

PSCI 4341: THE POLITICS OF THE JUDICIAL PROCESS
Spring 2016; ECSN 2.112; M/W 10:00-11:15

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Course Description

This is a class in judicial politics, a term which can have many meanings and cover a wide variety of topics. In this course we will cover topics such as judges, lawyers, litigants, criminal and civil procedure, state and federal courts, and theories of judicial decision making. We will analyze these concepts, actors and institutions from a variety of perspectives including theoretical, normative, and empirical approaches. The point of this course is to instill in you a greater understanding of how the American legal system and politics interact and to develop your ability to evaluate commentary on the American judiciary critically. In short, I aim to help you become a critical consumer of information about American courts.

We will begin by covering the basic descriptive information that will form the basis of your understanding of the American legal system. These basics include: (1) the structure of federal and state court systems, (2) the concept of jurisdiction, (3) how judges are selected, (4) the role of lawyers in the judicial system, and (5) civil and criminal procedure. Then, in the second half of the class, we will begin to use the knowledge base you have built in the first half of the course to discuss more complex concepts and theories about the American judiciary. The following are some of the topics we will cover in this part of the course: (1) judicial decision making, (2) implementation of court policy, and (3) the role of interest groups (and lawyers) in the judicial system. Further, I am open to covering other topics if

you have special interests—please make me aware of these interests as soon as you can.

Student Learning Objectives

1. Become a critical consumer of information about American courts.
 2. Demonstrate a basic understanding of the theories of judicial decision making.
 3. Be able to apply the theories of decision making to determine the likely outcomes of cases.
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Course Material:

I have ordered the following required textbooks at the campus bookstore, although the off campus bookstores may have them as well:

1. *American Judicial Process: Myth and Reality in Law and Courts*. Pamela Corley, Artemus Ward, and Wendy L. Martinek. Routledge. ISBN: 9780415-532983. Hereinafter referred to as CWM in the syllabus, this is our textbook and will provide the basic information for the course.
 2. *Judges on Judging: Views from the Bench* (4th ed.). David M. O'Brien (editor). CQ Press. ISBN: 9781452227832. Hereinafter referred to as O'Brien in the syllabus, this is a collection of writings from judges about courts and the judicial process.
 3. Articles: throughout the course you will be assigned articles written by political scientists, sociologist, criminologist and others. These will be posted on the eLearning course website. They are referred to as Articles in the syllabus.
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Course Schedule:

Please note that all listed readings are required.

January 11th: Course Introduction

The Basics:

January 13th & 20th: Foundations and Sources of Law

CWM: Chapter 1

O'Brien: Chapter 16 & Chapter 17

Note, there is no class on MLK Day (January 18th)

January 25th: Judicial Review

O'Brien: Introduction to Part 1, Chapter 1 & Chapter 2

Article: Judicial review: the usurpation and democracy questions
(Melone and Mace)

January 27th & February 1st: Structure of State and Federal Court Systems

CWM: Chapter 4

February 3rd: Jurisdiction

CWM: Chapter 4

O'Brien: Chapter 33

February 8th: Selection of Judges in State Courts

CWM: Chapter 5 (pp. 161-177)

Article: Interest groups and state court elections: a new era and its
challenges (Thomas, Boyer, and Hrebenar)

February 10th: Selection of Judges in Federal Courts

CWM: Chapter 5 (pp. 139-160)

O'Brien: Chapter 4

February 15th: **Exam 1**

February 17th: Legal Education

CWM: Chapter 2

February 22nd: The Legal Profession

CWM: Chapter 3

Article: Contingency fee lawyers as gatekeepers in the civil justice
system (Kritzer)

February 24th & 29th: Criminal Procedure & Trials

CWM: Chapter 7 (pp.235-262)

Article: Selective Empathy (Greenhouse)

March 2nd: **Plea Bargaining Simulation**

CWM: Chapter 7 (pp. 262-268)

Also, read the Plea Bargaining Instructions posted on eLearning

March 7th: Civil Trials and Procedure; Juries

CWM: Chapters 6 & 8

Article: The changing role of the trial judge (Ludwig)

March 9th: Deciding to Decide: Appellate Review

CWM: Chapter 9 (pp. 329-353)

Article: Deciding what to decide: the Judge's Bill at 75 (Hartnett)

No class on March 14th and 16th (Spring Break)

March 21st: **Exam 2**

The Courts and Politics

March 23rd & 28th: Decision Making on Trial Courts

O'Brien: Ch. 16

Article: Race and death sentencing (Unah)

March 30th: Decision Making on Appellate Courts

CWM: Chapter 9 (pp. 353-364)

O'Brien: Chapter 8

Article: Decision making in the U.S. Courts of Appeals: the determinants of reversal on appeal (Hettinger & Lindquist)

April 4th & 6th: Decision Making on the Supreme Court

CWM: Ch. 10 (pp. 375-410)

O'Brien: Chapters 21, 22, 23, & 26

April 11th: Public Opinion & Institutional Legitimacy

CWM: Chapter 10 (pp. 410-417)

Article: Supreme Court and public support for rights claimants (Marshall and Ignagni)

Article: The impact of Bush v. Gore on public perception and knowledge of the Supreme Court (Kritzer)

April 13th & 18th: The Implementation of Court Decisions

CWM: Chapter 11

Article: Lower court compliance with precedent (Benesh & Martinek)

April 20th: Course Review

April 25th: **Final Exam Part 1**

April 27th: **Final Exam Part 2**

Grading

1. There are two midterm exams in the course, each covering aspects of the material from both assignments and lecture. Each exam will be worth 25% of your grade.
2. There will be a final exam, given during the final two class periods, which will also cover material from both the assignments and lecture. This final exam may or may not be cumulative depending on class performance throughout the semester. I will let you know well ahead of time whether or not the final exam will be cumulative. This exam will be worth 40% of your final grade.
3. There is a plea bargaining simulation, which will be completed in groups. More details will be given as we approach the date of the assignment, but the gist is that you will bargain in teams over the sentence of someone charged with a crime. The simulation grade will be worth 10% of your grade.

Therefore, your final grade in this class will be calculated as follows:

10% Plea Bargaining Simulation
25% (2x) Midterm Exams
40% Final Exam

The grading scale is as follows and is based on the percentage of total available points earned:

A = 94% or greater
A- = 90-93%
B+ = 87-89%
B = 84-86%
B- = 80-83%
C+ = 77-79%
C = 74-76%
C- = 70-73%
D = >65%
F = < 65%

Course & Instructor Policies

I will make special arrangements for students who must miss a test for very good reasons, but you must give me a note describing the reasons that you have to miss the test and must obtain my permission to do so prior to the test. If I give you permission to miss an exam, you must check with me on the first class day after the examination to find out the time for the makeup examination, and you must take the examination at that time. If you miss an examination without prior permission, ordinarily you will receive a score of zero on that examination. If you have very good reason for missing the examination without prior permission, I will allow you to take the makeup with a penalty of five points for each day after the exam before you notified me (including the examination day itself).

I don't care if you eat or drink in the room, as long as you do so quietly. Also, please be sure to silence your cell phones before coming to class. If ringing cell phones become an issue, then I reserve the right to impose a small penalty on the final grade of those whose phones continue to ring.

Additional UT Dallas policies may be found at:
<http://go.utdallas.edu/syllabus-policies>