

POL 334 JUDICIAL SYSTEMS

Spring 2008

Room: 306

Time: 11:00-12:20

Professor: Dr. John C. Domino

Office: AB1 315E

Office Hours: TTH: 9:00-9:30; 12:30-2:00 or by special arrangement/appointment

Phone: 936/294-1463

Email: pol_jcd@shsu.edu (best way to contact me)

COURSE OBJECTIVES:

The objectives of the course are to examine, think critically about, and understand the following:

1. major elements, concepts, issues, and institutions of the American judiciary.
2. underlying philosophy of the system.
3. politics of judicial selection at the state and federal levels.
4. history, role, function, and decision making process of the United States Supreme Court.
5. selected contemporary constitutional issues, largely expressed in the form of excerpts from Court opinions.

Prerequisite POL 261 or an equivalent

REQUIRED BOOK

O'Brien, David, M., *Storm Center*, 7th ed.

Gibaldi, Joseph, *MLA Handbook*

COURSE REQUIREMENTS:

- **Exams:** There will be two (2) exams: a midterm and a final. The exams will consist of short answer and essay questions.
- **Research Paper:** to be assigned
- **Class Project: Supreme Court Simulation:** to be assigned
- **Readings:** Students are responsible for having read the material on the syllabus and will be expected to participate in class. You should always be reading ahead in the course.

GRADES: The final grade will be based on the percentage the student receives of the available 400 points.

- Two Exams: 200 points (100 points each).
- Research paper: 100 points.
- Class project: 100 points

For example, if you were to score 89 and 91 on the exams; 94 on the research paper; and 93 on the class project you would have a total of 367 points – or 91.7% (A) of 400 points.

A= 90-100; B= 80-89; C= 70-79; D= 60-69; F= 0-59

Approach: We will rely heavily on student effort and class participation. I will assign students readings to summarize for the next meeting. Students are expected to have read and respond to the professor's questions as well as raise questions on their own. Exams will be drawn from our class discussions and the books. To encourage reading, some exam questions will be taken right from the texts without any discussion on my part. We will also be involved in a group project.

Attendance: Regular attendance is required. A student will be allowed four unexcused absences in this course. Beyond that, five points will be taken off the student's final grade for each additional unexcused absence. See above for definition of "legitimate" excuse.

Academic Dishonesty:

Plagiarizing, purchasing research papers, copying answers from another student's exam, or using unauthorized notes or "cheat sheets" (and their electronic version) during an exam constitutes academic dishonesty and will result in swift disciplinary action by the professor/university. This action will take the form of failing that exam or project and a letter to the Dean of Students.

Disruptive Conduct:

The First Amendment prevails in this class. However, a student who engages on any behavior (including the disruptive use of cell phones) or language in the classroom that intentionally or unintentionally disrupts the learning process and, thus, "impedes the mission of the university," will be asked to leave the class and may be reported to the Dean of Students for disciplinary action in accordance with written university policy.

Americans With Disabilities Act

Student requests for accommodations must be initiated by the student. A student seeking accommodations should go to the Counseling Center and Services for Students with Disabilities (SSD) in a timely manner.

Religious Holidays

University policy states that a student who is absent from class for the observance of a religious holy day shall be permitted to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence. Said student shall not be penalized for that absence. A student desiring to absent himself/herself from a scheduled class shall present to the professor a written statement concerning the religious holy day.

COURSE OUTLINE (subject to changes)

I. INTRODUCTION TO LAW AND THE LEGAL SYSTEM:

- A. Introduction to Course
- B. Foundations of American Law and Judging: handout.
 - What are the principles of the three main schools of thought that have shaped our expectations of the law and judging?
 - How did each build on the shortcomings of the other?
 - What are the actual examples of how philosophy shapes the law?
 - What was the impact of the English common law on American jurisprudence?
 - What are the main elements of American law and justice today?

II. THE DEVELOPMENT AND STRUCTURE OF THE FEDERAL COURTS:

- A. History and Constitutional Development: online assignments.
 - Framers' Intent: Federalists versus Anti-Federalists; Early Developments, online assignments
 - The Concept of Judicial Review: handout
 - The Concept of Judicial Independence: assigned online sources
 - The activism vs. restraint debate: handout
- B. Structure and Jurisdiction: also see www.uscourts.gov

III. THE UNITED STATES SUPREME COURT

- A. The Role of the Supreme Court in contemporary American politics: A co-equal branch or first among equals? O'Brien, chp. 1.
- B. The High-Stakes Politics of Appointment/Confirmation: O'Brien chp. 2 and video
- C. History: O'Brien, chap. 3; and video

MIDTERM EXAM: DATE TO BE ANNOUNCED

- D. How the Court Decides: The Stages and Dynamics: O'Brien, chaps. 4 and 5.
- E. The Court in American Life: O'Brien, chap. 6.
 1. Who pays attention to the Court?
 2. Impact, Implementation and Compliance

IV. SUPREME COURT SIMULATION: Group activity. You will receive the specifics of this assignment soon after the first day of class, but to sum up students will break down into "Courts" and deal with hypothetical cases by researching precedent (relevant cases), arguing, and writing majority, concurring, and dissenting opinions. Each court will present information and their holding to the class. You will do this for the remainder of the semester. On each court, one student will be appointed "Chief Justice" and will report to me on the attendance and degree of participation of his or her colleagues. This information will weigh heavily on my final assessment of each of the "justices" serving on the courts.

FINAL EXAM: see university final exam schedule