

PSCI 370

Courts and Judicial Politics

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Office Hours:
M 12:00 – 2:00
WF 1:00 – 3:00
or by appointment

This course will provide students with a set of analytic skills and substantive knowledge about judicial processes in the United States. The following topics will be treated in this course:

- The contexts in which courts operate in this country.
- The actors who play significant roles in the operation of the courts.
- The structures of various U.S. court systems.
- The processes used in the judicial system to process judicial business.
- The impact and consequences of the operation of courts in this country.

The book required for this course is:

Carp, Manning, Holmes, & Stidham, *Judicial Process in America* 11th ed. (CQ Press, 2020).

This textbook has been ordered from the University Bookstore and you should purchase a copy immediately. Reading assignments are listed below. These assignments are connected to the course topical outline. These reading assignments need to be completed **before** the class discussion on each topic. Each assignment, in the order listed below, will be announced in class. That does not preclude a student from reading ahead or reading a segment that interests them particularly. Some of the topics covered in this course do not have reading assignments attached. These subjects will depend entirely on class lectures and discussions.

The order of topics that will be covered in this course and the textbook reading assignments associated with each follows below:

- I. Introduction, C,M,H&S, Ch. 1**
- II. Actors, C,M,H&S, Chs. 7 & 8**
- III. Structures of American Courts, C,M,H&S, Ch. 4**
 - a. State Courts, C,M,H&S, Chs. 3 & 5
 - b. Federal Courts, C,M,H&S, Chs. 2 & 6
- IV. Judicial Processes**
 - a. Civil, C,M,H&S, Ch. 11

- b. Criminal, C,M,H&S, Chs. 9 & 10
- c. Appellate

V. Judicial Decision Making

- a. Trial Judges, C,M,H&S, Ch. 12.
- b. Appellate Judges, C,M,H&S, Ch. 13
- c. The U.S. Supreme Court

VI. Courts and Other Institutions

- a. Legislatures,
- b. Executives,
- c. Bureaucracies,

VII. Impact and Policy Making, C,M,H&S, Chs. 14 & 15

N.B. There are additional materials in this textbook that you should consult regularly, if not frequently. There is a **Glossary** which provides definitions of various terms. If you find a term in the text that is not in the Glossary, “google it.” You may find a suitable definition on the internet. There is an **Appendix** that contains an annotated version of the U.S. Constitution. This might be quite revealing to you and you should examine the entire document here, early in the semester. There are two **indices**. Use them when you need to locate the textbook materials on terms or on cases that are presented in class. [You will not have to read any cases for this course, but you will need to be familiar with a variety of specific cases that have been decided by courts in this country.]

Grades

The grades in this course are based on a variety of assignments and tasks. These will be completed throughout the semester. The components and their weights in the final grade are listed below:

Components	Weight
Class Participation	10%
Research Project	45%
Examinations	45%
Quizzes	(20%)
Final Examination	(25%)
Total	100

Grades for this course will be assigned using the traditional letter grading system which ranges from grades of A down to F. The final letter grade will depend on the student’s final score involving all the components listed above. That grade will range from a maximum of 100. That final grade will be curved somewhat in order to reflect the comparative quality of the work each student submitted throughout the course.

I. Class Participation. Participating involves students responding (answering) questions about course material posed in class by the instructor. This is essential for students to learn the material in this course. The purpose of this part of the course is to help students develop the ability to explain what they are learning in this course and to assess how well they understand the material. Passive learning – “sitting quietly in the back of the room” – is not a satisfactory way to learn course materials.

Individual students will be called on randomly throughout the semester. They will be asked questions about reading assignments and about the points under discussion in class. Their responses will be graded, and those responses will become the “Class Participation” component of the Final Grade. Students must attend class every day, and they need to be prepared to discuss the readings and other assignments.

N.B. Some students are quite willing to volunteer questions and comments (answers) in class. That is commendable and that is valued. However, voluntary contributions will **NOT** be graded as a part of the class participation segment of the Final Grade.

Class discussions are a vital part of this course. As a result, it is important to **listen** respectfully to what other students contribute when they are responding or commenting on the subject.

Although this grade component appears as a small amount, it can easily make the difference between as much as two different letter grades, depending on the value of this part of the Final Grade.

II. Research Project. Writing is a very important and lasting skill that students must develop. The Research Project in this course will develop those skills. Students need to engage in research that moves from traditional, library (as well as internet) research to quantitative description. The additional components in this Project focus on some empirical data or evidence, that can be used to describe the phenomenon of interest – the Supreme Court of Montana. The assignments for this portion of the Final Grade are outlined in a separate document. There are a variety of **deadlines** for phases of this Project. Those need to be carefully recognized and met by each student. The deadlines are reasonable and manageable as long as students work in a continuous, rather than intensive pattern. The separate document (posted on Moodle) will explain each of these research steps in more detail. The actual due dates for each of these are contained in that document. The first due date comes early in the semester, and requires a good deal of effort, early in the term. Start right away.

READ THE PROJECT DOCUMENT THOROUGHLY AND REPEATEDLY THROUGHOUT THE SEMESTER. YOU NEED TO UNDERSTAND IT BEFORE YOU BEGIN THE RESEARCH. This project will undoubtedly raise a variety of questions for most students. I expect to have any number of questions raised in and out of class about this Project.

This portion of the course grade constitutes a significant writing exercise, and if any student wishes to complete this Project for the additional “Writing Component” for Political Science majors and obtain credit as a result, they only need to register for that.

III. Examinations. There are two kinds of examinations in this course.

- The **Final Examination** will be cumulative and comprehensive. It will be given during the regular, final exam period at the end of the semester, at the scheduled time and place. **The Final Examination will be held Thursday, December 12 at 10:10 AM to 12:10 AM.**
- The **Quizzes** will be in-class, un-announced, and involve short answer questions. They will focus on class discussions and reading assignments. Each quiz will be written in the “Blue Book.” Students should bring their examination booklet to class every day! (Bringing a Blue Book to class every day may seem peculiar. However, it is a matter of routine that students need to learn.) There will be a number of quizzes (probably between 5 and 8) during the semester. They cannot be “made up” if they are missed. They focus on the course material under discussion at that time during the semester.

OTHER MATTERS

The following items are important for you to know about and to understand. These are statements provided by the University or the instructor. They relate to matters of general concern. These might affect you as a student generally as well as in this class specifically during the term.

CLASS ATTENDANCE: Class attendance is required, and absences are not “excused,” with an exception for bereavement. Absences can be explained but students are still responsible for everything that occurs in class, every day. The material covered in class will not be repeated for the convenience of absent students.

It is expected that each student will “make friends” with several other class members they can rely on for discussions and joint studying. Studying together and sharing notes and ideas about course material is encouraged. That should also provide an adequate method for catching up if a student misses class. **A study group of two or more class members is strongly recommended.** Regular out-of-class discussions are quite helpful for everyone involved.

All students must practice academic honesty. Academic misconduct is subject to an academic penalty by the course instructor and students need to be aware of the Student Conduct Code. See http://www.umt.edu/vpsa/policies/student_conduct.php.

In connection with this course, the penalty for any student engaging in academic dishonesty, particularly plagiarism, will be a failing grade for **the entire course**.

Please remember to turn off electronic devices before coming into class. Ringing devices are significant distractions and will result in the immediate end of class. If cell phone calls or texting is vital to your continued existence, then please do not attend class. If you wish to catch up on emails or texting while in class do not attend class. Class will be a waste of your time.

Students with disabilities may request **reasonable** modifications by contacting the instructor and the Disabled Students Service office.. Requested modification must be documented by Disabled Student Services. The University of Montana assures equal access to instruction through collaboration between students with disabilities, instructors, and Disability Services for Students. “**Reasonable**” means the University permits no fundamental alterations of academic standards or retroactive modifications. Contact Disabled Student Services for further information and assistance. The **DSS** website is: (life.umt.edu/dss/Faculty/default.php) or call 406.243.2243. You must inform the instructor at the outset of the semester of any needs for accommodation.

I recognize that a time of bereavement is very difficult for an individual. As a result, students will be excused for funeral leave and given the opportunity to earn equivalent credit and to demonstrate evidence of meeting the learning outcomes for missed assignments or assessments in the event of the death of a member of the student's immediate family. I am not amenable to multiple family emergencies during the semester, given prior abuses of this bereavement policy. However, the instructor is will to try to accommodate various external events.

In the event of a major campus emergency, course requirements, deadlines and grading percentages are subject to changes that may be necessitated by a revised semester calendar or other circumstances beyond the instructor's control.

I am committed to maintaining a community which recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding, and mutual respect among its members; and encourages each individual to strive to reach his or her own potential. This does not means students will not be challenged in class regarding statements they may make. To achieve academic excellence, I will insure that we all respect and value diverse perspectives and backgrounds in order to promote the exchange of ideas and enrich campus life. Students in this course are expected to do the same!

