

PLSC 385-1 Winter 2017

MW 9:30-10:45

Pray-Harrold 419

[CRN: 21059]

Judicial Process & Behavior

Dr. Henschen

601 Q Pray-Harrold

Hours: MW 12:30-1:30 (office), by email and by appointment

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This course will focus on the role that courts play in the American political system. We will examine the organization of the federal and state court systems and explore the behavior of lawyers and litigants in the judicial system. Discretionary decision making in the criminal and civil justice systems will be highlighted, and then our attention will turn to policymaking in appellate courts, with special emphasis on the U.S. Supreme Court and its relationships with other actors in the political system. A focus this semester will be on choosing judges for the state and federal judiciaries.

Books: REQUIRED

Phillips, Steven. 1978. *No Heroes, No Villains: The Story of a Murder Trial*. New York: Vintage Books/Random House.

Baum, Lawrence. 2016. *The Supreme Court* (12e). Thousand Oaks, CA: CQ Press.

Additional Reading

United States Courts: About Federal Courts <<http://www.uscourts.gov/about-federal-courts>>

National Center for State Courts: State Court Structure Charts <http://www.courtstatistics.org/other-pages/state_court_structure_charts.aspx>

American Bar Association: Legal Profession Statistics/Lawyer Demographics <http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf>

Brennan Center for Justice. Judicial Selection: An Interactive Map <<http://judicialselectionmap.brennancenter.org/?court=Supreme>>

National Center for State Courts: Methods of Judicial Selection <http://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm?state=>

Raftery, William. (2013). *Trends in State Courts: Judicial Selection in the States* <<http://www.ncsc.org/sitecore/content/microsites/future-trends-2013/home/monthly-trends-articles/judicial-selection-in-the-states.aspx>>

Bannon, Alicia. (June 6, 2016). *Rethinking Judicial Selection in State Courts*. Brennan Center for Justice. <<https://www.scribd.com/document/314863637/Rethinking-Judicial-Selections-in-State-Courts>>

Reading, Assignments, and Exam Schedule

January

- 4/Wednesday Courts as Legal and Political Institutions
- 9/Monday Federal Court Organization and Jurisdiction
- United States Courts: About Federal Courts
<http://www.uscourts.gov/about-federal-courts>
Baum, ch. 1
- 11/Wednesday Specialized Courts/Administrative Offices in the Federal Judicial System
- 16/Monday MLK, Jr. Campus-Wide Celebration; no classes
- 18/Wednesday Court Organization and Jurisdiction: State Judiciaries
- National Center for State Courts: State Court Structure Charts
<http://www.courtstatistics.org/other-pages/state_court_structure_charts.aspx>
- 23/Monday The Legal Profession
- American Bar Association: Legal Profession Statistics/Lawyer Demographics
<http://www.americanbar.org/content/dam/aba/administrative/market_research/lawyer-demographics-tables-2016.authcheckdam.pdf>
- 25/Wednesday Judges and the Quality of Judicial Performance
- 30/Monday Choosing State Court Judges
- Brennan Center for Justice. Judicial Selection: An Interactive Map
<<http://judicialselectionmap.brennancenter.org/?court=Supreme>>
- National Center for State Courts: Methods of Judicial Selection
<http://www.judicialselection.us/judicial_selection/methods/selection_of_judges.cfm?state=>>
- Raftery, William. (2013). *Trends in State Courts: Judicial Selection in the States* <<http://www.ncsc.org/sitecore/content/microsites/future-trends-2013/home/monthly-trends-articles/judicial-selection-in-the-states.aspx>>

February

1/Wednesday	Judicial Elections: <i>The Last Campaign</i>	
6/Monday	Judicial Elections: <i>The Last Campaign</i>	
8/Wednesday	Rethinking State Judicial Selection Bannon, Alicia. (June 6, 2016). <i>Rethinking Judicial Selection in State Courts</i> . Brennan Center for Justice. < https://www.scribd.com/document/314863637/Rethinking-Judicial-Selections-in-State-Courts >	
13/Monday	Federal Judicial Selection Baum, ch. 2	
15/Wednesday	<i>Anita</i>	
20/Monday-22/Wednesday Winter Break		
(You might want to begin reading <i>No Heroes, No Villains</i>)		
27/Monday	Roundtable: Judicial Independence/Judicial Accountability	

20 points

March

1/Wednesday	Take Home Essay I/No Class Meeting	
6/Monday	Trial Courts in the Criminal Justice System Essay I Due in Class	60 points
8/Wednesday	Criminal Court Processes: Screening Cases	
13/Monday	Trials and Sentencing Discretionary Decision Making: <i>No Heroes, No Villains</i>	
15/Wednesday	Trial Courts in the Civil Justice System	
20/Monday	Civil Litigation Decisions and Court Processes	
22/Wednesday	<i>A Civil Action</i>	
27/Monday	<i>A Civil Action</i>	
29/Wednesday	In-Class Essay II	60 points

April

3/Monday	The Supreme Court: Deciding What to Decide Baum, ch. 3	
5/Wednesday	The Process of Supreme Court Decision Making Baum, ch. 4	
10/Monday	Explaining Supreme Court Decisions and Policy Baum, ch. 4, ch.5	
12/Wednesday	The Implementation of Supreme Court Policies Baum, ch. 6	
17/Monday	The Supreme Court's Impact Baum, ch. 6	
24/Monday	Final Exam Period [9:00-10:30]	
	In-Class Quiz	20 points
	Take Home Exam Due in Class	80 points

Summary of Graded Exercises:

February 27/Monday	Roundtable Contribution	20 points
March 6/Monday	Essay I (take home) Due in Class	60 points
March 29/Wednesday	Essay II (in class)	60 points
April 24/Monday	Final Exam (take home) Due in Class	80 points
	Quiz (in class)	20 points
Various	In-Class Writing Exercises*	60 points

Grading scale:

282-300 pts.	A	94-100%
270-281	A-	90-93
261-269	B+	87-89
249-260	B	83-86
240-248	B-	80-82
231-239	C+	77-79
219-230	C	73-76
210-218	C-	70-72
201-209	D+	67-69
189-200	D	63-66
180-188	D-	60-62
Below 180	F	Below 60%

Note: Be prepared, when called on, to contribute to class discussions and to provide thoughtful observations on the course material.

*In-Class Writing Exercises: There will be 3 in-class writing exercises, randomly offered. These are designed to make sure that you are keeping up with the reading and engaging in class discussions based on lectures. Your best grades on two of these exercises will count toward your final grade. Each exercise is worth 30 points.

Depending on the circumstances, any make-up work that is necessary/warranted may be given during the last week of classes. The format of the work may differ from the original.

Class attendance, good note taking, and careful reading are essential to doing well in this course. It is also important to *be present*—to be fully engaged during lectures and in class discussions. Laptops closed, phones put away...

Because this is an in-person class, there is no Canvas course shell for the course. Relevant course material and instructions related to exams and assignments will be provided in class or via email.

Check your university email frequently for announcements related to class.

Additional information regarding classroom matters will be discussed in class.

Go to <http://www.emich.edu/uwc> for information about the university writing center.

In addition to the articulated course specific policies and expectations, students are responsible for understanding all applicable University guidelines, policies, and procedures. The EMU Student Handbook is the primary resource provided to students to ensure that they have access to all university policies, support resources, and student's rights and responsibilities. Changes may be made to the EMU Student Handbook whenever necessary, and shall be effective immediately, and/or as of the date on which a policy is formally adopted, and/or on the date specified in the amendment. Please note: Electing not to access the link provided below does not absolve a student of responsibility. For questions about any university policy, procedure, practice, or resource, please contact the Office of the Ombuds: 248 Student Center, 734.487.0074, emu_ombuds@emich.edu, or visit the website: www.emich.edu/ombuds

Dates and Deadlines

- 1/10/17 Last date to add courses via the web (a)
- 3/6/17 Last date to add courses with departmental authorization
- 1/13/17 Last date for 100% tuition refund (individual or total withdraw from term)
- 3/22/17 Last date for individual class withdrawal (with W grades) - No Refund
- 1/31/17 (b) Last date for 50% tuition refund (total withdrawal only) with W grades
- 3/6/17 (b) Last date for 25% tuition refund (total withdrawal only) with W grades
- 4/18/17 (b) Last date for total withdrawal from term (with W grades) - No Refund
- 1/13/17 Last date to declare pass/fail grading option or select to audit a course
- 4/18/17 Last date to remove pass/fail grading option and receive letter grade

Codes

(a) Initial registration occurring on or after the Part of Term start date will incur a one-time \$160 late registration fee

(b) Date applicable only if student's classes are ALL within the same Part of Term and/or a later starting Part of Term

(**) A written request must be faxed to the Office of Records and Registration at 734.487.6808 before midnight