

**JUDICIAL PROCESS & POLITICS**

**Fall Semester and Quarter 2018**  
**September 25 – December 7**  
**Tuesdays, 10a-1p, Room TBD**



Instructor: Professor Diascro  
 Office: Room 324  
 Office Hours: Wed 3:00p – 4:00p, by appointment

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**Course Instructor**

I am an Associate Academic Director of the University of California's Washington Program and a political scientist. I earned my BA in political science from the University of California, San Diego (1990), where I grew up. I earned my PhD in political science from the Ohio State University (1995), and was on the faculty at the University of Kentucky (1995-2002) and American University (2002-2010). In 2000-01, I was a Supreme Court Fellow at the US Sentencing Commission in Washington, DC. Most recently, I was a senior director at the American Political Science Association (2011-2015). I've authored or coauthored peer reviewed journal articles, book chapters, and books, on topics related to American judicial politics.

**Course Description**

The theme of this course is that the judiciary is a political institution in the American scheme of government. This topic couldn't be more relevant than it is now in the aftermath of the 2016 presidential election as we witness courts across the country actively involved in resolving numerous and varied disputes arising from political conflicts. Our focus will be less on the substantive issues, per se (this is not a civil liberties or constitutional law course), and more on the institutional structures, personnel, and processes that affect the outcomes of court business. We will examine the organization of both state and federal courts at the trial and appellate levels; the many actors who participate in courts, such as litigants, lawyers, judges, juries, and interest groups. Also, we will distinguish between civil and criminal courts to understand how and why disputes are resolved in court. By the end of the term, you will understand how the judiciary is as much a political as it is a legal institution and is a fundamental part of American politics.

As a UCDC seminar, this course requires substantial reading and class participation, and 20 cumulative pages of analytical writing. It also requires field assignments, so students should not schedule work hours on our seminar day.

**Learning Objectives**

*Goal #1: Students will develop skills to make evidence-based arguments.*

Objective #1: Students will complete several writing assignments that require evidence-based arguments.

*Goal #2: Students will be able to relate their internship experience to the skills and substance learned in their course.*

Objective #2: Students will share examples of how law and courts intersect with the work of their internship organization.

*Goal #3: Students will experience a cultural, historical, policy or other event in the District of Columbia that relates to their course.*

Objective #3: Students will attend and write about proceedings of the DC and/or federal courts.

*Goal #4: Students will be able to communicate persuasively in writing and orally.*

Objective #4: Students will complete at least three analytical writing assignments, and discuss their work and course readings in class.

*Goal #5: Students will be able to critically examine competing arguments, and use empirical evidence to research and apply theory to practice.*

Objective #5: Students will complete several critical thinking and writing assignments.

### Course Materials and Accessibility

Among the materials for this course are a combination of scholarly articles, news articles, blog entries, Youtube videos, congressional hearing and other transcripts. Many of the readings will be available online (O); others will be available on Canvas (C). Students will receive an invitation to join Canvas. There will be copies of any assigned books on reserve at the 4<sup>th</sup> floor desk.

Required Text: **\*\*Tentative\*\***

Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY.

[Purchase or Rent](#)

On Reserve at UCDC 4<sup>th</sup> Floor Desk

**\*\*Importantly, I reserve the right to make changes to the course materials as the term progresses. This includes, but is not limited to, adding and subtracting articles and other readings.\*\***

Additionally, the syllabus, descriptions of the course assignments, and other announcements about the course will be posted on Canvas.

### Course Responsibilities and Assignments

- **Attendance:** Attendance is required in class and also for field work, so please be sure that your internship supervisor understands that you will be in class every Tuesday 10a-1p and may be unavailable at other times on Tuesday as well.
 

Excused absences are usually extraordinary events such as the death of an immediate family member (parent, sibling, or grandparent), personal illness, or a major religious holiday that is not on the [UCDC calendar](#). **You MUST provide written documentation for each of these absences; and for religious holidays, you must submit your excuse two weeks in advance of the absence to be excused.**

On occasion, and with at least 48 hours notice, you may request to be excused for a special internship or other DC event. If granted, it is likely you will be asked to report on your experience in class. For information about missed and late assignments, see below.

Each *unexcused* absence will lower your final course grade to the next lower grade (e.g. A- will become a B+).
- **Participation:** Participation is very important for this class, and everyone will be expected to contribute in a substantively meaningful way to the class discussion. There will be in-class individual and group exercises; you may or may not have advanced warning. Also, you should always be ready to be asked for your input on any and all things assigned for class. **In-class participation cannot be made up.** In the event of an extraordinary event (identified above), you *may* be able to complete a different assignment to earn participation points.

- **Reading Assignments:** All the reading assigned in this syllabus and any added throughout the term is required. This means that you should read all of the material BEFORE the class meeting and be ready to use it for your graded assignments (if relevant) EVEN IF we do not discuss it in class. I reserve the right to change the readings and the schedule if necessary as the term progresses. See the Weekly Schedule below for dates and assignments. You should bring assigned reading to class for discussion.
- **Groups:** Students will be assigned to groups at the beginning of the term. Various homework and in-class assignments will be group-based.
- **Weekly News Articles:** Students will be required to **bring to class** a news article about the topic on the syllabus for that week (ex. if the syllabus indicates criminal courts for the week, the article should be about criminal justice; if it indicates state judges for the week, the article should be about an issue related to state judges/courts) for several weeks during the term. More information forthcoming.
- **Analytical Papers:** Students will write three papers over the course of the term. Together these assignments will total 20 pages. More information forthcoming.

### Grading Standards and Measurement

Individual assignments in this course will be worth various points but converted to a 100 point scale such that an A=100-93%, A-=92-90%, B+=89-87, B=86-83, B-=82-80, etc. **You should understand that only excellent work will earn an A. If the work is good, it will earn a B, and satisfactory work will earn a C.** You will earn Ds and Fs if your work is less than satisfactory or of poor quality. If you fail to complete the work, you will earn a 0 for the assignment. Incompletes will be allowed only under the most exceptional circumstances.

Final course grades will be proportioned as follows:

In-Class Individual & Group Participation	15%
Weekly News Articles	10%
Analytic Writing #1: (3-4 pages) (Due: Floating)	15%
Analytic Writing #2: (6-8 pages) (Due: Wk 5)	30%
Analytic Writing #3: (6-8 pages) (Due: Wk 10)	30%

\*Several campuses require 20 cumulative pages of writing/research for major or other course credit. Students should check with their campus advisors before determining the length of their writing assignments.

**For Semester students, the total here will account for 85% of your total course grade. The remaining 15% will be the grade you earned in the first four weeks of the term.**

**For Quarter students, the total here will account for 100% of your total course grade.**

According to general university policies, final course grades earned in this class will be worth the following points: A=4.0, A-=3.7, B+=3.3, B=3.0, B-=2.7, C+=2.3, C=2.0, C-=1.7, D=1.0, F=0.

### Course Communication Tools

I will use Canvas and email for communicating with you this term. Unless you tell me otherwise, I will be communicating with you using the email address that you included as your primary address when you enrolled for classes. You are responsible for checking these sources regularly for messages and feedback. You are responsible for letting me know if you change your email address.

Turnitin may be used for submitting and returning graded writing assignments. We will discuss in class how to create an account if you don't already have one, and how to use the software. Read more about academic

misconduct below. Also, I encourage students to use the [Purdue University OWL](#) site or the [University of North Carolina Writing Center](#) for very accessible and useful information about writing styles and rules.

#### Policy on Attendance

See Course Responsibilities and Assignments (above).

#### Policy on Missed and Late Assignments

Assignment deadlines are firm, and makeup assignments are permitted only for excused absences (see above). You may submit assignments early, but I do not guarantee early feedback.

Missed assignments. Assignments can be made up only for excused absences (see above). Be aware that you may be asked to turn in a written assignment *before* the deadline, and the makeup assignment may be different than the original assignment. If there is some other reason for you to miss an assignment (e.g. a previously scheduled family engagement), you must inform me within the first week of classes *to be considered* eligible to make up the assignment; this is not a guarantee that you will be allowed to make up the assignment. If you do not meet these conditions, you will receive a zero for the assignment. **IMPORTANT:** You should discuss make up assignments with me as soon as you are aware of them in office hours or by email; I will not discuss these arrangements in class.

Late assignments. All assignments are considered due at the beginning of each class period, even if I don't formally ask for them until later in the class or if they are due through Turnitin. Assignments submitted after the time and date at which they are due, and that are NOT accompanied by an acceptable excuse (as described previously) will be addressed as follows. **For every 24 hour period after the date and time that the assignment is due (including weekends), the grade received for the assignment will be decreased by two (2) parts of a grade.** The 24 hour periods include weekends. For example, if you turn in an A quality assignment on Thursday before 11:00a, after it was due on Tuesday at 11:00a, then the assignment will be 2 days late and you will earn a B- on that assignment. If you turn in a B quality assignment at that same time, you will earn a C-.

#### Statement on Weather Emergencies

In the event of a weather emergency, UCDC follows the [federal government's decisions](#) about delays and closures. We will cross that bridge if/when we get there!

#### Policy on Academic Misconduct

UCDC has a zero-tolerance policy for cheating, plagiarism, and any other form of dishonesty. Students should refer to their home campus Student Code of Conduct for the regulations that apply to them. The burden is on each student to know what behaviors constitute cheating and plagiarism. Ignorance of these behaviors is not an adequate defense.

#### Policy on Classroom Conduct

I'm sure it goes without saying that we all must treat others in class with respect. We do not have to agree, but being polite and thoughtful in our interactions with each other is absolutely required. Also, in consideration of your classmates and me, you should observe the following rules: (1) DO set your cell phones to silent and answer them only in an emergency (e.g. child care or medical for you or an immediate family member). If you leave class to answer a call, you may not return to class until we break. (2) Do NOT use a laptop computer, other electronic device, or audio taping equipment unless you have approval from me. (3) Do NOT arrive late to class unless you have advanced approval; you may arrive during the break for the second part of class. (4) Do NOT do homework for other classes or read material not related to this class. For any of these infractions, you will be warned only once; after the warning, you may be excused from class and will be docked 2 percentage points of your total course grade for each infraction at the end of the term.

#### [Statement on Sexual Harassment and Sexual Violence](#)

Click on this link for the University of California statement on sexual harassment and sexual violence.

Students who wish to speak confidentially about an incident of sexual misconduct should contact UCDC's Counseling Services at [UCDCCounseling@gmail.com](mailto:UCDCCounseling@gmail.com). To report sexual misconduct to ask questions about UCDC

policies and procedures regarding sexual misconduct, please contact the UCDC Title IX administrator, Josh Brimmeier (202-974-6214 or josh.brimmeier@ucdc.edu). Because the University of California is legally obligated to investigate reports of sexual misconduct, the confidentiality of reported misconduct cannot be guaranteed.

**[Statement on Accommodations for Students with Disabilities](#)**

Click on this link for the University of California statement on accommodations for students with disabilities.

If you require accommodation for class, please let me know at our first meeting (if not earlier) so the necessary arrangements can be made.

**Course Schedule**

**Session 1: Sept 25 Introduction: Law & Courts as Political Institutions**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 1.
- Articles to be determined.

**Session 2: Oct 2 Federal & State Court Structure**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 4.
- Articles to be determined.

**Session 3: Oct 9 Judicial Actors: Litigants & Lawyers**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 3.
- Articles to be determined.

**Session 4: Oct 16 Judicial Actors: State & Federal Judges**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 5.
- Articles to be determined.

**Session 5: Oct 23 Judicial Actors: Juries**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 8.
- Articles to be determined.

**DUE: Wednesday, Oct 24, by midnight (11:59p) via Turnitin: Analytic Writing #2**

**Session 6: Oct 30 Trial Courts: Criminal Justice**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 7.
- Articles to be determined.

**Session 7: Nov 6**                      **Trial Courts: Civil Justice**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 6.
- Articles to be determined.

**Session 8: Nov 13**                      **Appellate Courts: Process & Policy Making**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 9.
- Articles to be determined.

**Session 9: Nov 20**                      **\*\*NO CLASS – Happy Thanksgiving, Nov 22!!\*\***

**Session 10: Nov 27**                      **Appellate Courts: Impact**

- Corely, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge: New York, NY. Chapter 11.
- Articles to be determined.

**Session 11: Dec 4**                      **Conclusion: Law & Courts as Political Institutions**

- Articles to be determined.

**DUE: Wednesday, Dec 5, by midnight (11:59p) via Turnitin: Analytic Writing #3**