

POS 3283: Judicial Process
Spring 2009
T/Th 12:30 – 1:45 PM; ECS 135

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Course Objectives: This course provides an overview of the American legal system from its theoretical roots in common law to the practical processes of criminal and civil litigation. Topics include the organization of American courts in the federal system, judicial selection, legal training and professionalism, and the U.S. Supreme Court. Students will not only learn technical knowledge about the legal system, they will engage in critical analyses of the courts by considering the perennial political question of “Who wins and who loses?” in the course of American law. Some examples from comparative judicial systems will be incorporated. Students will also have the opportunity to develop their written, oral communication, and analytical skills.

University Catalog Description: An introduction to the study of public law. Examines the relationship between politics and judicial structure and process. Emphasizes the judicial system as a particular kind of policy making system, and evaluates its strengths and weaknesses from a policy-making perspective.

Audience: This course meets the Political Science breadth requirement in Judicial Politics or may serve as a political science elective for political science majors. This course is also appropriate for political science minors and all students interested in law school. Students educated abroad are advised to complete American Government before enrolling in this course.

Course Requirements:

First Examination (Feb. 17)	30 pts.
Courtroom Observation Paper (Mar. 24)	25 pts.
Second Examination (Apr. 9)	40 pts.
Jury Exercise (Apr. 16)	5 pts.
Attendance & Participation	Required (see below)

Grading: This class will be graded on a combined curve/minimum standards scale. Because each performance measure in this class is weighted differently, I do not assign letter grades nor do I curve individual assignments prior to calculating final grades for the course.

Minimum standards: In order to receive any academic credit for the course (a grade of D- or better), a student must earn at least 50 points toward their final grade, submit the courtroom observation paper, take one of the two examinations, complete the in-class jury exercise on April 16, and have been absent for not more than six classes.

The curve: Of the total number of students registered for a grade after the drop date,

- The top ten percent of the class will receive an A or A-.
- The next twenty percent of the class will receive a B+, B or B-.
- The next fifty percent of the class will receive a C+, or C.
- The lowest twenty percent of the class may receive a C-, D+, D, D- or F.

Attendance & Participation:

Roll will be taken each and every class. Do not enter the classroom once I have started class; do not leave until I dismiss the class.

Students are required to attend class, to arrive on time, and to remain for the duration of the class. Students will not be permitted to enter the classroom once the lecture has started. Early departures should be an exception and arranged with me in advance. Absences due to other academic commitments must be discussed with me during office hours at least 24 hours in advance of the anticipated absence. You should notify me as soon as possible of medical emergencies and other exigent circumstances as excuses for these events are at my sole discretion.

A student who is absent for more than six (6) class sessions will automatically receive a grade of D- or F. A student who misses no more than two classes will receive a three (3) percentage point “bump up” in calculating their final overall grade.

Every student is expected to engage in meaningful and productive verbal participation in my class. Meaningful and productive participation is that which reflects that you have read the assignments, thought about them, and can contribute to class in a positive manner. Flippant, off-the-cuff and opinionated remarks are not “meaningful” or “productive.”

Students who are consistently prepared and evidently engaged may receive a three (3) percentage point “bump up”; students who consistently fail to participate or are evidently unprepared for class when called upon will have a “bump down” of three (3) percentage points, which will be deducted from their overall final grade.

No student will receive more than one “bump up.”

Examinations: There will be two in-class examinations. They may be multiple-choice, true/false, short answer or essay. I will advise you in advance as to the format. Students must take the examinations on the day and at the time they are given. There are no make-up examinations unless a student is hospitalized in critical or near-critical condition for an accident beyond their control (cosmetic surgery does not qualify). Stay healthy, especially around exams. Do not plan your end-of-semester travel until after you have taken the final exam.

Courtroom Observation Paper: This assignment has two components. First, you will be required to arrange, attend, observe and interview participants for 3 to 4 hours at a local court proceeding some time between February 1st and the end of Spring Break. This will necessarily occur during business hours on a weekday, and preferably, during the morning hours. Plan (time off from classes, work and transportation needs) accordingly. Second, you will be required to submit a 5-6 page report on your visit. Details on the assignment will be distributed in writing during the last week of January.

Required Books and Materials:

Judicial Process and Judicial Policymaking, G. Alan Tarr, 4th ed.

The Supreme Court, Lawrence Baum, 9th ed.

Whose Monet?, John A. Humbach, 7th ed.

Four bluebooks (purchase at counter at University Bookstore)

Copy of *U.S. Constitution* (bring to class always) (print out an on-line version that you can scribble on)

Drop Date: The university drop date is Feb. 27th. If you cannot or do not want to complete this course, do not just stop coming to classes as I will be forced to give you an F (or an F0). You must go on-line through my.fiu.edu by February 27th, and drop the course to receive a DR grade. A word of advice: print a document confirming that you dropped the course when you drop it.

My Expectations and Preferences:

1. **YOUR ATTITUDE & PREPARATION:** I expect you to give 100 percent to your studies and to my class. You should be excited by the topic (or pretend to be). You should be passionate about your work and show me that you want to learn and excel.
2. **YOUR BEHAVIOR:** This is a university. Your classroom conduct should be that of an adult student who truly wants to learn (see #1). High school antics and sidebar conversations are not acceptable behavior. Should you engage in adolescent behavior, you will be asked to leave and will be marked absent for that class. If you are here merely for the credits, I recommend that you consider another course.
3. **TARDINESS:** Do not walk into my classroom once I have started class. I will direct you to leave.
4. **ELECTRONIC DEVICES:** Turn OFF your cellphones/beepers/watches/computer audio or any other noise-making devices (note: a vibrating cellphone is a noise-making device). Should your personal device go off during class, please quietly excuse yourself from the room for the duration of the class meeting. And don't even think of answering your phone, text-messaging or IMing in my class as I will treat it as disruptive conduct under the Student Code of Conduct.
5. **LAPTOPS:** No laptops may be used during class.
6. **SEATING:** There will be assigned seats for the semester. Choose wisely (breaking up is hard to do but it is even harder when you have to sit next to him/her for the duration of the semester).
7. **MAKE-UP EXAMS:** There are no make-up exams. Stay healthy.
8. **INCOMPLETES:** I have given 3 incompletes in my 23 years of teaching and those were for students who had completed the bulk of the course and only missed the final exam due to a medical emergency. In short, incompletes are rarely an option.
9. **OFFICE HOURS:** I have set office hours two days a week, am generally in my office every day at varying times, or will make alternative arrangements to meet with you during business hours. Please do not bring me "problems" at the podium after class; "office hours" is the appropriate venue to discuss important or personal concerns including attendance issues, grading issues, and performance concerns.
10. **CHECK YOUR EMAIL:** I use your FIU email address to communicate with you out of class. You must check your FIU email the evening (after 6 PM) before each class. Additional assignments, changes in assignments, on-campus events, interesting websites, and scholarship information are just some of the informative tidbits you will receive from me.
11. **SENDING EMAIL TO ME:** Your email communications to me must include a subject line, proper grammatical structure, impeccable spelling, and your full name in closing. Failure to communicate professionally will result in an incomprehensible return message.
12. **COMMUNICATIONS:** You or someone in your family can get a message to me 24 hours a day through email or voicemail. Do not call to let me know you are missing class on one or two days. DO call or have someone call if you are hospitalized for three or more classes.
13. **A NOTE ON READINGS AND LECTURES:** During class I may not go over everything—or even anything -- that is in your assigned readings. That would be quite boring for the student who actually reads. Class will be used to highlight difficult topics, engage in critical analysis, role play, discuss and debate, or to talk about current events and their relationship to your readings. You should read the assignments BEFORE you come to class as I will happily entertain any and all questions on them during our class sessions.
14. **DEDICATION:** I expect you to give 100 percent to your studies and to my class. You should be excited by the topic (or pretend to be). You should be passionate about your work and show me that you want to learn and excel. If you are taking this course merely for the credits, I recommend that you consider another class.

COURSE SCHEDULE – Always tentative and subject to change (except for the final exam and holidays)

T = Tarr’s book, generally a reference to chapter or pages (or sections) “Read through” means complete the reading on that page or section.

B = Baum’s book, reference to chapters

H= Humbach’s book, generally a reference to chapter or pages.

Jan. 6 Introduction to Course and Legal Systems

Readings: Course Syllabus, Academic Misconduct Policy, and *U.S. Constitution* (especially Article 3).

Jan. 8 Role of Law in American Society

Readings: T1, H I

Bring a clean photocopy of your student ID to class

Jan. 13 The Vocabulary of Law and Courts

Readings: H II, H III

Jan. 15 The Federal Judicial System

Readings: T2 through pg. 41 (“Federal Courts Today”); H pgs 31-45

Jan. 20 The Florida Judicial System

Readings: rest of T2 and T, pgs 345-349; H pgs. 45-55

Jan. 22 Selecting Judges in the States: Elections

Readings: T3 through pg. 71 (“The Politics of Judicial Election”)

Jan. 27 Selecting Judges in the States: Merit Selection/Retention and Appointment

Readings: T3, pgs. 65-71 (“Who are State Judges?”)

Jan. 29 Selecting Federal Court Judges

Readings: T3, pgs. 71-86 (“Obstacles to Presidential Influence”)

Feb. 3 The Judicial Role

Readings: rest of T3

Feb. 5 Lawyers: Education, Training and Professional Organization

Readings: T4 to pg. 112 (“The Organization of the Legal Profession”)

Feb. 10 Legal Services

Readings: rest of T4

Feb. 12 Catch-up Class

FEB. 17 FIRST EXAMINATION (BRING 2 BLUEBOOKS)

Regular class time and location

Feb. 24 Trials and Process

Readings: T5 to pg. 149 (stop after “Closing Arguments”)

Feb. 26 Trials and Criminal Process

Readings: T6 to pg. 192 (“Evaluating Plea Bargaining”)

Mar. 3 Trials and Civil Process
Readings: T7; H V (read), VI (skim), VIII, IX

Mar. 5 Appeals
Readings: T5, pg 155 (“Appeals”) to end

Mar. 10 The Supreme Court and its History
Readings: B1

Mar. 12 The Justices of the Supreme Court
Readings: B2

Mar. 17 and 19 NO CLASS – Spring Break
Readings: H XII through XV and Postscript

Mar. 24 The Workload of the Supreme Court
Readings: B3
Courtroom observation papers due

Mar. 26 Decision Making of the Supreme Court
Readings: B4

Mar. 31 Supreme Court Policy Making
Readings: B5

Apr. 2 Judicial Impact
Readings: B6

Apr. 7 Catch-up class

Apr. 9 **SECOND EXAMINATION (BRING 2 BLUEBOOKS)**
Regular class time and location

Apr. 14 Juries in America (Jury Selection Exercise distributed in class)
Readings: T pgs. 150-155

Apr. 16 Jury Selection Exercise
Readings: None, but preparation required according to assignment made on Apr. 14th

Advice on earning an A:

1. Work hard throughout the semester!
2. Read all of the assignments before class, take good notes on them, and write out any questions you may have.
3. Add to your notes based on our class discussions and lectures, and highlight what I have covered from the readings. If I repeat something or write it on the board, you know it’s important!
4. Review all of your notes after each class, identify (highlight) key terms, phrases or concepts, and come see me with any questions.
5. Work harder!
6. Stay organized and set a timetable for studying.
7. Meet someone in the class and exchange phone numbers/email addresses in case you are absent.
8. Find someone in the class that seems to do well and form a study group.
9. Stick to your timetable and keep studying.
10. Work even harder!