

POLS 4740
Judicial Process
Fall 2020

Dr. Richard L. Vining, Jr.
Email: rvining@uga.edu
Office: Baldwin 376
Office hours: By appointment (Zoom or phone preferred)
Classroom: Baldwin 301
Meetings: Tues & Thurs, 2:00-3:15 (1/5 of class roster per meeting)

This course introduces students to basic concepts of the American judicial process. The composition and function of American legal institutions are discussed. This includes (but is not limited to) the legal profession, state and federal court systems, judicial behavior, judicial process, and state and federal judicial selection.

Readings. The following are the required texts and should be available in the bookstore:
Lawrence Baum, *American Courts: Process and Policy* (7th edition, 2012)

All readings *not* from this textbook will be available via ELC. Additional readings and items of interest will be posted to ELC.

Examinations. There will be a midterm examination and a final examination. No exceptions will be made for the scheduled examination times except in the case of a documented medical emergency. *Exams will be taken without notes or outside sources.* If you have additional needs or have permission from the Disability Resource Center for extra time on exams, please contact me privately and arrangements will be made.

Paper. An 8-10 page research paper will be due on **November 19**. A proposal and tentative bibliography will be due on **September 17**. Each paper will examine either (1) the career path of a specific federal judge or (2) the case history of a recent Supreme Court case, applying theories and concepts from course readings and other academic scholarship. More details on the paper assignment will be distributed via ELC.

Grading. Midterm examination 30%; paper 30%; final examination 40%

Grades will be assigned based on the following scale:

100-94	A	89-86	B+	79-76	C+	69-66	D+
93-90	A-	85-83	B	75-73	C	65-60	D
		82-80	B-	72-70	C-	59-00	F

Academic Integrity. Neither plagiarism nor cheating will be tolerated. Appropriate citations are expected and encouraged. All students are expected to behave in accordance with the guidelines of the UGA Honor Code. If you are unsure whether certain actions are acceptable, consult your instructor.

Mental Health and Wellness Resources.

- If you or someone you know needs assistance, you are encouraged to contact Student Care and Outreach in the Division of Student Affairs at 706-542-7774 or visit <https://sco.uga.edu>. They will help you navigate any difficult circumstances you may be facing by connecting you with the appropriate resources or services.
- UGA has several resources for a student seeking mental health services (<https://www.uhs.uga.edu/bewelluga/bewelluga>) or crisis support (<https://www.uhs.uga.edu/info/emergencies>).
- If you need help managing stress anxiety, relationships, etc., please visit BeWellUGA (<https://www.uhs.uga.edu/bewelluga/bewelluga>) for a list of FREE workshops, classes, mentoring, and health coaching led by licensed clinicians and health educators in the University Health Center.
- Additional resources can be accessed through the UGA App.

Attendance. This course will not have a graded attendance or participation requirement for Fall 2020. UGA social distancing guidelines permit only 1/5 of students on the course roster to attend each class meeting in Baldwin 301. Each student is assigned 1 of 5 “Team” designations, with that group allowed to attend specific course meetings. Course meetings will function as discussion groups rather than lectures. All lectures will be posted on ELC as YouTube videos for viewing at your convenience. You are welcome to bring questions to class meetings related to any material during the prior two weeks of lectures. No class meetings will be held after the Thanksgiving holiday break.

Team A – Last names **A-E**

Team B – Last names **F-H**

Team C – Last names **I-O**

Team D – Last names **P-R**

Team E – Last names **S-Z**

Coronavirus Information for Students (per UGA Office of Instruction)

Face Coverings:

Effective July 15, 2020, the University of Georgia—along with all University System of Georgia (USG) institutions—requires all faculty, staff, students and visitors to wear an appropriate face covering while inside campus facilities/buildings. Face covering use is in addition to and is not a substitute for social distancing. Anyone not using a face covering when required will be asked to wear one or must leave the area. Reasonable accommodations may be made for those who are unable to wear a face covering for documented health reasons. Students seeking an accommodation related to face coverings should contact Disability Services at <https://drc.uga.edu/>.

DawgCheck:

Please perform a quick symptom check each weekday on DawgCheck—on the UGA app or website—whether you feel sick or not. It will help health providers monitor the health situation on campus: <https://dawgcheck.uga.edu/>

What do I do if I have symptoms?

Students showing symptoms should self-isolate and schedule an appointment with the University Health Center by calling 706-542-1162 (Monday-Friday, 8 a.m.-5 p.m.). Please DO NOT walk-in. For emergencies and after-hours care, see <https://www.uhs.uga.edu/info/emergencies>.

What do I do if I am notified that I have been exposed?

Students who learn they have been directly exposed to COVID-19 but are not showing symptoms should self-quarantine for 14 days consistent with Department of Public Health (DPH) and Centers for Disease Control and Prevention (CDC) guidelines. Please correspond with your instructor via email, with a cc: to Student Care & Outreach at sco@uga.edu, to coordinate continuing your coursework while self-quarantined. If you develop symptoms, you should contact the University Health Center to make an appointment to be tested. You should continue to monitor your symptoms daily on DawgCheck.

How do I get a test?

Students who are demonstrating symptoms of COVID-19 should call the University Health Center. UHC is offering testing by appointment for students; appointments may be booked by calling 706-542-1162.

UGA will also be recruiting asymptomatic students to participate in surveillance tests. Students living in residence halls, Greek housing and off-campus apartment complexes are encouraged to participate.

Classroom COVID-19 Information (per Baldwin Hall personnel)

Keeping it clean

Cleaning and disinfecting of public spaces are important to reduce the risk of exposure to COVID-19. Classrooms are only being cleaned once-per-day. There are sanitation wipes/buckets and stands in proximity to your classroom. *Prior to heading in to class*, you should take a wipe from the station and wipe down all high-touch surfaces associated with your seat. You should help further slow the spread of the virus by frequently washing your hands. Bathrooms will be cleaned frequently during the day. On occasions that bathrooms are closed for cleaning, you may need to use those on other floors or in other buildings. Please be conscious of the density of traffic in bathrooms and practice social distancing.

Staying in touch

Office hours and academic advising are encouraged, but should be done by appointment. To ensure safe distancing, faculty and staff are more likely to meet with you online or by phone.

Your health

You have been provided with a digital thermometer and are required to self-monitor for signs or symptoms of COVID-19. By coming to campus, you are acknowledging that you have checked, and do not have, symptoms of COVID-19. UGA is using a notification application to remind you daily to check for symptoms prior to coming to campus and self-report in the event you display COVID-19 symptoms. If you report symptoms, the University follows a confidential process for securely notifying health officials who can begin contact tracing and provide appropriate support

services. If you have an underlying medical condition or, for any reason, believe that you are at a high risk of developing a serious case of COVID-19, you may request an accommodation through the Disability Resource Center (DRC) at drc@uga.edu or 706-542-8719. More information can be found at - https://drc.uga.edu/content_page/student-accommodation-guidelines

Updates

Check your email regularly so you do not miss important information, and also check the University [COVID-19 website](#) for updates and resources, this web site includes links from student affairs with helpful, up-to-date messages for students and parents.

Course Outline

Week 1 (8/20)

Course Overview and Discussion

Week 2 (8/25 A, 8/27 B)

Overview of Law & Courts in America

William E. Nelson, "The Historical Foundations of the American Judiciary" in *The Judicial Branch*, Kermit Hall & Kevin McGuire, eds. (2005)

Lawrence Baum, ch.1 in *American Courts*

Week 3 (9/1 C, 9/3 D)

Organization of American Courts

Lawrence Baum, ch. 2 in *American Courts*

Judith S. Kaye, "State Courts at the Dawn of a New Century: Common Law Courts Reading Statutes and Constitutions," in David O'Brien, *Judges on Judging* (2004)

William J. Brennan, Jr., "Guardians of Our Liberties – State Courts No Less than Federal" in David O'Brien, *Judges on Judging* (2004)

Weeks 4-5 (9/8 E, 9/10 A, 9/15 B, 9/17 C)

Lawyers and the Legal Profession

Lawrence Baum, ch. 3 in *American Courts*

Jennifer Segal Diascro and Gregg Ivers, ch. 5 (p. 190-227) in *Inside the Judicial Process* (2006)

Patrick Schiltz, "On Being a Happy, Healthy, and Ethical Member of an Unhappy, Unhealthy, and Unethical Profession" (1999) *Vanderbilt Law Review* 52: 871.

Lawrence Krieger and Kenneth Sheldon, "What Makes Lawyers Happy? A Data-Driven Prescription to Redefine Professional Success" (2014-2015) *George Washington Law Review* 83: 554.

Paper proposals due September 17

Week 6 (9/22 D, 9/24 E)

Interest Group Litigation

Robert Carp, Ronald Stidham, and Kenneth Manning, ch. 8 in *Judicial Process in America* (2004)

Jennifer Segal Diascro and Gregg Ivers, ch. 6 (p. 236-255) in *Inside the Judicial Process* (2006)

Week 7-8 (9/29 A, 10/1 B, 10/6 C, 10/8 D)

Judicial Selection and Recruitment

Lawrence Baum, ch. 4 in *American Courts*

Week 9 (10/13 E)

Judges on the Job

Lawrence Baum, ch. 5 in *American Courts*

Robert Carp, Ronald Stidham, and Ken Manning, ch. 13 in *Judicial Process in America* (2004)

Midterm exam 10/15 (Turn in via ELC)

Week 10 (10/20 A, 10/22 B)**Law Clerks**

Chad Oldfather and Todd Peppers, "Judicial Assistants or Junior Judges: The Hiring, Utilization, and Influence of Law Clerks" *Marquette Law Review* (2014-2015) 98: 1.

Donald Molloy, "Designated Hitters, Pinch Hitters, and Bat Boys: Judges Dealing with Judgment and Inexperience, Career Clerks or Term Clerks" *Law and Contemporary Problems* 82: 133.

Todd Peppers and Chris Zorn, "Law Clerk Influence on Supreme Court Decision Making: An Empirical Assessment" *DePaul Law Review* (2008-2009) 58: 51.

Week 11 (10/27 C, 10/29 D)**Trial Courts: Criminal Cases**

Lawrence Baum, ch. 6 in *American Courts*

Jennifer Segal Diascro and Gregg Ivers, ch. 7 (p. 273-304), in *Inside the Judicial Process* (2006)

Thomas Church, "Plea Bargaining and Local Legal Culture" in *Contemplating Courts* (1995)

Week 12 (11/3 E, 11/5 A)**Trial Courts: Civil Cases**

Lawrence Baum, ch. 7 in *American Courts*

Jennifer Segal Diascro and Gregg Ivers, ch. 8 (p. 314-325), in *Inside the Judicial Process* (2006)

F. Patrick Hubbard, "The Nature and Impact of the 'Tort Reform' Movement" *Hofstra Law Review* (2006-2007) 35: 437.

Week 13-15 (11/10 B, 11/12 C, 11/17 D, 11/19 E, 11/24 A)**Appellate Courts: Process and Impact**

Lawrence Baum, ch. 8 in *American Courts*

Lawrence Baum, ch. 9 in *American Courts*

Research paper due November 19**Thanksgiving break****Week 16 (12/1 remote)****Implications**

Gerald Rosenberg, "The Impact of Courts on American Life" in *The Judicial Branch*, Kermit Hall & Kevin McGuire, eds. (2005)

Lawrence Baum, "The Future of the Judicial Branch: Courts and Democracy in the Twenty-First Century" in *The Judicial Branch*, Kermit Hall & Kevin McGuire, eds. (2005)

12/3: Remote assignment TBD**12/8: Review day****Final exam**

Final exam details TBD