I. OBJECTIVES

This class is designed for upper-level undergraduates and is intended to introduce them the policies and processes of the American judicial system. It analyzes the major legal concepts and operations of that system with an emphasis on the political as well as legal factors involved in judicial decision-making. Along with being able to describe the various institutions and institutional practices that comprise the judicial branch, students will be able to evaluate the operation of the judiciary, developing rigorous assessments of how the judicial system facilitates (or not) justice and equal treatment under the law. 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. 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.
III. 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.

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 the 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.

IV. 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.

The rules of the student code of conduct apply in this class. Appropriate behavior is required at all times. 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.

The academic honor code applies in this class. Cheating in any form will not be tolerated and will result in serious penalty.
Laptops are allowed, but only for taking lecture notes. If the student uses the laptop for any other purpose, that student will be banned from computer use for the remainder of the semester. Use of cell phones during class is strictly prohibited. Turn phones off before entering the classroom.

V. DISABLED STUDENTS

The College of Charleston policy regarding disabled students 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 are in need of assistance.

VI. 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. August 20th: Introduction

2. August 22nd: Defining “The Law”
   
   Readings:

   Carp, et. al. pp. 1-23

   Key Topics: What is “law?” What forms does law take? Where does law come from? How does law compare to other rules from the government?

3. August 27th and 29th; September 3rd: The Origin and Function of Courts and Judges

   Readings:


**Key Topics:** What is a court? Why do we have courts? What function(s) do they serve in society, in theory and practice? Do courts do too much in our society or too little? What is the proper role for a judge? Do judges adhere to this role? Should they?

4. September 5th and 10th: The Federal Judicial System

**Readings:**

Carp, et. al., pp. 25-51

**Key Topics:** How is the federal court system structured? How does a case proceed through federal courts? Does this process reflect the goals of a judicial system?

5. September 12th: The State Judicial System

**Readings:**

Carp, et. al. pp. 52-74

**Key Topics:** How are state court systems structured? How do state courts compare with federal courts? How does a case proceed through a state’s courts? Does this process reflect the goals of a judicial system?

6. September 17th: Review/Catch-Up

**SEPTEMBER 19TH: EXAM #1**
B. THE PROCESSES, ACTORS, AND CONSEQUENCES OF ADJUDICATION

1. September 24th and 26th; October 1st: Judges

Readings:

Carp, et. al. pp. 101-154


Key Topics: What are the general characteristics of a judge? Are these traits always desirable? Are judges affected by their personal characteristics and background? Should they be? How should we select judges? What function do judges serve in a democratic system? What function should they serve?

2. October 3rd and 8th: Lawyers, Litigants, and Interest Groups

Readings:

Carp, et. al. 181-204


Key Topics: What role do lawyers, litigants, and interest groups play in the judicial system? Who has more (and less) control over cases and court rulings? Who should have control? What factors affect the power of these actors?

3. October 10th: The Civil Process

Readings:

Carp, et. al., pp. 271-292


Key Topics: What is a civil case? What are its major stages? How does it compare to a criminal case?

4. October 17th and 22nd: Jurisdiction and the “Limits” of Judicial Power

Readings:

Carp, et. al., pp. 75-99


Key topics: How powerful is the judiciary? What, if any, legal and politics factors constrain this power? How powerful should the judiciary be?

5. October 24th: Review/Make-Up

**OCTOBER 31st: EXAM #2**

C. JUDICIAL DECISION-MAKING: THE INTERSECTION OF LAW AND POLITICS

1. November 5th, 7th, and 12th: The Traditional Approach

Readings:
Key Topics: How have scholars traditionally understood judicial decision-making? What are the benefits and problems of this approach? Why and how has this approach gained renewed interest from political scientists? How strong is the evidence for this model?

2. November 14th and 19th: The Attitudinal Model

Readings:

Carp, et. al., pp. 357-360


Segal, Jeffrey A. “What’s Law Got To Do With It: Thoughts from the Realm of Political Science,” in Geyh, pp. 17-40.


Key Topics: How do attitudinalists understand judicial decision-making? How strong is the evidence for this model? What criticisms have been leveled at this approach? What are the benefits and problems of adopting the attitudinal model?

3. November 19th and 21st: Strategic Interactions

Readings:

Carp, pp. 340-350; 360-361


Lindquist, Stefanie A. “Stare Decisis as Reciprocity Norm,” in Geyh,173-196.

**Key Topics:** What factors do advocates of the strategic model find relevant to judicial decision-making? How does this model fit with others we have studied? How strong is the evidence for this model? What are the benefits and problems of adopting a strategic approach?

4. **November 26th: Review/Make-Up**

**FINAL PAPER DUE (HARD COPY ONLY) ON FRIDAY, DECEMBER 6TH AT 12:00 PM**