

# PSC 305: Judicial Politics

## Spring 2017

**Instructor:** Elizabeth Tillman

**Class Hours:** 2:00pm – 2:50pm

**Classroom:** Talbert 115

**Office:** 416 Park Hall

**Office Hours:** Monday and Wednesday 3pm – 4pm

**Contact:** [eatillma@buffalo.edu](mailto:eatillma@buffalo.edu)

### I. Course Description and Learning Objectives

This course examines the distinguishing characteristics of the legal process. It treats the adversarial system, the nature of law, the character of legal reasoning, the system of precedent, law school education, judicial policy-making, and the limits and nature of judicial power. It seeks to examine the unique characteristics of the judicial process, contrast those characteristics with those found in the legislative and executive processes, and explores how the process of judicial decision-making influences what courts do and the power they wield. Students will develop analytical thinking skills through evaluating concepts and literature in political science. Students will also gain skills in research and debate.

### II. Required Readings

The following book is required and available at the University Bookstore:

Banks, Christopher P. and David M. O'Brien. 2015. *The Judicial Process: Law, Courts, and Judicial Politics*. CQ Press. Thousand Oaks, CA. ISBN#: 978-1-4833-1701-4

Journal articles and additional readings will be assigned throughout the semester. These articles are available on UBLearn. The readings listed for a given date in the course schedule will be discussed that day. They are to be read prior to class.

### III. Course Requirements

It is generally recommended to spend [3 hours per credit hour](#) per week studying, this means spending 9 hours outside of class each week completing readings and assignments. To make the best use of your study time, here are some useful [tips](#). If you are struggling with course material or having difficulty completing the assignments, contact me as soon as possible.

#### Course Updates

- Check your UB email frequently (daily) for updates. Staying on top of class communication is part of your professional responsibility. Updates will also be posted to:
  - UBLearn under the Announcements section
  - The syllabus, which is kept updated on UBLearn
  - Announcements will be made during class to keep students updated

#### Using UBLearn

- Check for updates via the Announcements board
  - **Check that your assignment has fully uploaded/posted.**

- Use the Discussion Board tab to
  - Submit your Discussion Paper/post to the Discussion Board
  - **Check that your assignment has fully uploaded/posted.**
- If you have trouble with UBLearn,
  - FIRST: Call or [submit a form online](#) to address the question with the UBLearn support team.
  - In the case that you cannot submit to UBLearn by the deadline, email me before the deadline at [eatillma@buffalo.edu](mailto:eatillma@buffalo.edu).
    - **Include (1) a copy of your assignment and (2) a screenshot of the issue you are experiencing on UBLearn.**

The course grades are based on 3 components totaling 100 points.

- Written assignments
  - FOUR Discussion Papers/Posts (30 points total)
- Exams
  - TWO non-cumulative exams (60 points total)
- Overall Performance
  - Class participation/ professionalism component (10 points total)

### 1. Discussion Paper/Posts 30 points (7.5 points each)

Each chapter will have a critical thinking question associated with it posted on a discussion board on UBLearn. Each student is responsible for FOUR Discussion Papers/Posts responding to this question. These questions will force students to think critically about the subject material within that chapter. The discussion papers/posts are due before the chapter discussion days in class (please refer to the course schedule) by 4pm. No late submissions will be accepted, resulting in a loss of 7.5 points to the overall grade.

Your discussion paper/post should consist of a well thought out answer to the question. If a student's answer does not meet the guidelines, a loss of 7.5 points will be applied to your grade.

### 2. Exams 60 points (30 Points each)

There will be two non-cumulative in-class exams, both consisting of multiple choice style questions. The questions will be based on class materials, including book material, article readings and film material.

Exam 1: Friday March 17<sup>th</sup>

Exam 2: Friday May 12<sup>th</sup>

### 3. Professionalism 10 Points

#### A. Attendance

- Attendance is mandatory
- To accommodate illness and poor weather, up to 4 absences will be excused.

#### B. Professional conduct in the classroom

- Students are expected to attend all classes and arrive on time.
- Students should have read all assigned readings and be prepared for in-class questions regarding the readings assigned for the day.

- Cell phones and all other electronics must be silenced and put away, not on your desk. Any cell phone use will significantly reduce your grade.
- Laptops and iPads are permitted for note taking only, make sure that your electronic use is not distracting to others.
- Debate and discussion are expected, but should be conducted respectfully, and in a manner consistent with political science principles. Make sure that any comments are academic in nature and supported by research, not merely based on opinion.
- For more information, see UB's classroom [code of conduct](#) and [rules and regulations](#).

#### C. Utilizing the Syllabus

- It is the student's responsibility to be able to access and understand the requirements and expectations of the course.
- If you have questions concerning the administrative part of the course, refer to the syllabus.
- Failing to meet this responsibility will result in a loss of professionalism points.

#### D. Professional conduct in e-mails

- To ensure I receive your email, include PSC 305 as the subject line
- E-mailing is a formal method of communication; all emails should be written professionally. Disregarding the following guidelines will result in lost professionalism points:

**Subject: PSC 305**  
[Greeting] Prof. Tillman,

Subject Matter

Thank you,  
[Your Name (First and Last)]

*If this format is NOT followed with email communication, the consequences include loss of professionalism points. I reserve the right to not respond to any email communication that does not include this format.*

## IV. Grading

Grades will be posted to UBLearns throughout the semester, make sure that you monitor your progress. Any questions regarding a specific grade will need to be addressed within one week from the date the grade is posted.

I cannot grade you on anything other than the points you have earned in this course. It is not fair to the class to grade some students on different terms than others. Outside factors that I cannot weigh in to your course grade include:

- Needing to pass this course or receive a certain grade to graduate
- Your work schedule
- Your course load

These issues should be discussed with your [Academic Advisor](#) through UB's College of Arts and Sciences. They can connect you with resources to address these concerns.

## Grading Scheme

A	A-	B+	B	B-	C+	C	C-	D+	D	F
94-100	90-93	87-89	84-86	80-83	77-79	74-76	70-73	67-69	61-66	0-60

## Grade Calculator

There are 100 possible points that can be achieved throughout the semester. 'Total Points' is the sum of the points you have earned throughout the semester, this is your final grade. Any extra credit points can be added on directly to the Total Points you have achieved.

To determine your grade at a particular time or to see how a future assignment will impact your grade, you can use the posted grades on UBLearn and this grading calculator to sum your total points earned ("Your Grade") out of the total points possible.

Assignment	Your grade		Total Possible Points
Discussion Board Question #1	_____	/	7.5
Discussion Board Question #2	_____	/	7.5
Discussion Board Question #3	_____	/	7.5
Discussion Board Question #4	_____	/	7.5
Exam 1	_____	/	30
Exam 2	_____	/	30
Participation/ Professionalism	_____	/	10
<b>Total Points</b>	_____	/	<b>100</b>

## V. Missed Exams

In the case of emergencies, accommodations will be made for students who notify me before the exam or assignment is due. In extenuating circumstances, students may have up to 24 hours after the missed exam or assignment to notify the instructor.

Students must provide appropriate documentation within 2 days of the missed exam/assignment.

Upon receipt of documentation, the make-up exam/assignment will be distributed to the student.

- Beyond documented emergencies, no make-ups will be granted for missed exams.
- Beyond documented emergencies, no make-up assignments or extensions can be granted on ANY assignment as other students are dependent on your timely submissions.
- It is your responsibility to make sure that you are able to access the course materials (UBLearn) and submit assignments on UBLearn. If you are having difficulties, you must be in communication with the UBLearn support team and have informed me BEFORE the due date.
- Any submitted assignment that does not meet the standards of college level work will be returned for resubmission. Returned assignments are subject to point deductions for being late,

starting the day following the request for resubmission.

## **VI. Academic Integrity**

Absolutely no academic dishonesty will be tolerated in this course. For more information on what constitutes as academic dishonesty, please familiarize yourself with [UB's policies](#).

[Plagiarism](#) is the copying of text or ideas from a source without citing that source. It is easily preventable through proper citing. Guidelines can be found [here](#) and [here](#). All submissions will be run through UBLearn's plagiarism detection software, SafeAssign through UBLearn. Plagiarism or cheating on your assignments or exams will result in a zero on that assignment.

## **VII. Special Needs**

Students with special needs should bring their needs to my attention within the first two weeks of class. Information on available services can be found on UB's Accessibility Resources [site](#).

The demands of college and other life events can be challenging and stressful. Students dealing with stress-related problems or other crisis should be aware of the services provided by [UB's Counseling Center](#). [The Wellness Center](#) also provides many useful services.

**This syllabus is subject to change.**

## VIII. Course Schedule

Week 1	1/30 – 2/3
Mon	<b>Syllabus Review</b>
Wed	<b>The Politics of Law and Courts in Society</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 1 in Banks and O'Brien, pgs. 3-12</li> </ul>
Fri	<b>The Political of Law and Courts in Society</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 1 in Banks and O'Brien, pgs. 13-31</li> </ul>
Week 2	2/6 – 2/10
Mon	<b>The Politics of Law and Jurisprudence</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 2 in Banks and O'Brien, pgs. 31-40</li> </ul>
Wed	<b>The Politics of Law and Jurisprudence</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 2 in Banks and O'Brien, pgs. 40-56</li> </ul> <b>Discussion Post #1 Due by 4pm</b>
Fri	<b>Class Activity: The Case of the Speluncean Explorers</b> Readings: <ul style="list-style-type: none"> <li>• Fuller, Lon L. 1949 "The Case of the Speluncean Explorers." <i>Harvard Law Review</i> 62: 616-645.</li> </ul>
Week 3	2/13 – 2/17
Mon	<b>Class Activity: The Case of the Speluncean Explorers</b>
Wed	<b>Judicial Organization and Administration</b> Readings: Ch. 3 in Banks and O'Brien, pgs. 56-71
Fri	<b>Judicial Organization and Administration</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 3 in Banks and O'Brien, pgs. 72-90</li> </ul>
Week 4	2/20 – 2/24
Mon	<b>Judicial Selection and Removal</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 3 in Banks and O'Brien, pgs. 99-112</li> </ul>
Wed	<b>Judicial Selection and Removal</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 4 in Banks and O'Brien, pgs. 113-131</li> </ul> <b>Discussion Post # 2 Due by 4pm</b>

Fri	<b>Film: Advise and Dissent</b>
Week 5	2/27 - 3/3
Mon	<b>Film: Advise and Dissent</b>
Wed	<b>Film: Advise and Dissent, Discussion</b> Readings: <ul style="list-style-type: none"> <li>• Article TBD</li> </ul>
Friday	<b>The Practice of Law</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 5 in Banks and O'Brien, pgs. 142-151</li> </ul>
Week 6	3/6 - 3/10
Mon	<b>The Practice of Law</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 5 in Banks and O'Brien, pgs. 151-168</li> </ul>
Wed	<b>The Practice of Law</b> Readings: <ul style="list-style-type: none"> <li>• Article: TBD</li> </ul>
Fri	<b>The Practice of Law</b> <b>Guest Speaker</b>
Week 7	3/13 - 3/17
Mon	<b>TBD</b>
Wed	Exam 1 Review
Fri	<b>Exam 1</b>
Week 8	3/20 - 3/24
Mon	Spring Break, No Class
Wed	Spring Break, No Class
Fri	Spring Break, No Class
Week 9	3/27 - 3/31
Mon	<b>Access to Courts and Justice</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 6 in Banks and O'Brien, pgs. 177-183</li> </ul>
Wed	<b>Access to Courts and Justice</b> Readings:

Fri	<ul style="list-style-type: none"> <li>Ch. 6 in Banks and O'Brien, pgs. 184-191</li> </ul> <p><b>Access to Courts and Justice, Discussion</b> Readings:</p> <ul style="list-style-type: none"> <li>Article, TBD</li> </ul>
Week 10	4/3 - 4/7
Mon	<p><b>Trial Courts: The Adversarial Process and Criminal Cases</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 7 in Banks and O'Brien, pgs. 196-212</li> </ul>
Wed	<p><b>Trial Courts: The Adversarial Process and Criminal Cases</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 7 in Banks and O'Brien, pgs. 212-224</li> </ul>
Fri	<b>Film: 12 Angry Men</b>
Week 11	4/10 - 4/14
Mon	<b>Film: 12 Angry Men</b>
Wed	<p><b>Trial Courts: Civil Cases and Litigation</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 8 in Banks and O'Brien, pgs. 232-240</li> </ul>
Fri	<p><b>Trial Courts: Civil Cases and Litigation</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 8 in Banks and O'Brien, pgs. 240-256</li> </ul> <p><b>Discussion Post #3 Due by 4pm</b></p>
Week 12	4/17 - 4/21
Mon	<b>Trial Courts: Civil Cases and Litigation, Discussion</b>
Wed	<p><b>Appellate Courts: Decision Making</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 9 in Banks and O'Brien, pgs. 263-274</li> </ul>
Fri	<p><b>Appellate Courts: Judicial Interpretation</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 9 in Banks and O'Brien, pgs. 274-293</li> </ul>
Week 13	4/24 - 4/28
Mon	<p><b>Discussion on Appellate Courts and Decision Making</b> Readings:</p> <ul style="list-style-type: none"> <li>Article TBD</li> </ul>
Wed	<p><b>Judicial Policymaking</b> Readings:</p> <ul style="list-style-type: none"> <li>Ch. 10 in Banks and O'Brien, pgs. 301-311</li> </ul>

Fri	<b>The Impacts of Judicial Power</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 10 in Banks and O'Brien, pgs. 315-321</li> </ul>
Week 14	5/1 - 5/5
Mon	<b>The Limitations of Judicial Power</b> Readings: <ul style="list-style-type: none"> <li>• Ch. 10 in Banks and O'Brien, pgs. 321-329</li> </ul> <b>Discussion Post #4 Due by 4pm</b>
Wed	<b>Discussion on The Scopes and Limits of Judicial Power</b> Readings: <ul style="list-style-type: none"> <li>• Article: TBD</li> </ul>
Fri	<b>TBD</b>
Week 15	5/8 - 5/12
Mon	<b>Conclusion/Wrap up</b>
Wed	<b>Exam 2 Review</b>
Fri	<b>Exam 2</b>
Finals Week	5/15 - 5/19
	<b>Good Luck on Finals and Congrats to Anyone Graduating!</b>