18: syllabus review and course introduction
Wednesday: August 20: sources of law, including natural law and positive law
Friday, August 22: common law, civil law, public law and private law – structure and sources

Reading Assignment:

- Green, L. (2021). Positivism, realism, and sources of law. In T. Spaak & P. Mindus (Eds.), *The Cambridge Companion to Legal Positivism* (pp. 39-60). Cambridge University Press.
- Scott, R.E. (2000). The limits of behavioral theories of law and social norms. *Virginia Law Review* 86(8), 1603-1647.

Week 2: Court Structure and Jurisdictional Considerations
Aug. 25 – Aug. 29

Topics Covered:

Monday, August 25: court origins and purpose – Supreme Court and lower courts
Wednesday: August 27: structure of federal courts and jurisdiction
Friday, August 29: structure of Florida courts and jurisdiction

Reading Assignment:

- US Constitution

- Florida Constitution
- Administrative Office of the U.S. Courts, *Understanding the federal courts*
- Wheeler, R.R., & Harrison, C. (2005). Creating the federal judiciary. *Federal Judicial Center*.
- Florida Supreme Court. *Florida's court system*.
- Lampe, J.R., & Deal, L. (2023). Federal and state courts: Structure and Interaction. *Congressional Research Service*.
- *Trump v. CASA, Inc.*, 606 U.S. ____ (2025).

Week 3: The Role of Courts
Sept. 1 – 5

Topics Covered:

Monday, Sept. 1: no class (Labor Day)
Wednesday, Sept. 3: *Marbury* and the role of courts
Friday, Sept. 5: Interplay between branches of government

Reading Assignment:

- *Marbury v. Madison*, 5 U.S. 137 (1803).
- Supreme Court Landmark Case Marbury v. Madison. C-SPAN. (video)
- Hellman, A.D. (2002). Judicial activism: The good, the bad, and the ugly. *Mississippi College Law Review* 21 (253-265).
- Smithey, S.I. (2021). Strategic activism. In R.S. Solberg & E. Waltenburg (Eds.) *Open Judicial Politics*. Pressbooks.
- Lane, E.A., Schoenherr, J.A., Schutte, R.A., & Black, R.C. (2021). Judicial discretion and US Supreme Court agenda setting. In R.S. Solberg & E. Waltenburg (Eds.) *Open Judicial Politics*. Pressbooks.
- Federal Judicial Center. *Executive Enforcement of Judicial Orders*.
- *Brown v. Board of Education of Topeka*, 439 U.S. 294 (1955).
- Hirsch, S., Hill, J., & Wentworth, C. (2025, May 13). When the Executive defies the judiciary: how federal courts can enforce their orders without the marshals. *Just Security*.

Week 4: Advocacy in the Courtroom
Sept. 8-12

Topics Covered:

Monday, Sept. 8: the role of counsel as advocates
Wednesday, Sept. 10: policymaking through litigation
Friday, Sept. 12: influential friends (amici)

Reading Assignment:

- Chemerinsky, E. (2013). Lessons from *Gideon*. *The Yale Law Journal* 122(8), 2676-2693.
- Collins, P.M. (2009). *Friends of the Supreme Court*. Oxford University Press. (Chapters 2-4)

Week 5: Justiciability: Limitations on Access to Courts
Sept. 15-19

Topics Covered:

Monday, Sept. 15: overview of justiciability considerations
Wednesday, Sept. 17: political questions and state secrets
Friday, Sept. 19: standing

Reading Assignment:

- Bradley, C.A. (2023). The political question doctrine and international law. *The George Washington University Law Review* 91(6), 1555-1584.
- Chesney, R. (2022). No appetite for change: The Supreme Court buttresses the state secrets privilege, twice. *Harvard Law Review* 136(1), 170-207.
- Heppner, Jr., R.L. (2023). Let the right ones in: The Supreme Court's changing approach to justiciability. *Duquesne Law Review* 61, 79-94.

Week 6: Individual Rights in Criminal Court
Sept. 22-26

Topics Covered:

Monday, Sept. 22: overview of procedural and substantive rights
Wednesday, Sept. 24: overview of procedural and substantive rights
Friday, Sept. 26: overview of procedural and substantive rights

Reading Assignment:

- *Powell v. Alabama*, 287 U.S. 45 (1932).
- *Batson v. Kentucky*, 476 U.S. 79 (1986).
- *Sheppard v. Maxwell*, 384 U.S. 333 (1966).
- *Richmond Newspapers v. Virginia*, 448 U.S. 555 (1980).
- *Smith v. Arizona*, 602 U.S. 779 (2024).
- *Gregg v. Georgia*, 428 U.S. 153 (1976).
- *Atkins v. Virginia*, 536 U.S. 304 (2002).

Week 7: Appellate Review Process
Sept. 29 – Oct. 3

Topics Covered:

Monday, Sept. 29: overview of appellate procedural process and key aspects of brief writing
Wednesday, Oct. 1: the relevance of oral arguments
Friday, Oct. 3: case opinion writing

Reading Assignment:

- Listen to the oral arguments from *Trump v. CASA, Inc.*
- Understanding the Federal Courts, assigned in week 2, pages 19-20
- U.S. Court of Appeals for the Federal Circuit, "The Life of an Appeal."
- The University of Michigan Law School, "U.S. Supreme Court Research Guide: General Research."

Week 8: Midterm
Oct. 6 – Oct. 10
Week 9: Appointment and Elections of Judges
Oct. 13 – Oct. 17

Topics Covered:

Monday, Oct. 13: overview of appointment and election models
Wednesday, Oct. 15: virtues and vices of an appointments model
Friday, Oct. 17: virtues and vices of an elections model

Reading Assignment:

- McMillion, B.J. (2016). The appointment process for U.S. circuit and district court nominations: An overview. *Congressional Research Service*.
- Rodriguez, R.A. (2005). Judicial selection in Florida: An executive branch perspective. *Florida Bar Journal* 79(1).
- Edward, L.B., & Band, M.R. (2018). A look through the looking glass: The JNC and judicial nominating process "deconstructed." *Florida Bar Journal* 92(6).
- Gordon, S.C. (2024). Democracy reform primer series: Elected vs. appointed judges. *The University of Chicago Center for Effective Government*.
- Bonneau, C.W. (2018). The case for partisan judicial elections. *The Federalist Society.*
- Fitzpatrick, B.T. (2018). The case for political appointment of judges. *The Federalist Society.*

Weeks 10 - 11: Decisionmaking by Judges/Judicial Philosophy
Oct. 20 - 31

Topics Covered:

Monday, Oct. 20: Overview of models for constitutional interpretation
Wednesday, Oct. 22: textualism
Friday, Oct. 24: originalism

Monday, Oct. 27: living constitutionalism and pragmatism
Wednesday, Oct. 29: common good constitutionalism
Friday, Oct. 31: in-class debate

Reading Assignment:

- Murrill, B.J. (2018). Modes of constitutional interpretation. *Congressional Research Service*.
- Rutkowski, A.G. (2021). Constitutional interpretation styles of U.S. Supreme Court judges. In R.S. Solberg & E. Waltenburg (Eds.) *Open Judicial Politics*. Pressbooks.
- Chemerinsky, E. (2013). The inescapability of constitutional theory. *University of Chicago Law Review*, 80(2).
- Baude, W. (2023). The 2023 Scalia Lecture: Beyond Textualism? Harvard Journal of Law & Public Policy, 46(3), 1331-1351.
- Sunstein, C.R. (2023). Experiments of living constitutionalism. Harvard Journal of Law & Public Policy, 46(3), 1177-1194.
- Baude, W., & Sachs, S.E. (2023). The "common-good" manifesto. Harvard Law Review, 136(3), 861-906.

Week 12: Public Opinion and Judicial Decisions
Nov. 3 - 7

Topics Covered:

Monday, Nov. 3: how public opinion effects the Supreme Court
Wednesday, Nov. 5: the Supreme Court and public expectations
Friday, Nov. 7: Supreme Court legitimacy and the "shadow docket"

Reading Assignment:

- Casillas, C.J., Enns, P.K., & Wohlfarth, P.C. (2011). How public opinion constrains the U.S. Supreme Court. *America Journal of Political Science*, 55(1), 74-88.
- Hall, M.E.K. (2013). The semi-constrained court: Public opinion, the separation of powers, and the U.S. Supreme Court's fear of nonimplementation. *American Journal of Political Science*, 58(2), 352-366.

- Scheb, J.M., & Lyons, W. (2001). Judicial behavior and public opinion: Popular expectations regarding the factors that influence Supreme Court decisions. *Political Behavior* 23, 181-194.
- Davis, T. (2025). In the light: Procedural legitimacy, the shadow docket, and support for the U.S. Supreme Court. *American Politics Research*, 53(2), 193-208.

Week 13: Professionalism in the Legal System
Nov. 10 - 14

Topics Covered:

Monday, Nov. 10: issues in judicial ethics
Wednesday, Nov. 12: issues in attorney ethics
Friday, Nov. 14: issues in prosecutorial ethics

Reading Assignment:

- Code of Conduct for United States Judges
- Code of Conduct for Justices of the Supreme Court of the United States
- Florida Code of Judicial Conduct
- A Summary of [Florida's] Judicial Canons
- ABA Model Rules of Professional Conduct

- Recommended: Rules of Professional Conduct, Florida Bar
- Recommended: Judicial Ethics Benchguide, Florida Court Education Council

Week 14 - 15: Group Presentations
Nov. 17 - 24

Topics Covered:

Monday, Nov. 17: group presentations
Wednesday, Nov. 19: group presentations
Friday, Nov. 21: group presentations

Monday, Nov. 24: group presentations