



POLA 3270: COURTS AND POLITICS

COURSE SYLLABUS – FALL 2016

When: Monday / Wednesday / Friday (10:00AM – 11:00AM)
Where: 118 Norman Mayer Building

CONTACT INFORMATION

Instructor: Scott N. Nolan
Office Location: 318 Norman Mayer Building
Department of Political Science
Tulane University
Office Hours: Monday / Wednesday / Friday (11:00AM – 12:00PM)
Email Address: snolan4@tulane.edu

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 (snolan4@tulane.edu).

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 try to be available for 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, 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 concerns, I do not take questions from, or take meetings with, any student's parent(s). Please do not have parents, classmates, friends, etc. contact me on your behalf; the sole exception is if you have been injured, hospitalized, or are otherwise physically unable to contact me – I will ask them for documentation, such as a doctor's note.

**STUDENTS
WITH
DISABILITIES**

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, 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 Office of Disability Services (ODS). 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 ODS. 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 ODS. Please alert me to your request as soon as possible because accommodations are not made retroactively. Please see me for information, or go to: <http://tulane.edu/studentaffairs/disability/>

**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.

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 not forbidden, 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.

Some assignments will be submitted via email or through the course website. It is your responsibility to ensure you have internet access, access to your Tulane/student email account, and access to the course website for the duration of the course. I recommend that you access the course webpage 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

For all written work you must turn in a printed copy and email me an electronic copy of your work. You must use one of the following file formats to ensure that I can review your work: Microsoft Word (.doc, .docx), Adobe Acrobat (.pdf), rich text (.rtf), Word Perfect (version 6.0 or newer, .wpd), Microsoft Works (Version 6.0 or newer, .wps), or plain text (.txt). **Microsoft Word and Adobe Acrobat are the preferred formats.** Similarly, please include the course number and name of the assignment you are turning in when e-mailing me - it will help keep things organized and ensure you get your credit/grade.

**ASSIGNMENTS
(CONTINUED)**

If you have technical issues with the course website, email, attachments, etc., then please let me know as soon as possible. Please note that the university Computer / Technology Help Desk is the first place you should go with technical questions since they are the experts.

- **For all written work, use one inch (1”) margins; Calibri, Arial, or Times New Roman 12-point font; double-spaced lines; numbered pages; and fully justified margins.**

Visit the Writing / Tutoring Center on campus for additional help.

**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

**GRADING
SYSTEM**

Your final grade in this course is computed as follows:

Attendance (5% of Final Grade)

You will sign a daily roster that I pass around every class. You are given two (2) 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.

Participation (5% of Final Grade)

Your participation grade depends on the frequency and quality of your participation in classroom discussion. Please read each reading assignment before class and come prepared to discuss the material. If the classroom discussion is routinely lethargic, then I may implement unannounced “pop” quizzes based on the assigned readings of the week.

Exams (45% of Final Grade; 15% per Exam)

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 in class and contain a combination of true/false, multiple choice, and/or short answer/essay questions. There may be one or more bonus question(s) in each exam derived from material covered in class. Make-up exams will be given only for documented health or personal emergencies and they will be given at my discretion. The best thing to do is email me prior to the exam if and when you have a problem. Emails sent after the exam must include attached documentation that explains why you were not able to attend the exam/class (i.e. a doctor’s note). Exams missed without supporting documentation will receive a grade of zero (0).

**GRADING
SYSTEM
(CONTINUED)**

Short Essays (15% of Final Grade; 3 Assignments x 5% Each)

You will have three (3) short essay assignments based on assigned readings. A detailed handout with each homework assignment will be given out in class and is due on the date listed in the syllabus below. Homework answers should be typed, similar to your empirical research paper, using the format found above in the “Assignments” section.

Research Paper (30% of Final Grade)

You will write one research paper, ten to twelve (10-12) pages in length; a handout will be distributed in class on 10-10-16. Please see the reading schedule below for due dates. Absolutely no late papers will be accepted.

FINAL EXAM

Your final (third) examination will be held during the final exam period. University Policy is that any student who is absent from a final examination will be given permission to take a make-up examination only if an acceptable excuse is presented to an associate dean in Newcomb-Tulane College before the exam or within 24 hours after the exam. A student whose absence from a final examination is not excused is to be given an “F” in the course.

TEXTBOOKS

There is one required textbook, available at the campus bookstore:

1. Neubauer, David W. and Stephen S. Meinhold. 2013. **Judicial Process. 6th Edition.** Wadsworth Publishing / Cengage Learning. ISBN-13: 9781111357566

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.

**SEXUAL
HARASSMENT**

Tulane University recognizes the inherent dignity of all individuals and promotes respect for all people. As “One Wave,” Tulane is committed to providing an environment free of all forms of discrimination based on race, ethnicity, creed, religion, gender, gender identity and sexual orientation, as well as all forms of sexual harassment, including sexual assault, domestic and dating violence, and stalking. If you (or someone you know) has experienced or experiences discrimination, domestic violence, sexual assault or sexual harassment, please visit onewave.tulane.edu or call:

- **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**
Coordinator of Violence Prevention | (504) 314-2161
Tulane University Police (TUPD) | (504) 865-5911
Office of Institutional Equity | (504) 862-8083

WEEK / DATES	LECTURE TOPIC	READ <u>BEFORE</u> CLASS
Wk. 1: 08-29-16	Course + Syllabus Overview	Lecture Only
Wk. 1: 08-31-16	The Role of Law and Courts	Neubauer, Chapter 1, #01-09
Wk. 1: 09-02-16	Courts as Institutions	Neubauer, Chapter 1, #09-15
Wk. 2: 09-05-16	No Class (Labor Day Holiday)	No Reading
Wk. 2: 09-07-16	U.S. Law + Legal Systems Abroad	Neubauer, Chapter 2, #16-30
Wk. 2: 09-09-16	Major Components of U.S. Law	Neubauer, Chapter 2, #30-47
Wk. 3: 09-12-16	The History of Federal Courts	Neubauer, Chapter 3, #48-56
Wk. 3: 09-14-16	Federal Trial + Specialized Courts	Neubauer, Chapter 3, #56-71
Wk. 3: 09-16-16	Federal Appellate Courts	Neubauer, Chapter 3, #71-82
Wk. 4: 09-19-16	State Trial + Specialized Courts	Neubauer, Chapter 4, #83-94
Wk. 4: 09-21-16	State Appellate Courts	Neubauer, Chapter 4, #94-105
Wk. 4: 09-23-16	Myriad Local Courts: A Closer Look	Neubauer, Chapter 4, #105-116
Wk. 4: 09-23-16	Homework 1 Due (Bring printed copy to class; email to me by 10AM)	
Wk. 5: 09-26-16	Lawyers + Other Legal Actors	Neubauer, Chapter 5, #117-132
Wk. 5: 09-28-16	Where/How Do Lawyers Practice?	Neubauer, Chapter 5, #132-155
Wk. 5: 09-30-16	How to get into Law School	Handouts + Lecture Only
Wk. 6: 10-03-16	Choosing and/or Electing Judges	Neubauer, Chapter 6, #156-167
Wk. 6: 10-05-16	Judges at Work	Neubauer, Chapter 6, #167-181
Wk. 6: 10-07-16	Studying Judges as Quasi-Politicians	Neubauer, Chapter 6, #181-193
Wk. 7: 10-10-16	Exam 1	Pick Up Final Paper Handout
Wk. 7: 10-12-16	No Class (Yom Kippur Holiday)	No Reading
Wk. 7: 10-14-16	No Class (Fall Break)	No Reading
Wk. 8: 10-17-16	Crimes, Defenses, Policing + Bail	Neubauer, Chapter 8, #221-229
Wk. 8: 10-19-16	Prosecution + Initial Appearances	Neubauer, Chapter 8, #229-240
Wk. 8: 10-21-16	Steps in a Basic Criminal Trial	Neubauer, Chapter 8, #240-250
Wk. 9: 10-24-16	Plea Bargaining, Winners + Losers	Neubauer, Chapter 9, #251-260
Wk. 9: 10-26-16	Sentencing Decisions + Punishments	Neubauer, Chapter 9, #260-273
Wk. 9: 10-28-16	The Death Penalty in the U.S.	Neubauer, Chapter 9, #273-288
Wk. 9: 10-28-16	Homework 2 Due (Bring printed copy to class; email to me by 10AM)	
Wk. 10: 10-31-16	Filing a Lawsuit + Litigation Tactics	Neubauer, Chapter 10, #289-296
Wk. 10: 11-02-16	Tort Law + Common Law Defenses	Neubauer, Chapter 10, #296-306
Wk. 10: 11-04-16	Avoiding Trial + Dispute Resolution	Neubauer, Chapter 10, #306-321

Wk. 11: 11-07-16	Steps in a Basic Civil Trial	Neubauer, Chapter 11, #322-331
Wk. 11: 11-09-16	Litigation Tactics + Settling Cases	Neubauer, Chapter 11, #331-339
Wk. 11: 11-11-16	Civil Negotiations + Resolutions	Neubauer, Chapter 11, #339-349
Wk. 12: 11-14-16	Exam 2	No Reading
Wk. 12: 11-16-16	Steps in a Jury Trial, Advanced, Pt. 1	Neubauer, Chapter 12, #350-364
Wk. 12: 11-18-16	Steps in a Jury Trial, Advanced, Pt. 2	Neubauer, Chapter 12, #364-380
Wk. 13: 11-21-16	The Appellate Process	Neubauer, Chapter 13, #381-393
Wk. 13: 11-21-16	Rough Draft Due (Bring printed copy to class; email to me by 10AM)	
Wk. 13: 11-23-16	No Class (Thanksgiving Holiday)	No Reading
Wk. 13: 11-25-16	No Class (Thanksgiving Holiday)	No Reading
Wk. 14: 11-28-16	How Appellate Courts Decide	Neubauer, Chapter 13, #393-407
Wk. 14: 11-30-16	Jurisdiction + U.S. Supreme Court	Neubauer, Chapter 14, #414-426
Wk. 14: 12-02-16	Case Selection + SCOTUS Docket	Neubauer, Chapter 14, #426-441
Wk. 14: 12-02-16	Homework 3 Due (Bring printed copy to class; email to me by 10AM)	
Wk. 15: 12-05-16	Choosing Appellate Court Judges	Neubauer, Chapter 15, #446-464
Wk. 15: 12-07-16	How SCOTUS Decides	Neubauer, Chapter 15, #464-479
Wk. 15: 12-09-16	Catch Up Day / Review	No Reading
Wk. 15: 12-09-16	Final Paper Due (Bring printed copy to class; email to me by 10AM)	
Sun. 12-08-16	Final Exam / Exam #3 (8:00am – 12:00pm)	