

The Judicial Process

Professor Hagle
POLI:3121
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As the title indicates, this course focuses on the judicial process, more specifically, the American judicial process. We will pay primary attention to the United States Supreme Court because it is the most important of our courts and because more data and information are available about its activities and procedures. Most broadly, we will be concerned with what courts do, why, and how. To these ends, we will view courts as organizations, point out differences among courts, and relate courts to the larger political system and the society of which they are a part.

TEXTS (ordered through Iowa Book and Supply, 8 S. Clinton)

All but one of the following texts (required and recommended) have been ordered through Iowa Book and Supply. In addition, all of these texts, and several others, have been placed on reserve at the library.

Required Texts (I'll talk more about all the texts the first day of class.)

Baum, *The Supreme Court*, 13th edition (10th through 12th will be fine)

Carp, Manning, Holmes, and Stidham *Judicial Process in America*, 11th edition (9th or 10th will be fine)

Gifis, *Barron's Law Dictionary*, 6th edition (or 5th edition or other law dictionary)

Strunk and White, *The Elements of Style*, 4th edition

Recommended Texts

Rehnquist, *The Supreme Court* (revised and updated edition)

Segal, Spaeth, and Benesh, *The Supreme Court in the American Legal System* (not ordered at Iowa Book)

Woodward and Armstrong, *The Brethren*

"COURSEPACK" (available on ICON)

Handouts on the value systems of the justices, the citation form and general requirements for the paper assignment, tips on how to take my multiple choice tests, and an extensive set of study questions will be available on ICON.

ON RESERVE (Reserved Reading Room, Main Library)

All the books listed above, and several additional books, have been placed on reserve at the main library.

GRADING

Grades will be based on the following (but see below for COVID Contingencies):

- One exam (60%). The exam will be during the regular final exam period, time and location to be determined later, and will primarily cover material from the practice test on.
- Optional practice multiple-choice test and quizzes: There will be an in person practice test scheduled for Tuesday, October 13, and will cover material through the first part of Topic 3. (There will be no makeup if the practice exam is missed or cancelled.) There will also be two online practice quizzes, one before the practice test and one before the final exam.
- A paper (40%). Specific details of the assignment will be given to you the class period following the practice exam, but no later than Thursday, October 15. Nevertheless, you should read Strunk and White and the *Style Manual for My Courses* (on ICON) as soon as possible. The *Style Manual* contains an extensive list of general requirements for the paper assignment. You should familiarize yourself with these requirements before the paper assignment is handed out. The paper will be due at the beginning of class on Thursday, November 12.

Based on your performance on the assignments (test and paper) you will be assigned a grade according to the following 100-point scale:

90 - 99 = A

87 - 89 = A-

84 - 86 = B+

80 - 83 = B

77 - 79 = B-

74 - 76 = C+

70 - 73 = C

67 - 69 = C-

64 - 66 = D+

60 - 63 = D

50 - 59 = D-

0 - 49 = F

TOPICS AND READINGS

Below is a tentative readings list for the course. Any changes will be announced in class. You should read all the materials for each topic as soon as we begin the topic. The readings primarily serve as background material for the lectures. CP = items in the coursepack (on ICON). R = items on reserve that were not on the required or recommended lists. W = items posted in the

Articles section of the course on ICON. Readings preceded by an asterisk are optional. Page numbers are to Baum's 13th edition and Carp et al.'s 11th. Use section titles to "translate" to other editions.

1. Topic: Judicial policy making; Read:
Style Manual, (CP)
Strunk and White, entire
Woodward and Armstrong, entire
Segal, Spaeth, and Benesh, chapter 1
*Spaeth, chapter 1 (R)
Hagle ("So Many Cases") (W)
2. Topic: Sources and limits of judicial power; Read:
Segal, Spaeth, and Benesh, chapters 4 and 11
Baum, pp. 122-161 (Influences on Decisions to end of chapter
Carp et al., chapters 1-4
Stumpf and Culver, chapters 1, 2, and 7 (R)
*Spaeth, chapter 2 (R)
3. Topic: Selection of judges; Read:
Segal, Spaeth, and Benesh, chapter 10
Baum, chapter 2
Carp et al., chapters 5 and 6
Stumpf and Culver, chapter 3 (R)
Rehnquist, chapter 11
*Tribe, entire
Kaplan (W)
Eastland (W)
*Spaeth, chapter 4 (R)
*Bronner, entire (R)
*Bork, part III (R)
*Phelps and Winternitz, entire (R)
*Brock, "The Real Anita Hill" (W)
*Brock, "The Other Anita Hill" (W)
*Brock, "Strange Lies" (W)
Corry (W)
Paglia (W)
York (W)
Von Drehle (W)
Gonzales (W)
Lewis (two articles) (W)
Rankin (W)
4. Topic: Interest group activity; Read:
Baum, pp. 73-92 (Ch 3 start to Deciding What to Hear)
Carp et al., chapter 8
Bronner, chapters 1-9 (R)
*Phelps and Winternitz, entire (R)
*Brock, "The Real Anita Hill" (W)
5. Topic: Judicial Ethics and Removal; Read:
Carp et al., pp. 169-177 (Retirement and Removal of Justices)
Stumpf and Culver, pp. 51-52 (R)
6. Topic: Criteria governing the judicial decision; Read:
Segal, Spaeth, and Benesh, chapter 2
Baum, pp. 113-122 (Ch 4 start to Influences on Decisions
Carp et al., pp. 359-367 (Ch 12 start to Democratic Subculture)
Rehnquist, chapters 12, 13, 14
*Spaeth, chapter 3 (R)
7. Topic: Compliance with the Court's policies; Read:
Segal, Spaeth, and Benesh, chapter 14
Baum, chapter 6
Carp et al., chapter 14
*Spaeth, chapter 8 (R)
8. Topic: Gatekeepers; Read:
Stumpf and Culver, chapter 4 (R)
Tucker (W)
9. Topic: Is justice blind?; Read:
*Segal and Spaeth, chapter 10 (R)
*Spaeth, chapter 7 (R)

IMPORTANT DATES

- 10/13 - Practice Test (tentative date)
- 10/15 Paper assignment given out by this date
- 11/12 - Paper due
- 11/24 and 11/26 - no class (Thanksgiving break)
- 12/? - Test (date and time to be determined later)

COVID CONTINGENCIES

The grading procedures noted above are based on the assumption that we will have in person classes up to Thanksgiving break. If that changes, and it likely will, the method of delivering course content and grading procedures will likely change as well. Information on any changes will be noted in class or sent via email.

A FINAL COMMENT

I have found that some students have a tendency to suffer in silence. By that I mean that they will not say anything to the instructor if they are having problems with a course. This does no one any good. If you have a problem with the course

(readings, assignments, lectures, etc.) come and talk to me about it. I cannot explain procedures or try to correct problems if I do not know they exist. Waiting until course evaluations to voice your opinion will not help you, and probably not me.

Any changes to the information contained in this syllabus will be announced in class.

Continue to Part 2 (policy statements) and Party 3 (additional information) of the syllabus.