

**POLS 121
LAW AND POLITICS
FALL SEMESTER 2011**

Class Schedule: 1:00 - 2:15 T, Th
010 Morrill Hall
Instructor: Professor Lisa M. Holmes
Office: 540 Old Mill
Office Hours: 2:30 – 4:00 T, Th, or by appointment

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or your email *will* go to the wrong recipient)

INTRODUCTION

This course is dedicated to the study of the role of the law and the judicial branch in the American political system. We will examine the origins, organizations, and procedures of the court system (both state and federal), the selection and roles of the various participants in the legal system (judges, lawyers, clerks, litigants, etc.), and the impact of the court system on policy in the United States. The judicial branch shares in the separation of powers and checks and balances frameworks designed in the U.S. Constitution, and as such an understanding of this branch's role in our political system is essential for any student of American government. We will focus in detail on how the courts function in their own right and also on the influence of law and the judicial system on the political and social spheres in America.

During the course of the semester, students will be expected to adhere to the course requirement deadlines given below. Course requirements include one written exam taken during the semester, a cumulative final exam, and a research paper. Students are expected to come to class prepared to discuss the readings listed in the outline below. Classes will be conducted primarily in a lecture/discussion format, focusing specifically on the assigned readings. Students will be expected to participate regularly in class discussions on the assigned readings.

REQUIRED TEXT

- Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2011. *Judicial Process in America*. 8th ed. Washington: CQ Press. (ISBN: 978-1-60426-608-5) Although I recommend that you purchase this book, a copy is available on 2-hour reserve at the library's course reserve desk.

OTHER REQUIRED READINGS

- Many additional readings are required throughout the semester. These readings will be posted on Blackboard for students to access. Further readings may be assigned as the semester progresses. These will be handed out in class and posted on Blackboard.
- Students are expected to complete all assigned readings prior to class and are expected to come to class prepared to discuss the assigned readings.
- I recommend that you bring the assigned reading to class with you each day.

BLACKBOARD

- Students will be able to access the syllabus at any time from Blackboard. I will also make every effort to place short class handouts (newspaper articles and such) on Blackboard, so those who miss handouts in class will be able to access them on their own. Any important class announcements, including assigned readings for the week, will be posted on Blackboard as well.

COURSE REQUIREMENTS

Mid-semester Exam. An in-class exam will be given on **TUESDAY, OCTOBER 18th**. Barring an **unavoidable and documented** family or medical emergency, the mid-semester exam will only be given at this time. Exam make-ups are given rarely, at my discretion, and at my convenience. Therefore, if you miss the semester exam and are allowed to take a make-up, your make-up exam will be given during a common make-up time for all of my students. Any and all make-up exams will therefore be administered at **9:00 AM on Thursday, December 8th**. This is the course policy and you are strongly advised to make every effort to attend the regularly scheduled mid-semester exam to avoid having to take a make-up at the end of the semester. The essay exam will integrate material from class lectures, class discussions, reading assignments, and any other class activities or assignments.

Cumulative Final Exam. An in-class cumulative final exam will be given only at the time provided by the University, which is **8:00 AM on TUESDAY, DECEMBER 13TH**. The format of this exam will be similar to the previous exam, and will be discussed in more detail as the semester progresses.

Course Research Paper. A research paper will be due *at the beginning of the class period* on **THURSDAY, DECEMBER 1ST**. This paper will require the integration of information learned in class with outside research. Information pertaining to this paper will be discussed in detail in class very soon. Note that your grade on this paper will account for the largest portion of your final grade of any single assignment this semester. This is intended to be a long-term semester research project, and it will be graded as such.

For the research paper, late papers will be docked $\frac{1}{2}$ of a letter grade for each 24 hour period (or fraction thereof) that the paper is late. So, a paper that would normally earn a B (an 85) would be dropped to an 80 if it is turned in up to 24 hours late, a 75 if turned in between 24 and 48 hours late, and so on. Weekends and holidays are incorporated into this calculation. No variation on the computer/printer/hard drive catastrophe excuse will be accepted. You should keep adequate backups of all written work to prevent such a problem.

I will only accept paper copies of this written assignment. **I will not accept emailed versions.** However, in an extreme situation, I may allow a student to submit a paper by email if that student is unable to get to campus to hand in a paper on time. That student would then need to bring a hard copy of the paper to me as soon as possible.

Class Participation. Regular attendance and thoughtful participation are expected of each student throughout the semester. Participation is important in that it facilitates the integration of the different readings used throughout the course. As such, the regularity and quality of your individual contributions to class discussion will account for a portion of your final grade. Since you cannot participate if you are not present, regular attendance is a necessity and will be incorporated as a component of this grade. I will take attendance at the beginning of each class. If you miss roll, you will be counted as being absent on that day.

In-Class Quizzes. A number of short quizzes (announced or unannounced) will be given throughout the course of the semester. **Students will NOT be allowed to make up missed quizzes, regardless of the reason why the quiz was missed.** However, each student's lowest quiz grade for the semester will be dropped. Quizzes will be graded on a scale from -1 to +4. Your average quiz grade (minus the lowest score) will constitute 15% of your final grade. Quizzes will generally cover class readings for the day, and will typically consist of one open-ended question given at the beginning of class.

GRADING SCHEME

Final grades will be calculated as follows:

Mid-Semester Exam	20%	Research Paper	30%
Final Exam	25%	Participation	10%
Quiz Average	15%	Total =	100%

A Note on Grading:

An “A” grade given on any assignment or as a final cumulative grade signifies “excellent” work (reserved for those students who have not only demonstrated an excellent understanding of the course material, but who have also shown an excellent ability to analyze the material); a “B” signifies “good” work (a “good” understanding of and ability to analyze the material); a “C” signifies “satisfactory” work (a “satisfactory” understanding of and ability to analyze the material); a “D” signifies “passing” work (a “passing” understanding of and ability to analyze the material); and an “F” signifies “failing” work (an inability to understand or analyze the material).

ACADEMIC HONESTY

Students are, of course, expected to do their own work on all assignments in this class. University standards regarding academic honesty apply throughout the semester. Please see the official university policy at <http://www.uvm.edu/~uvmppg/ppg/student/acadintegritypdf>.

CLASSROOM PROTOCOL

The Department of Political Science requires that this classroom protocol, defining minimum standards of conduct, be included in all syllabi of political science classes.

1. Students are expected to attend and be prepared for ALL regularly scheduled classes.
2. Students are expected to arrive on time and stay in class until the class period ends. If a student knows in advance that s/he will need to leave early, s/he should notify the instructor before the class period begins.
3. Students are expected to treat faculty and fellow students with respect. For example, students must not disrupt class by leaving and reentering during class, must not distract class by making noise, and must be attentive to comments being made by the instructors and by peers.

In addition to the above minimum standards, the following standards will apply throughout the semester:

1. If you are a member of a sports team or a UVM organization that requires travel out of town, you must provide me with your schedule as soon as it becomes available. Until I receive your official schedule, no accommodation will be made concerning your class attendance or exam dates due to team travel.
2. Students have the right to practice the religion of their choice. Students with religious observation needs must submit to me in writing their documented religious holiday schedule for the semester by the end of the second full week of classes.
3. If you have a physical or learning disability, please provide me with the relevant paperwork from the ACCESS office by the end of the second full week of classes so we can discuss any relevant accommodations. Discussing these issues early in the semester is necessary to develop a plan that is workable for you and for me. Also, note that I may not be able to accommodate last-minute requests. If your accommodation needs change during the semester, you must inform me of any such changes immediately. For students who take exams in the ACCESS center, the student is responsible for scheduling an exam time with the ACCESS office and must contact me at least one week before each in-class exam to discuss all necessary logistics.
4. All cell phones, iPods, BlackBerries, and other electronic devices **must be turned off and stowed away** for the duration of **each** class session. Any use of these devices in class is distracting and will not be tolerated. Computers are allowed for use in class, **but only for note-taking purposes**. I reserve the right to reduce the final grade of any student who misuses electronic devices in class.

COURSE OUTLINE

Although the daily reading agenda provided below is an approximate schedule, the major requirements and assignments (exam and paper due dates) will be due on the dates listed below. I will always let students know on a day-to-day basis what readings students are responsible for in up-coming classes. If you miss a class, or are for some other reason unsure of what readings you should do for a particular class period, you should check for announcements on Blackboard or contact me.

Aug. 30 Course Introduction and Foundations of Law
Carp, Stidham, and Manning – Ch. 1

PART I: STRUCTURE, POWER, AND LEGITIMACY OF THE FEDERAL JUDICIARY

Sept. 1 Class cancelled – I will be in Seattle for the American Political Science Association Conference

Sept. 6 Structure and Powers of the Federal Judiciary
Carp, Stidham, and Manning - Ch. 2
Blackboard - The U.S. Constitution (esp. Article III)

Sept. 8, 13 Interpreting the Constitution
Blackboard - Meese, “Interpreting the Constitution”
- Brennan, “The Constitution of the U.S.: Contemporary Ratification”
- Lindquist and Cross, *Measuring Judicial Activism*, Ch. 1, 2, and 8

Sept. 15 Federal Courts: The Weakest Branch? - Origins
Blackboard - Hamilton, *Federalist 78* and *Federalist 81*
- Roberts, “2010 Year-End Report on the Federal Judiciary”

Sept. 20 Federal Courts: Tenure
- Hamilton, *Federalist 79*
- Levinson, “Life Tenure for Supreme Court Justices: An Idea Whose Time Has Passed”
- McGuire, “An Assessment of Tenure on the U.S. Supreme Court”

Sept. 22 The Power of Judicial Review
Blackboard - “Marbury v. Madison”

Sept. 27, 29 The Judiciary in the 2000 Presidential Election and Beyond: Still the Weakest Branch?
Blackboard - “Bush v. Gore”
- Gibson et al., “The Supreme Court & the U.S. Presidential Election”

Oct. 4 Judicial Boundaries
Carp, Stidham, and Manning – Ch. 4
Blackboard - Hirschfeld, “Jacques to Challenge Federal Jurisdiction”

PART II: STATE COURTS

Oct. 6, 11 State Courts: Structure and Organization
Carp, Stidham, and Manning – Ch. 3
Blackboard - The Constitution of the State of Vermont
- Vermont Commission on Judicial Operation: Final Report to the Legislature (Nov. 6, 2009): Section II *only*
- “Act No. 154: Judicial Reorganization Summary”

- Oct. 13 State Courts: Selection
 Carp, Stidham, and Manning – Ch. 5
 Blackboard - Bonneau and Hall, “Ch. 6: Debunking Popular Myths of Judicial Reform”
 - Wasby, “The Battle over Judicial Elections:
 - Bonneau and Hall, “A Response to Stephen Wasby”

OCTOBER 18 MIDTERM EXAM

PART III: PARTICIPANTS IN THE JUDICIAL PROCESS

- Oct. 20, 25 Lawyers, Litigants, Interest Groups, and Clerks
 Carp, Stidham, and Manning – Ch. 8 and Ch. 12
 Blackboard - McKay, “Train Wreck at the Justice Department: An Eyewitness Account”
 - McGuire, “Repeat Players in the Supreme Court ...”

PART IV: ISSUES IN CRIMINAL AND CIVIL LAW

- Oct. 27, Criminal Court Procedure
 Nov. 1, 3 Carp, Stidham, and Manning – Ch. 9 and 10
 Blackboard - Church, “Plea Bargaining and Local Legal Culture”
 - Lazarus, “The Crucial Criminal Cases ...”
 - Rosen, “Breyer Review: The Court’s Fancy Footwork”
 - Manton, “Call on the Legislature: Dixon v. State and Georgia’s Statutory Scheme to Protect Minors from Sexual Exploitation”
- Nov. 8, 10, 15 Civil Court Procedure
 Carp, Stidham, and Manning – Ch. 11
 Blackboard - Galanter, “The Day after the Litigation Explosion”
 - Haltom and McCann, “Media Coverage of Civil Litigation”
 - ForsterLee and Horowitz, “The Effects of Jury-Aid Innovations on Juror Performance in Complex Civil Cases”

PART V: SELECTING JUDGES AT THE FEDERAL LEVEL

- Nov. 17 Selection of Supreme Court and Lower Court Judges
 Carp, Stidham, and Manning - Ch. 6
 Blackboard - Hamilton, *Federalist No. 76*

Nov. 22, 24 Thanksgiving Break

- Nov. 29 Judicial Behavior and Ideology
 Carp, Stidham, and Manning – Ch. 7
 Blackboard - Silverstein, “The Second Bush Presidency”

PART VI: JUDICIAL DECISIONS, IMPLEMENTATION, AND POLICY IMPACT

DECEMBER 1 RESEARCH PAPER DUE AT THE BEGINNING OF CLASS

Dec. 1, 6

Implementation and Policy-Making by Federal and State Courts

Carp, Stidham, and Manning – Ch. 14

Blackboard

- Rosenberg, *The Hollow Hope*, Introduction

- Linde, “First Things First: Rediscovering the States’ Bills of Rights”

- Brennan, “State Constitutions and the Protection of Individual Rights”

8:00 AM, TUESDAY, DECEMBER 13 - FINAL EXAM (Note: This time is scheduled by the University. Exams will NOT be given at any other time to accommodate any student’s personal schedule, so please plan accordingly.)