

POL 360: Judicial Process (24270)

Eastern Kentucky University

Department of Government



Spring 2011

MWF 12:20pm-1:10pm

Instructor: Dr. Paul D. Foote **Office:** McCreary Bldg #224

Office Hours: Monday and Wednesday-11:00-12:15pm, 1:15-2:15pm, and 3:30-4:30pm;
Friday 1:45-2:15pm, 3:30-4:30pm

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Course Description: Study of legal and judicial systems in the United States and their role in the American political process.

Course Goals: This course is an introduction to understanding how the judicial process works and the relationships between courts and American politics. It will cover the organization of courts, selection of judges, judicial decision-making and judicial policy-making. It will also draw distinctions between the state and federal court systems, as well as appellate and trial courts. Students will be expected to take part in-class discussion of the various readings and topics.

Political Science Student Learning Outcome Substantive Knowledge: Students will understand the institutions, processes and values that underpin political behavior and events.

Paralegal Student Learning Outcome Theory and Content: Students will gain knowledge about the foundations, functions, terminology, sources of law (legal authority), and court structure and procedure.

Course-Specific Outcomes: Students who complete this course will be able to:

- 1) Understand the development of the various types of American law.
- 2) Describe the structure of both state and national court systems.
- 3) Explain the basic processes for trials and appeals.
- 4) Explain the basic rules of evidence used by civil and criminal trial courts.
- 5) Understand the legal profession and the various ways judges are selected.
- 6) Describe the historical development of the U.S. Supreme Court and the procedures it employs.
- 7) Evaluate the role of courts in American society.

Grading Policy: You must complete all assignments to pass the course. There are (1) **Three Exams (60% of final grade)** in this class. The exams will most likely be a hybrid of both objective and subjective questions. While the exams are not cumulative, concepts in the latter part of the semester build upon that presented previously. (2) **Analytical paper (20% of final grade)**. A 5 to 7 page paper, on any aspect of judicial process. It should be double spaced using 12point roman type font with one inch margins top, bottom, and sides. (3) **Participation (10% of the final grade)**. This grade is comprised of in-class participation. (4) **Quizzes (10% of the final grade)**. There will be at least two quizzes given throughout the semester. I expect students to attend class and come prepared to discuss the readings. By prepared, I mean that you should not only read the assigned materials, but consider how they complement and contrast each other. I will enforce this policy by taking attendance and through quizzes.

Summary of Grade Values:

<u>Assignment</u>	<u>Percent</u>
Exam I	20
Exam II	20
Exam III	20
Paper	20
Participation	10
Quizzes	10

Grading Scale: A=90+; B=80-89; C=70-79; D=60-69; F=59 or lower

Class Procedure: Class will be conducted in a lecture/discussion format. Lectures will complement but not regurgitate material from the readings. Notwithstanding, students are encouraged to ask questions or raise issues at any time on the readings, the lecture, or a contemporary judicial issue.

Plagiarism Policy: Plagiarism is the failure to give credit for another author's ideas, thoughts, or language through proper documentation or citation. It also encompasses the failure to place quotation marks around any language taken from another source. Students should realize that any form of plagiarism (or other academic dishonesty) is considered a very serious violation of student ethical responsibility. Plagiarism may be penalized with failure in this course and referral to the University for Disciplinary Action.

Attendance Policy: Class attendance and participation is required. If you miss more than six classes, the instructor reserves the right to fail any student that does not possess a documented university-recognized excuse.

University Disability Statement: If you are registered with the Office of Services for Individuals with Disabilities, please obtain your accommodation letters from the OSID and present them to the course instructor to discuss any academic accommodations you need. If you believe you need accommodation and are not registered with the OSID, please contact the Office in the Student Services Building Room 361 by email at disserv@eku.edu or by telephone at (859) 622-2933 V/TDD. Upon individual request, this syllabus can be made available in an alternative format.

Department Disability Statement: The Department of Government is located in McCreary Hall, a historic building on campus that is not handicapped accessible. Alternative meeting locations are available for those students who are unable to access the building. Please notify me of your need and I will arrange an alternative meeting location.

Academic Integrity Statement: Students are advised that EKU's Academic Integrity policy will be strictly enforced in this course. The Academic Integrity policy is available at www.academicintegrity.eku.edu. Questions regarding the policy may be directed to the Office of Academic Integrity.

Official E-mail: An official EKU e-mail is established for each registered student, each faculty member, and each staff member. All university communications sent via e-mail will be sent to this EKU e-mail address.

Tardiness Policy: Students are expected to be prompt to all class meetings. The instructor will begin class on time with no interruptions. If you are more than five minutes late, the instructor will keep a record of it. Any more than six times late without a valid excuse, the instructor will count it as one of your unexcused absences.

Missed Exams and Late Assignments: Unless arranged with the professor PRIOR to an exam, there will be absolutely NO make-up exams in this class. Failure to show up for an exam (unless otherwise pre-arranged with the professor) will result in an automatic F for that test. For those who have obtained permission from the professor for a make-up test, it must be taken no later than the **next two class sessions** following the scheduled test date. The only acceptable reason for missing an exam without prior permission from the professor will be a medical excuse, and adequate documentation from a physician will be required.

POLICY ON CELLULAR TELEPHONES and Other Annoyances: All students MUST turn off their phones prior to the beginning of class. If your phone should ring during class, you will have two points automatically deducted from the next exam. If your phone should ring during an exam, you will have four points deducted from that exam. The same occurs if I catch you text messaging in class. It is extremely rude for both me and the class. **YOU MAY NOT TEXT MESSAGE, WEAR EARPEICES OR ACCESS MATERIALS OTHER THAN CLASS MATERIALS ON LAPTOS.** If you need to use the bathroom facilities, please do so before not during class. In addition, sleeping or resting one's head on the desk is not permitted in the classroom.

Text: David W. Neubauer and Henry F. Fradella. *America's Courts and the Criminal Justice System*, 10th Edition. ISBN-13: 978-0-495-80990-6

Student Progress: Midterm grades will be available for viewing Sunday, March 6th on EKU Direct. Your mid-term grade will be based upon the grades from quizzes and exams #1 and 2.

Blackboard: Students will be responsible for material posted on the course Blackboard website and sent via e-mail to students' EKU e-mail addresses. Students are required to check both the course Blackboard website and their EKU e-mail several times each week for course updates and other course-related information. Once on your Blackboard homepage click on the link for POL 360. This takes you to the Blackboard homepage for this course. You will be required to provide a username and password to login. Your username and password for Blackboard match the same information for your student email. Students who do not know their username and password should visit the EKU Web site at <http://www.eku.edu/students/> and select the link to "EKU Email: Activate Student Email," or if you have problems you may call (859)622-8400 for assistance.

Extra Credit: Attendance will be taken throughout the fall semester. If you demonstrate *perfect attendance* and *regularly participate* in classroom discussion, you will receive 1 additional point toward your final grade point average.

Important Dates:

Last Day to Withdraw without fee: February 6th

Exam #1: February 11th

Exam #2: March 4th

Midterm Grades* Available: March 6th

Last Day to Withdraw: March 18th

Paper is due: April 15th

Final Exam: May 6th, 10:30am-12:30pm

Reading Schedule: (Subject to the needs of the class)

<u>Date</u>	<u>Topics, materials from casebook</u>	<u>Readings</u>
Jan. 10 th	Syllabus Passed Out; Introduction to Class	Syllabus, Preface of textbook
Jan. 12 th - 14 th	Law, Courts, and Politics - Courts as Legal Institutions - Courts as Political Institutions	Chapter 1: Courts, Crimes, and Controversy, pp 2-22.
Jan. 19 th	The Common Law Heritage	Chapter 2: Law and Legal Systems, pp. 24-35
Jan. 21 st	-Major components of U.S. Law	Chapter 2, pp. 35-52

Jan. 24 th - 31 st	Federal Courts -Court Organization -History of Federal Courts -U.S. District Courts versus U.S. Appellate Courts	Chapter 3, pp. 56-89
February 2 nd -9 th	History of State Court -Types of lower courts	Chapter 4, pp. 92-109
Feb. 11th	Exam #1	Chapters 1-4
Feb. 14 th - 18 th	Judges -Judicial Selection -Consequences of Judicial Selection	Chapter 8, pp.184-205
Feb. 21 st - 25 th	The Appellate Review -State High Courts as Policymakers	Chapter 17, pp. 440-467
Feb. 28 th – March 2 nd	The Lower Courts -Problems of the Lower Courts	Chapter 18, pp. 472-489
March 4th	Exam #2	Chapters 8, 17-18
March 7th -11th	Spring Break	Chapters 8-9
March 14 th -18 th	Trials & Juries- -The Prosecution Presents Its Case -The Defense Presents Its Case Three techniques-limited gag orders, change of venue, sequestering the jury.	Chapter 14, pp. 334-364
March 21 st -25 th	Negotiated Justice and the Plea Bargaining Process -Dynamics of Bargaining -Law in Controversy: Abolishing Plea Bargaining	Chapter 13, pp. 312-330
March 28 th -April 1 st	Sentencing the Convicted -The Death Penalty - <i>Roper v. Simmons</i>	Chapter 15, pp. 370-401
April 4 th - 8 th	Sentencing Guidelines- state & federal	Chapter 16, pp. 406-434

	-Disparities and Sentencing	
April 11 th -13 th	The Courtroom Actors: Prosecutors	Chapter 6, pp. 136-156
Friday, April 15th	Paper is Due	Refer to Blackboard for instructions
April 15 th -18 th	The Courtroom Actors: Defense Attorneys	Chapter 7, pp. 160-180
April 20 th - 22 nd	The Courtroom Actors: Defendants and Victims <i>-Payne v. Tennessee</i>	Chapter 9, pp. 208-229
April 25 th - 29 th	Disclosing and Suppressing Evidence	Chapter 12, pp. 278-307
May 6th	Final Exam (10:30am-12:30am)	Chapters 6-7, 9, 12-16

Additional Resources: Complete copies of Supreme Court and other court opinions are available on the Internet via several free sites. Some of the sites have useful search capabilities. A list of some of the most useful for students of constitutional law follows:

www.findlaw.com -A broad legal resource site sponsored by Thomson and West publishing group. This is especially useful for Supreme Court opinions through the 1980s. Use the tab “For Legal Professionals” on the main webpage.

www.lexisone.com -A narrower site sponsored by Thomson/West’s chief rival in legal publishing, LexisNexis. This site is more useful than Findlaw.com for the most recent Supreme Court decisions.

www.supremecourtus.gov -The official public website of United States Supreme Court. No registration required. This site is particularly useful for up to the minute publication of new Supreme Court opinions (though the site only makes them available for about a year) and for information about the litigation process at the Supreme Court.

<http://supct.law.cornell.edu/supct> -The site sponsored by the Legal Information Institute of Cornell University Law School. The site is particularly useful for locating recent Supreme Court opinions, for identifying the legal issues and arguments in Supreme Court cases before and after the cases are argued, and for a wide range of legal and legal procedure information.

www.oyez.org -A flashy site titled “U.S. Supreme Court Media” and featuring audio recordings of the arguments in many cases since 1955.