

## Colonnade Program Course Proposal: Connections Category

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1. What course does the department plan to offer in *Connections*? Which subcategory are you proposing for this course? (Social and Cultural, Local to Global, Systems)

PS 220: Judicial Process

Systems, Subcategory 3

2. How will this course meet the specific learning objectives of the appropriate subcategory. Please address **all** of the learning outcomes listed for the appropriate subcategory.

Learning Objective 1: Analyze how systems evolve.

This course will provide students the opportunity to examine both historical and contemporary features of the American judicial process. Doing so will allow students trace the development of many of the institutional structures of the American legal system today. Students will also have the opportunity to compare important characteristics of different judicial systems at both the state and federal level. This comparison will permit to assess the evolution of the judicial process, both temporally and conceptually.

Learning Objective 2: Compare the study of individual component to the analysis of entire systems.

This course will require students to analyze the judicial process at both a micro and macro level. One segment of the course will require students to assess the individual behavior of various contributors to the judicial process, including attorneys, litigants, interest groups, and judges, within the context of the broader legal system. A second segment of the course will require students to assess how system-level phenomena affect the behavior of aforementioned individual participants in the judicial process. By synthesizing both sections near the end of the course, students will be able to trace how individuals respond to systematic changes and how systematic changes can be driven by the behavior of individual participants.

Learning Objective 3: Evaluate how system-level thinking informs decision-making, public policy, and/or the sustainability of the system itself.

A substantial segment of this course will require students to examine how institutional features of the American judicial process affect the decisions made by individuals operating within the American legal system. Specifically, the subject of judicial behavior is examined in detail. To do so, students will examine how system-level changes to the judicial process (such as changes to the institutional structure of courts, changes in legal precedent, changes in court membership, etc.) influence how judges make decisions.

This requirement will also demonstrate how system-level thinking influences public policy. Because legal precedents carry the weight of law, the decisions made by judges necessarily create public policy. Therefore, by studying system-level changes to the judicial process, students will necessarily be examining how systems influence public policy.

3. In addition to meeting the posted learning outcomes, how does this course contribute uniquely to the Connections category (i.e., why should this course be in Colonnade)? Discuss in detail.

This course is among the only courses offered at Western Kentucky University that examines the American legal system as a continually evolving process. This represents an important contribution to the Connections category of the Colonnade program as many of the principles underlying the American legal system apply to a variety of cultural contexts on both a local and global scale. By developing an understanding of the judicial process, students will be able to more effectively assess issue related to public policy, social justice and responsibility, moral theory and a variety of other interdisciplinary topics. Without it's inclusion in the Colonnade program, students may miss the opportunity to make the connections that the American judicial process uniquely demonstrates.

4. Please identify any prerequisites for this course. NOTE: Any prerequisites MUST be *Colonnade Foundations* or *Explorations* courses.

None

5. Syllabus statement of learning outcomes for course. NOTE: In multi-section courses, the same statement of learning outcomes must appear on every section's syllabus.

Students will be able to

- Students will be able to identify key principles of concerning the structure of the American legal system.
- Students will be able to describe the processes and functions of the American legal system.
- Students will be able to describe American political behavior by using knowledge of how people organize and use political information.
- Students will be able to explain how the American legal system affects the actions of other case participants in the American political system.
- Students will be able to critically evaluate the appropriateness of different components of the American legal system.

6. Give a brief description of how the department will assess the course for these learning objectives.

The Department of Political Science will establish an assessment committee to evaluate the effectiveness of meeting the stated learning objectives for all colonnade classes. Each academic year, the committee will collect a random selection of research papers and examinations with all identifying student information removed. The committee will review each sample and separately assess each unique Colonnade objective using the following scale. This will produce three separate scores to evaluate the sample's effectiveness in (1) analyzing how systems evolve, (2) comparing the study of the individual component to the analysis of the entire system, and (3) evaluating how system-level thinking informs the system itself, respectively.

- 4 = outstanding (far exceeds expectations)
- 3 = good (exceeds expectations)
- 2 = average (meets basic expectations)
- 1 = poor (does not meet basic expectations)

The committee's targets are:

- 70% of the work will score 2 or higher.
- 30% of the work will score 3 or higher.

7. Please discuss how this course will provide a summative learning experience for student in the development of skills in argumentation and use of evidence.

This course will require students to develop skills in argumentation in the use of evidence in two primary ways. First, students will be required to read and respond to scholarly articles, both descriptive and normative in nature, critically evaluating the American judicial process. The normative articles will allow students the opportunity to assess the quality and effectiveness of different types of arguments concerning the functioning of the legal system. The descriptive articles will demonstrate to students how scholars studying the legal system use evidence to assess various individual components of the system. Second, the primary writing requirement for this class will be a social science research paper focused on a specific component of the American judicial process. To successfully complete the assignment, students will be required to apply the principles of the scientific method to the systematic study of the judicial process. Students will be required to either complete original research or use scholarly research to test a research hypothesis approved by the instructor. By combining their evaluation of scholarly research on the topic of the judicial process with their own critical assessment of a selected topic, the course will provide students a summative learning experience in developing skills in argumentation and the use of evidence.

8. How many sections of this course will your department offer each semester?

1

9. Please attach sample syllabus for the course.



## **Political Science 220: Judicial Process**

*Fall 2013*

*Tuesdays and Thursdays 11:10-12:30*

*344 Grise Hall*

		<u>Office Hours</u>	
Professor:	Jeffrey Budziak, Ph.D	Tuesday	9:30 - 11:00
Office:	312 Grise Hall	Wednesday	1:30 - 3:00
Phone:	(270) 745-6391	By appointment	
E-mail:	jeffrey.budziak@wku.edu		

### **Course Description**

As nineteenth century French social philosopher Alexis de Tocqueville once observed, "Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question." One of the central purposes of this course is to examine Tocqueville's claim. By investigating the operations and structure of American courts as well as the various actors who comprise the American judiciary, this course is designed to help students to think critically about the American judiciary and the role of politics in the making of American public law. We will examine questions of the structure of judiciaries, methods of judicial selection, the process of judicial decision-making and impact of the decisions of the judiciary on American government. Although we will discuss local and state judiciaries, most of our attention will be paid to the federal judiciary and the United States Supreme Court.

### **Structure of the Course**

I strive to make this course an enlightening and enjoyable experience for all students. I envision a class divided between periods of lecture and periods of discussion. In order to make this vision a reality, it will be necessary for students to attend class regularly and prepare the material (see the course schedule below) for each course meeting. Students who are typically the most successful in the course are those that regularly come to class prepared to engage the readings and become an active participant in class discussion. Preparation and active participation will not only make your success in the course more likely, but it will also make the course more enjoyable for all.

### **Student Learning Outcomes**

Students completing PS 220: Judicial Process will be able to complete the following:

- Identify key principles of concerning the structure of the American legal system.
- Describe the process and functions of the American legal system.
- Explain how the American legal system affects the actions of other case participants in the American political system.
- Critically evaluate the appropriateness of different components of the American legal system.

## Required Readings

Judicial Process in America (TEXT), 9<sup>th</sup> edition, by Robert A. Carp, Ronald Stidham and Kenneth L. Manning. CQ Press. 2013.

The Hollow Hope: Can Courts Bring About Social Change? (HOPE), 2<sup>nd</sup> edition, by Gerald N. Rosenberg. University of Chicago Press. 2008.

Articles will be assigned from academic journals or newspapers. These articles (or links) will be posted on the course Blackboard site. Articles available on Blackboard will be accompanied by a \* in the course schedule.

I will make both the TEXT and HOPE available at The WKU Store. Both should be widely available from online sellers (Amazon.com, half.com, etc.)

## Student Requirements

There will be a total of 300 possible points in the course.

- 20 points     Attendance: Students are expected to attend and participate regularly in class. I will randomly take attendance 12 times throughout the term, with each attendance counting for 2 points (12 x 2 = 24 total possible points). Any points accrued over 20 will be counted as extra credit on the final course grade.
- 30 points     Reading Discussion Questions: Students are required to submit 2 questions about the readings that they feel should be discussed in class. Students will also be asked to include a brief (roughly 250 word) reaction paragraph answering one of their proposed questions. Students will be required to do this **SIX DIFFERENT** times throughout the quarter (6 x 5 points each = 30 points). See the Course Schedule below for due dates. Assignments must be turned in **by 9:30 a.m. the day of the class** (meaning **BEFORE** class) to a drop box on the course Blackboard page.
- 180 points     Exams: Students will be required to complete 3 noncumulative exams in class exams during the semester. Each exam will be worth 60 points, for a total of 180 (3 x 60 = 180). The first two exams will take place throughout the semester, and the third exam will take place during the university final exam week. Please refer to the course schedule below for exact dates. More details about the exams will be made available as they approach.
- 10 points     Course Paper Outline: Students will be required to submit an outline of their course paper detailing their research question, thesis statement and evidentiary support. More details on this assignment will be provided later in the quarter.

60 points      Course Paper: Students will be required to submit a 5-7 page paper near the end of the course which makes an argument responding to a question of their choosing. Papers will be doubled spaced, size 12 Times New Roman font with 1 inch margins. Please review the guide to successful course papers I have attached at the end of the syllabus. I strongly encourage all students to discuss possible research questions with me before undertaking the paper.

### **Grading Scale**

Final course grades will be assigned based on the scale below:

90% (270 points and above)	A
80% - 89.99% (240 – 269 points)	B
70% - 79.99% (210 – 239 points)	C
60% - 69.99% (180 – 209 points)	D
Below 60% (Below 180 points)	F

### **Blackboard and E-Mail**

Students should regularly check their official WKU e-mail and the course Blackboard website. Please consider checking both your e-mail and Blackboard as a daily homework assignment. Students will be held accountable for any material transmitted by e-mail or through Blackboard.

### **Class Attendance**

Class attendance will be critical for success in this course. Students are expected to attend class on a regular basis, so please do your best to attend every class session. We will also occasionally discuss subjects that are not directly referenced in the assigned readings – further reason to attend class.

If you must miss a class, it is your responsibility to contact me for any class handouts or assignments you may have missed. You are also responsible for getting any missed notes from another student – I will not provide class notes. If you wish to discuss the material you missed, you are welcome to come to my office hours or set up an appointment.

### **Make-Up Exams**

Make-up exams will only be provided to students who have an approved absence with the proper supporting documentation (e.g., University-sanctioned event, religious holiday, personal illness, family emergency, etc.). You must contact me within 24 hours of the start of the missed exam to notify me of your inability to take the exam (unless of an extraordinary circumstance – in which case, proper documentation must be provided). If you fail to contact me within 24 hours of the start of an exam, I reserve the right to refuse a make-up exam.

## **Late Work**

Reading Reactions/Discussion Questions will **NOT** be accepted late **under any circumstances**. 2 points will be deducted from your paper outline and 10 points from your paper for every 24 hour period (including weekends) it is late.

## **Disability Services**

In compliance with university policy, students with disabilities who require academic and/or auxiliary accommodations for this course must contact Student Disability Services in Downing University Center, A-200. The phone number is 270-745-5004. Please DO NOT request accommodations directly from the professor or instructor without a letter of accommodation from Student Disability Services.

## **Academic Misconduct**

I expect all students to abide by the rules and regulations set forth in the Western Kentucky University Student Handbook with regards to all forms of academic misconduct (cheating, plagiarism, etc.). If a student is caught committing academic misconduct, the student will at least receive a score of 0 for the assignment, and I reserve the right to assign a 0 for the entire course. If you have any questions about what does and does not constitute academic misconduct, please speak with me.

## **Course Schedule**

Below is a schedule of class topics. I reserve the right to make changes to the schedule if necessary. I will announce any changes to the syllabus in class and post changes to the Blackboard course website.

### Week 1:

*Tuesday, August 27<sup>th</sup>* Introduction to the Course  
- Distribute syllabi and discuss course requirements

*Thursday, August 29<sup>th</sup>* Foundations of Law in the United States  
- TEXT Chapter 1 pp. 1-24  
- \*Testimony of Chief Justice Minton: "Rule of Law Alive and Well in Today's Society"

### Week 2

*Tuesday, September 3<sup>rd</sup>* State Judicial Systems  
- TEXT Chapter 3 pp. 52-74, 101-104  
- \**New York Times*: In Tiny Courts of N.Y., Abuses of Law and Power

*Thursday, September 5<sup>th</sup>* State Court Selection Systems  
- TEXT Chapter 5 pp. 104-116  
- \**New York Times*: Campaign Cash Mirror's a High Court's Rulings  
- \*American Constitution Society: "Justice at Risk" (pp. 4-15)



### Week 3

*Tuesday, September 10<sup>th</sup>*                      The Lower Federal Judiciary

- TEXT Chapter 2 pp. 25-27, 34-51
- \*Federalist No. 78
- \*Chief Justice's 2008 End of the Year Report

*Thursday, September 12<sup>th</sup>*                      Jurisdiction and Boundaries

- TEXT Chapter 4 pp. 75-100
- \*The Brethren: The Vietnam War
- \*The Wall Street Journal: Hating on the Ninth Circuit: Funny But a Little Depressing

### Week 4

*Tuesday, September 17<sup>th</sup>*                      Judges of the Lower Federal Judiciary

- TEXT Chapter 6 pp. 117-142
- \*Picking Federal Judges: Chapter 1

*Thursday, September 19<sup>th</sup>*                      The Structure of the Supreme Court

- TEXT Chapter 2 pp. 27-34
- \*Franklin D. Roosevelt: Fireside Chat on the Organization of the Judiciary

### Week 5

*Tuesday, September 24<sup>th</sup>*                      The Supreme Court Confirmation Process

- \*NBC: "A Guide to the Supreme Court Nomination"
- \*ABA: "Are Reforms in the Confirmation Process Needed?"
- \*2011 Chief Justice's End of the Year Report on the Federal Judiciary

**\*\*AT LEAST 1<sup>st</sup> DISCUSSION QUESTION ASSIGNMENT MUST BE  
SUBMITTED BY 9:30 A.M.\*\***

*Thursday, September 26<sup>th</sup>*                      The Importance of the Composition of the  
Federal Judiciary for Policy

- TEXT Chapter 7 pp. 158-180
- \**Harvard Law and Policy Review*: "Does Executive Branch Experience Explain Why Some Justices 'Evolve' and Others Don't?"

**\*\*AT LEAST 2<sup>nd</sup> DISCUSSION QUESTION ASSIGNMENT MUST BE  
SUBMITTED BY 9:30 A.M.\*\***

### Week 6

*Tuesday, October 1<sup>st</sup>*                              **Exam #1**

*Thursday, October 3<sup>rd</sup>*                              **NO CLASS – FALL BREAK**

## Week 7

*Tuesday, October 8<sup>th</sup>* Attorneys in the Legal System

- TEXT Chapter 8 pp. 181-195
- \**New York Times*: "Public Defenders Get Better Marks on Salary"
- \**New York Times*: "Law Schools' Applications Fall as Costs Rise and Jobs are Cut"

*Thursday, October 10<sup>th</sup>* Litigants and Interest Groups

- TEXT Chapter 8 pp. 195-205
- \* *Educational Studies*: "In Their Words: A Living History of the Brown Decision"
- \**Judicature*: "The Solicitor General as Amicus: How Influential?"
- \**National Law Journal*: "The Court's Increasing Reliance on Amicus"

## Week 8

*Tuesday, October 15<sup>th</sup>* Civil Law

- TEXT Chapter 11 pp. 271-293
- \**Judicature*: "Arbitration v. Mediation – Explaining the Differences"

*Thursday, October 17<sup>th</sup>* Procedures Prior to a Criminal Trial

- TEXT Chapter 9 pp. 206-240
- \**Justice System Journal*: "Plea Bargaining and the Death Penalty: An Exploratory Study"

**\*\*COURSE PAPER OUTLINE DUE BY 11:59 P.M. ON  
BLACKBOARD\*\***

## Week 9

*Tuesday, October 22<sup>nd</sup>* The Criminal Trial

- TEXT Chapter 10 pp. 241-254
- \**Judicature*: "Should We Blame Judge Judy?"

**\*\*AT LEAST 3<sup>rd</sup> DISCUSSION QUESTION ASSIGNMENT MUST BE  
SUBMITTED BY 9:30 A.M.\*\***

*Thursday, October 24<sup>th</sup>* After the Criminal Trial

- TEXT Chapter 10 pp. 254-270
- \*\**Justice System Journal*: Crime-Show-Viewing Habits and Public Attitudes Towards Forensic Evidence: The "CSI Effect" Revisited
- \**National Public Radio*: Does the Death Penalty Deter Crime?

**\*\*AT LEAST 4<sup>th</sup> DISCUSSION QUESTION ASSIGNMENT MUST BE  
SUBMITTED BY 9:30 A.M.\*\***

## Week 10

*Tuesday, October 29<sup>th</sup>* **Exam #2**

Thursday, October 31<sup>st</sup> Trial Court Decision-Making

- TEXT Chapter 12 pp. 294-326

Week 11

Tuesday, November 5<sup>th</sup> Appellate Court Decision-Making: Agenda-Setting

- TEXT Chapter 13 pp. 341-345
- \*Chapter 9 in H.W. Perry's Deciding to Decide

Thursday, November 7<sup>th</sup> Process of Appellate Court Decision-Making

- TEXT Chapter 13 pp. 345-363
- \**Judicature*: Bargaining and Accommodation on the United States Supreme Court: Insight from Justice Blackmun

Week 12

Tuesday, November 12<sup>th</sup> Models of Appellate Court Decision-Making

- TEXT Chapter 13 pp. 363-379

Thursday, November 14<sup>th</sup> Judicial Policy Implementation

- TEXT Chapter 14 pp. 380-404

**\*\*PAPER COPY OF COURSE PAPER DUE AT BEGINNING OF CLASS\*\***

Week 13

Tuesday, November 19<sup>th</sup> Introduction to *The Hollow Hope*

- HOPE Chapter 1 pp. 1-36

Thursday, November 21<sup>st</sup> Evaluating the Judicial Path

- HOPE Chapter 2 (pp. 39-71) **OR** Chapter 6 (pp. 173-201)

Week 14

Tuesday, November 26<sup>th</sup> Evaluating the Extrajudicial Path

- HOPE Chapter 4 (pp. 107-139) **ONLY IF** you read Chapter 2
- HOPE Chapter 8 (pp. 228-246) **ONLY IF** you read Chapter 6

Thursday, November 28<sup>th</sup> **NO CLASS – THANKSGIVING BREAK**

Week 15

Tuesday, December 3<sup>rd</sup> Alternative Explanations

- HOPE Chapter 5 (pp. 157-169) **ONLY IF** you read Chapters 2 and 4
- HOPE Chapter 9 (pp. 247-265) **ONLY IF** you read Chapters 6 and 8

**\*\*AT LEAST 5<sup>th</sup> DISCUSSION QUESTION ASSIGNMENT MUST BE SUBMITTED BY 9:30 A.M.\*\***

*Thursday, December 5<sup>th</sup>*

Conclusions and Criticisms

- HOPE Chapter 14 (pp. 420-429) for **ALL**
- *\*Law and Social Inquiry: "Hollow Hopes, Flypaper and Metaphors"*

**\*\*AT LEAST 6<sup>th</sup> (final) DISCUSSION QUESTION ASSIGNMENT MUST BE  
SUBMITTED BY 9:30 A.M.\*\***

Finals Week:            Final Exam

*Monday, December 9<sup>th</sup>*

**FINAL EXAM 8:00-10:00**

## Guide to Course Writing

The ability to write well is one of the most important skills to learn during your college career. However, becoming a “good” writer is often easier said than done. This guide provides you with some tips and resources to improve your writing. If you have any questions, feel free to contact me.

### BASIC TIPS:

Most of the tips in this section come from the webpages listed in the Resource section of this handout. I encourage all of you to review these webpages for more information.

□□Your paper’s **introduction** paragraph should grab the reader’s attention and provide basic information about your research topic. An introduction should contain an explicit **thesis statement** that states clearly what you plan to write about or argue. Thesis statement example:

o *The 1975 Public Affairs Act has not led to increases in educational access for people of lower socioeconomic means.*

□□Once you **make a claim, provide evidence** to support your claim. Examples of evidence with MLA in-text citations:

o *In their May 2006 report to Congress, the GAO states that the 1975 Public Affairs Act is antiquated and no longer provides a necessary public service (18).*

o *With increased college enrollments in recent years, federal loan programs cannot meet the demand for student financial aid (Department of Education 3).*

o *From 1976-1980, the Congressional Research Service Reports that the percentage of students from lower socioeconomic backgrounds enrolled in college remained unchanged (14).*

□□In **the body of your paper**, each paragraph following your introduction should present information relating to your thesis. You could provide examples relevant to your argument, summarize the evidence for/against your claim, and define terms for the reader, among other possibilities. The opening line of each paragraph should introduce something new to the reader, and then the rest of the paragraph will expand on it.

□□In **the conclusion**, there are many different ways you can wrap-up your paper. For example, you could raise new questions as a result of your research, or summarize the most important points you discussed and how they relate to your thesis statement. Use the websites listed in the Resource section to find ideas for conclusions that best suit your writing style.

□□When **quoting other authors or paraphrasing their ideas**, be sure cite them in your paper. Most college students use MLA format, but there are other formats that are popular including APA and Chicago. For the purpose of this course, use whatever accepted format you are most comfortable with. If you are unsure whether you need to cite an author, always err on the side of caution and cite the source of the information.

o **Avoid citing Wikipedia, Answers.com, and related websites.**

Because anyone can post anything on these websites, we cannot be sure of the information's accuracy. Only use information from respected sources (e.g., scholarly works, government offices, non-profit organizations, etc.).

□□ **Proofread your work.** Misspellings and grammatical errors greatly reduce the quality of your paper, even if you make a compelling argument. Often times, people miss grammatical errors when they read a paper on a computer screen. To help alleviate this problem, you could read your paper aloud or print off a copy and then proofread it. If you trust your roommate or another friend, ask them to proofread your paper.

**RESOURCES:**

*WKU Writing Center, Phone (270) 745-5719,*

<http://www.wku.edu/Dept/Academic/AHSS/English/wccenter/wcpage.html>

The Writing Center provides helpful consultations for students on how to prepare papers for their college courses (e.g., proper use of citations in MLA and APA format, how to create an interesting introduction/thesis statement, etc.). Don't be afraid to contact the Writing Center, their staff members are there to support you.

*Writing in College: A Short Guide to College Writing,* [http://writingprogram.](http://writingprogram.uchicago.edu/resources/collegewriting/)

[uchicago.edu/resources/collegewriting/](http://writingprogram.uchicago.edu/resources/collegewriting/)

Two professors at the University of Chicago put together this website. We strongly recommend you review the first section, "Some crucial differences between high school and college writing." The website is easy to understand and very comprehensive.

*The Elements of Style,* <http://www.bartleby.com/141/>

This online book covers a lot of the basics of paper composition. Although it is intended for English courses, the information is applicable to almost any type of college class.

*The Nuts and Bolts of College Writing,* <http://nutsandbolts.washcoll.edu/>

This webpage contains tons of information on how to structure your paper from the introduction to the conclusion, writing mechanics (e.g., grammar, punctuation, etc.), how to clarify your writing, among other items.