

## JUDICIAL POLITICS

Political Science 516  
Mon. & Wed. 11:30-1:18

Professor Nancy Scherer  
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Office Hours: Tues. 10 a.m.-2 p.m.  
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### COURSE DESCRIPTION

This course is a 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 extensive in-class discussion of the various readings and topics.

### REQUIREMENTS AND GRADING

The requirements for the class are: two in-class tests; a final exam and 5 outlines of articles. All tests will consist of 10-15 short answers/short essays. The final exam will be two long essays. The article outlines will be limited to one page each, and the structure of the outlines will be explained in depth by the professor. The article outlines will be due at the beginning of class on the day we are scheduled to discuss that particular article. The first test will count for 20% of the grade. The second test will count for 25% of the grade. The final exam will count for 30% of the grade. 25% of the grade will come from the article outlines; each outline will be worth 5% of your grade. The professor also reserves the right to adjust grades upwards for excellence in class participation.

### EXTRA CREDIT

At the beginning of the quarter, someone from the Political Science Department will be coming to class in order to seek volunteers for political psychology experiments conducted in the Political Science Department. Participation is voluntary and usually requires no more than one hour of your time. Anyone who completes participation in an experiment will receive a 2% increase in your grade. Thus, for example, if your final grade calculates to 89, and you participated in an experiment, I will raise your grade 1.78 points, giving you an A- instead of a B+.

### REQUIRED BOOKS ON ORDER AT THE SBX BOOKSTORE

Carp, Robert A., Ronald Stidham and Kenneth L. Manning. 2004. *Judicial Process in America*, 6<sup>th</sup> edition. CQ Press (hereinafter, "CSM").

Epstein, Lee and Jeffrey Segal. 2005. *Advice and Consent*. Oxford University Press (hereinafter "E&S").

Harr, Jonathan. 1996. *A Civil Action*. Vintage Press (hereinafter "Harr").

In addition, there will be a number of articles assigned from the journal *Judicature*. Citations are noted in the syllabus. *Judicature* articles are accessible through HeinOnline, available through the library's web site. An outline of how to access HeinOnline will be distributed to the class.

## ACADEMIC INTEGRITY

All of the work you do in this course is expected to be your own. Cheating or plagiarism will not be tolerated. All cases of cheating or plagiarism will be referred to the University's Committee on Academic Misconduct ("COAM") and handled according to university policy. For additional information, please visit the COAM website at <http://oaa.osu.coam/code.html>.

## MAKE-UP EXAMS

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, those make-up tests will be given immediately following the final exam. 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

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.

## ASSIGNMENTS ARE AS FOLLOWS:

### I. INTRODUCTION TO POLITICAL JURISPRUDENCE

Class 1 (1/4):  
Syllabus Passed Out; Introduction to Class

Class 2 (1/9): Foundations of law in the U.S.  
CSM pp. 1-20

### II. THE AMERICAN LEGAL SYSTEM

Class 3 (1/11): Organization of the state judicial systems and selection of state judges  
CSM pp. 57-71, 98-108, Aspin article, 83 *Judicature* 79-81.

Jan. 16<sup>th</sup>: NO CLASS

Class 4 (1/18): Organization of the federal judicial system  
CSM pp. 23-54, 73-78

Class 5 (1/23): Selecting federal judges  
E&S pp. 7-86

Class 6 (1/25): Confirming federal judges  
E&S pp. 87-116, Scherer article, 86 *Judicature* pp. 240-250.

Class 7 (1/30): Inter-branch relations

CSM pp. 151-168; E&S pp. 117-145

Class 8 (2/1):

***Exam # 1***

### III. TRIALS

Class 9 (2/6): Lawyers and litigants

CSM pp. 171-194; Kritzer article, 81 *Judicature* pp. 22-29; Behuniak article, 74 *Judicature* 261-270

Class 10 (2/8): Pre-trial Criminal proceedings

CSM pp. 198-225

Class 11 (2/13): Criminal trials and post-conviction proceedings

CSM pp. 229-251; Sperlich article, 63 *Judicature* 262-279

Class 12 (2/15): Civil trials

CSM pp. 256-278

Class 13 (2/20): *A Civil Action*

Harr, pp. 1-264

Class 14 (2/22): *A Civil Action* cont'd

Harr, pp. 265-494

Class 15 (2/27):

***Exam # 2***

### IV. JUDICIAL DECISION-MAKING AND IMPLEMENTATION OF DECISIONS

Classes 16-18 (3/1, 3/6, 3/8): Judicial decision-making

Important lectures roughly based on Chs. 12-13 in CSM

***Attendance Mandatory***

Class 19 (3/13): Implementation of decisions

CSM pp. 362-384

Handout on *The Hollow Hope*

Class 20 (3/15):

Review for Final Exam