



## POLA 3270: COURTS AND POLITICS

COURSE SYLLABUS – FALL 2018

When: Monday / Wednesday / Friday (9:00AM – 9:50AM)  
Where: 200A Norman Mayer Building

---

### CONTACT INFORMATION

Instructor: Scott N. Nolan  
Email Address: [snolan4@tulane.edu](mailto:snolan4@tulane.edu)  
Office Location: 119 Norman Mayer Building  
Office Hours: Monday / Wednesday / Friday (11:00AM – 2:00PM)

### COURSE DESCRIPTION

This course is designed to provide students with a comprehensive and substantive understanding of the major features and processes of the American judicial system. This course includes an overview of the functioning of courts, judges, juries, lawyers and other legal/judicial actors, how courts deal with civil and criminal cases, including judicial decision-making, and the impact of court decisions on groups and individuals. Students will be exposed to systematic approaches to the study of courts and law in the United States. Mastering the course content and analytical approaches will allow students to make sense of judicial and legal phenomenon they encounter in their post-academic/professional lives.

### GOALS

To impart students with knowledge of:

- the different parts of the American judicial system, their function, and evolution over time;
- how lawyers, individuals, businesses, and interest groups interact with courts (and judges) to achieve their legal and policy preferences;
- the difficulties in developing and testing theories and research hypotheses about criminal trials, civil litigation, law and judicial outcomes, as well as judicial decision-making in appellate courts;
- how individuals, preferences, and procedures interact to produce judicial/legal outcomes, including non-policy; and
- legal cases that appear in various media outlets, including learning to reflect critically on one's own closely held legal and political views.

To enhance students' abilities in:

- textual and situational analysis;
- critical reasoning; and
- oral and written communication.

**OBJECTIVES** To achieve the goals listed above by attending lectures, participating in classroom discussions, and the evaluation of student assignments including quizzes, exams, and completing a research paper.

**OUTCOMES** Students satisfactorily completing this course will have demonstrated substantive knowledge of the subject matter indicated above and they will have demonstrated an appropriate level of mastery of the skills of analysis, reasoning and communication. Outcomes will be measured quantitatively and qualitatively via the “grading scale” described below.

**GENERAL NOTES** This syllabus is the first place you should look if you have questions about your responsibilities or the structure of this course. If you do not find the information that you are looking for in this syllabus, please email me with any and all questions.

Information contained in the syllabus, especially regarding scheduling, is subject to change at my discretion during the semester. I will announce, in advance, any changes that are made via e-mail and/or announcements on the course website.

The best way to ensure that you are aware of any changes is to check your Tulane e-mail and course website regularly. Students are required to check their Tulane e-mail on a regular basis, as I may distribute important course information by e-mail and/or through the course website.

- **Your first [non-graded] assignment will be agreeing that you have read this syllabus in its entirety and understand its terms. If you do not complete the Syllabus Assignment as soon as you begin the course, then I cannot grade your subsequent coursework.**

**ACCESS TO INSTRUCTOR** I am normally available to students Monday – Friday, 9:00am-5:00pm, and I generally respond to e-mails from students within one (1) business day. If you do not receive a reply within three (3) business days, please send me an e-mail reminder. I sometimes respond to e-mails from students during evenings and weekends, and/or from my cell phone, but I do not always do so. Keep this in mind, and don’t wait until the last minute if you have a question or need help.

**PARENTS AND PEERS** Due to privacy laws, I do not take questions from, or take meetings with, any student’s parent(s) or peers. Please do not have parents, significant others, roommates, classmates, friends, et al. contact me on your behalf; the sole exception is if you have been injured, hospitalized, or are otherwise physically unable to contact me – and I will forward them to university administration for help.

**STUDENT  
ACCESSIBILITY**

If you have any kind of special circumstances, such as a disability, illness or handicap, or if you are involved with a university activity that requires you to miss class, then let me know as soon as possible. This information is confidential. All students attending Tulane University with documented disabilities are eligible and encouraged to apply for services with the Goldman Center for Student Accessibility (GCSA). Students needing accommodations must provide me with a Course Accommodation Form and if applicable, an Exam Request Form (“blue sheet”) in order to schedule an exam to be taken at GCSA. Accommodations involving exams must be requested to me at least four days before a test or seven days before a final exam. Any student receiving an exam-related accommodation should plan to take the exam at GCSA. Please alert me to your request as soon as possible because accommodations are not made retroactively. See further: <https://accessibility.tulane.edu/>

**ACADEMIC  
INTEGRITY**

Academic honesty is expected of all students at Tulane. Your responsibilities as a Tulane student include being familiar with the honor code and the plagiarism policy of the university. See further: <http://tulane.edu/college/code.cfm>

**PLAGIARISM**

Cases of cheating or plagiarism will be reported to the Honor Board, and may result in a failing grade for the class, academic probation, or expulsion. Ignorance is not a valid excuse. Academic dishonesty includes, but is not limited to, the following actions:

- presenting another’s work as if it were one’s own;
- failing to acknowledge or document a source even if the action is unintended (i.e. plagiarism) (this includes copying & pasting material from the internet);
- giving or receiving, or attempting to give or receive, unauthorized assistance or information in an assignment or examination;
- submitting the same assignment in two or more courses without prior permission of the respective instructors;
- having another person write a paper or sit for an examination (including using online paper-mills); and/or
- using tests or papers from students in prior semesters.

**CLASSROOM  
ETIQUETTE**

Many discussions in this course will focus on how courts work and how they should work. I will at times ask students for their opinions on various controversial social, political, and legal topics. As in political systems, classrooms work best when people participate. You are encouraged to express your thoughts, but you are expected to do so in a thoughtful and respectful manner. The political opinions of your classmates are based on their unique experiences, personalities, and backgrounds. Be mindful of your words. Any student who is exceedingly disruptive or disrespectful towards the instructor, guests, and/or other students may be asked to leave the classroom or withdraw from the course altogether, at my discretion.

**USE OF  
ELECTRONICS**

I strongly suggest that you take notes by hand (using a pen, paper and/or notebook). Note-taking on portable electronics and/or laptops is allowed, but they tend to distract you and your classmates. People abusing electronics may lose those privileges at my discretion.

As a courtesy to me and your classmates, please silence all electronics and do not text, take or make calls during class. If you absolutely must take a call, then quietly excuse yourself into the hall. Use good judgment.

The use of electronics of any kind during graded in-class assignments (quizzes, exams, etc.) is absolutely forbidden – is assumed to be cheating – and you will receive a grade of zero (0) for the assignment.

**COURSE  
FORMAT**

The goals of this course are: (1) that you complete and understand the course objectives listed above as they relate to the specific content of this course; and (2) that you proceed through your academic career learning and using skills that apply to the professional settings you will encounter after you graduate.

You will be treated as the young professional adults you are – this means that you are responsible for completing the assignments, following all instructions and rules laid out in class and this syllabus, and respecting deadlines for completing assignments. Unless otherwise noted, you are not to work with anyone else on any assignment, quiz, or exam; your work should be yours and yours alone.

It is your responsibility to ensure you have internet access, access to your Tulane student email account, and access to Canvas for the duration of the course. I recommend that you access Canvas in an environment where internet service interruptions are at a minimum. “My internet was down” is never a valid reason for missing an assignment or deadline. The sole exception to this rule will be if natural events [like hurricanes] suspend access for all of us.

**ASSIGNMENTS**

All assignments are submitted electronically and directly on canvas; no printed copies are required in this course. If you have technical issues with Canvas, email, attachments, etc., then please let me know as soon as possible. Please note that the university Computer Help Desk is the first place you should go with technical questions since they are the experts.

**GRADING  
SCALE**

Your final grade is assigned as follows:

100-94=A; 93-90=A-; 89-87=B+; 86-84=B; 83-80=B-; 79-77=C+; 76-74=C; 73-70=C-; 69-67=D+; 66-64=D-; 63-60=D-; and 59-0=F

(Examples: 93.49 = A-; 93.50 = A; 89.49 = B+; 89.50 = A-)

## **GRADING SYSTEM**

Your final grade in this course is computed as follows:

### **Attendance and Participation (15% of Final Grade)**

You will sign a daily roster that I pass around every class. You are given three (3) unexcused absences per semester. After that, your absences will count against you unless they are excused. Excused absences include but are not limited to personal emergencies and/or health-related illnesses with appropriate documentation. I do not excuse absences for extracurricular events without documentation from a faculty sponsor, coach, etc. Email me or come to office hours if you have a problem attending class.

### **Exams (45% of Final Grade)**

You will take three (3) exams over the course of the semester. Exams will focus on the material covered in the readings and in class – and any and all material covered in class or in the readings is fair game for exams. The exams will be taken on Canvas and contain a combination of true/false, multiple choice, and/or short answer / essay questions. Since they are taken online, when and where you are most comfortable, you have access to all your notes and the course slides; but the exams run quite long (~ 3 hours).

- **Exam 1 is worth 10% of the final grade. Exam 2 is worth 15% of the final grade. Exam 3 is worth 20% of the final grade.**
- **Make-Up Exams** will be given only for documented health or personal emergencies and they will be given at my discretion. If and when you have a problem, email me right away so I can give you an extension or schedule a makeup exam. Emails sent after the exam closes must include attached documentation that explains why you were not able to take the exam (i.e. a doctor's note); exams missed without supporting documentation will receive a grade of zero (0).

### **Short Essays (15% of Final Grade; 3 Responses x 5% Each)**

You will write three (3) short essays in response to questions derived from academic journal articles. A detailed handout with each short essay assignment, and the corresponding articles, are posted on Canvas and are due on the date listed in the syllabus below. Short essay responses should be uploaded online via Canvas and be about 2-3 pages of 12-point Times New Roman font, double-spaced lines in Microsoft Word.

### **Legal Memo on Torts and Litigation (25% of Final Grade)**

You will write one (1) legal memo assignment based on the articles, handouts, and lectures I give you on tort law, defenses, and civil lawsuits. A detailed handout with several tort scenarios is posted on Canvas and your response is due on the date listed in the syllabus below. Your legal memo should be uploaded online via Canvas and be about 12-15 pages of 12-point Times New Roman font, double-spaced lines in Microsoft Word.

## TEXTBOOK

There is one required textbook, available online and at the campus bookstore to buy or rent:

Neubauer, David W. and Stephen S. Meinhold. 2016. **Judicial Process. 7th Edition.** Wadsworth Publishing / Cengage Learning. ISBN-10: 1305506529

Please be sure to get the correct edition. Any additional required reading materials will be distributed in class, via e-mail and/or the course website.

- **Your second [non-graded] assignment will be agreeing that you have purchased and obtained this book. If you do not confirm that you have purchased and obtained the textbook as soon as you begin the course, then I cannot grade your subsequent coursework.**

## SEXUAL HARASSMENT

Tulane University recognizes the inherent dignity of all individuals and promotes respect for all people. As such, Tulane is committed to providing an environment free of all forms of discrimination including sexual and gender-based discrimination, harassment, and violence like sexual assault, intimate partner violence, and stalking. If you (or someone you know) has experienced or is experiencing these types of behaviors, know that you are not alone. Resources and support are available: you can learn more at [titleix.tulane.edu](http://titleix.tulane.edu). Any and all of your communications on these matters will be treated as either “Confidential” or “Private” as explained in the chart below. Please know that if you choose to confide in me I am mandated by the university to report to the Title IX Coordinator, as Tulane and I want to be sure you are connected with all the support the university can offer. You do not need to respond to outreach from the university if you do not want. You can also make a report yourself, including an anonymous report, through the form at [tulane.edu/concerns](http://tulane.edu/concerns).

- **Strictly Confidential**  
Student Health Center | 504-865-5255  
Counseling & Psychological Services | 504-314-2277  
Sexual Aggression Peer Hotline and Education | 504-654-9543
- **Mostly Confidential**  
Case Management & Victim Support Services | 504-314-2160  
Tulane University Police (TUPD) | 504-865-5911  
Title IX Coordinator | 504-314-2160

WEEK / DATES	LECTURE TOPIC	READ <u>BEFORE</u> CLASS
Wk. 01 08-27-18	Course + Syllabus Overview	Lecture Only
Wk. 01 08-29-18	How to get into Law School	Handouts & Lecture Only
Wk. 01 08-31-18	The Role of Law & Courts in Society	Neubauer, Chapter 1, #01-15
Wk. 02 09-03-18	<b>Labor Day (No Class)</b>	No Reading
Wk. 02 09-05-18	U.S. Law vs. Legal Systems Abroad	Neubauer, Chapter 2, #16-30
Wk. 02 09-07-18	Major Components of U.S. Law	Neubauer, Chapter 2, #30-46
Wk. 03 09-10-18	The History of Federal Courts	Neubauer, Chapter 3, #46-55
Wk. 03 09-12-18	Federal Trial + Special Courts	Neubauer, Chapter 3, #55-61
Wk. 03 09-14-18	Federal Appellate Courts	Neubauer, Chapter 3, #61-70
Wk. 03 09-15-18	<b>Journal Article Essay Response #1 due on Canvas by 11:59pm.</b>	
Wk. 04 09-17-18	State Trial + Appellate Courts	Neubauer, Chapter 4, #80-89
Wk. 04 09-19-18	<b>Yom Kippur (No Class)</b>	No Reading
Wk. 04 09-21-18	State Special Courts	Neubauer, Chapter 4, #89-108
Wk. 04 09-21-18	<b>Exam 1 is open on Canvas from 09-21 to 09-23 at 11:59pm.</b>	
Wk. 05 09-24-18	Lawyers + Other Legal Actors	Neubauer, Chapter 5, #113-128
Wk. 05 09-26-18	Where/How Do Lawyers Practice?	Neubauer, Chapter 5, #128-144
Wk. 05 09-28-18	Choosing and/or Electing Judges	Neubauer, Chapter 6, #149-172
Wk. 06 10-01-18	Judges at Work	Neubauer, Chapter 6, #172-179
Wk. 06 10-03-18	The Criminal Justice System	Handout & Slides
Wk. 06 10-05-18	Crimes, Defenses, Policing + Bail	Neubauer, Chapter 8, #212-222
Wk. 07 10-08-18	Prosecution + Initial Appearances	Neubauer, Chapter 8, #222-238
Wk. 07 10-10-18	Steps in a Basic Criminal Trial	Handout & Slides
Wk. 07 10-12-18	<b>Fall Break (No Class)</b>	No Reading
Wk. 07 10-13-18	<b>Journal Article Essay Response #2 due on Canvas by 11:59pm.</b>	
Wk. 08 10-15-18	Plea Bargaining and/or Trial	Neubauer, Chapter 9, #242-250
Wk. 08 10-17-18	Sentencing Decisions + Punishments	Neubauer, Chapter 9, #250-263
Wk. 08 10-19-18	The Death Penalty in the U.S.	Neubauer, Chapter 9, #263-273
Wk. 09 10-19-18	<b>Exam 2 is open on Canvas from 10-19 to 10-21 at 11:59pm.</b>	
Wk. 09 10-22-18	Broad Categories of Civil Law	Handout & Slides
Wk. 09 10-24-18	Physical Injury Torts	Handout & Slides
Wk. 09 10-26-18	Property Damage Torts	Handout & Slides
Wk. 10 10-29-18	Common Law Defenses in Litigation	Handout & Slides
Wk. 10 11-31-18	Filing a Lawsuit + Litigation Tactics	Neubauer, Chapter 10, #281-393
Wk. 10 11-02-18	Tort Reform + Dispute Resolution	Neubauer, Chapter 10, #293-309

Wk. 11 11-05-18	Steps in a Basic Civil Trial	Neubauer, Chapter 11, #315-324
Wk. 11 11-07-18	Litigation: Motions & Discovery	Handout & Slides
Wk. 11 11-09-18	Civil Negotiation + Resolutions	Neubauer, Chapter 11, #324-338
Wk. 12 11-12-18	Litigation: Getting a Jury	Neubauer, Chapter 12, #343-353
Wk. 12 11-14-18	Litigation, The Plaintiff's Case	Neubauer, Chapter 12, #353-360
Wk. 12 11-16-18	Litigation, The Defense Presents	Neubauer, Chapter 12, #353-360
Wk. 12 11-17-18	<b>Journal Article Essay Response #3 due on Canvas by 11:59pm.</b>	
Wk. 13 11-19-18	Litigation: The Jury Decides	Neubauer, Chapter 12, #360-369
Wk. 13 11-21-18	<b>Thanksgiving (No Class)</b>	No Reading
Wk. 13 11-23-18	<b>Thanksgiving (No Class)</b>	No Reading
Wk. 14 11-26-18	The Appellate Process	Neubauer, Chapter 13, #375-388
Wk. 14 11-28-18	How Appellate Courts Decide	Neubauer, Chapter 13, #388-399
Wk. 14 11-30-18	Jurisdiction + U.S. Supreme Court	Neubauer, Chapter 14, #406-417
Wk. 15 12-03-18	Case Selection + SCOTUS Docket	Neubauer, Chapter 14, #417-431
Wk. 15 12-05-18	Choosing Appellate Court Judges	Neubauer, Chapter 15, #436-448
Wk. 15 12-07-18	How SCOTUS Decides	Neubauer, Chapter 15, #448-467
Wk. 15 12-08-18	<b>Torts / Litigation Memo is due on Canvas by 11:59pm.</b>	
Wk. 16 12-12-18	<b>Exam 3 is open on Canvas from 12-08 to 12-12 at 11:59pm</b>	