In the early years of the American republic, a French citizen named Alexander deToqueville came to visit. He was much more than simply a tourist; he was first and foremost an observer of America and Americans. Many things about this country amused him. Substantially more things bemused him. One of the items that both amused and bemused deToqueville was the American system of courts and the uses to which they were put. He found that among the peoples of the world Americans were uniquely reliant on their courts to solve all of their problems and controversies. As deToqueville put it, in America every political issue eventually became a legal issue. This early relationship between Americans and their judicial system has become even more intense in the ensuing centuries so that today it might be appropriate to consider changing the national motto from “In God We Trust” to “Let’s everyone litigate.”

The objectives of this course are three-fold: first, to familiarize the student with the structures of the court systems operating in the United States; second, to explore the behavior of the participants in those systems; and, third, to explore the political nature of the judicial process. We will spend the semester explaining both how courts work and the work they do as well as discussing controversial issues associated with courts and judicial policymaking.

The United States has what is commonly referred to as a “dual court system,” in which the federal courts and the courts of each state exist side by side, both independent of and interdependent on each other. In this course, the heaviest emphasis will be on the federal court system, even though the state courts tend to have the greatest immediate impact on the lives of American citizens. The major justification for this emphasis on federal courts is that the major constitutional battles of our time have been fought in federal courts, which makes them the appropriate place to begin the study of judicial process and politics.

Required Reading


**Course Assignments**

I will determine whether a student has met the course objectives by three means: **tests, quizzes and a research paper**

Tests will consist of essay questions, short answer questions and term identifications. Questions will cover both the lecture notes and assigned readings (whether or not discussed in the lecture.)

Quizzes will be given on selected class days over material assigned for that day. There will be nine quizzes during the semester, each worth six points, for a total of 54 possible points. Students may accumulate 40 points in this areas toward their final grades. I have built in extra points in case students miss class or do not complete the assigned readings for those days. These quiz points are built into the final grade assessment and can bring the student down a full letter grade if the readings are not done or if the student is excessively absent from class.

The research paper will be on a theme chosen after consultation with me. Students can write on a current legal issue (i.e. the legal rights of foreign nationals detained after 9-11) or some aspect of judicial decisionmaking (i.e. issues of jury selection.) A good way to come up with a topic is to look through the texts. Students must present their topics to me by **Monday, February 20** in the form of a one page typed summary. Failure to turn in a summary in time will result in a 10 point deduction from the final paper grade. The summary should include the nature of topic under review as well as a list of five potential references. (These references can be drawn from the lists at the end of the text chapters.) These research papers will count for 100 points and will require substantial research and preparation as well as careful and correct writing. They should be 12-15 pages in length (double spaced) and make use of at least eight references (most of which should be scholarly articles and books.) Students should use standard citation style. **All material derived from research material must be cited whether or not it involves direct quotations. Failure to do so will have a major adverse effect on the final grade.** Papers are due in class on **Monday, April 16.** Late papers will incur a 10 point per day penalty.

**Grade Assignment**

Grades will assigned on the basis of points accumulated over the course of the semester in the following ways:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Early Warning Exam</td>
<td>60</td>
</tr>
<tr>
<td>Mid-term Exam</td>
<td>100</td>
</tr>
<tr>
<td>Final Exam</td>
<td>100</td>
</tr>
<tr>
<td>Quizzes</td>
<td>40</td>
</tr>
<tr>
<td>Research Paper</td>
<td>100</td>
</tr>
</tbody>
</table>

400 total possible points
The grading scale will be as follows:

<table>
<thead>
<tr>
<th>Score Range</th>
<th>Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>400-360</td>
<td>A</td>
</tr>
<tr>
<td>359-319</td>
<td>B</td>
</tr>
<tr>
<td>318-278</td>
<td>C</td>
</tr>
<tr>
<td>277-237</td>
<td>D</td>
</tr>
<tr>
<td>236-0</td>
<td>F</td>
</tr>
</tbody>
</table>

**Attendance policy**

I will call roll in this class and expect students to attend on a regular basis. Learning is a shared experience requiring interaction in a classroom setting. You cannot interact if you are not present. Past experience in teaching this class has shown that grades fall exponentially with increases in absences. Students should plan to be on time for class. Once class has begun students are expected to remain until the conclusion. If you need water or a soft drink, bring it with you. Do not wander out of my class unless it is an emergency. Also, students may not bring their children with them to class.

**Academic Advising**

The College of Liberal Arts requires that students meet with an academic advisor as soon as they are ready to declare a major. The academic advisor will set up a degree plan, which must be signed by the student, a faculty mentor, and the department chair. The College’s Academic Advising Center is located at Driftwood 203E and can be reached at 825-3466.

**Students with Disabilities**

Texas A&M University complies with the Americans with Disabilities Act in making reasonable accommodations for qualified students with impairments. If you suspect that you have a disability (physical impairment, learning disability, psychiatric disability, etc.), please contact the Disability Services Office at 825-5816 or visit the office in Driftwood 101. If you need disability accommodations in this class, please see me as soon as possible.

**Grade Appeal Process**

As stated in University Rule 13.02.99.C2, Student Grade Appeals, a student who believes that he or she has not been held to appropriate academic standards as outlined in the class syllabus, equitable evaluation procedures, or appropriate grading, may appeal the final grade given in the course. The burden of proof is upon the student to demonstrate the appropriateness of the appeal. A student with a complain about a grade is encouraged to first discuss the matter with the instructor. For complete details, including the responsibilities of the parties involved in the process, see University Rule 13.02.99.C2, Student Grade Appeals, and University Procedure.
13.02.99.C2.01, Student Grade Appeal Procedures. These documents are accessible through the University Rules Web site at [http://www.tamucc.edu/provost/university_rules/index.html](http://www.tamucc.edu/provost/university_rules/index.html). For assistance and/or guidance in the grade appeal process, students may contact the Office of Student Affairs.

**Reading assignments** (Schedule subject to change with notice)

*Wednesday, January 11*- Syllabus review and overview of class

**Monday, January 16** - **MLK Holiday**

*Wednesday, January 18*, *Monday, January 23*
Carp, Ch. 1

*Wednesday, January 25*, *Monday, January 30*
Carp, Ch. 2

*Wednesday, February 1*, *Monday, February 6*
Carp, Ch. 3

*Wednesday, February 8* - **Early Warning Exam**

*Monday, February 13*, *Wednesday, February 15*
Carp, Ch. 4
O’Brien, Ch. 1

*Monday, February 20*
Carp, Ch. 5

*Wednesday, February 22*, *Monday, February 27*
Carp, Ch. 6
O’Brien, Ch. 2

*Wednesday, February 29*, **Film** “One Nation Under Law”

*Monday, March 5*, **Mid Term Exam**

*Wednesday, March 7*
Carp, Ch. 7

**March 12-16** **Spring break**

*Monday, March 19*
Carp, Ch. 8
Wednesday, March 21
Carp, Ch. 9

Monday, March 26
Carp, Ch. 10

Wednesday, March 28
Carp, Ch. 11

Monday, April 2, Wednesday, April 4
Carp, Ch. 12

Monday, April 9
O’Brien, Ch. 2, 3

Wednesday, April 11, Monday April 16, Wednesday, April 18
Carp, Ch. 13
O’Brien, Ch. 4, 5

Monday, April 23 Film “A Nation of Liberties”

Wednesday, April 25,
Carp, Ch. 14

Monday, April 30
Carp, Ch. 15
O’Brien, Ch. 6

Final Exam TBA