

Politics and the Judicial Process

Political Science 3100-01; Fall 2017
Monday/Wednesday/Friday 1:10 – 2:00 PM
EN 2102

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Office Hours: 8:00 – 8:50 AM

The American legal system is one of the more prominent vehicles through which our government directly influences our lives. From local ordinances regarding pet waste, to federal statutes governing emissions, the legal system – and its myriad processes – has a pervasive influence upon our lives.

This course examines the intersection of politics with those judicial processes mentioned above, by challenging students to consider questions such as these:

- What political purpose was the judicial process designed to serve?
- Is the process in question serving that purpose, or is it not?
- What political constituency supports or opposes the judicial process in question?

Texts & Other Readings

The following texts are required for this course:

1. James V. Calvi and Susan Coleman; *American Law and Legal Systems, 8th Edition*. Taylor and Francis (2017)
2. Richard Brisbin and John Kilwein; *Real Law Stories: Inside the American Judicial Process*. Oxford: New York (2010)

Additionally, supplemental readings will be required from time to time, as listed in the Course Schedule (below). For your convenience, these readings will be available in electronic format, through WyoCourses.

Students are expected to purchase the two texts (above) and to remain current with all assigned readings listed in the Course Schedule (below). Current events will be used as examples as appropriate. Students should keep abreast of what is happening in American politics through reading a daily newspaper, watching television news, etc. Class discussion is required (see below). Please feel free to raise questions concerning the readings or current events. However, the instructor reserves the right to restrict in-class discussions if necessary to meet course objectives.

Grading

Grades for this course will be based on three criteria:

1. Examinations:

- a. Two examinations, each covering roughly one-half of the lectures and readings, are worth 125 points each. The dates of the exams are listed below. The final examination is not comprehensive. Examinations will be a combination of short answer and essay questions.
- b. Examination procedures
 - i. Exams will be taken in class on the dates specified on the course schedule (below). Each exam must be taken at the scheduled time unless other arrangements are approved by the instructor.
 - ii. Requests for make-up exams must be made **in writing (via email)** within seven calendar days of the scheduled examination date. The written request must include the reason for missing the examination and your student identification number.
 - iii. Requests for make-up exams will be denied unless a valid reason is presented. Examples of valid excuses for taking an exam at an alternative time include illness, death in the family, and participation in a university-sponsored activity. Other excuses will be considered as well. Documentation for the excuse may be required. Other excuses will be considered as well but will be approved at the instructor's discretion. Documentation for the excuse may be required.
 - iv. University regulations concerning academic dishonesty will be strictly enforced.

2. Weekly Response Papers:

- a. Beginning with Week 2, students will write a short response to the week's readings, using the form provided through WyoCourses.
- b. Theme
 - o Essentially these response papers will be a writing exercise of compare & contrast, with student commentary.
 - o Students are asked to compare and contrast the images presented of the weekly course topic, as developed through the week's readings and in-class presentations.
- c. Detailed instructions for the papers are provided on the form to be used (found in WyoCourses).

d. Grading

- Each Weekly Response Paper is worth 10 points.
- Papers will be graded according to the rubric found in WyoCourses.
- Each student's lowest four (4) Response Paper grades will be dropped.
 - Any papers not submitted by the deadline will receive a grade of zero and will be included in lowest-grade calculations.
- Each student's highest ten (10) Response Paper grades will be included in the student's final grade tabulation.
 - Thus, each student's final course grade will include the grades for ten Response Papers, at 10 points each.

3. Attendance:

Attendance will be taken each class period. Attendance is worth 50 points.

Grading at a Glance

Final grades for this course will be based on the total number of points earned on the two examinations (2 x 125 points = 250 points), response papers (100 points), and attendance (50 points), relative to the following scale:

- 360 to 400 points = A
- 320 to 359 points = B
- 280 to 319 points = C
- 240 to 279 points = D
- 0 to 239 points = F

Academic Dishonesty

1. University regulations concerning academic dishonesty (UW Regulation 6-802) will be strictly enforced. (<http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-6-802.pdf>)
2. Any and all suspicions of academic dishonesty shall be investigated in accordance with UW Regulation 6-802.
3. Evidence of academic dishonesty in any course assignment will result in the recommended sanction of a failing grade for the course, in accordance with UW Regulation 6-802 6.A.vi

Reasonable Accommodation

It is University of Wyoming policy to accommodate students, faculty, staff, and visitors with disabilities. If you have a physical, learning, sensory, or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with

University Disability Support Services (UDSS) in the Student Educational Opportunity offices, Room 330 Knight Hall, and provide UDSS with documentation of your disability.

Student Conduct

Students are expected to be respectful of other students, instructors, and class guests at all times in accordance with the University of Wyoming's Student Code of Conduct. Disruptive conduct will not be permitted in class.

Words of Advice

If you find yourself having difficulty identifying the important points from the readings or following lectures, please make an appointment to meet with me outside of class. Do not wait until the day of an examination or the end of the semester to tell me that you are having trouble. By then it is too late. The time to adjust your study habits is in mid-semester, not the last week of classes.

There is a strong correlation between attending class regularly and receiving a high grade in the course. Students are therefore urged to attend lecture on a regular basis. Exams are designed to draw from the readings and lectures, and students are expected to be familiar with all class material. If you miss a class, I suggest that you obtain notes from a classmate and/or discuss the lecture with me. I will be happy to discuss missed lectures but I do not permit students to copy my notes.

Course Schedule¹

The following is the tentative schedule of lecture topics for the semester. Students are expected to have read the noted selections by the class day in question.

Week 1. (8/30 – 9/1)

- Calvi & Coleman – Ch. 1, Introduction
- Calvi & Coleman – Ch. 2, History and Law

Week 2. (9/4 - 8)

- Brisbin & Kilwein – the Real World of Law and Courts, pp. 1-12
- Calvi & Coleman – Ch.3, Court Organization

¹ NOTE: The instructor reserves the right to modify this schedule to fit the needs of the course. However, at a minimum, students will be given notice of any changes one week prior to the date on which the change will take effect.

Week 3. (9/11 - 15)

- Brisbin & Kilwein – the State Trial Judge and Crime, pp. 233-243
- Brisbin & Kilwein – the State Trial Judge and Civil Cases, pp. 244-253
- Brisbin & Kilwein – the Federal Judge, pp. 254-262

Week 4. (9/18 - 22)

- Calvi & Coleman – Ch. 5, Limitations
- Brisbin & Kilwein – the State Supreme Court Justice, pp. 263-276

Week 5. (9/ 25 – 29)

- Calvi & Coleman – Ch. 8, Administrative Law
- Brisbin & Kilwein – the Lawyer in Administrative Practice, pp. 11-119
- Guest Speaker: TBA

Week 6. (10/2 - 6)

- Calvi & Coleman – Ch. 6, Constitutional Law
- Readings found in WyoCourses RE: Affirmative Action in Higher Ed.

Week 7. (10/9 – 13)

- Readings found in WyoCourses RE: Immigration
- Readings found in WyoCourses RE: Free Speech
- Guest Speaker: TBA

Week 8. (10/16 - 20)

- Readings found in WyoCourses RE: Gun Control

MIDTERM EXAM – Friday, 10/20/2017

Week 9. (10/23 – 27)

- Calvi & Coleman – Ch.7, Criminal Law
- Brisbin & Kilwein – the County Prosecutor, pp. 174-190

Week 10. (10/30 – 11/3)

- Brisbin & Kilwein – the Federal Prosecutor, pp. 191-199
- Brisbin & Kilwein – the Public Defender, pp. 200-208
- Guest Speaker: TBA

Week 11. (11/6 - 10)

- Calvi & Coleman – Ch.9, Environmental Law
- Readings TBA- Enviro Law in the Wild
- Guest Speaker: TBA

Week 12. (11/13 – 17)

- Calvi & Coleman – Ch.10, Torts
- Brisbin & Kilwein – Perspectives on Personal Injury Lawyers, pp. 27-51

Week 13. (11/20)

- Readings TBA – Ford/Firestone; McDonalds Coffee

THANKSGIVING BREAK (11/23 – 25)

Week 14. (11/27 – 12/1)

- Brisbin & Kilwein – the Commercial Practice Attorney, pp. 82-89
- Brisbin & Kilwein – the Litigation of Intellectual Property, pp. 90-101
- Guest Speaker: TBA

Week 15. (12/4 - 8)

- Calvi & Coleman – Ch.13, Family Law
- Brisbin & Kilwein – The Family Law Attorney, pp. 60-72
- Guest Speaker: TBA

Week 16. (12/11 -16)

- **FINAL EXAM – Monday, 12/18/2017, 1:15 – 3:15**