

POLS 3334.01¹21602 JUDICIAL SYSTEMS²

Spring 2018

TuTh: 12:30-1:50

Room: CHSS 232

Professor: Dr. John C. Domino

Office: CHSS 475

Office Hours: TuTh 11-12:30 or by appointment.

Email: pol_jcd@shsu.edu (best way to contact me)

Phone: 936/294-1463

A. COURSE OBJECTIVES:

This course provides a comprehensive survey of the judiciary. Specifically, it examines the foundation of the American judicial system; the structure and decision-making of the United States Supreme Court; and concludes with an examination of Texas judicial politics. The objectives of the course are to gain factual knowledge, examine, write, think critically about, and thus understand the following:

1. Philosophy and principles that form the foundation of the system.
2. Politics of judicial selection at the state and federal levels.
3. History, role, function, and decision making process of the United States Supreme Court.
4. Selected contemporary constitutional issues, largely expressed in the form of excerpts from Court opinions.
5. Overview of Texas judicial politics

B. REQUIRED BOOK:

- **Baum, Lawrence, *The Supreme Court*, Twelfth Edition CQ Press, ISBN: 978-1-4833-7611-0***

**It is the student's responsibility to obtain the book by the beginning of the second week of classes. I did not place a copy of the book on reserve. I do not have books to give or loan to you, nor do I have influence over any bookstores.*

➤ Additional Readings:

In addition to the book on the Supreme Court (the topic of which will dominate the course) we will use: articles, online sources, and selected court opinions. **Links to these sources are found on the course Blackboard page.**

¹ 3 hour course

² Syllabus subject to revision or change per professor's discretion

C. COURSE REQUIREMENTS:

- **3 Exams:** The exams will consist of short answer and essay questions. Each exam has a take-home component that will require, proper style, format and a system of citation. No multiple choice.
- **3 Research/Analysis Papers** based on readings and outside sources: to be assigned by the second week of class.
- Readings/participation: Students are responsible for having read the material on the syllabus and will be expected to participate, often through discussion board activities. You should always be reading ahead in the course.

D. GRADES:

- Three Exams: 300 points (100 points each exam)
- Three Papers: 300 points (100 points each)

Total: 600 points****

A= 540-600
 B= 480-539
 C= 420-479
 D= 360-419
 F= 000-359

E. APPROACH TO THE COURSE:

I will lecture but we will rely heavily on student effort and class participation. I may assign students readings to summarize for the next meeting. Students are expected to have read and respond to the professor's questions as well as raise questions on their own. Exams will be drawn from our class discussions and the books. To encourage reading, discussion board essays/exercises will be assigned and some exam questions will be taken right from the texts without any discussion on my part.

F. COURSE POLICIES:

Attendance: Regular attendance is required. A student will be allowed five unexcused absences in this course. Beyond that, five points will be taken off the student's final grade for each additional unexcused absence. See above for definition of "legitimate" excuse.

Academic Dishonesty: Plagiarizing, purchasing research papers, copying answers from another student's exam, cutting and pasting anything from the web, or using unauthorized notes or "cheat sheets" (and their electronic version), using bluebooks with pre-existing notes or essays during an exam constitutes academic dishonesty and will result in swift disciplinary action by the professor/university. This action will take the form of failing that exam or project and a letter to the Dean of Students.

Disruptive Conduct: The First Amendment prevails in this class. However, a student who engages on any behavior (including the disruptive use of cell phones) or language in the classroom that intentionally or unintentionally disrupts the learning process and, thus, "impedes the mission of the university," will be asked to leave the class and may be reported to the Dean of Students for disciplinary action in accordance with written university policy. Silence and pack away all cell phones. *Ringling cell phones and texting during class is disruptive behavior; as is inappropriate (non academic use) use of notebook computers or tablets. For every three times texting in class I will deduct 10 points from your final grade.*

see <https://www.shsu.edu/students/guide/dean/codeofconduct.html>.

G. UNIVERSITY POLICIES:

Students with Disabilities: *Any student with a disability that affects his/her academic performance should contact the Office of Services for Students with Disabilities in the SHSU Lee Drain Annex (telephone 936-294-3512, TDD 936-294-3786) to request accommodations.* No accommodation can be made until you register with the above office.

Religious Holidays

University policy states that a student who is absent from class for the observance of a religious holy day shall be permitted to take an examination or complete an assignment scheduled for that day within a reasonable time after the absence. Said student shall not be penalized for that absence. A student desiring to absent himself/herself from a scheduled class shall present to the professor a written statement concerning the religious holy day.

Visitors in the Classroom

Unannounced visitors to class must present a current, official SHSU identification card to be permitted into the classroom. They must not present a disruption to the class by their

attendance. If the visitor is not a registered student, it is at the instructor's discretion whether or not the visitor will be allowed to remain in the classroom.

Instructor Evaluations

Students will be asked to complete a course/instructor evaluation online IDEA form toward the end of the semester. On a designated class period students will bring electronic devices to class and use said devices to complete the IDEA survey. A graduate assistant will be there to assist.

For a complete listing of the university policies, see:

<http://www.shsu.edu/dept/academic-affairs/documents/aps/students/811006.pdf>

H. COURSE OUTLINE

Due Dates: All due dates are posted on Blackboard under “**course schedule/due dates**” and are subject to reasonable changes/revision.

What to Bring to Class: When we are discussing outlines, charts, PowerPoints, reading excerpts, etc. that are posted on Blackboard (Bb), please print them out and bring them to class. Bring your Baum book to class when it is assigned, as well.

INTRODUCTION TO COURSE

1. UNIT I. FOUNDATIONS OF LAW AND JUDGING

A. The origins of American law and judging, including the influence of the English common and Constitutional framing period. Reading Assignments found on Bb (Unit I).

Reading/Assignment:

- Origins of American Law PowerPoint.
- “The Colonial Bar and the American Revolution”
- Article III, U.S. Const.
- Federalist #78 (Hamilton)
- Anti-Federalist #11 and #12 (Brutus)

B. Jurisprudence: the major legal philosophical “schools of thought” that have shaped American law and judging. (Unit I Bb)

Reading/Assignment:

- *Marbury v. Madison* opinion
- *Marbury v. Madison* video
- American Jurisprudence Power Point

C. Judicial Independence

Reading/Assignment:

- “Packages of Judicial Independence”

EXAM 1: tba

PAPER 1 DUE: tba

2. UNIT II. THE UNITED STATES SUPREME COURT

A. The Court: An Introduction and Overview

Reading/Assignment:

- Baum, chapter 1
- Selected videos (Bb) to be assigned
- Bb materials to be assigned

B. The Justices of the United States Supreme Court: background and nomination/confirmation process.

Reading/Assignment:

- Baum, chapter 2
- Selected confirmation hearing videos (Bb)

C. The Cases: how legal and constitutional disputes make it to the Court. This is the first stage of the Court's decision making process.

Reading/Assignment:

- Baum, chapter 3
- Bb materials to be assigned

D. Decision making: the steps/stages of the process as well as the external and internal influences on the justices' decisions.

Reading/Assignment:

- Baum, chapter 4, pp. 104-120.
- Bb materials to be assigned

Spring Break: 3/12-3/16

PAPER 2 DUE: tba

E. Decision making (continued): the values, ideology of the individual justices, as well as the group dynamics.

Reading/Assignment:

- Baum, chapter 4, pp. 120-144.
- Bb materials to be assigned

F. Policy Outputs: the rulings and opinions of the Court.

Reading/Assignment:

- Baum, chapter 5
- Selected court cases to be assigned (Bb)

G. The Court's Impact on Society

Reading/Assignment:

- Baum, chapter 6
- Bb materials to be assigned

EXAM 2: tba

3. UNIT III. TEXAS JUDICIARY

A. Court Structure, and the Politics of Judicial Selection

Reading/Assignment:

- “Texas Justice System” (UT text, sections 1-4)
- Bb materials to be assigned

B. Texas Judicial Politics, Problems and Reforms

Reading/Assignment:

- Videos (Bb)
- John C. Domino, “The Origins of Judicial Recusal in Texas.”
- Anthony Champagne, “Judicial Reform in Texas.”

C. Texas Judicial Politics (continued and concluded)

Reading/Assignment:

- John C. *Domino*, “The Jurisprudence of Texas Supreme Court Justice Robert ‘Bob’ Gammage: A Legacy of Civil Rights & Liberties.”
- Selected Court Cases that have influenced the Texas Judiciary:
Rogers v. Bradley
Republican Party of Minnesota v. White
Caperton v. A.T. Massey Coal Co.
Williams-Yulee v. Florida Bar

PAPER 3 DUE: tba

Last day of class is May 4th

FINAL EXAM (Exam 3): see final exam schedule