COURSE DESCRIPTION AND OBJECTIVES:

What is the nature of law and how does it relate to the political system, as well as everyday life? These are a few of the key questions we will think about throughout this quarter. POLS 3933 is designed to give students an introduction to the relationship between law and politics and the working of the judicial system. Although we will touch on other legal systems from time to time, the focus of the course will be conducted in the American political and legal context. We have only a short time together, one semester, so we cannot possibly cover every topic, but we will investigate those key questions of the course through examining the specific issues like the relationship between law and justice, the key actors and the institutions in the American legal system. Then, we will shift our focus to a few contemporary issues that show the relationship between law and politics such as the death penalty, same-sex marriage, the use of science in courts, and tort reform. We will look at how actors and institutions shape the legal system, as well think about the perception of law and politics from society as a whole and how societal forces affect the law. The course also explores the ways in which social forces and political pressures influence the outcome of debates in the legal system.

This course will be challenging and critical thinking about the relationship between law and politics will be part of everything that we do. We have several reading and lectures. Some readings are more difficult than others, so please be sure to devote enough time to it. The required texts for this class are listed below. They are available at the bookstore and through various online stores. The textbook, Judicial Process: Law, Courts, and Politics in the United States is the 5th edition. This is the one used in this course and the edition for which students are responsible. Additional readings are noted in the syllabus and will be posted on Blackboard or on reserve in the library. Throughout the semester, small additional readings, such as a relevant newspaper article or short news clip may be added. Students will be advised of any changes in readings in class and via Blackboard.

Additionally, there are a few required films for this course which will factor into writing assignments, exams, and, of course, our discussion. Any student unable to attend the class showing of the film is responsible for viewing the film on his or her own time. Students are responsible for any missed discussion as well.
REQUIRED TEXTS:


Additional Readings available on Blackboard

BREAKDOWN OF GRADES:

15% Article Analysis
Students are expected to analyze Duncan Kennedy’s article. A detailed assignment sheet will be given.

10% Participation and Ancillary Classwork
This category includes participation, quizzes, in-class writing, homework, and other assignments.

25% Midterm Exam
The exam will include multiple choice, identification and essay questions. Students may be asked to synthesize course material and possibly respond to hypothetical questions based on the course material and lectures.

20% Final Paper
A final paper will be assigned. A detailed assignment sheet will be given.

30% Final Exam
The final exam will be comprehensive, but will emphasize the second half of the course. The format will be similar to the midterm exam.

POTENTIAL PITFALLS

The Judicial System and Process is, on many levels, a challenging course. You will need to put forth quite a bit of effort to reach your goals in the class, so I would suggest steering clear of some easily avoidable problems:

- Weak Attendance and Tardiness – You should attend class. I will take attendance and I will consider you tardy if you arrive more than 5 minutes late to class. If you do miss class, you are responsible for all material missed. The only excused absences will be those accepted by the university, in accordance with the handbook.

- Late Work – All assignments will lose one-third of a letter grade for each day they are late. For example, a B+ paper that is two days late will be marked down to a C+. This count begins immediately after assignments have been collected. Classwork cannot be made up. No assignments will be accepted after the final exam.

- Plagiarism – We will spend time in class discussing and defining plagiarism before your first paper is submitted. I have NO TOLERANCE for plagiarism or cheating of any kind, though I do have extensive experience identifying and proving academic dishonesty.
Plagiarized assignments will receive an F, and the student or students in question may receive an F in the course and/or be turned over to the University Judiciary.

**A NOTE ABOUT THE TERM PAPER ASSIGNMENTS AND FORMAT:**
- Papers must be submitted via Blackboard and in hardcopy format for evaluation.
- All students are expected to keep a copy of their work and produce it upon request.
- Essays must be formatted according to the specifications given with the term paper assignment sheet.

**PROFESSIONALISM AND THE LEARNING ENVIRONMENT:**
We will have a great deal of discussion throughout the course, sometimes of controversial topics. A classroom thrives on mutual respect. I expect considerate behavior from each of you, as well as for you to be respectful of your classmates, in order to make the most of your time in class. Most situations that would fall into this discussion are simple common sense; below, though, are a few of the more prevalent distractions:
- Do not read non-class materials during class time (novels, the newspaper, textbooks for other classes, etc.).
- Please turn off cellular phones, pagers, extraneous computer programs, or any other noisy/distracting device. Anything that might happen during class will be waiting for you when class is over.
- Participation is a graded component of the course, but keep in mind that you should be considerate of other students when you are participating. Stay on topic and think about what you are saying. Also, do no monopolize the conversation; you can learn quite a bit from your classmates.
- Please, at all times, adopt a tone that is respectful of your classmates’ racial, ethnic, and class backgrounds; religious and political beliefs; sexual orientations; and gender. The University will not tolerate verbal or written abuse.
- Please be aware that students deemed to be engaging in disruptive behavior may be removed from the course.
- Please keep all written communication professional, as well. If sending an email to the professor and expecting a response, the email must have a subject, must be properly addressed to the professor in the salutation, must contain a clearly written question, must specify the course, and be signed with the name of the student.
- Similarly, the University takes a very strict view on matters of academic integrity, especially in cases involving plagiarism and illegitimate assistance. The best academic communities consist of students and teachers who are at all times considerate and respectful of the contributions and work of others. Further details regarding these issues please consult the student handbook.

**ACCOMMODATIONS:**
Any student requesting academic accommodations based on a disability is required to register with Office of Disability Service in the Clark Student Center. The telephone number is 940-397-4140. Please be sure contact me privately regarding your specific needs. If you have not yet registered and need to do so, please contact the Office of Disability Services as soon as possible.
CLASS OUTLINE:

Week 1-2: The Nature of the Legal System: Law v. Justice:
From The Godfather to the case of The Queen v. Dudley and Stephens: law versus justice; jurisprudential and anthropological answers to the questions: what is law and what is justice?

Week 1:

The Queen v. Dudley and Stephens, L.R. 14 Q.B.D. 273 (1884).

Week 2:

Judicial Process, Chapter 2


Week 2-3: The Legal Profession: Education and Ethics:
The socialization of lawyers--the perpetuation of hierarchy; divorcing law from morality; the duty to the client versus the duty to the court: Nix v. Whiteside and the Belge case. The conflict between professional ethics and personal morality. We’ll look at the role of lawyers in American society, as well as how money affects legal process. This week’s reading and film viewing will also be the basis for the first graded essay.

Judicial Process, Chapters 5


Film: Excerpts from “The Paper Chase” and “Legally Blonde”

Week 4-5: Legal Enforcement of Morality:
The politics of policing in the United States--civil liberties versus crime control. We’ll examine the use of plea bargaining and the challenge to the presumption of innocence.

Week 4:

Judicial Process, Chapter 8


Week 5:

**Article Analysis Due: Thursday, February 16**

*Judicial Process*, Chapter 9


Excerpts from Frontline: The Confession

**Week 6-8: Trial Courts: Judges and Juries:**
Structure of American courts: state versus federal, civil versus criminal. We’ll look at the right to a fair trial versus the freedom of the press. The focus, though, will be on the right to a jury trial as a fundamental liberty. We’ll also talk about the impact of procedural changes on jury decision-making, social psychology in courts, and the politics of jury consultants. We’ll view a film, which will make an appearance on the midterm exam.

Juries:

Week 6

*Judicial Process*, Chapters 12


Week 6-7

Film: “12 Angry Men.”

**Midterm Exam: Thursday, March 1**

Week 8:

*Judicial Process*, Chapter 6

Spring Break

**Week 9-10: Appellate Courts (State and Federal):**
Procedural devices to reach the Supreme Court; access rules. The politics of judicial selection; courts rule on matters that are the subject of political debates in our society such as capital punishment, abortion, the environment, and same-sex marriage; the proper role of the judiciary in a democratic society. When and how should they get involved?

Week 9:
Judicial Process, Chapter 14

Week 10:

Judicial Process, Chapter 9


Judicial Process, Chapter 13

Week 11-13: Experts and Evidence: Science and Religion in Courts:
The American legal system relies on precedent – it’s backward looking. However, science is ever-changing, moving toward the future. To what extent should science be used in courts? What happens if the science is later disproven? Is the US a scientific state and what happens when science and religion clash in the courts? We’ll look at the historical example of Buck v. Bell and eugenics, as well as contemporary issues like bullet-fragment analysis, “brainwashing” and new religions, and the debate over evolution in schools.

Week: 11


Week 12:

“Evidence of Injustice” (CBS News, 2007)

PBS Frontline: “Post-Mortem”

Week 13:


Weeks 14-15: Civil Cases:
When we think of the judicial process in the United States, it can be easy to focus on criminal cases alone. However, that is not the entirety of our system. We must also think about civil cases. Here, our course will come full circle. We’ll think about how civil cases are both similar and different than criminal. We’ll also think about the role of experts and even question the purpose
of the case itself. We’ll also think about the costs involved in a civil case and why so many cases will settle. We’ll also bring the media into focus in regard to how they discuss cases.

Week 14:

Judicial Process, Chapter 10
Judicial Process, Chapter 7

Week 15:

Film: “A Civil Action”

Final Paper Due: Thursday, May 3.

Final Exam: Tuesday, May 8, 8:00 – 10:00 AM