

JUDICIAL PROCESS IN AMERICA
Bluefield State College
POSC 325—FALL 2016
CRN: 11508 & 11509
Sections: 001 & 002
WEBBD

Colin S. Cavell, Ph.D.
Class MWF: 9:00-9:50 a.m. (14:00-15:15)
Office Hours: TBA
VOICE: 304.327.4034 (W)

Course Room No.: B106 & HEC W17
INTERNET: ccavell@bluefieldstate.edu
Office No.: B120
512-924-2364 (M)

Study of the American legal system on both the state and national levels. Focus on the concept of law, selection of judges, criminal and civil procedure, trial and appellate processes. PR: POSC 200 or POSC 210.

Grading Policy: 20% for Attendance & Participation; 20% for the Class Presentation or, alternatively, Participation in the Soliya Program; 20% for the Midterm Exam; 20% for the Research Paper; and 20% for the Final Exam. A Guidelines sheet will be distributed outlining the requirements for your Class Presentation and for your Research Paper.

Grading Scale: 90-100=A; 80-89=B; 70-79=C; 60-69=D; 0-59=F. These numerical scores correspond to the following evaluations: “A” = Excellent; “B” = Good; “C” = Satisfactory (NOTE: A grade of “C” or better is required in major courses); “D” = Poor (passing, except in major courses); “F” = Earned Failure (removed only by repeating the course; upon successfully passing the course, the first grade is “excluded” from grade point average. The second grade is “included” in the recalculation of the grade point average); and “I” = Incomplete.

Institutional Learning Outcomes for General Studies:

ILO1: Communication [AAC&U WRITTEN AND AAC&U ORAL COMMUNICATION]

Students will communicate effectively both orally and in writing.

ILO2: Information Literacy [AAC&U INFORMATION LITERACY]

Students will select appropriate resources, prioritize information in terms of relevance and reliability, question and evaluate the complexity of the information environment, and use information in an ethical manner.

ILO5: Social, Artistic, and Cultural Literacy [AAC&U GLOBAL LEARNING AND AAC&U CIVIC ENGAGEMENT]

Students will analyze and compare diverse social and cultural patterns, texts, and performances and will evaluate them from a global perspective.

ILO6: Scientific Literacy [AAC&U INQUIRY AND ANALYSIS]

Students will understand and apply scientific concepts and develop science inquiry and research skills.

ILO7: Critical and Ethical Reasoning [AAC&U CRITICAL THINKING AND AAC&U ETHICAL REASONING]

Students will interpret, analyze, and construct ethical arguments.

(effective August 8, 2013)

Program Learning Outcomes:

PO3: Communicate effectively within a social science area of concentration.

PO4: Critique, analyze, and assess topics, ideas, and/or sources within the social sciences disciplines.

PO5: Evaluate, select, and apply an appropriate research methodology in the social sciences.

PO6: Apply ethics across the social science disciplines.

Course Learning Outcomes: Upon completion of POSC 325, students should be able:

- CLO1: to read and provide an immanent critique of texts;
- CLO2: to articulate arguments and examine their flaws;
- CLO3: be familiar with the basics of logical, ethical, and dialectical reasoning;
- CLO4: understand the differences between a secular and theistic form of living;
- CLO5: be familiar with the constitutional history of the US experiment in self-government;
- CLO6: understand the historical evolution of human culture, including struggles over rights and responsibilities;
- CLO7: be familiar with the horrendous tragedies as well as the notable accomplishments of the US experiment in self-government in its efforts to balance the principles of liberty with order;
- CLO8: understand the value and role of human labor, money, and commodities;
- CLO9: understand the reasoning behind the separation of legislative, executive, and judicial powers in the US Constitution;
- CLO10: understand the reasoning behind the idea of checks and balances in the US Constitution;
- CLO11: be able to understand the various conceptions of the purposes of government and the role a judicial system plays in fostering justice and, hence, legitimacy for the political system;
- CLO12: understand the proper ordering of political relationships, the nature of class struggle, the basics of political economy, the contradictions between liberty and order, and the effects of race, gender, class, and other divisions on society and the effect of constitutional provisions to either enhance or dissipate such divisions;
- CLO12: be able to articulate, either orally or in writing, a coherent, logical, and critically persuasive argument, embodying a defensible conception of human freedom, on a designated topic relating to judicial process.

Academic Integrity Policy: Academic integrity is expected of all students. This means that all work for this class must be undertaken and completed by you alone without collaboration from others. Any dishonesty in the performance of course work, such as plagiarism or cheating in other forms, will be reported. In the event the student is charged with some form of dishonesty, the Student Discipline Policy will be followed. The full text of the BSC Academic Honesty Policy can be found at: <http://www.bluefieldstate.edu/academics/academic-honesty-and-proctoring>. In addition, students should be aware that research paper assignments must be submitted to [Turnitin](#) for the purpose of checking for plagiarism. Submitted assignments will be included in the BSC dedicated database of assignments at Turnitin.

Quiz and Test Policy: You will have **three possible attempts** with each chapter quiz to make your highest score. On the Midterm and Final Exams, you will have **only one possible attempt** to make your highest score. Your chapter quizzes will become accessible on the date indicated online and you will have until the last day of classes [i.e. December 2, 2016] at 11:55 p.m. to take them. The Midterm and Final Exams will be accessible on the date indicated online and on the syllabus and **you will have only 120 minutes to complete each exam**. If you attempt to utilize the course textbook to answer the questions on the Midterm and Final Exams, you will likely run out of time. **Make sure to complete both the Midterm Exam and the Final Exam by the stipulated dates**. The Midterm Exam will cover chapters 1-7. The Final Exam will cover Chapters 8-15. Questions on the Midterm and Final Exams will come directly from the chapter quizzes.

Attendance Policy*: Attendance in class is mandatory. It is the student's responsibility to sign the attendance sheet each day of class; failure to sign the attendance sheet—even if in attendance—will be counted as an absence. “When the number of clock hours of willful absences exceeds the number of semester hours of credit, the instructor will notify the Registrar that the student has exceeded the permissible number of absences and should be withdrawn from class.” Students with Excused Absences must submit to me a hard copy of the campus publication *The Bulletin* announcing your allowed absence in order to get credit for the day(s) of your absence. “It is the responsibility of the student to...provide supporting documents for institutional and unavoidable absences” (*Bluefield State College Academic Catalog 2012-2014*, p. 55). As well, you are expected to follow the syllabus and accordingly be prepared for each day's class. This means that you must read the pre-assigned readings before class so that you will be prepared to discuss and debate in class the subject matter scheduled for that day and answer questions related to the issues being covered.

* Absence from class may be made up by preparing a **two-page, typed** (i.e. using maximum 12 point font size and maximum double-spaced text with one-inch margin on all sides), **summary** on the missed material scheduled to be covered the day(s) of your absence. The summary must be in your own words and must **not** be copied material from the text(s), the internet, or any other source(s). **All summaries must be turned in to me by the last day of classes if you want credit for your absences.**

Cell Phone Policy:

Turn off all cell phones during class or put on vibration. If you absolutely must answer your phone, leave the classroom before answering your phone and return only after you have completed your conversation.

Withdrawal Policy: Academic Withdrawal from the course prior to the deadline date for withdrawal as published within the academic calendar is accomplished by securing a “Change In Schedule” form and having it signed by appropriate persons. Blank copies of the change in schedule form are available in the offices of the Registrar, the Vice President for Academic Affairs, the Dean and the advisor. After obtaining the required signatures, the student must submit, prior to the deadline date, the change in schedule form to the Office of the Registrar.

Disability Services Statement: BSC is committed to full inclusion of all students. Students who, by nature of a documented disability, require classroom, equipment, testing or assignment accommodations should contact the Student Support Services at 304.327.4227 to request accommodations before the start of the semester. Your immediate attention to these arrangements is necessary to assure a positive learning experience.

Free Tutoring Services Available: BSC offers **free online tutoring for all BSC students** in the following subjects: Math; Accounting, Managerial; Accounting, Financial; Writing (all subjects); Grammar; Microeconomics; Macroeconomics; Statistics; Spanish. Chemistry, etc. **This service is free and available 24 hours a day to all BSC students.** Go to <http://www.smarthinking.com/> and follow these instructions.

Required Text:

Carp, Robert A., Ronald Stidham, Kenneth L. Manning, and Lisa M. Homes. 2016. *Judicial Process in America, Tenth Edition*. Los Angeles, CA: SAGE Publications Ltd. & CQ Press. [ISBN 9781483378251], 488 pages.

*****This class is web-enhanced and students will be able to access supplemental materials on the BSC BlackBoard website.*****

Mandatory LiveText Assessment Statement:

"An active LiveText account is a required resource for this course because at least one assignment *must* be submitted electronically using this online platform. LiveText is used by Bluefield State to demonstrate the quality of our academic programs, and to improve teaching and learning. As a student, you have the option to use your account for secure online storage of your academic work, and to create digital documents such as electronic portfolios or reflective journals, which can be shared with prospective employers or other audiences."

— Tracey Anderson, Ed.D., BSC Director of Institutional Research and Effectiveness, 2013

August 15 [Monday]: Classes begin for Fall 2016 Semester; Introduction to the American Judicial System

Main Themes: What is Justice? Justice for Whom?

Explain Syllabus: Go over class requirements, required text, class presentation, research paper, midterm exam, and final exam

Readings: Carp, et al., Chapter 1: Foundations of Law in the United States

Aug. 17 [Wednesday]: Foundations of Law in the United States

Readings: Carp, et al., Chapter 1: Foundations of Law in the United States

Aug. 19 [Friday]: Foundations of Law in the United States

Readings: Carp, et al., Chapter 1: Foundations of Law in the United States

August 22 [Monday]: The Federal Judicial System

Readings: Carp, et al., Chapter 2: The Federal Judicial System

Aug. 24 [Wednesday]: The Federal Judicial System

Readings: Carp, et al., Chapter 2: The Federal Judicial System

Aug. 26 [Friday]: The Federal Judicial System

Readings: Carp, et al., Chapter 2: The Federal Judicial System

Aug. 29: State Judicial Systems

Readings: Carp, et al., Chapter 3: State Judicial Systems

Aug. 31: State Judicial Systems

Readings: Carp, et al., Chapter 3: State Judicial Systems

Sept. 2: State Judicial Systems

Readings: Carp, et al., Chapter 3: State Judicial Systems

Sept. 5 [Monday]: Labor Day Holiday (No Classes)

Sept. 7: Jurisdiction and Policymaking Boundaries

Readings: Carp, et al., Chapter 4: Jurisdiction and Policymaking Boundaries

Sept. 9: Jurisdiction and Policymaking Boundaries

Readings: Carp, et al., Chapter 4: Jurisdiction and Policymaking Boundaries

Sept. 12: State Judges

Readings: Carp, et al., Chapter 5: State Judges

Sept. 14: State Judges

Readings: Carp, et al., Chapter 5: State Judges

Sept. 16: State Judges

Readings: Carp, et al., Chapter 5: State Judges

Sept. 19: Federal Judges

Readings: Carp, et al., Chapter 6: Federal Judges

Sept. 21: Federal Judges

Readings: Carp, et al., Chapter 6: Federal Judges

Sept. 23: Federal Judges

Readings: Carp, et al., Chapter 6: Federal Judges

Sept. 26: Policy Links between the Citizenry, the President, and the Federal Judiciary

Readings: Carp, et al., Chapter 7: Policy Links between the Citizenry, the President, and the Federal Judiciary

Sept. 28: Policy Links between the Citizenry, the President, and the Federal Judiciary

Readings: Carp, et al., Chapter 7: Policy Links between the Citizenry, the President, and the Federal Judiciary

Sept. 30: Policy Links between the Citizenry, the President, and the Federal Judiciary

Readings: Carp, et al., Chapter 7: Policy Links between the Citizenry, the President, and the Federal Judiciary

Assignment: Catch up with your readings; Study for the Midterm Exam

Oct. 1-9: **MIDTERM EXAM [online]** [Click on Quizzes and then on “Midterm Exam”. You will have 120 minutes to complete the exam and only one attempt. You must complete the Midterm Exam by 11:55 p.m. on October 9, 2016.]

Oct. 10 [Monday]: **Mid-semester grades due to Registrar electronically**

Oct. 10 [Monday]: Lawyers, Litigants, and Interest Groups in the Judicial Process

Readings: Carp, et al., Chapter 8: Lawyers, Litigants, and Interest Groups in the Judicial Process

Oct. 12: Lawyers, Litigants, and Interest Groups in the Judicial Process

Readings: Carp, et al., Chapter 8: Lawyers, Litigants, and Interest Groups in the Judicial Process

Oct. 14: Lawyers, Litigants, and Interest Groups in the Judicial Process

Readings: Carp, et al., Chapter 8: Lawyers, Litigants, and Interest Groups in the Judicial Process

Oct. 17: Crime and Procedures prior to a Criminal Trial

Readings: Carp, et al., Chapter 9: Crime and Procedures prior to a Criminal Trial

Oct. 19: Crime and Procedures prior to a Criminal Trial

Readings: Carp, et al., Chapter 9: Crime and Procedures prior to a Criminal Trial

Oct. 21: Crime and Procedures prior to a Criminal Trial

Readings: Carp, et al., Chapter 9: Crime and Procedures prior to a Criminal Trial

Oct. 24: The Criminal Trial and Its Aftermath

Readings: Carp, et al., Chapter 10: The Criminal Trial and Its Aftermath

Oct. 26: The Criminal Trial and Its Aftermath

Readings: Carp, et al., Chapter 10: The Criminal Trial and Its Aftermath

Oct. 28: The Criminal Trial and Its Aftermath

Readings: Carp, et al., Chapter 10: The Criminal Trial and Its Aftermath

Oct. 31: The Civil Court Process

Readings: Carp, et al., Chapter 11: The Civil Court Process

Nov. 2: The Civil Court Process

Readings: Carp, et al., Chapter 11: The Civil Court Process

Nov. 4 [Friday]: Last Day to Drop with “W” or Withdraw from the College

Nov. 4: The Civil Court Process

Readings: Carp, et al., Chapter 11: The Civil Court Process

Nov. 7: Decision Making by Trial Court Judges

Readings: Carp, et al., Chapter 12: Decision Making by Trial Court Judges

Nov. 9: Decision Making by Trial Court Judges

Readings: Carp, et al., Chapter 12: Decision Making by Trial Court Judges

Nov. 11: Decision Making by Trial Court Judges

Readings: Carp, et al., Chapter 12: Decision Making by Trial Court Judges

Nov. 14: Decision Making in Collegial Courts

Readings: Carp, et al., Chapter 13: Decision Making in Collegial Courts

Nov. 16: Decision Making in Collegial Courts

Readings: Carp, et al., Chapter 13: Decision Making in Collegial Courts

Nov. 18: Decision Making in Collegial Courts; In-Class Presentations Due (**In-Class Presentations MUST be completed by today**)

Readings: Carp, et al., Chapter 13: Decision Making in Collegial Courts

Assignment: In-Class Presentations Due today. This is the last day for in-class presentations. Make sure to complete your presentation by this date.

Nov. 21-25: Thanksgiving Day Holidays — College closed (No Classes)

Nov. 28: Implementation and Impact of Judicial Policies; Research Papers Due (**Research Papers must be submitted today**)

Readings: Carp, et al., Chapter 14: Implementation and Impact of Judicial Policies

Assignment: Research Papers Due today. Hand in a hard copy of your Research Papers to me in class and upload an electronic copy to Turnitin (follow submission instructions on course BlackBoard page).

Nov. 30: Implementation and Impact of Judicial Policies & Policymaking by American Judges: A Synthesis

Readings: Carp, et al., Chapter 14: Implementation and Impact of Judicial Policies & Chapter 15: Policymaking by American Judges: A Synthesis

Dec. 2: Policymaking by American Judges: A Synthesis (**Last day of classes. All course work MUST be completed by this date. No submissions will be accepted after this date.**)

Dec. 2 [Friday]: [Last day of classes. All course work MUST be completed by this date. No submissions will be accepted after this date.]

Readings: Carp, et al., Chapter 15: Policymaking by American Judges: A Synthesis

Assignment: Complete all readings & submit all work.

Dec. 3-11: Final Exam [Click on Quizzes and then on “Final Exam”. You will have 120 minutes to complete the exam and only one attempt. You must complete the Final Exam by 11:55 p.m. on December 11, 2016.]

Dec. 12 [Monday]: Final grades due to Registrar by 12:00 Noon electronically.