

POLS 4740H: Judicial Process and Behavior - Fall 2020

Dr. Christina L. Boyd

Tuesday/Thursday 9:35-10:50am, Baldwin Rm 104

Office Hours: Zoom by appointment and as scheduled (see emails and eLC announcements)

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Course Description:

This course examines courts and judges (broadly speaking) in the United States and abroad. Our focus will include topics such as the organization of courts, role of judges, the selection of judges, judicial decision making, judicial legitimacy, lawyers, and juries.

Grading:

Exam: 30%

Four Assignments: 50%

Participation: 20%

A:	94-100	C:	74-77
A-:	90-93	C-:	70-73
B+:	88-89	D:	60-69
B:	84-87	F:	< 60
B-:	80-83		
C+:	78-79		

Important notes for Fall 2020:

- **This is an in-person class. Due to social distancing, our classroom will only hold 50% of the class at one time. You will be provided information on or before Monday, 8/24 for whether you should attend class in-person on Tuesday, 8/25 or Thursday, 8/27.**
- **Following Thanksgiving Break, all remaining classes will take place online but at our regularly scheduled times (detailed below).**
- **Your final exam will be online (a take home exam, detailed below)**
- **Our class begins at 9:35am on Tuesday/Thursday**

Course format: Despite the very unusual and challenging times we find ourselves in right now, this is a special course (in my biased opinion), and I want you to be able to have a memorable and valuable experience. I am planning to employ some creative class plans to help us achieve our goals, and I hope you will eagerly join me for the ride. We will utilize a hybrid model, which means I will provide online some lectures (not too long – this isn't a heavy lecture class) and interactive content (like relevant videos and court material for you to explore independently). Then, we'll meet in class for discussion, activities, and presentations as set up on the syllabus. Our classroom will safely hold 50% of the class at once (with full social distancing in place), so most weeks you'll be assigned to come to class on either Tuesday or Thursday (during our assigned class time on Tuesday and Thursday mornings). I will hold the same discussion section on Tuesday and Thursday of each assigned week, meaning you won't miss anything relevant by being in class on Tuesday but not on Thursday (or vice versa). NOTE: There will be weeks (like the jury event and the final full week of the semester) where you will be required to attend class both days of the week (online or in-person, depending). You will receive plenty of advance notice on your in-class obligations. Our in-class time will allow us to get to know each other well, engage with the material, collaborate with each other on projects, and give presentations – things that I view as a critical part of the special environment in small honors classes like this one.

Exam: An open book/notes take home essay-based exam will be administered at the end of the semester and turned in via eLC. Sample essay questions and format discussion will be provided prior to the exam.

Assignments/Events: We will also have four major assignments, with each worth 12.5% of your grade. These assignments will be further detailed at the appropriate time during the semester but will be related to the Supreme Court nomination process, judicial elections, judicial behavior, and attorney advertising. The assignments will vary in format including written, in-class solo presentation, and group work. The assignments are designed to help us embrace the honors spirit of the class, so that we are learning about and analyzing the important topics of the course in an engaging and (hopefully) fun and creative fashion.

Participation: This small honors course requires active participation from prepared students. Active participation should extend to discussion of class readings and in-class and out-of-class activities such as the jury voir dire event and case document examination and summary. It is the responsibility of students who miss their assigned discussion classes to keep up with assignments and any missed notes from the discussion section.

My promise to you: No matter what, I will keep the course/schedule organized and will keep you informed well in advanced of any changes that might emerge because of COVID. Please take note of email and/or eLC updates that you receive from me during the semester, as warranted. If, due to the evolving COVID situation, UGA moves fully online at some point during the fall semester, the course will seamlessly also move completely online and will utilize zoom to facilitate discussion and presentations per the schedule.

Academic Integrity: Please see UGA’s extensive policies on academic honesty (<http://honesty.uga.edu>). Be aware that under no circumstances will cheating, plagiarism, or other forms of academic dishonesty be tolerated in this class.

Required Course Materials:

There is no course textbook. Required course readings are posted on eLC.

eLC: We will rely very heavily on eLC for this course this semester. Course material will be found in the Reading or Lectures folder for that week’s class on eLC in the course content section. Go to POLS 4740 → Course content → Readings/Lectures → Week 4.

Schedule: Unless otherwise noted, **all assigned readings are to be conducted and all relevant lectures for the week are to be watched prior to the week’s discussion class.**

Date	Topic (discussion meets during the listed week UNLESS otherwise noted)	Reading & Pre-Class Assignments (to be read <i>prior</i> to class) Minor additional readings may be announced in class. Readings and online activities posted on eLC in the content → Readings section
Week 1: 8-20	Online only: Course introduction, syllabus <ul style="list-style-type: none"> • Online only – no in-class discussion on 8-20 • I will be in the classroom on 8-20 from 9:35am to 10:00am if you would like to stop by to say “hi” and/or you want to see the classroom setup. This is completely optional. 	No reading Online course and syllabus introduction available on eLC

	<ul style="list-style-type: none"> Go to eLC & upload a picture of yourself so I can get to know you (eLC POLS 4740H: content → assignments → upload pic) 	
Week 2: 8-25; 8-27	<p>Courts, legal actors, and law</p> <ul style="list-style-type: none"> First discussion meets this week. Check eLC/email for whether you are assigned to in-class discussion on Tuesday 8-25 or Thursday 8-27. You should not come to class on the day you are not assigned (so we can maintain proper social distancing). 	<p>Read: Murphy 3-7; 38-67</p> <p>Online lecture available (watch before discussion)</p>
Week 3: 9-1; 9-3	<p>Court organization in U.S.</p>	<p>Read: Baum 19-48; 245-256</p> <p>Online lecture available (watch before discussion)</p> <p>Complete criminal case activity and bring to discussion.</p>
Week 4: 9-8; 9-10	<p>Federal judicial selection Part I</p> <ul style="list-style-type: none"> Assignment #1 due on eLC: 9-7 at 5:00pm Bring Assign#1 to class for discussion this week (either electronic or paper is fine) 	<p>Read: Yoon2006-pension.pdf; Corley</p> <p>Online lecture available (watch before discussion)</p>
Week 5: 9-15; 9-17	<p>Federal judicial selection Part II</p>	<p>Read: SteigerwaltMartinek; BoydLynchMadonna; Review Corley</p> <p>Online lecture available (watch before discussion)</p>
Week 6: 9-22; 9-24	<p>State judicial selection Part I</p> <ul style="list-style-type: none"> There is <u>no in-class discussion this week.</u> Use this time to prepare Assignment #2 with your group. 	<p>Read: BonneauRice; <i>Republican Party v. White (Majority, Stevens, Ginsburg)</i></p> <p>Online lecture available (watch before discussion)</p>
Week 7: 9-29; 10-1	<p>State judicial selection Part II</p> <ul style="list-style-type: none"> Assignment #2 due on eLC: 9-28 at 8:00pm per instructions 	<p>Read: McCall; GibsonNelson2017; Review BonneauRice; <i>Republican Party v. White (Majority, Stevens, Ginsburg)</i></p> <p>Online lecture available (watch before discussion)</p>
Week 8: 10-6; 10-8	<p>Judicial Decision-Making Theories-Law & Politics</p>	<p>Read: Unah [pgs 139-148]; Murphy [pgs 30-33; 438-459; 476-477]; SegalChamplin; EpsteinKnight-chap1; Sunstein2002</p> <p>Online lecture available (watch before discussion)</p>

Week 9: 10-13; 10-15	Judicial decision making – Public Opinion; Legitimacy; Responsiveness Judicial decision making – other factors <ul style="list-style-type: none"> • Assignment #3 due on eLC (and bring to discussion class per instructions): 10-12 	Read: KuklinskiStanga; GibsonCaldeiraSpence; GibsonCaldeiraBaird Online lecture available (watch before discussion) Prep your individual judicial decision making factors (needed for Assignment #3/in-class component)
Week 10: 10-20; 10-22	Juries – Background and History <ul style="list-style-type: none"> • In-class preparation for jury event 	Read: Vidmar and Hans [pgs 65-105]; Juror Bill of Rights; Miller [pgs 64-82] Online lecture available (watch before discussion)
Week 11: 10-27; 10-29	Jury Event <ul style="list-style-type: none"> • Jury voir dire sheets due on eLC by 10-26 at noon. • Event materials must be brought to class on assigned day • Jurors must be prepared for online attendance on assigned day; lawyers will be in-person 	Event preparation <u>Class attendance required both Tues and Thurs this week. You'll be online one day (as jurors) and in person the other day (as attorneys).</u>
Week 12: 11-3; 11-5	Lawyers & Legal Culture Part I <ul style="list-style-type: none"> • There is <u>no in-class discussion this week.</u> Enjoy the election and make sure to work on Assignment #4 due next week. (You'll have time in next week's discussion to ask questions about this week's lecture/law school.) 	Read: Tarr; GalanterLawyer Online lecture available
Week 13: 11-10; 11-12	Lawyers & Legal Culture Part II <ul style="list-style-type: none"> • Assignment #4 due on eLC and in-class per instructions • You will present your Assignment #4 ad to class during discussion this week. 	Assignment/presentation preparation
Week 14: 11-17; 11-19	Social Security Disability Cases	Read: KrentMorris2014 Online lecture available (watch before discussion) Complete social security disability case activity and bring to discussion.
Week 15: 11-24	Civil Cases and Lawyers Application/Rainmaker assignment on own <ul style="list-style-type: none"> • No class 11-26: Gobble, Gobble! 	Read: Esquibel [1325-1346; skim footnotes] No online lecture this week.
Week 16: 12-1; 12-3	Courts Abroad Application; Exam discussion/review	Read: Freccero1994 (skip footnotes)

	<ul style="list-style-type: none"> • Before 12-1 class: watch documentary and read Freccero • 12-1 Zoom class for all students: reflect on Knox case, compose timeline, compare U.S. and Italian legal systems • 12-3 Zoom class for all students: discuss exam and sample questions, review any needed material, enjoy final time together! 	Complete online activity (documentary) before 12-1 Zoom class.
Week 17: 12-8	<p><u>Exam</u></p> <p>Take home exam starts @ 9:15am</p> <p>Take home exam due @ 11:05am</p>	Available/turned in on eLC by listed times