

**POL SCI 416**  
**JUDICIAL PROCESS**  
**UNIVERSITY OF WISCONSIN - MILWAUKEE**  
**SPRING 2014**

**Instructor: Dr. Erin B. Kaheny**

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Office Hours: T, 11:00 am-12:00 pm

**COURSE MEETING TIMES & LOCATION: MW 11:00 am-12:15 pm, Bolton Hall (BOL) B56**

**COURSE DESCRIPTION:**

This course will provide students with a working knowledge of courts and judicial process in the U.S. We will (broadly) review institutional features of courts at both the federal and state levels, and we will review processes surrounding both trial and appellate court litigation in both the criminal and civil contexts. Finally, we will study key actors in the judicial process, including litigants, lawyers, judges, and juries.

**Mid-term Exam:** Wednesday, March 12 (regular class time)

**Final Exam:** Monday, May 12 (10:00 am – 12:00 noon)

**Court Observation Paper:** Wednesday, March 26 (due in class)

**Research Design Project:** Wednesday, April 23 (due in class)

**REQUIRED TEXTBOOK :**

Baum, Lawrence. 2013. *American Courts: Process and Policy*. Seventh Edition. Wadsworth, Inc.

**CLASS REQUIREMENTS AND POLICIES:**

**Class Readings & Participation**

Active participation in this course is expected of all students, including those auditing the course or those taking the course under the credit/no credit option. It is thus important that students arrive to class having read the assigned material. Failure to be fully prepared to discuss the assigned material will result in a substantial reduction in your course participation grade.

Please make sure you check the course D2L Web site on a regular basis. I will post changes to the reading schedule and special announcements on the page.

### **General Class Conduct**

I seek to create a classroom environment which is marked by mutual respect. At all times, I expect students to conduct themselves in a professional and courteous manner. Please do not arrive late, leave early, or talk while the instructor is talking or a classmate has the floor. Significant deductions will be applied to the course participation grades of those students who leave class early, arrive late, or disrupt class discussion in any way. Please note that students who spend class time surfing the Internet, text messaging, or reading outside materials, etc. will also receive significant deductions on the participation component of their course grades.

If you need to leave a class early, or if you know that you will be late, please inform me in advance whenever possible.

***The use of cell phones in this class will not be tolerated.*** Please silence the ringer of your cell phone prior to entering the classroom. Video or audio recordings of the class are not permitted without the permission of the instructor.

### **Exams**

There will be two exams in this class. The final exam will not be cumulative in nature. It will emphasize material covered since the mid-term exam. Both exams will be closed book and will involve essay questions. All responses are required to be written in ink. The instructor will supply blue books for the examinations.

Make-up exams will only be given to students who have a medical excuse, University-excused absence, or other reasonable excuse (as determined by me). In order to qualify for a make-up examination, students must provide supporting documentation for missing the scheduled exam and must contact me (by phone or e-mail) *prior* to the scheduled exam. If a student cannot contact me prior to the exam due to extenuating circumstances, the student is required to contact me within 24 hours after the missed exam.

Students who have been approved to take a make-up exam for the mid-term must take it on **Friday, March 14 at 12:00 pm (location TBA)**. This will be the only opportunity I provide unless the student has an emergency or other reasonable excuse (as determined by me) on that day and provides me with sufficient notice. If you miss the final exam, you should follow the above procedures regarding notification and documentation, and I will arrange a time for you to take a make-up final exam.

The results of exams (or any other component of the student's grade) will not be conveyed to students over the phone or in an e-mail message.

### **Court Observation Paper**

Each student will need to submit one court observation paper this semester. In order to complete this assignment, students will need to attend a local court proceeding and will be required to

submit a written report documenting the visit. Guidelines on the substantive and formatting requirements for this paper will be posted on D2L.

### **Research Design Project**

Each student will also be expected to develop a research design on some aspect of judicial process or behavior. This project will include the development of a research question, testable hypotheses, a brief literature review, and a data and methods section (where students detail the data and methods they would use if they were to conduct an actual analysis). Students will not be expected to carry out an actual research analysis. The estimated length of this paper will be approximately 8-10 pages (typed, double-spaced, one-inch margins, 12-point font). Sources (e.g., journal/law review articles, books, or legal cases) used in the development of paper must be cited appropriately throughout the text using in-text parenthetical citations, and each student should attach a “works cited” list with full citations.

### **Grades**

Court Observation Paper	15%
Mid-Term Exam	25%
Final Exam	25%
Research Design Project	25%
In-Class (Active) Participation	10%

### **Point Scale**

A	93-100	C	73-76
A-	90-92	C-	70-72
B+	87-89	D+	67-69
B	83-86	D	63-66
B-	80-82	D-	60-62
C+	77-79	F	...-59

### **Time Allocation**

This is a three-credit hour class. Students, on average, should expect to spend nine hours a week on activities related to POL SCI 416.

### **Grading Concerns**

If you have questions or concerns regarding how an exam or assignment was graded by the TA, your first step should be to discuss the issue with the TA during office hours or by appointment. If you are not satisfied after that point, you should meet with me during office hours, and I will re-grade the assignment or the exam. Please note that the grade I assign might be lower than the grade assigned by the TA. I ask that all students who wish to appeal grading matters do so within one week of the assignment or exam being returned to the class.

### **Academic Dishonesty**

I do not tolerate acts of plagiarism or any forms of cheating on exams or assignments. Students who are caught engaging in academic misconduct will receive an “F” (zero percentage points) for the assignment or exam. It is also possible that a student who is caught engaging in academic misconduct will receive an “F” for the course. If I suspect a case of academic misconduct, I will follow the academic misconduct and reporting policies of the University of Wisconsin-Milwaukee. Please see the following for details:

[http://www4.uwm.edu/acad\\_aff/policy/academicmisconduct.cfm](http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm)

### **Course Drops & Incompletes**

Please consult the UWM Calendar for all dates pertaining to dropping the course. For details regarding incompletes, please consult UWM’s policy located at the following Web page:

[http://www4.uwm.edu/current\\_students/records\\_grades/grades.cfm#incompletes](http://www4.uwm.edu/current_students/records_grades/grades.cfm#incompletes)

I will ask to see supporting documentation from any student requesting an incomplete for the course.

### **Submitting Course Assignments & Late Penalties**

Assignments are due in class on the date noted in the syllabus. Any assignment submitted after its due date will be subject to a ten percentage point deduction for each day it is late (including weekends). Assignments submitted after class on the date they are due will be considered one day late. Late work should be handed directly to me (i.e., the instructor) whenever possible. Otherwise, students can leave late work in the envelope posted on my office door (Bolton 638). Students submitting late work are required to send an e-mail notifying me of the time at which the assignment was submitted and to confirm that I received the late assignment. Assignments left in the envelope after 5:00 pm will be posted as received the next day. Please do not leave assignments in my departmental box or slide them under my office door. Under most circumstances, I will not accept course assignments or any parts thereof submitted via e-mail. Students are required to submit hard copies of all assignments on the date noted on the syllabus. However, if you feel your particular circumstances warrant a waiver of this rule, you may contact me (via e-mail) to seek permission to submit an assignment electronically (before class).

### **Student Accommodations**

If you will need accommodations in order to meet any of the requirements of this course, please contact me as soon as possible. Students should also contact a Student Accessibility Center (SAC) counselor on campus (414) 229-6287.

### **Religious Accommodations**

I will follow UWM’s policy regarding the provision of religious accommodations. This policy can be found at: <http://www4.uwm.edu/secu/docs/other/S1.5.htm>

**OUTLINE OF TOPICS & READING SCHEDULE**  
**\*TOPICS AND READING SCHEDULE ARE SUBJECT TO CHANGE**

**WEEK 1 – INTRODUCTION TO JUDICIAL PROCESS I**

WEDNESDAY, JAN. 22: REVIEW SYLLABUS AND COURSE POLICIES/REQUIREMENTS

**WEEK 2 – INTRODUCTION TO JUDICIAL PROCESS II & COURT STRUCTURE/INSTITUTIONAL DESIGN I (FEDERAL COURTS)**

MONDAY, JAN. 27: READ BAUM, PAGES 1-18

WEDNESDAY, JAN. 29: READ BAUM, PAGES 19-37

**WEEK 3 – COURT STRUCTURE/INSTITUTIONAL DESIGN II (STATE COURTS); THE LEGAL PROFESSION I**

MONDAY, FEB. 3: READ BAUM, PAGES 38-51

WEDNESDAY, FEB. 5: READ BAUM, PAGES 52-69

**WEEK 4 – THE LEGAL PROFESSION II**

MONDAY, FEB. 10: READ BAUM, PAGES 70-91

WEDNESDAY, FEB. 12: PROF. RESEARCH PRESENTATION (ON LAWYERS AND GENDER): READING TBA

**WEEK 5 – JUDICIAL SELECTION (NATURE, CONTROVERSIES, IMPACT)**

MONDAY, FEB. 17: READ BAUM, PAGES 92-100 AND TBA

WEDNESDAY, FEB. 19: READ BAUM, PAGES 101-122

**WEEK 6 – JUDGES & JUDICIAL CAREERS**

MONDAY, FEB. 24: READ BAUM, PAGES 123-135

WEDNESDAY, FEB. 26: READ BAUM, PAGES 136-149 AND TBA

**WEEK 7 – THE ROLE OF TRIAL COURTS AND TRIAL COURT PROCESSES I**

MONDAY, MAR. 3: READ BAUM, PAGES 150-173

WEDNESDAY, MAR. 5: READ BAUM, PAGES 174-200

**WEEK 8 – THE ROLE OF TRIAL COURTS AND TRIAL COURT PROCESSES II**

MONDAY, MAR. 10: READ BAUM, PAGES 201-216

WEDNESDAY, MAR. 12: MID-TERM EXAM

**WEEK 9 – SPRING BREAK**

MONDAY, MAR. 17 & WEDNESDAY, MAR. 19: NO ASSIGNED READING

**WEEK 10 – THE ROLE OF TRIAL COURTS AND TRIAL COURT PROCESSES III & ALTERNATIVE DISPUTE RESOLUTION**

MONDAY, MAR. 24: READ BAUM, PAGES 221-244

WEDNESDAY, MAR. 26: READ BAUM, PAGES 217-221 AND TBA (Court Observation Paper due)

**WEEK 11 – A CLOSER LOOK AT JURIES**

MONDAY, MAR. 31: READING TBA

WEDNESDAY, APR. 2: Landsman, S. and D. McCord. 2005. "12-Member Juries and Unanimous Verdicts: A Debate." *Judicature* 88(6): 300-305. (D2L)

**WEEK 12 – APPEALS & APPELLATE COURT LITIGATION**

MONDAY, APR. 7: READ BAUM, PAGES 245-262

WEDNESDAY, APR. 9: READ BAUM, PAGES 263-267 AND TBA

**WEEK 13 – APPELLATE COURT V. TRIAL COURT DECISION MAKING**

MONDAY, APR. 14: READ BAUM, PAGES 268-287

WEDNESDAY, APR. 16: NO ADDITIONAL READING

**WEEK 14 – A CLOSER LOOK AT LAW CLERKS**

MONDAY, APR. 21: READING TBA

WEDNESDAY, APR. 23: PROF. RESEARCH PRESENTATION (CLERK SELECTION ) (Research Proposals due)

**WEEK 15 – COURTS AS POLICY MAKERS**

MONDAY, APR. 28: READ BAUM, PAGES 288-303

WEDNESDAY, APR. 30: READ BAUM, PAGES 304-310

**WEEK 16 – THE RELATIONSHIP BETWEEN COURTS & SOCIAL CHANGE**

MONDAY, MAY 5: READ BAUM, PAGES 311-321 AND Rosenberg, G. 1999. "African-American Rights after *Brown*." *Journal of Supreme Court History* 24: 201-225. (D2L)

WEDNESDAY, MAY 7: READING TBA

**WEEK 17 – FINAL EXAM**

MONDAY, MAY 12: FINAL EXAM, 10:00 AM – 12:00 NOON