Judicial Process and Policy-Making in the United States
Political Science 341
Section 001
The University of Tennessee
Fall 2009
MWF 9:05 a.m. – 9:55 a.m., HSS 111

Lecturer: Theodore Brown, Jr.
Office: 1013A McClung Tower; main office 1001 McClung Tower (865-974-2261)
Office Hours: MWF’s 10:00 a.m.-11:00 a.m. and by appointment
E-Mail: wbrown12@utk.edu

Text: Walter F. Murphy, C. Herman Pritchett, Lee Epstein, and Jack Knight, 
are included by specific reference in this syllabus, and additional reserve materials
may be assigned during the course of the semester. Unless otherwise indicated, all
reserve materials will be available through the Hodges Library’s online e-reserve
system.

Assignments, Classroom Topics, and Exams

August 19   Introduction to the Judicial Process and Policy-Making in the United States

Chapter 1: Political Jurisprudence

August 21   Chapter 1: Political Jurisprudence (continued)

Assignment: Prior to class, read p. 3 middle of p. 20 in Chapter 1.

1This syllabus is subject to revision and correction. Revisions of this syllabus and the correction
of any errors or inconsistencies in this syllabus that are discovered after the initial distribution hereof on the
first day of class will only be made in class; no revised syllabus will be distributed. It will be the sole
responsibility of the student to be present in class and to make appropriate changes in the syllabus to revise
the same or to correct any errors or inconsistencies in the same as they are redacted.

2Unless otherwise indicated, all references in this syllabus to chapters and readings are to chapters and
readings in Murphy et al., Courts Judges, Politics: An Introduction to the Judicial Process, 6th Edition.
<table>
<thead>
<tr>
<th>Date</th>
<th>Chapter</th>
<th>Assignment</th>
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<tbody>
<tr>
<td>August 24</td>
<td>Chapter 1:</td>
<td>Political Jurisprudence (continued)</td>
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<tr>
<td>Assignment:</td>
<td>Prior to class, read Readings 1.1 – 1.6 in Chapter 1 and Lawrence Baum, <em>Judges and Their Audiences: A Perspective on Judicial Behavior</em> (Princeton Univ. Press, 2006), pp. 1 – 49 (on reserve).</td>
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<tr>
<td>August 26</td>
<td>Chapter 1:</td>
<td>Political Jurisprudence (continued)</td>
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<td>August 28</td>
<td>Chapter 1:</td>
<td>Political Jurisprudence (continued)</td>
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<tr>
<td>August 31</td>
<td>Chapter 1:</td>
<td>Political Jurisprudence (continued)</td>
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<tr>
<td>September 2</td>
<td>Chapter 2:</td>
<td>Courts in Constitutional Democracies</td>
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<tr>
<td>Assignment:</td>
<td>Prior to class, read p. 38 – middle of p. 48 and top of p. 51 – p. 55 and Readings 2.2 – 2.5 in Chapter 2.</td>
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<tr>
<td>September 4</td>
<td>Chapter 3:</td>
<td>Judicial Organization</td>
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<tr>
<td>Assignment:</td>
<td>Prior to class, read p. 77 – top of p. 90 in Chapter 3.</td>
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<td>September 7</td>
<td>Labor Day</td>
<td>No class</td>
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<tr>
<td>September 9</td>
<td>Chapter 3:</td>
<td>Judicial Organization (continued)</td>
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<td>Assignment:</td>
<td>Prior to class, read Reading 3.1 in Chapter 3.</td>
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<tr>
<td>September 11</td>
<td>Chapter 6:</td>
<td>Access to Judicial Power</td>
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<tr>
<td>September 14</td>
<td>Chapter 6:</td>
<td>Access to Judicial Power (continued)</td>
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<td>Assignment:</td>
<td>Prior to class, read Readings 6.1 – 6.3 and 6.5 – 6.6 in Chapter 6.</td>
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<tr>
<td>September 16</td>
<td>Chapter 13:</td>
<td>The Processes of Judicial Decision Making</td>
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<td>Assignment:</td>
<td>Prior to class, read pp. 617 – 621 in Chapter 13.</td>
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</table>
September 18  Chapter 13:  The Processes of Judicial Decision Making (continued)
  
  Assignment:  Prior to class, read middle of p. 623 (The U.S. Supreme Court) – top of p. 644 in Chapter 13.

September 21  Chapter 13:  The Processes of Judicial Decision Making (continued)
  

September 23  Chapter 10:  Precedents and Legal Reasoning
  
  Assignment:  Prior to class, read pp.438 – 449 in Chapter 10.

September 25  Chapter 10:  Precedents and Legal Reasoning (continued)
  
  Assignment:  Prior to class, read Readings 10.1 – 10.8 in Chapter 10.

September 28  Chapter 10:  Precedents and Legal Reasoning (continued)
  

September 30  Chapter 12:  Constitutional Interpretation
  

October 2  Chapter 12:  Constitutional Interpretation (continued)
  
  Assignment:  Prior to class, read Readings 12.1 – 12.4 in Chapter 12.

October 5  Chapter 12:  Constitutional Interpretation (continued)
  
  Assignment:  Prior to class, read Readings 12.5 – 12.9 in Chapter 12.

October 7  Midterm Examination 9:05 a.m. – 9:55 a.m., HSS 111

October 9  Chapter 12:  Constitutional Interpretation (continued)
  
October 12  Chapter 12: Constitutional Interpretation (continued)  

October 14  Chapter 12: Constitutional Interpretation (continued)  

October 16  Fall Break  No class

October 19  Chapter 11: Statutory Interpretation  
*Assignment:* Prior to class, read p. 491 – middle of p. 501 in Chapter 11 and Readings 11.1 – 11.3 in Chapter 11.

October 21  Chapter 11: Statutory Interpretation (continued)  
*Assignment:* Prior to class, read Readings 11.4 – 11.8 in Chapter 11.

October 23  Chapter 11: Statutory Interpretation (continued)  

October 26  Chapter 8: Limitations on Judicial Power  
*Assignment:* Prior to class, read p. 329 – middle of p. 344 in Chapter 8.

October 28  Chapter 8: Limitations on Judicial Power (continued)  

October 30  Chapter 8: Limitations on Judicial Power (continued)  
*Assignment:* Prior to class, read Readings 8.1 – 8.3 in Chapter 8.

November 2  Chapter 8: Limitations on Judicial Power (continued)  
*Assignment:* Prior to class, read Readings 8.4 – 8.8 in Chapter 8.
November 4 Chapter 7: Instruments of Judicial Power (continued)

Assignment: Prior to class, read p. 299 top of p. 309 in Chapter 7.

November 6 Chapter 7: Instruments of Judicial Power (continued)

Assignment: Prior to class, read Readings 7.1 – 7.4 in Chapter 7.

November 9 Chapter 9: Fact-Finding in the Courts

Assignment: Prior to class, read pp. 381 – middle of p. 396 in Chapter 9.

November 11 Chapter 9: Fact-Finding in the Courts (continued)


November 13 Chapter 9: Fact-Finding in the Courts (continued)

Assignment: Prior to class, read Readings 9.1 – 9.6 and 9.9 – 9.11 in Chapter 9.

November 16 Chapter 9: Fact-Finding in the Courts (continued)


November 18 Chapter 4: Judicial Selection and Retention

Assignment: Prior to class, read pp. 141 – 159 and Readings 4.1 – 4.9 in Chapter 4.

November 20 Chapter 4: Judicial Selection and Retention (continued)

November 23  Chapter 5:  The Bar

*Assignment:* Prior to class, read p. 212 – middle of p. 219 and Readings 5.1 – 5.5 in Chapter 5.

November 25  Chapter 14:  The Implementation and Impact of Judicial Decisions


November 27  Thanksgiving Break  No class

November 30  Chapter 14:  The Implementation and Impact of Judicial Decisions (continued)


December 2  Chapter 14:  The Implementation and Impact of Judicial Decisions (continued)


December 7  Final Examination  8:00 a.m. – 10:00 a.m., HSS 111

**CLASS ATTENDANCE; STUDENT RESPONSIBILITIES AND REQUIREMENTS.**

Class attendance is required unless a valid excuse, acceptable to the instructor, is provided to the instructor prior to each anticipated absence. Roll will be taken at the beginning of each class. **ANY STUDENT WHO MISSES FIFTEEN (15) OR MORE CLASSES WITHOUT A VALID EXCUSE FOR EACH ABSENCE WILL AUTOMATICALLY BE PENALIZED ONE FULL LETTER GRADE IN THIS COURSE** (e.g., a student who otherwise would receive a “B” in the course but who misses 15 or more classes without an excuse will receive a “C” in the course, and a student who otherwise would receive an “A−” but who has 15 or more unexcused absences will receive a “B−” in for the course). In addition, when it is necessary for you to miss a class, you are solely responsible for finding out what you missed during the class from which you were absent and for obtaining class notes or assignments from someone else in the class. It is also expected that you will be on time for each class.
EXAMINATIONS. There will be two examinations in this course, a Midterm Examination and a Final Examination. Each examination will consist solely of a series of essay questions. Each examination will count 100 points. The Midterm Examination will be given on Wednesday, October 7, 2009, from 9:05 a.m. to 9:55 a.m. in HSS 111. The Final Examination will be given on Monday, December 7, 2009, from 8:00 a.m. to 10:00 a.m. in HSS 111. MAKE-UP EXAMINATIONS WILL BE GIVEN ONLY FOR A VALID REASON AND ONLY WITH THE PRIOR PERMISSION OF THE INSTRUCTOR. IN ADDITION, MAKE-UP FINAL EXAMINATIONS WILL ONLY BE GIVEN TO THE EXTENT PERMITTED BY, AND PURSUANT TO THE TERMS OF, UNIVERSITY POLICY. DO NOT BRING CELL PHONES OR ANY OTHER ELECTRONIC EQUIPMENT WITH YOU ON THE DAY OF EITHER EXAMINATION; ANY STUDENT WHO BRINGS A CELL PHONE OR ANY OTHER ELECTRONIC EQUIPMENT INTO THE EXAMINATION ROOM WILL BE REQUIRED TO LEAVE SUCH CELL PHONE OR OTHER ELECTRONIC EQUIPMENT WITH THE INSTRUCTOR AT THE FRONT OF THE EXAMINATION ROOM AT THE BEGINNING OF THE EXAMINATION AND, EXCEPT IN THE CASE OF AN EMERGENCY, WILL BE PERMITTED TO RETRIEVE THE SAME ONLY AT THE CONCLUSION OF THE EXAMINATION. NOTE THAT IT IS THE SOLE RESPONSIBILITY OF EACH STUDENT TO RETRIEVE HIS/HER CELL PHONE(S) AND ALL OTHER ELECTRONIC EQUIPMENT AFTER EACH EXAMINATION; NEITHER THE INSTRUCTOR NOR THE DEPARTMENT OF POLITICAL SCIENCE NOR THE UNIVERSITY OF TENNESSEE WILL BE RESPONSIBLE FOR THE LOSS OF ANY CELL PHONES OR OTHER ELECTRONIC EQUIPMENT DUE TO THE STUDENT’S FAILURE TO RETRIEVE THE SAME AT THE CONCLUSION OF EACH EXAMINATION.

CLASSROOM PARTICIPATION; CELL PHONES. Participation in classroom discussions is encouraged. Although no specific number of points will be assigned to classroom participation, the quantity and quality of your contribution to classroom discussions may be taken into account by the instructor, in his sole discretion, in determining your final grade in this course should your final grade fall on the borderline between two sequential grades on the grading scale (e.g., between a “C+” and a “B–” or between a “B+” and an “A–”). During classroom discussions, you are expected to be respectful of your classmates and of the opinions that they express. CELL PHONES MUST BE TURNED OFF AT ALL TIMES DURING CLASS.

ACADEMIC INTEGRITY. Academic dishonesty will not be tolerated. Cheating (i.e., giving or receiving assistance on an examination, consulting notes during an examination, or plagiarism) will be reported to the appropriate Dean and will result in the assignment to the applicable student of an “F” for the final grade in the course.

STUDENTS WITH DISABILITIES. Any student with a disability who thinks that he or she might require accommodation(s) in connection with this course should contact the instructor privately to discuss his or her specific needs and should contact the Office of Disability Services at (865) 974-6087 in Hoskins Library to discuss and coordinate reasonable accommodation(s) for students with documented disabilities. Any student with a disability who thinks that he or she will require accommodation(s) in connection with the Midterm Examination and/or with the Final Examination in this course must, with no exceptions, submit an Accommodation
Letter from ODS, as required by standing ODS policy, to the instructor not less than ten (10) business days prior to the exam for which such accommodation(s) will be required.

**GRADES; GRADING SCALE.** Your final grade in this course will consist of the average of the grades that you earn on the two examinations. The following grading scale will be used in this course:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Range</th>
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<tbody>
<tr>
<td>A</td>
<td>92–100</td>
</tr>
<tr>
<td>A–</td>
<td>90–91</td>
</tr>
<tr>
<td>B+</td>
<td>87–89</td>
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<td>B</td>
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<td>C+</td>
<td>77–79</td>
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<td>C</td>
<td>72–76</td>
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<tr>
<td>C–</td>
<td>70–71</td>
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<tr>
<td>D+</td>
<td>67–69</td>
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<tr>
<td>D</td>
<td>63–66</td>
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<tr>
<td>D–</td>
<td>61–62</td>
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<tr>
<td>F</td>
<td>0–60</td>
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