

The Judicial Process

PSC 332

Fall 2005

Prof. Bradley Hays
WRI A214
Phone: 895-2525
Email: bradley.hays@ccmail.nevada.edu

Office Hours: Wednesday, 10:00-11:30; Friday 2:30-4:00;
or by appointment

Course Description:

This course is an introduction to the judicial process in the United States. The course will be taught to underscore the judiciary as a legal *and* political institution. Specifically, we will focus on the structure of the courts, the personnel who work in and through the courts, legal reasoning, judicial decision-making, and the various judicial systems at the state and federal levels. By examining the judicial process through a wide lens, we will expose the impact of the courts, not simply on the American legal system, but also on the political system and American society.

This course will be taught as a seminar. Students will be given a list of questions pertaining to the daily assigned reading. While answers will not be collected, students are expected to answer each question in a thoughtful and thorough fashion. In other words, please be prepared to participate in class discussion. Since much of your grade depends either directly or indirectly on being in class, attendance is essential.

Copyright (Brought to you by the Provost's Office):

The University requires all members of the University Community to familiarize themselves 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, the University encourages you to visit its copyright website at: www.unlv.edu/committees/copyright.

Accommodations (Brought to you, in part, by the Provost's Office):

Students with disabilities are requested to inform the instructor of their needs at the beginning of the course. Accommodations for disabilities will be happily granted, however, all such guidelines will follow the requirements of university-wide policy (see <http://www.unlv.edu/studentlife/disability/>).

As a general rule, a student missing a class assignment because of observance of a religious holiday shall have the opportunity to make up missed work. Students must provide notice of anticipated absences by the last day of late registration (September 2) to be assured of this opportunity.

Also, students who represent UNLV at any official extracurricular activity shall have the opportunity to make up assignments, but the student must provide official written notification no less than one week prior to the missed class(es).

Missing deadlines or exams due to illness requires documentation from a doctor. Please refer to University policy if you have any questions or contact me directly.

Academic Integrity:

All students are expected to conduct themselves and their academic work consistent with the standards outlined by the Office of Student Conduct, particularly as they relate to academic integrity. For more information, visit the office website at <http://www.unlv.edu/studentlife/judicial/student.html>.

Course Requirements:

Exam 1	25%
Exam 2	25%
Final Exam	35%
Quizzes	10%
Participation	5%

Course Outline:

August 29—Introduction and Preliminaries

August 31—Structure and Function of the Courts in American Politics

- Baum, Chapter 1

September 5—NO CLASS; LABOR DAY

September 7—Organization of the Federal Judiciary

- Baum, Chapter 2 (20-39)

September 12—Organization of the Federal Judiciary

- Chapter 2 (continued)

September 14—Organization of the State Judiciaries

- Chapter 2 (39-52)

September 19—The Legal Profession: Lawyers

- Tocqueville, *The Temper of the American Legal Profession...*

Available at http://xroads.virginia.edu/~HYPER/DETOC/1_ch16.htm

September 21—The Legal Profession: Lawyers

- Baum, Chapter 3

September 26—The Legal Profession: Judges (Selection)

- Baum, Chapter 4

September 28— The Legal Profession: Judges (Function)

- Baum, Chapter 5

October 3—Judicial Decision-making (Attitudinal)

- Spaeth, *The Attitudinal Model* (Handout)

October 5—Judicial Decision-making (Strategic/Rational Choice)

- Chapter 10 in *Supreme Court Decision-making* (215-236)

October 10—Judicial Decision-making (Institutionalism)

- Chapter 3 in *Supreme Court Decision-making* (65-90)

October 12—Judicial Decision-making (Culture)

- Chapters 4 in *Supreme Court Decision-making* (91-114) & 8 (175-200)

October 17—**Exam 1**

October 19—Legal Reasoning I

- Chapter 1 (Carter and Burke 1-16)

October 24—Legal Reasoning II

- Chapter 2 (Carter and Burke 21-35)

October 26—Legal Reasoning III

- Chapter 3 (Carter and Burke 36-64)

October 31—Legal Reasoning IV

- Chapter 4 (Carter and Burke 68-101)

November 2—Legal Reasoning V

- Chapter 5 (Carter and Burke 106-125)

November 7—Legal Reasoning VI

- Chapter 6 (PAGES)

November 9—**Exam 2**

November 14—Judicial Impact

- HANDOUT—Rosenberg, *The Hollow Hope*

November 16—Judicial Impact

- HANDOUT—McCann, *How the Supreme Court Matters in American Politics*

November 21—Criminal Law and Courts

- Baum, Chapter 6

November 23—Criminal Law and Courts

- Baum, Chapter 6 (continued)

November 28—Civil Law and Courts

- Baum, Chapter 7

November 30—Civil Law and Courts

- Baum, Chapter 7 (continued)

December 5—Private Justice

December 7—Catch-up/Final Exam Review

December 14—FINAL EXAM (3:10 PM)