I. OBJECTIVES AND STUDENT LEARNING OUTCOMES

This class is designed for upper-level undergraduates and is intended to introduce them to the policies and processes of the American judicial system. It analyzes the major structures, participants, operations, and impact of that system. There is also an emphasis on the political as well as legal factors involved in judicial decision-making.

At the conclusion of the course, students will be able to 1) Describe the various institutions, institutional practices, and actors that comprise the judicial branch; 2) Evaluate the operation of the judiciary, developing empirical and normative assessments of how the judicial system facilitates (or not) justice and equal treatment under the law; 3) Explain various theories of judicial decision-making, with an application of these models to particular Justices on the United States Supreme Court.

Students also will become intimately familiar with the various theoretical perspectives that have informed scholarly work on the judiciary and be able to apply these theories to new contexts and structures. The course will emphasize synthesis and analysis, meaning that students will be required to combine concepts and themes from different parts of the course and use those concepts to reach their own determination of whether and how the judiciary is an appropriate system for resolving disputes.

II. PREREQUISITE(S):

Political Science 101 or permission of instructor.

III. REQUIRED TEXTS

Each student must purchase/borrow:

There will also be a **significant** amount of additional readings drawn from outside sources. I will post these readings on OAKS. Please read all listed material **BEFORE** the class session. When a topic runs over several class sessions, please read the first half of the listed assignments for the first session and the second half for the second session.

**IV. EVALUATION**

Grades will be based upon two in-class examinations, a final paper, and class participation. The first mid-term will constitute 20% of the final grade; the second mid-term will constitute 25%; the final paper will constitute 35% of the final grade; class participation will constitute 20%.

Examinations will likely be a combination of objective, short answer, and essay questions. Exams must be taken at the scheduled time, unless arrangements have been made with the instructor at least 48 hours prior to the exam. Make-up exams will only be offered **once** and will be more difficult than the regular test.

I will distribute information about the final paper at a subsequent date, but please note it will involve application of the concepts studied in the final section of the course.

Class participation is highly encouraged, as reflected in its contribution to the final grade. The class participation grade will be based upon how **actively** you participate in the course. Active participation means that, at a minimum, you come to class having completed the reading(s) assigned for that day. You will be evaluated based upon both the frequency and substance of your involvement in class discussions. There will also be (informal) small group work during certain class sessions. Your performance and contributions in these sessions will also factor into your participation grade.

The grading system is based upon the following scale: 93-100% A; 90-92 A-; 87-89% B+; 83-85% B; 80-82% B-; 77-79%: C+; 73-76% C; 70-72% C-; 67-69% D+; 63-67% D; 60-62% D-; 0-59%: F. **Extra credit is not permitted.**

I also reserve to right to give random pop quizzes if it appears that students are not reading the material and coming to class well-prepared. If instituted, these quizzes will be factored into your class participation grade.

**V. ATTENDANCE AND CLASS BEHAVIOR**

Attendance is **required** for all classes; attendance will be taken. Only **documented** illness, family emergency, or institutional permission constitute excused absences. Please let me know of any such absences **in advance** whenever possible; if you will be missing class for a school-related reason (activity, athletics etc.), you **must** let me know at least twenty-four hours before your absence. Any student who has more than two unexcused absences may be assigned a lower or failing final grade. Students will be assigned one unexcused absence for every two times they are late to class.
The rules of the student code of conduct apply in this class. Appropriate behavior is always required. Students are expected to attend class prepared and on time. Students may not speak while other students or the instructor is speaking. Classroom debate is highly encouraged, but students are expected to conduct themselves with decorum and respect.

Laptops and cell phones are prohibited in the classroom. Please see me if you have questions about this policy or need accommodations.

VI. ACADEMIC INTEGRITY

Lying, cheating, attempted cheating, and plagiarism are violations of our Honor Code that, when identified, are investigated. Each incident will be examined to determine the degree of deception involved.

Incidents where the instructor determines the student’s actions are related more to a misunderstanding will handled by the instructor. A written intervention designed to help prevent the student from repeating the error will be given to the student. The intervention, submitted by form and signed both by the instructor and the student, will be forwarded to the Dean of Students and placed in the student’s file.

Cases of suspected academic dishonesty will be reported directly by the instructor and/or others having knowledge of the incident to the Dean of Students. A student found responsible by the Honor Board for academic dishonesty will receive an XXF in the course, indicating failure of the course due to academic dishonesty. This grade will appear on the student’s transcript for two years after which the student may petition for the XX to be expunged. The F is permanent. The student may also be placed on disciplinary probation, suspended (temporary removal) or expelled (permanent removal) from the College by the Honor Board.

Students should be aware that unauthorized collaboration—working together without permission—is a form of cheating. Unless the instructor specifies that students can work together on an assignment, quiz and/or test, no collaboration during the completion of the assignment is permitted. Other forms of cheating include possessing or using an unauthorized study aid (which could include accessing information via a cell phone or computer), copying from others’ exams, fabricating data, and giving unauthorized assistance. Research conducted and/or papers written for other classes cannot be used in whole or in part for any assignment in this class without obtaining prior permission from the instructor.

Students can find the complete Honor Code and all related processes in the Student Handbook at http://studentaffairs.cofc.edu/honor-system/studenthandbook/index.

VII. STUDENTS WITH DISABILITIES

The College of Charleston policy regarding students with disabilities and reasonable accommodations will apply in this class and accommodations will be provided for those
students with documented disabilities. Please speak with me as soon as possible if you need assistance.

VIII. ASSIGNMENTS AND LECTURE TOPICS

Please note that I reserve the right to alter these assignments as necessary. Notice of such changes will be provided in advance and students are expected to alter their reading as necessary.

Also, please be aware the exams and final paper will be based upon information contained in both the text and the lectures. Focusing upon solely the text or the lecture material will be insufficient to perform well in this class.

A. THE PURPOSE AND STRUCTURE OF THE JUDICIAL SYSTEM

1. January 9th: Introduction

2. January 14th: Defining “The Law”

   Readings:

   Carp: pp. 1-13

3. January 16th: The Origin and Function of Courts

   Readings:

   Carp: pp. 17-21


Readings:


5. January 30th: The Federal Judicial System

Readings:

Carp: pp. 26-42

6. February 4th and 6th: The “Most Dangerous Branch?”

Readings:

Carp: pp. 78-99


O’Brien, David M. Storm Center: The Supreme Court in American Politics, Chapter 6: The Court and American Life

7. February 11th: Review/Catch-Up

8. February 13th: EXAM #1

B. THE ACTORS, PROCESS, AND CONSEQUENCES OF ADJUDICATION


Readings:

Carp: pp. 132-148


2. February 18th: Federal Judges (part 2): The How and the WTH?

Readings: Carp: pp. 149-165; 198-216

Watch: “Pathways to Power:” The Conservative Movement Transforming America’s Courts” (Washington Post Documentary)

3. February 20th: State Judges: Is this Really Any Better?
Readings:

Carp: pp. 101-154


Guest Speaker: TBD

4. **February 23rd**: Lawyers: “Saving (or Destroying) the World”

Readings:

Carp: pp. 223-239


5. **February 25th and March 3rd**: Litigants and Interest Groups: 99% vs. The 1%?

Readings:

Carp: pp. 239-236


6. **March 5th: The Civil Process: It Ain’t Like TV**

   **Guest Speaker:** Elizabeth Meny, Former Attorney and Mediation Expert

   **Readings:**

   Carp: pp. 332-353


7. **March 10th and 12th: Looking to the Law: Court and Social Change**

   **Readings:**

   Carp: pp. 75-99; 468-478


8. **March 24th: EXAM #2**
C. JUDICIAL DECISION-MAKING: THE INTERSECTION OF LAW AND POLITICS

1. March 26th and 31st: It’s All About the Law

   Readings:

   Fuller, Lon. 1954. “The Case of the Spelunkean Explorers”


2. April 2nd and 7th: It’s All About the Politics

   Readings:

   Carp: pp. 434-437


April 9th and 14th: It’s All About the Game

Readings:

Carp: pp. 411-434; 437-438


(Note: There is no class session on April 16th as I will be away at a conference)

3. April 24th: Review/Make-Up Class

**FINAL PAPER DUE ON MONDAY, APRIL 27TH AT NOON**