

Judicial Process

PSC 332, Fall 2008

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As Americans, much of what we know about our legal system comes from the television. We learn about criminal justice from shows like "Law and Order" and we learn about trials on shows like "Perry Mason" or "Boston Legal." Indeed, one of the first reality shows on television was "The People's Court," and the real-life legal drama surrounding our most famous people (O.J., Kobe, and Michael, to name a few) continues to captivate the American public.

While some of the information we get from popular culture is grounded in fact, much of it is not. In order to gain a more accurate and comprehensive understanding of the role of courts in America, we will augment our popular perceptions with evidence from theoretical and empirical research. We will also be investigating the social and political impact of our justice system on different segments of society.

The main aim of this course is to systematically dispel the myths surrounding the American legal system. We will begin with a basic introduction to the structure and function of our court system. We will discuss the role of judges and other court actors, both in terms of what they *should* do and what they *actually* do. We will examine the function of courts as they address matters of criminal law and civil law, focusing specifically on the consequences of various attributes of criminal and civil procedure. Next, we will study the appellate process. We will conclude the term with a look at how the courts fit in to the larger political landscape, and how they work to shape life and law in America.

Course Objectives

After completing this course, the successful student will:

- 1) Have a working knowledge of American court system structure, function, and procedures;
- 2) Understand the way that procedures and institutions impact the nature of justice that results;
- 3) Be able to analyze the merit of particular legal arguments and approaches, both from a socio-political perspective and a legal perspective;
- 4) Interpret the various outcomes of the court system in terms of the political, institutional and social characteristics of the American legal system.

Required Texts

- ✓ Diascro, Jennifer Segal and Gregg Ivers. 2006. *Inside the Judicial Process: A Contemporary Reader in Law, Politics, and the Courts*. Houghton Mifflin. ISBN: 0-618-39182-7.
- ✓ Baum, Lawrence. 2007. *American Courts: Process and Policy*. 6th ed. Houghton Mifflin. ISBN: 0-618-12289-3
- ✓ Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press. ISBN: 978-0-52178-971-4
- ✓ Epstein, Lee and Jack Knight. 1997. *The Choices Justices Make*. CQ Press. ISBN: 978-1-56802-226-0.
- ✓ Additional required readings will be available on WebCampus.

Course Requirements

WebCampus Quizzes

In this course, all readings should be completed *prior* to the indicated class period. In addition, a series of mini-quizzes will be conducted *via* the course website. These quizzes are meant to accomplish the following goals:

- 1) to encourage you to stay up-to-date with your readings;
- 2) to help prepare you for the examinations
- 3) to provide an efficient way for you to earn points toward your final score; and
- 4) to help me know which topics are generally understood, and which need more attention during class.

There will be **25** quiz opportunities offered over the course of the semester. Each of these will be available online prior to the class period, but will be removed 15 minutes prior to the class meeting time. Late submissions of these quizzes will not be accepted. In the calculation of your final grade, your quiz average will be calculated over your highest **20** grades.

Research Paper

Each student will be required to complete a research paper on a judicial politics topic of their choice. On **10/30**, a 3-5 page research proposal is due in class. Details of this assignment will be distributed during the first few weeks of class. The research proposal is essentially a pass/fail exercise. Failure to submit this proposal on time will cost ten points on the final paper, and will make it impossible for you to get timely feedback on your paper topic. The paper itself will be 10-15 pages long, and will be in the style of a traditional formal research paper. You should direct your paper to an unknown reader who may know very little about your topic. The paper will be evaluated on content *and* presentation, which includes things like grammar, spelling and style. More details about the assignment will be distributed during the first half of the semester. A hard copy of this paper will be due on **12/2** in class.

Examinations

There are two examinations in this course. All examinations will be closed book. The midterm exam will be held on **10/16** in class. The final exam for this course will be held on **12/11**. The final exam will assume a thorough knowledge of all material covered in the course, but will be weighted toward the post-midterm material.

Grading Policy

Weighted Assessment List:

WebCampus Quizzes	25 %
First Midterm Exam	25 %
Research Paper	25 %
Final Exam	25 %

Grading Scale:

A	Exceptional	90-100	%
B	Good	80-89	%
C	Average	70-79	%
D	Marginal	60-69	%
F	Unacceptable	<60	%

University Policies

Academic Misconduct

Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, students accept the expectations of the Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNLV assume the obligation to conduct themselves in a manner compatible with UNLV's function as an educational institution." An example of academic misconduct is plagiarism: "Using the words or ideas of another, from the Internet or any source, without proper citation of the sources." See the "Student Academic Misconduct Policy" (approved December 9, 2005) located at: <http://studentlife.unlv.edu/judicial/misconductPolicy.html>.

Copyright Policy

The University requires all members of the University Community to familiarize themselves with and to follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright and fair use laws. The university will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. To familiarize yourself with copyright and fair use policies, you are encouraged to visit the following website:
<http://www.unlv.edu/committees/copyright>.

Academic Accommodations

The Disability Resource Center (DRC) coordinates all academic accommodations for students with documented disabilities. The DRC is the official office to review and house disability documentation for students, and to provide them with an official Academic Accommodation Plan to present to the faculty if an accommodation is warranted. Faculty should not provide students accommodations without being in receipt of this plan. UNLV complies with the provisions set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, offering reasonable accommodations to qualified students with documented disabilities. If you have a documented disability that may require accommodations, you will need to contact the DRC for the coordination of services. The DRC is located in the Student Services Complex (SSC), Room 137, and the contact numbers are: Voice (702) 895-0866, TTY (702) 895-0652, fax (702) 895-0651. For additional information, please visit: <http://studentlife.unlv.edu/disability>.

The Writing Center

One-on-one or small group assistance with writing is available free of charge to UNLV students at the Writing Center, located in CDC-301. Although walk-in consultations are sometimes available, students with appointments will receive priority assistance. Appointments may be made in person or by calling 895-3908. The student's Rebel ID Card, a copy of the assignment (if possible), and two copies of any writing to be reviewed are requested for the consultation. More information can be found at: <http://writingcenter.unlv.edu>.

Tentative Schedule

The schedule of topics is listed in the table below. Please note that the relevant book chapters are listed, but that there will be additional reading material for each topic. This material will be made available on WebCampus at least a week in advance of our discussion on the topic. At the end of each course period, you will get specific instructions about which readings will be required for the next class.

Week	Date	Topic	Book Chapters
1	8/26	Purpose of the Courts	Baum 1
2	9/2	Court Organization	Baum 2; D&I 3
3	9/9	Lawyers	Baum 3; D&I 5
4	9/16	Judges	Baum 4-5; D&I 4
5	9/23	Criminal Trials	Baum 6; D&I 7
6	9/30		
7	10/7	Civil Trials	Baum 7; D&I 8
8	10/14		
9	10/21	Appellate Court Process	Baum 8
10	10/28	Appellate Court Decision Making	D&I 1-2, 9
11	11/4	The Attitudinal Model	Segal & Spaeth (all)
12	11/11	The Internal Strategy Model	Epstein & Knight (all)
13	11/18	The External Strategy Model	D&I 6, 10
14	11/25	The Impact of the Courts	Baum 9; D&I 11
15	12/2	Study Week	
16	12/11	Final Exam @ 8:00 a.m.	

The midterm will be held in class on 10/16.
The research proposal is due on 10/30 and the final paper is due 12/2.