

POLITICAL SCIENCE 258: THE JUDICIAL PROCESS

Fall 2014 -- 3 credit hours

Catalog text: “Dispute settlement and policy making in state and federal court systems; judicial decision making and the impact of decisions on the polity.”

Prerequisites: POLS 101 or consent of the instructor.

Instructor: Prof. Evan McKenzie	CRN/Course Number: 37195
Office location: BSB 1126-C	Times and days class meets: T/Th 12:30-1:45pm
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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, and the federal and state courts. Then we will focus on the interpreters of the law, meaning 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 trial courts handle both civil and criminal cases, and conclude by learning how appellate courts, including the US Supreme Court, function engage in judicial policy making and decide cases with broad social consequences

Regular class attendance, coming to class prepared every day, and participation are essential to your success in this course.

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. 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 MATERIALS

Text:

David W. Neubauer and Stephen S. Meinhold, The Judicial Process: Law, Courts, and Politics in the United States. Thomson/Wadsworth-Cengage, 6th edition

Other Materials

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 assign points, on a 1000 point total scale, to every assignment that correspond to these percentages.

1. Mid-term examination = 200 points (30%)
2. Final examination = 250 points (30%)
3. Film paper for Unit One = 100 points (10%)
4. Film paper for Unit Two = 100 points (10%)
5. Court observation paper in Unit Two = 100 points (10%). This is described on the Course Information page of the Blackboard site.
6. Class participation and attendance = 100 points (10%). Informed participation is what I am looking for—not just being opinionated. This portion of your grade will also include your participation in simulations and other group activities that will take place in class. 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, web surfing, 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 class sessions (with lateness counting as 1/2 an absence) will receive a zero for participation and attendance.
7. Total points possible = 1000.
8. Extra credit—I will offer you some opportunities to do extra credit work, typically worth up to ten points for each activity, depending upon activities on campus and in Chicago that might relate to our course.

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

Every assignment should be read before the Tuesday class. In addition to the assigned chapters, see the handouts and other required materials that are in the Blackboard folder for each topic

Week	Topic	Readings:	Assignments/Deadlines
1. August 25	Law, courts, and politics	Neubauer and Meinhold Chapter 1	
2. September 1	Begin Institutions of Law: Law and Legal Systems	N&M Chapter 2	
3. September 8	Federal courts	N&M Chapter 3	
4. September 15	State Courts	N&M Chapter 4	
5. September 22	Begin Interpreters of the Law: Lawyers and legal representation	N&M Chapter 5	
6. September 29	Judges	N&M Chapter 6	Unit one film paper due at start of class on Thursday
7. October 6	Consumers of the Law: Mobilizing the law—litigants interest groups,	N&M Chapter 7—for Tuesday only	Midterm exam Thursday October 9

	court cases, and the media		
8. October 13	Begin Trial Courts: The preliminary stages of criminal cases	N&M Chapter 8	
9. October 20	How criminal cases end: bargaining and sentencing	N&M Chapter 9	
10. October 27	How civil cases begin	N&M Chapter 10	
11. November 3	How civil cases end: negotiation, alternative dispute resolution	N&M Chapter 11	
12. November 10	Trials and Juries – civil and criminal	N&M Chapter 12	
13. November 17	The appellate process	N&M Chapter 13	
14. November 24	The US Supreme Court—deciding what to decide (agenda setting)	N&M Chapter 14	Unit Two film paper due at start of class on Thursday
15. December 1	The US Supreme Court—the justices and their decisions	N&M Chapter 15	Court observation paper due at start of class on Thursday
December 8-12	Finals week	None	Final exam as scheduled by Registrar

COURSE POLICIES

<p><i>The 7 Essentials: Come to class. Be on time. Be prepared. Be respectful. Participate. Ask for help. Don't cheat.</i></p>

Attendance Policy

Attendance at all class sessions, on time, is mandatory, and I will be taking roll every day. If you miss more than ten class sessions you will receive a zero for your attendance and participation grade. However, anybody can miss a class or two—including me!—and I understand that. The same applies to lateness. Arriving late equals half an absence. Most of us, including me, may be late on occasion, but generally it is the same people who are late or absent habitually, which disrupts the class. If you aren't present and on time, you do not receive credit for being present and on time. If you have a special problem—such as a medical issue or jury duty--that you know will make attendance impossible for a stretch of time, see me about it.

Policy for Missed or Late Work

I will not accept late papers or other assignments, including extra credit assignments, and I will not administer makeup exams, 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 make it on the scheduled date, see me, and you may be allowed to take the exam

early, but you will not be allowed to take the exam after the scheduled date for any reason that you knew about before the exam. The same rules apply for turning in written assignments.

Policy on Collaboration

Studying with your fellow students in pairs or groups is fine. However, you must do your own written work without collaboration on the content, unless it is explicitly a group project.

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, which is something I rarely grant. If you send me an assignment by email without advance permission, you have not turned in that assignment. You are welcome to use a laptop or tablet computer to access the book or take notes in class, except during exams. However, you may not engage in web surfing, watching videos, playing games, using email or social media, or any other non-class related activity. All cell phones must be turned off and put away during class. They are not to be heard from, seen, talked on, texted with, looked at, or otherwise brought into play at any time when class is in session.

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 there will be consequences, and students who cannot remain quiet and civil in class will be asked to leave. I reserve the right to assign a zero points grade for your entire A&P grade for habitual, or severe, breaches of classroom civility.

Academic Integrity Policy

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 course, which is 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.

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 unless the religious holiday is observed on or before the tenth day of the semester. In such cases, you must notify me at least five days in advance of the date when you will be absent. I will make every reasonable effort to honor the request. This is especially important for examination dates, when you must observe the notice requirements if you want an accommodation. <http://www.uic.edu/depts/oea/docs/ReligiousHolidaysFY20122014.pdf>

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 312-413-0123 (TTY) and consult the following: http://www.uic.edu/depts/oa/disability_resources/faq/accommodations.html.

THE BILL OF RIGHTS AND THE POST-CIVIL WAR AMENDMENTS

Amendment	Full text	Key provisions
1	Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Amendments 1-10 were ratified in 1791)	<ul style="list-style-type: none"> • Establishment Clause • Free Exercise Clause • Freedom of Speech • Freedom of the Press • Freedom of Assembly/Association
2	A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.	Right to keep and bear arms
3	No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.	(Rarely mentioned in constitutional jurisprudence)
4	The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.	Protection against unreasonable search and seizure
5	No person shall be held to answer for a capital, or	Rights of the accused:

	otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.	<ul style="list-style-type: none"> • Grand Jury • Double Jeopardy • Self-incrimination • Due Process Clause Takings Clause (protection of private property)
6	In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.	Rights of the accused: <ul style="list-style-type: none"> • Speedy and public trial by impartial jury • Informed of charges • Confrontation Clause • Witnesses • Right to Counsel
7	In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.	Right to jury trial in civil cases (federal only—not incorporated into Due Process Clause of 14 th Amendment)
8	Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.	<ul style="list-style-type: none"> • Bail, fines • Cruel and Unusual Punishment
9	The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.	Additional rights may exist—foundation for right to privacy
10	The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.	Reservation of “police powers” to states to safeguard “health, welfare, safety, and morals” of their people
13	Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation. (ratified in 1865)	<ul style="list-style-type: none"> • Abolition of slavery • Grant of new power to Congress to enforce 13th Amendment
14	Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the	<ul style="list-style-type: none"> • Applies to the states • Creates rights of US

	<p>State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.</p> <p>....</p> <p>Section 5: The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. (ratified in 1868)</p>	<p>national citizenship that states cannot interfere with.</p> <ul style="list-style-type: none"> • Citizenship by birth in US. • Privileges and Immunities Clause • Due Process Clause (NOTE: this is the foundation for incorporation of Bill of Rights Provisions, originally applicable to the US national government, to state governments) • Equal Protection Clause • Section 5 grants new power to Congress to enforce the 14th Amendment
<p>15</p>	<p>The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude. The Congress shall have power to enforce this article by appropriate legislation. (ratified in 1870)</p>	<p>The enforcement provision grants new powers to Congress—foundation for Voting Rights Act of 1965</p>