

Course Syllabus POLS 258 Fall 2007

The Judicial Process

Instructor: Evan C. McKenzie

POLS 258
The Judicial Process
3 hours. Prerequisite(s): POLS 101 or POLS 103
or POLS 190.
22613 LCD 09:30 AM - 10:45 AM TR 319 2BSB

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Text:

- David W. Neubauer and Stephen S. Meinhold, *The Judicial Process: Law, Courts, and Politics in the United States* (4th ed.) Thomson/Wadsworth (2007)
Note: You need the version with InfoTrac, which is available from the bookstore.

Note:

* I will tinker with this syllabus as the semester moves along. You will receive an email to that effect if and when it happens.

* Use of Blackboard for turning in written assignments is mandatory. No other form of submission is allowed, so do not email papers to me as attachments, stick them under my office door, put them in my mailbox, or send them via carrier pigeon. I will discard them.

* I am here to help you and I want you to succeed. Spending time 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, phone, or in person.

Course summary:

This course is an introduction to the court system, taught within the context of what both lawyers and political scientists believe about law, courts, justice, and politics. Most of the students are at least a little bit interested in applying to law school, and nearly all are interested in the kinds of issues that are dealt with in the legal system. Consequently I gear the course content accordingly.

Unit One of the course is "The Legal System." That unit is about the institutions of law (law itself and the federal and state courts), the interpreters of the law (lawyers and judges), and the consumers of law (litigants, interest groups, and the media).

Unit Two of the course is about "Courts," and there we will go into detail about how trial and appellate courts function in both civil and criminal cases.

This is not a case law course, like Constitutional Law (POLS 353) and Civil Liberties (POLS 354). Some of you have taken or will take one or another of them. Those courses look at law the way judges and attorneys see it. Legal professionals analyze fact patterns using the structure of law as a framework to identify issues and resolve those issues. They learn a body of law that they incorporate into their way of thinking about human affairs.

This course is different. Here we look at law and legal institutions more from a social scientific perspective than a legal one. You will note that most of the citations in your text are to social science books and articles, with some material from major newspapers as well. You will be learning a good deal about how the legal system works and what people with "law jobs" do. We will cover, for example, how lawyers are educated and socialized into their profession. You will not be learning a body of legal rules to use in analyzing issues and conflicts. That is for other courses.

However, while we will not be systematically learning law, you will certainly get a smattering of law in our discussion of social and political issues that have made their way into the legal system. Many of these issues are controversial, and we will be talking about those issues. Here we need to make a distinction between unsupported personal opinions (the kind that everybody has) on controversial issues, and informed opinions that are supported by evidence, reason and logic. In your class participation and writing assignments, please avoid the former and emphasize the latter.

I value and respect your (informed) opinions, no matter what they are, and I will do my best to make sure that each and every one of you can feel safe about speaking in class. However, you need to expect questions about the basis for your beliefs, and you need to understand that others are free to disagree with you.

Course grades:

Your course grade will be determined as follows:

1. Mid-term examination = 200 points
2. Final examination = 250 points
3. Film paper for Unit One = 100 points
4. Film paper for Unit Two = 100 points
5. 15 weekly short papers on "Controversies and Exercises" = 10 points each for 150 points total. I will explain how to do this in class, but essentially you write a short paper (2 pages is the maximum) and submit it via Blackboard by 9:30 on the due date.

You must do two things in separate and clearly labeled sections:

- 1) Controversy section: discuss the assigned controversy (see the list on p. 18 for an overview, and find the correct box labeled "Debating law, courts, and politics" in each chapter (some chapters have two, and you get zero points for doing the wrong one);
- 2) Exercise section: do one of the "Infotrac College Edition Exercises" of your choice. Show me that you did the readings and understood them. Merely expressing unsupported personal opinion or relating personal experiences is insufficient. You must deal with the assigned reading material.

6. Court observation paper in Unit Two = 100 points. This is described on the Course Information page of the Blackboard site.

7. Class participation and attendance = 100 points. You can participate in class, and you can also participate using the on-line discussion boards. Informed participation is what I am looking for--not just being opinionated (see above). 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, coming to class unprepared, inattentiveness, talking out of turn, conversing during class, being rude or intolerant

toward your classmates or me, name-calling and ridicule, and other forms of incivility. Any student missing more than ten classes (with lateness counting as 1/2 an absence) is subject to receiving a zero for participation and attendance. This is not automatic, but it is possible.

8. Total points possible = 1000. I will rank students from highest to lowest point total and assign the same course letter grades to students with approximately the same final point scores. The usual 90, 80, 70, 60 breaking points are good guides as we go through the semester, and they are floors above which you can be assured of the normal grade. That is, a 900 plus point total will certainly earn you an A. But normally the final letter grade ranges go a bit below those numbers, depending on the way the scores group at the end.

Course schedule, assignments, and readings:

- These readings are to be done by Tuesday of the week indicated. All weekly papers are due Tuesday of the week indicated except where specified differently on this syllabus.
- I do not count absences as excused. You are either here or you are not. I don't accept late papers or give makeup exams. The Blackboard boxes close automatically at set times, after which the assignments cannot be submitted. There are two exceptions to this rule: religious holidays that are recognized by the University and serious, documented emergencies, such as a car accident or hospitalization. Nothing you could have done in advance is excused in either event. In other words, if you know in advance that you can't do something, and it can be done early, you can't do it late. You have to tell me about it in advance and do it early.

* Academic dishonesty will be dealt with severely.

Weeks are identified by the date for Tuesday of that week. In all cases, you read the chapter of your text that bears the number of the week. Read ch. 1 for week one, ch. 2 for week 2 etc.

1. August 28 Unit One: Introduction to course; Law, courts, and politics. Your first paper should

consist of first, a statement about who you are and what you want from the course; and then one of the Infotrac exercises. Paper is due Thursday by 9:30 am. Thursday's class is cancelled because I will be at the annual meeting of the American Political Science Association.

2. September 4 Law and legal systems (controversy: computers and the law, p. 48)

3. Sept. 11 Federal courts (controversy: courts and the war on terror, p. 83)

4. Sept. 18 State courts (controversy: should we end the war on drugs? p. 119)

5. Sept. 25 Lawyers and legal representation (controversy: does the US have too many lawyers? p. 156)

6. October 2 Judges (controversy: should the President or the Senate pick federal judges? p. 180)

7. Oct. 9 Mobilizing the law--litigants, interest groups, court cases, and the media; Mid-term examination October 11. (controversy: Can courts bring about social change? p. 224)

8. Oct. 16 Unit One Film Paper Due on or before Tuesday, Oct. 16 at 9:30 am via Blackboard. Begin Unit Two: Courts; Trial courts--the preliminary stages of criminal cases (controversy: should the exclusionary rule be abolished? p. 263)

9. Oct. 23 Trial courts--preliminary stages of criminal cases--bargaining and sentencing in criminal courts (controversy: Should the death penalty be abolished? p. 301)

10. October 30 Trial courts--the preliminary stages of civil cases (controversy: Should limits be placed on punitive damages? p. 328)

11. November 6 Trial courts--dispositions of civil cases (controversy: who should be held responsible for tobacco related deaths? p. 356)

12. November 13--Trial (controversy: should jurors engage in jury nullification? p. 401)

13. November 20--Appellate Review; the appellate process (controversy: innocents on death row? p. 422) Thursday, November 22, is a holiday.

14. November 27--The Supreme Court--deciding what to decide (controversy: should congress or the Court decide who decides? p. 468) Court Observation Paper due November 29 by 9:30 am via Blackboard.

15. December 4--The Supreme Court--the justices and their decisions (controversy: the rejection of Robert Bork p. 487) Second Unit Film Paper due on or before December 4 at 9:30 am via Blackboard.

16. December 10-14 Finals week. Final exam as scheduled by University—currently that seems to be Tuesday, December 11, at 10:30 am.