

Judicial Process
CJ 2150 Spring 2013
Location: Anne Belk Hall 1132

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Office Hours: Mondays and Wednesdays 11:00 a.m.–12:00 p.m.,
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Thursdays 9:00 a.m.–11:00 a.m. (virtual), and by appointment

This course considers federal and state courts as political institutions. We will examine the institutional features of courts, judicial decision-making and factors that constrain it, the relationship between the courts and the other branches of government, and whether/how courts can be used to effect significant political change. We will also discuss issues related to the legal profession in America as well as legal and constitutional interpretation.

1 Required Texts

There are two required texts for this course:

- Spohn, Cassia and Craig Hemmens. 2010. *Courts: A Text/Reader*. Thousand Oaks, CA: Sage. ("Courts" hereafter)
- Murphy, Walter F., et al. 2006. *Courts, Judges, and Politics: An Introduction to the Judicial Process*, 6th Edition. Burr Ridge, IL: McGraw Hill. ("CJP" hereafter)

The Courts book is included as part of your textbook rental. I have placed an order with the bookstore for the CJP book, but students may be able to find lower prices at other retailers, particularly online book sites. Supplementary material will be posted on AsULearn or distributed via e-mail if necessary. All class communication will be sent to the e-mail address on file with the university. Students are expected to check this account daily.

2 Course Requirements

- *Participation:* (10%)
- *Unannounced Quizzes:* (10% total)
- *Exam I:* (25%)

- *Exam II:* (25%)
- *Final Exam:* (30%)

Examinations: All exams will be graded on an 0-100 scale. Grades will consist of 3 exams, unannounced quizzes, and participation. The final exam will be cumulative. Make-up exams will only be offered under extraordinary circumstances, i.e. a death in the family or medical emergency. Proper documentation is required. Note that simply visiting a doctor is not sufficient. There must be written documentation stating that the student was physically incapable of taking the exam. Whether a situation qualifies as a justifiable excuse is up to the sole discretion of the instructor. All make-up exams must be completed within one week (7 calendar days) of the original exam date. This window will only be increased for the most extreme cases. Failure to complete a make-up exam within the allotted 7-day window will result in a grade of zero for the exam. The format of the make-up exam is left to the discretion of the instructor.

I will impose a 24-hour moratorium on the discussion of grades beginning when a graded assignment or exam is returned. In addition to this waiting period, all concerns regarding graded work must be presented in writing.

Attendance and Participation: Although formal attendance will not be taken, students are expected to attend every class. Students who miss class are responsible for all material missed. Beyond attendance, students are expected to have completed all of the assigned reading before class. Due to the large amount of material covered each meeting, it is imperative that everyone be familiar with the material before each class begins. Completing the reading before class also allows students to engage in thoughtful discussion and makes class more interesting. The quality (not just quantity) of class participation will be considered when computing the students final grade. Students whose comments are unproductive or disruptive will be penalized. Remember: simply showing up is not enough to get credit for participation.

Unannounced Quizzes: In order to ensure students are keeping up with the reading there will be several unannounced quizzes. Any material covered up to and including that day's material (textbook readings and lecture) is fair game for a quiz. Note that quizzes may be given at any time during the class period—including multiple quizzes per day—and *there are no make-up quizzes*. Students will be allowed to drop their three lowest quiz grades.

Grading Scale: Letter grades will be assigned according to the scale below:

- 100-94 = "A"
- 93-90 = "A–"
- 89-87 = "B+"
- 86-84 = "B"
- 83-80 = "B–"
- 79-77 = "C+"
- 76-74 = "C"
- 73-70 = "C–"
- 69-67 = "D+"
- 66-64 = "D"
- 63-60 = "D–"
- Below 60 = "F"

A final word on grading: Final grades will only be rounded up in the case of decimals, e.g. an 85.4 will round to an 86. An 89.0 *will not* be rounded to a 90. This policy is non-negotiable. Please plan accordingly.

“Lack of preparation on your part does not constitute an emergency on my end.”

- Unknown Origin

3 Classroom Policies

For additional and more detailed policies, please visit <http://academicaffairs.appstate.edu/syllabi>

Electronic Devices: Students are permitted to bring electronic devices to class but use of these devices must be limited to acceptable classroom activities. Laptop and tablet computers may be used solely for note taking. Any internet activity (including checking email), gaming, or other use that does not directly pertain to this class is unacceptable. Likewise, students are expected to silence their cell phones and refrain from talking, texting, or otherwise using their phones for the duration of the class period. Students who violate the electronics policy will receive a grade of zero (0) for their final participation grade. If you feel you will not be able to abide by this policy, please leave your electronic devices at home so you won't be tempted.

No audio or image recording is allowed in the classroom without the express written consent of the instructor.

Email: Writing a professional email is an important skill one should master before graduation. All emails to the instructor should include the following: a subject line briefly explaining the topic of the email and that it pertains to CJ 2150; a greeting more professional than "Yo" or "Hey;" a clear question or request; and should identify the sender by name. **Emails lacking any of these criteria will not be returned.** Most emails will be returned within 24 hours on weekdays and 48 hours on weekends, although circumstances may arise which delay response time.

Office Hours: Office hours are as listed on the top of the syllabus. Students who are having difficulty with the course materials and/or assignments are encouraged to see me during office hours or schedule an appointment to meet with me outside of office hours. Please note that office hours are for clarification of material, not for recreating a lecture. In other words, if you miss a class please make sure your first course of action is to read the required readings and obtain the lecture notes from a classmate rather than coming to office hours and asking me to "re-do" the lecture. I am always happy to spend time with students clarifying material, provided they have made an independent effort to comprehend the material.

A List of Do's and Don'ts (Mostly Don'ts)

Do's:

- Attend all classes.
- Read all of the assigned material before class.
- Participate in class discussion.
- Remember that sitting by your friends is a privilege, not a right. If you become disruptive, I will ask you to move.
- Ask for help as soon as you feel yourself falling behind—not the evening before an exam or paper.

Don'ts:

- Don't ask me if you have to do something. I will always tell you no—but keep in mind there are always consequences for failing to do it.
- Don't ask me how to get an A in this course. The syllabus clearly states how to achieve this desired outcome—accumulate 94% (or more) of the total available points.

- Don't ask me if something we are discussing in class is important. Assume if we are talking about it that it is important.
- Don't complain if you are tardy and miss a quiz or other in-class assignment. Chronic lateness is your problem, not mine.
- Don't ask me to email you anything. Most things will be placed on ASULearn. If you are absent, it is your responsibility to get it and this does not mean asking me for it.
- If you miss class for any reason, don't ask me if you missed something important. Assume you missed something important and figure out how you are going to obtain that information.
- Don't text or talk on your cell phone, sleep, talk to your fellow classmates, read the newspaper, check your email, Facebook, Twitter, GChat/IM, shop online, or do work or reading for another class during class time. If you feel compelled to engage in any of these activities, STAY HOME (seriously).

4 Americans with Disabilities Act

Appalachian State University is committed to making reasonable accommodations for individuals with documented qualifying disabilities in accordance with the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. If you have a disability and may need reasonable accommodations in order to have equal access to the University's courses, programs and activities, please contact the Office of Disability Services (828.262.3056 or www.ods.appstate.edu). Once registration is complete, individuals will meet with ODS staff to discuss eligibility and appropriate accommodations. Please notify me as soon as possible if you require any accommodations related to a disability.

5 Academic Integrity

Each student must pursue his or her academic goals honestly and be personally accountable for all submitted work. Representing another person's work as your own is always wrong. Faculty are required to report any suspected instances of academic dishonesty to the Office of Student Conduct. For more comprehensive information on academic integrity, including categories of academic dishonesty, please refer to the academic integrity code website at <http://studentconduct.appstate.edu/pagesmith/2>

6 Course Schedule

** This syllabus serves a general plan for the course; deviations announced by the instructor may be necessary.*

January 14: *Introduction*

January 16: *Political Jurisprudence*

Required Reading: CJP p. 3-19, 23-24 (R. 1.2)

January 21: NO CLASS – MLK Day

January 23: *Courts and Democracy*

Required Reading: CJP p. 38-56

January 28: *Courts, Democracy, and Policy*

Required Reading: CJP p. 58-73 (R. 2.1-2.5)

January 30: *The American Judiciary*

Required Reading: CJP p. 77-100

February 4: *The American Judiciary, con't*

Required Reading: CJP p. 103-132 (R. 3.2-3.8)

February 6: *Judicial Appointments*

Required Reading: CJP p. 141-159; Advice & Consent Ch. 2

February 11: *Judicial Composition & Selection Alternatives*

Required Reading: CJP p. 162-179, 198-211 (R. 4.1-4.3, 4.7-4.9)

February 13: **MIDTERM I**

February 18: *The Bar: Lawyers*

Required Reading: CJP p. 212-219, 229-244 (R. 5.2-5.4); Judicial Process “Lawyers”

February 20: *Instruments of Judicial Power*

Required Reading: CJP p. 299-309, 317-324 (R. 7.3)

February 25: *Accessing the Judiciary*

Required Reading: CJP p. 253-273

February 27: *Access: Influence and Barriers*

Required Reading: CJP p. 276-281, 285-298 (R. 6.1, 6.2, 6.4-6.6)

March 4: *Limitations on Judicial Power*

Required Reading: CJP p. 329-344

March 6: Snow Day

March 11: NO CLASS – Spring Break

March 13: NO CLASS – Spring Break

March 18: *Limitations on Judicial Power, con't*

Required Reading: CJP p. 349-357, 360-364, 366-378 (R. 8.2, 8.3, 8.6, 8.7, 8.9, 8.10)

March 20: *“Fact-Finding:” Jury Trials*

Required Reading: CJP p. 381-402; Courts 221-230

March 25: *Juries*

Required Reading: CJP p. 406-423 (R. 9.3-9.7)

March 27: **MIDTERM II**

April 1: *NO CLASS – State Holiday*

April 3: *Legal Reasoning and Precedent*

Required Reading: CJP p. 438-450, 476-483 (Ch. 10, R. 10.6)

April 8: *Interpreting Statutes*

Required Reading: CJP p. 491-507 (Ch. 11, R. 11.1)

April 10: *The Language of Statutes*

Required Reading: CJP p. 507-510, 524-538 (R. 11.2, 11.4-11.8)

April 15: *Interpreting the Constitution*

Required Reading: CJP p. 539-558, 561-571 (Ch. 12, R. 12.1, 12.2)

April 17: *The Language of the Constitution*

Required Reading: CJP p. 591-616 (R. 12.7-12.9)

April 22: *The Impact of Judicial Decisions*

Required Reading: CJP p. 691-714 (Ch. 14, R. 14.1)

April 24: *Specialized Courts*

Required Reading: Courts 507-518; Berman and Feinblatt; Acker et al.

April 29: *The Hollow Hope*

Required Reading: CJP 727-743

May 1: **FINAL EXAM**