

POLS 4740
Judicial Process
Fall 2022

Dr. Richard L. Vining, Jr.
Email: rvining@uga.edu
Office: Baldwin 376
Office hours: By appointment
Classroom: Baldwin 102
Meetings: Tues & Thurs, 9:35-10:50 (face-to-face)

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.

Students in this course should become familiar with the structure and functions of the federal courts, state courts, and the legal profession. In addition, students will develop research skills including proficiency in academic writing and familiarity with academic journals and databases.

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 17**. A proposal and tentative bibliography will be due on **September 13**. Each paper will examine the 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.

UGA Student Honor Code: "I will be academically honest in all of my academic work and will not tolerate academic dishonesty of others." A Culture of Honesty, the University's policy and procedures for handling cases of suspected dishonesty, can be found at www.uga.edu/ovpi.

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. Regular attendance is strongly encouraged, as much of the lecture material will include research from outside the assigned readings. Students will be informed of any adjustments to regular course attendance by the instructor via ELC and e-mail.

Course Outline

Week 1 (8/18)

Course Overview and Discussion

Week 2 (8/23, 8/25)

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 (8/30, 9/1)

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 (9/6, 9/8, 9/13, 9/15)

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 13

Asynchronous class on 9/15; Dr. Vining at conference

Week 6 (9/20, 9/22)

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 (9/27, 9/29, 10/4, 10/6)

Judicial Selection and Recruitment

Lawrence Baum, ch. 4 in *American Courts*

Week 9 (10/11)

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 10/13 (Turn in via ELC)

Week 10 (10/18, 10/20)**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 (10/25, 10/27)**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 (11/1, 11/3)**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 (11/8, 11/10, 11/15, 11/17, 11/22)**Appellate Courts: Process and Impact**

Lawrence Baum, ch. 8 in *American Courts*

Lawrence Baum, ch. 9 in *American Courts*

Research paper due November 17**Thanksgiving break****Week 16 (11/29)****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)

12/1: Review day**Final exam**

12/8: 8-11 am