POLI 4023: Judicial Politics & Process—Spring 2012

Pre-requisite: POLI 2051 or equivalent

Tao L. Dumas, PhD
Classroom: 229 Tureaud Hall
Class: 2:30-3:30 MWF

Office: 217 Stubbs Hall
Office Hours: 11-12 & 1-2 MWF or by appt.
Email: tdumas2@lsu.edu

Required Texts:
ISBN 978-0-205-02818-4
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Note: There is an ebook option available through the publisher website for the Calvin and Coleman book for $33.99. There are also numerous used book options for the Murphy, et al reader available through online book sources.

Legal Resources: Legal resources are available for opinions, briefs, and other material at:

Course Description and Objectives

Objectives
This course introduces students to the political role of U.S. state and federal courts, court organization, staffing, financing, judicial policy making, and the public perception of judicial process. Students in this class will be introduced to the current political issues concerning judicial institutions and legal research techniques. Additionally, this class emphasizes written and oral communication skills.

Course Requirements

Academic Honesty
All students are expected to abide by the University’s Code of Student Conduct (http://www.lsu.edu/sae/Code%20of%20Student%20Conduct.pdf). Any student caught plagiarizing work or cheating on an exam will be reported to the appropriate university officials. Make-up exams will be given only to students who notify the instructor prior to missing the exam and whose absence qualifies under Policy Statement 22 (Student Absence from Class)

Assigned Readings and Reading Quizzes
Because the study of law requires both heavy reading and cumulative comprehension, it is essential that students read all assigned materials prior to each class. Reading assignments available on Moodle are designated with an “M.” Additionally, quizzes will be randomly given
during the semester. Quizzes are open note (but not open book) and intended to help students identify deficiencies in their notes and prepare for exams. There will be no make-ups, but the lowest quiz grade will be dropped at the end of the semester. Participation in in-class activities will also count toward quiz grades.

**Participation**
Students are expected to attend class daily, on time, and for the duration of the class. Students are also expected to read all assigned readings before class, complete all written assignments on time, and treat classmates and the instructor with respect. Please turn off phones and put iPods, newspapers, and other unrelated materials away before class begins.

**Exams**
In-class discussions and the material assigned on the syllabus will provide the basis for exams. There will be two midterm exams and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. Exams will consist of definitions, short answers, and essays.

**Mock Trial Simulation**
During the course of the semester students will participate in one of two mock trial simulations. Students will be assigned to groups and participate as judges, jurors, advocates, or witnesses. Students will receive up to 50 points for informed participation (i.e. simply showing up will not get you 50 pts.) in the simulation. Handouts with details will be provided in class.

**Research Papers**
All Students will write a 10-15 page research paper.

**Grading Policy**
The course is worth a total of 500 points allocated as follows:

- Reading Quizzes—50 points
- Exam 1—100 points
- Exam 2—100 points
- Exam 3—100 points
- Simulation (Participation)—50 points
- Research Papers—100 points

\[ A = 500-449 \quad B = 448-400 \quad C = 399-357 \quad D = 356-335 \quad F = 334 \text{ or lower} \]

**Special Accommodation**
Students with documented disabilities who require special testing accommodations should notify the instructor at the beginning of the semester so that appropriate arrangements can be made.

**Course Outline**

Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor.

**January 18, Introduction to the Course**
January 20, Foundations and Types of Law  
Chapter 1, C&C

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Chapter 1, C&C  

January 25, The Federal System  
Chapter 3, C&C (pages 44-51 & 70-73)

January 27, The State Court System  
Chapter 3, C&C (pages 51-56 & 73-74)

January 30, Judicial Decision-Making  

February 1, Decision-Making on Collegial Courts vs. Trial Courts  
Epstein & Knight, "The Choices Justices Make," MPEK, pg. 349  
Segal, Songer, & Cameron, "Decision Making on the U.S. Court of Appeals," MPEK, pg. 354  
Frankel, "The Adversary Judge: The Experience of the Trial Judge," MPEK, pg. 398

February 3, Limitations on Judicial Power, Research Topics Due  
Chapter 5, C&C

February 6, The Politics of Federal Judicial Selection  
Chapter 3, C&C (pgs. 56-66)

February 8, The Politics of Federal Judicial Selection  
Goldman, Slotnick, Grysik, Zuk, & Schiavoni, "The Composition of the Federal Judiciary," MPEK, pg. 162  

February 10, The Politics of State Judicial Elections  
Chapter 3, C&C (pgs. 66-74)  
Hall, "Constituent Influence in State Supreme Courts," MPEK, pg. 665

February 13, The Politics of State Judicial Selection  
Republican Party of Minnesota v. White (2002), C&C, pg. 74  

February 15, Jury Decision-Making  
Zeisel & Kalven, "The American Experiment," MPEK, pg. 402  
Darrow, "How to Pick a Jury," MPEK, pg. 410  
Saks, "The Limits of Scientific Jury Selection," MPEK, 417

February 17, Jury Decision-Making
McCleskey v. Kemp (1987), MPEK, pg. 427
Butler, “Black Jurors: Right to Acquit?” MPEK, pg. 419

February 20, Mardi Gras Holiday

February 22, Mardi Gras Holiday

February 24, Simulation Discussion & Introduction to Legal Research
In Class Activity

February 27, Exam 1

February 29, Lawyers, Litigants & Interest Groups
Chapter 5, MPEK, pgs. 212-218

March 2, Lawyers, Litigants & Interest Groups, References Due
Etzioni, “Science: Threatening the Jury Trial,” MPEK, 412

March 5, Lawyers, Litigants, & Interest Groups
Vose, “Litigation as a Form of Pressure Group Activity,” MPEK, 291
Caldeira & Wright, “Organized Interests and Agenda Setting in the US Supreme Court,” MPEK, pg. 295

March 7, Criminal Law & Procedure
Chapter 7, C&C (pages 174-194)

March 9, Criminal Law & Procedure
Chapter 7, C&C (pages 194-203)

March 12, Civil Law & Procedure
C&C, Chapter 4 (pg. 84-99)

March 14, Civil Law & Procedure

March 16, Alternative Dispute Resolution
Neubauer & Meinhold (M)

March 19, Rules of Evidence
Chapter 3 C&C, pgs. 104-117

March 21, Exam 2

March 23, Torts
Chapter 10, C&C

March 26, The Politics of Tort Reform
March 28, The Politics of Tort Reform

March 30, Contracts
Chapter 11, C&C

April 2, Property Law
Chapter 12, C&C

April 4, Family Law
Chapter 13, C&C
Sarat & Felstiner, “Law & Strategy in the Divorce Lawyer’s Office,” MPEK, pg. 229

April 6-13, Spring Break

April 16, Administrative Law, Optional Rough Draft Due
Chapter 8, C&C

April 18, Environmental Law
Chapter 9, C&C

April 20, Constitutional Law
Chapter 6, C&C

April 23, Supreme Court Decision-Making
Perry, “Deciding to Decide,” MPEK, pg. 670
Wahlbeck, Spriggs, & Matlzman, “Bargaining and Accommodation on the United State Supreme Court,” MPEK, pg. 684

April 25, Law & Society
Chapter 14, C&C

April 27, Law & Society
McCann, “Reform Litigation on Trial: Review of the Hollow Hope,” MPEK, pg. 743

April 30, Simulation I

May 2, Simulation II

May 4, Last Class Day, Research Projects Due

May 11, Final Exam 12:30-2:30

Important Dates
January 24th—Final date for dropping without receiving a “W”
April 2nd—Final date for resigning from the university/dropping courses
May 11th—Final Exam 12:30-2:30 p.m.
Topics for Research Papers POLI 4023

Plea Bargaining


Prosecutorial Discretion


Income, Media and Other Effects in Crime Disposition


Jury Selection


Judicial Selection


Resources, Courts and Winners and Losers

Courts and Interest Groups


Policy Impact of Court Decisions


Supreme Court Decision-Making


Segal, Jeffrey A. and Harold J. Spaeth. 2002. The Supreme Court and the Attitudinal Model, Chapter 2. NY: Cambridge University Press. (See me for this.)


POSSIBLE JOURNALS

American Politics Quarterly
American Political Science Review
American Sociological Review
Law and Social Inquiry
Law and Society Review
American Journal of Political Science
Judicature
Jurimetrics Journal
Journal of Politics
Journal of the Public Law
Justice System Journal
Political Research Quarterly
Social Forces
Social Science Review
Empirical Legal Studies

Other Possible Sources
Law Reviews
Published Judicial Decisions
The Federalist Papers
Books and Book Chapters

Internet sources ARE NOT appropriate sources.