

SYLLABUS – ver. 8/21/21
POLITICAL SCIENCE 258: THE JUDICIAL PROCESS
Fall 2021

Instructor: Prof. Evan McKenzie	CRN/Course Number: 37195
Office location: BSB 1126	Class meets: T/Th 9:30-10:45
Office phone: 312-413-3782	Classroom: BSB 311
E-mail address: mckenzie@uic.edu	Office hours: T/Th 11:00-12:00 and by appointment

Face Masks: *This course requires in-person attendance. Masks covering both the mouth and nose must be worn at all times by all students, faculty, and staff while on campus and inside any building regardless of vaccination status. If you do not wear a mask, you will be asked to leave the classroom and will not be allowed back in class unless or until you wear a mask. If you have forgotten your mask, you may pick one up from one of the student information desks on campus during the first two weeks of campus. Students who do not comply with the mask-wearing policy will be reported to the Dean of Students. Eating and drinking are not allowed in classrooms.*

COURSE DESCRIPTION, GOALS, AND OBJECTIVES

Catalog Description - 3 hours. “Dispute settlement and policy making in state and federal court systems; judicial decision making and the impact of decisions on the polity. *Prerequisite(s): POLS 101.*”

This course is an introduction to the American court system with some comparative analysis of other systems. It is taught within the context of what both lawyers and political scientists believe about law, courts, justice, and politics. We will begin by studying the institutions of law, including what law is, the federal and state courts, lawyers and judges, and the consumers of law, such as litigants, interest groups, and the media. That will take us to the mid-term exam. After that we will go into detail about how American courts operate in practice, including how trial courts deal with civil and criminal cases, and how appellate courts, including the US Supreme Court, engage in judicial policy making and decide cases with broad social consequences. We will do all of this while considering broad issues, such as equality and inequality before the law and the role of the courts as political institutions, which are especially important concerns in an election year.

Regular class attendance and participation are essential to your success in this course. Attendance means being present and prepared every day. Participation includes asking questions and commenting during class sessions.

The course also requires use of a computer and internet access. All the readings and other materials are online on the course Blackboard site.

I will probably make some minor changes, additions, and deletions to this syllabus as the semester moves along. You will receive an email to that effect if and when it happens.

I am here to help you and I want you to succeed. Communicating with students one-on-one is part of my job and something I am happy to do. Please do not hesitate to contact me by email or phone.

COURSE MATERIALS

You do not need to buy a textbook. This course has a Blackboard site, and you have been subscribed to it. Blackboard is a course management system. There are materials and links on the site that we will be using. Use of a computer and internet access are required to access the Blackboard site.

COURSE REQUIREMENTS, METHODS OF EVALUATION, & GRADING POLICIES

Calculation of course grades

I will grade all assignments on a standard 100 point scale, but the assignments are weighted to add up to 1000 total points for the course. Your course grade will be determined as follows:

1. Mid-term examination = 300 points (30%) The midterm and final examinations are closed-book exams that will be taken in class. I am planning to use Blackboard for this, but if that doesn't work for us we will use Scantrons and blue books. The exams will be 50% multiple choice and 50% essay. All the course materials are potentially covered by the questions. You will receive a study guide before each exam that contains all the possible essay questions, usually about 14-15, from which I will choose two or three, and you will then choose one of those to respond to. This exam will cover Units 1-7. The midterm exam will be held on Thursday, October 7.
2. Final examination = 300 points (30%) Same format as the midterm. Not comprehensive; covers Units 8-15. The final examination is currently scheduled for Wednesday, December 8, from 10:30am to 12:30 pm. Be aware that this is subject to change.
3. Short papers = 300 points. There are three short paper assignments, each worth up to 100 points, for a total possible of 300 points. Here are short descriptions. Each has a detailed set of instructions on the Blackboard site, and you will turn them in using a Blackboard assignment box that you will find in the proper folder under the "Assignments" tab on the main page.
 - A. Film paper. You will watch a film that deals with law and courts and analyze the way the film portrays this subject matter. The paper will be 2-4 pages. The Blackboard site has detailed instructions on this. **This paper is due by midnight on Tuesday, September 28.**
 - B. Individual paper on Group Presentation—signups start Thursday August 26. Each week 4 or 5 people will read an article on the weekly topic and report on it to the class on Thursday in a group discussion lasting about 20-30 minutes. The group will turn in a Powerpoint or Google slides file. You are welcome to use the Collaborate Course Room to get together and discuss this project. Each person will turn in a 1-2 page paper on their part of the topic. You will either sign up for or be assigned to a group and article. The papers are due on the day of the presentation. Each group member receives the same group score of up to 50 points for the quality of the slides and the oral presentation, and an individual score of up to 50 points for your individual paper. **All individual papers are due by midnight on the day (Wednesday) before the Thursday of the group presentation.**
 - C. Court observation paper. You will watch court proceedings in person (or online, depending on the COVID situation—to be determined), and report back what you observe in a 2-4 page paper. The

Blackboard site has detailed instructions on how to do this. **This paper is due by midnight on Friday, December 3.**

6. Attendance and participation = 100 points (10%).

A. Attendance = max of 50 points. This course requires in-person attendance. Attendance at all class sessions on time is mandatory, and I will be taking roll every day. Attendance is being present when the class starts. If you miss more than six class sessions, you may receive a zero for your attendance and participation grade, at my discretion. You are late if you arrive more than five minutes after class starts, and lateness is $\frac{1}{2}$ of an absence.

B. Participation = max of 50 points. I am looking for informed participation in the form of comments and questions that reflect having done the reading--not just being opinionated. This portion of your grade will also include not only in class participation.

There will be significant point deductions (potentially taking your score all the way down to zero) for breaches of civility. This would include, for example, being unprepared, inattentive, misusing electronic devices (i.e., for non-class-related purposes), talking out of turn, being rude or intolerant toward your classmates or me, name-calling and ridicule, and other forms of incivility.

7. Total points possible = 1000.

8. Extra credit—I will offer you some opportunities to do extra credit work, usually worth up to ten points for each activity. These will be activities that relate to our course and that are available to us. These include Constitution Day, September 17, and the National Student Issues Convention on

COURSE POLICIES

Policy for Missed or Late Work, and for Excused Absences

I do not accept late papers or other assignments, including extra credit assignments, **I do not administer makeup exams**, and absences will not be excused, **except in cases of documented emergencies**. "Documented" means *written proof from a third party*, such as a letter from a physician in the case of medical emergencies. "Emergencies" means *last-minute occurrences that make attendance impossible*. If you know before an exam that you can't do it on the scheduled date, contact me. I may allow you to take the exam early, but **you will not be allowed to take an exam after the scheduled date for any reason that you knew about before the exam**. Late papers will not be accepted, graded, or counted and you will receive a zero for the assignment. Group presentations must be done on the assigned date without fail, regardless of anyone's absences for any reason. If you do not participate in the presentation but turn in the paper, you get a maximum of half credit for the assignment.

Policy on Collaboration

Studying with your fellow students in pairs or groups, and of course working on group presentations together, is fine. However, you must do your own written work without collaboration on the writing process.

Electronic Communication and Electronic Devices

You are welcome to contact me by email at mckenzie@uic.edu. However, you are not allowed to turn in any written assignments by email unless you have advance permission to do so. If you send me an assignment by email without advance permission, you have not turned in that assignment, and you will receive a 10% grade deduction for doing it.

Student Courtesy Policy

You must participate in class discussions and other activities, which means being prepared and speaking coherently, intelligently, and civilly, recognizing that we need to be free to disagree with each other respectfully so that we can learn from each other.

Lack of civility is disruptive to the learning process. You must be a good classroom citizen at all times. This means not doing certain things, including letting your cell phone or pager make noise or looking at it during class; eating in class (a violation of campus rules); conversing with the people sitting near you; watching YouTube videos or web surfing; arriving late; leaving early; sleeping in class; showing a lack of respect for other people or the things they say; and other breaches of good manners. Students who create these situations will receive one warning, after which you will lose points for attendance and participation, and if the behavior continues the student will be asked to leave and will receive an unexcused absence for that day. In extreme cases I will assign a zero points grade for your entire A&P grade for repeated or serious breaches of classroom civility.

Academic Integrity Policy

Please read this carefully. Academic dishonesty has become a major problem here and at other universities. Sadly, here at UIC many pre-law students are some of the worst offenders, even though they are risking charges that could preclude them from ever becoming attorneys. I consider it my professional duty to make sure that dishonest people do not become attorneys. In this course there is a zero tolerance policy for academic dishonesty, including plagiarism. Specifically, the minimum consequence for plagiarism and other forms of academic dishonesty will be a grade of F for the assignment, and may be an F for the entire course, which are options within my authority pursuant to the UIC Grading Manual. Depending on the seriousness of the situation, I may file a formal complaint with the Office of Student Judicial Affairs, which could result in more serious consequences, potentially including expulsion from the university. Applicants to practice law in Illinois are required to report academic dishonesty accusations to the Illinois Board of Admissions to the Bar during the Character and Fitness investigation process. That is serious business.

For those who are unfamiliar with the definition of plagiarism, here it is, from the UIC Academic Integrity Policy (emphasis added):

"A student who submits work, at any stage of the writing process, which in whole or part has been written by someone else or which contains passages quoted or paraphrased from another's work without acknowledgment (quotation marks, citation, etc.) has plagiarized. Each student should maintain his or her integrity when completing assignments and be overzealous to give credit where it is due. If a

student is ever unsure about what constitutes plagiarism or academic dishonesty, he or she should ask the instructor. *Students who are found to have plagiarized work may be subject to various disciplinary actions, including a failing grade on a particular assignment, failure of the entire course, and possible expulsion from the university.*

Religious Holidays

Students who wish to observe their religious holidays must notify me by the tenth day of the semester of the date when they will be absent. I will make every reasonable effort to honor the request.

<https://oae.uic.edu/religious-calendar/>

Disability Accommodation

The University of Illinois at Chicago is committed to maintaining a barrier-free environment so that students with disabilities can fully access programs, courses, services, and activities at UIC. Students with disabilities who require accommodations for access to and/or participation in this course are welcome, but must be registered with the Disability Resource Center (DRC). You may contact DRC at 312-413-2183 (v) or 773-649-4535 (VP/Relay) and consult the following:

<http://drc.uic.edu/guide-to-accommodations>.

COURSE CALENDAR – TOPICS, READING SCHEDULE, ASSIGNMENTS, AND DEADLINES (SUBJECT TO REVISION AS NECESSARY)

Every assignment should be read before the Tuesday class session for that week. In addition to the assigned chapters, see the handouts and other materials that are on the Blackboard site. There is a folder for each topic and a handouts folder.

Weeks/Units	Topic	Readings and materials (also, read all handouts in topics folders)	Assignments/Deadlines
1. August 24/26	<u>Part One: Legal Institutions</u> Law and politics	Powerpoint for Unit 1 Video: "Supreme Court justice fires back at Trump for 'Obama justice' comment" Read the syllabus! And start reading for next week—the Speluncean explorers article	On Tuesday we will talk about the course and introduce the subject. On Thursday we will talk about Unit 1. It is important that you begin reading the Pound article for next week as soon as possible.
2. Aug. 31-Sept. 2	Law and Legal Systems	Powerpoint for Unit 2 Video: "What is the difference between common and civil law" Pound, "The Case of the Speluncean Explorers"	Students presenting on Thursday
3. Sept. 7/9	Federal courts	Powerpoint for Unit 3 Video: "Supreme Court Stories—Marbury v. Madison" Southern Poverty Law Center—"The Attorney General's Judges"	Students presenting on Thursday
4. Sept. 14/16	State Courts	Powerpoint for Unit 4 Video: "Hearing begins for judge"	Students presenting on Thursday Friday, September 17: Constitution Day (extra credit)

Weeks/Units	Topic	Readings and materials (also, read all handouts in topics folders)	Assignments/Deadlines
		accused of attacking public defender" US Department of Justice—Investigation of the Ferguson Police Department	
5. Sept. 21/23	Lawyers and legal representation	Powerpoint for Unit 5 Video: "What I wish I'd known when starting law school" Video: "Lawyers as political leaders" American Bar Association, Profile of the Legal Profession 2020	Students presenting on Thursday
6. Sept. 28/30	Judges	Powerpoint for Unit 6 Video: "How judges judge" McKillop—Anatomy of a French Murder Case	Film paper due Tuesday, Sept. 28 Students presenting on Thursday
7. Oct. 5/7 <u>NOTE: Midterm exam is Thursday, October 7</u>	Consumers of the Law: litigants, interest groups, and media coverage	Powerpoint for Unit 7 Video: "Gun Control-- Supreme Court Justice Scalia"	Thursday, October 7: Midterm exam No student presentation because of midterm
8. Oct. 12/14	<u>Part Two: How the courts work in practice</u> The preliminary stages of criminal cases	Powerpoint for Unit 8 Video: "How criminal defense attorneys get cases dismissed" Leo, Miranda's Revenge	Students presenting on Thursday
9. Oct. 19/21	How criminal cases end: bargaining and sentencing	Powerpoint for Unit 9 Video: "What happened in the	Students presenting on Thursday

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		Massachusetts suicide texting case” Subramanian, “In the Shadows: A review of the research on plea bargaining”	Friday, October 22: National Student Issues Convention (extra credit)
10. Oct. 26/28	How civil cases begin; tort law and tort reform	Powerpoint for Unit 10 Video: “The story behind the infamous McDonald’s coffee case” McCann – Java Jive	Students presenting on Thursday
11. Nov. 2/4	How civil cases end; settlements, judgments	Powerpoint for Unit 11 Video: “Donald Trump gives deposition on provocative rhetoric” Galanter: “Why the ‘haves’ come out ahead”	Students presenting on Thursday
12. Nov. 9/11	Trials and Juries – civil and criminal	Powerpoint for Unit 12 Video: “O.J. Simpson infamously trying on gloves at trial” Butler, “Racially based jury nullification”	Students presenting on Thursday
13. Nov. 16/18	The appellate process	Powerpoint for Unit 7 Video: “Appeals court hears arguments on travel ban” Appellate Court of Illinois, Second District—People v	Students presenting on Thursday

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		Juan Rivera (and related materials in folder)	
14. Nov. 23 (Thursday is a holiday)	The US Supreme Court—deciding what to decide (agenda setting)	Powerpoint for Unit 14 Video: "Is Chief Justice Roberts the new swing vote on the Supreme Court?" Williams—Death to Tyrants: DC v Heller	No student report on Thursday because of the holiday.
15. Nov. 30/Dec. 2	The US Supreme Court—the justices and their decisions	Powerpoint for Unit 15 Video: "The march of marriage equality" Rosenberg – Tilting at Windmills	Court observation paper due Friday, December 3, at midnight Students presenting on Thursday
December 7-11	<i>Finals week</i>	None	Final exam: Wednesday, December 8, 10:30am to 12:30pm (note: subject the change)

<u>Signup sheet</u>	Topic	Readings and materials (also, read all handouts in topics folders)	Assignments/Deadlines
Weeks/Units			
2. Aug. 31-Sept. 2	Law and Legal Systems	Pound, "The Case of the Speluncan Explorers"	Students presenting on Thursday: 1. 2. 3. 4. 5.
3. Sept. 7/9	Federal courts	Southern Poverty Law Center—"The Attorney General's Judges"	Students presenting on Thursday: 1. 2. 3. 4. 5.
4. Sept. 14/16	State Courts	US Department of Justice—Investigation of the Ferguson Police Department	Students presenting on Thursday: 1. 2. 3. 4. 5.
5. Sept. 21/23	Lawyers and legal representation	American Bar Association, "Profile of the Legal Profession 2020"	Students presenting on Thursday: 1. 2. 3. 4. 5.
6. Sept. 28/30	Judges	McKillop—"Anatomy of a French Murder Case"	Film paper due Tuesday, Sept. 28 Students presenting on Thursday: 1. 2. 3. 4. 5.
7. Oct. 5/7 <u>NOTE: Midterm exam is Thursday, October 7</u>	Consumers of the Law: litigants, interest groups, and media coverage	None	Thursday, October 7: Midterm exam No student presentation because of midterm

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Weeks/Units			
8. Oct. 12/14	<u>Part Two: How the courts work in practice</u> The preliminary stages of criminal cases	Leo, "Miranda's Revenge"	Students presenting on Thursday 1. 2. 3. 4. 5.
9. Oct. 19/21	How criminal cases end: bargaining and sentencing	Subramanian, "In the Shadows: A review of the research on plea bargaining"	Students presenting on Thursday: 1. 2. 3. 4. 5.
10. Oct. 26/28	How civil cases begin; tort law and tort reform	McCann – "Java Jive"	Students presenting on Thursday: 1. 2. 3. 4. 5.
11. Nov. 2/4	How civil cases end; settlements, judgments	Galanter: "Why the 'haves' come out ahead	Students presenting on Thursday: 1. 2. 3. 4. 5.
12. Nov. 9/11	Trials and Juries – civil and criminal	Butler, "Racially based jury nullification"	Students presenting on Thursday: 1. 2. 3. 4. 5.
13. Nov. 16/18	The appellate process	Appellate Court of Illinois, Second District— <i>People v Juan Rivera</i> (and related materials in folder)	Students presenting on Thursday: 1. 2. 3. 4. 5.

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Weeks/Units			
14. Nov. 23 (Thursday is a holiday)	The US Supreme Court—deciding what to decide (agenda setting)	Williams—"Death to Tyrants: DC v Heller"	No student report on Thursday because of the holiday.
15. Nov. 30/Dec. 2	The US Supreme Court—the justices and their decisions	Rosenberg – "Tilting at Windmills"	Court observation paper due Friday, December 3, at midnight Students presenting on Thursday: 1. 2. 3. 4. 5.