# **COURSE SYLLABUS**

# Judging and the Nature of Justice LAW 843 Summer 2013 Judge Teresa L. Liston, ret. jtll53@aol.com

Telephone: (614) 313-7085

#### **COURSE DESCRIPTION**

This course will examine the ethical and legal responsibilities of the neutral arbiter of disputes and debate the appropriate role of judges in making, interpreting and applying law. It will include analysis of various judicial philosophies and the contemporary theories of law which influence their development. Through readings and excerpts from film, it will trace notions and concepts of justice through time with an emphasis on the evolution of the administration of justice in contemporary U.S. society. Discussion will focus on topics such as methods of factual decision-making, judicial ethics, judicial writing and the characteristics intrinsic to those who are perceived as "good" and "bad" judges. Lastly, the course will provide an opportunity to compare the practical realities of the profession of judging to aspirational notions of "justice".

# **REQUIRED READING**

The Case of the Speluncean Explorers, 62 Harv. L. Rev. 616 (1949)

Letter from Birmingham Jail by Dr. Martin Luther King, Jr.

Excerpts from The Nature of the Judicial Process by Benjamin Cardozo

"Law, Like Love" and "The Hidden Law" by W.H. Auden

"The Ways and Tastes of Magistrates" from A Nation Under Lawyers by Mary Ann Glendon

The Merchant of Venice (excerpt) by Willliam Shakespeare

# **CLASS ATTENDANCE**

Since this is an intensive course, attendance at all classes is mandatory unless the student is excused by the instructor in the event of documented illness or emergency.

Judging and the Nature of Justice LAW 843 Course Syllabus Page 2 of 3

# **CLASS PARTICIPATION**

Each student is expected to prepare for and to actively participate in each class. A portion of the grade will be based upon the level and quality of participation. No student will be permitted to "pass" in light of the nature of anticipated discussion. Each day of unexcused absence or unpreparedness will result in a reduction of 5 class participation points.

#### **EXAM**

A take home exam will be distributed at the conclusion of class on Friday, August 2, 2013, and will be due no later than 5:00pm Tuesday, August 6, 2013. Exams may be submitted via email.

#### **GRADING**

Class participation will be worth 25 points and the exam will be worth 75 points. Out of the total points, the following grades will be assigned:

93-100	Α
90-92	A-
87-89	B-
83-86	В
80-82	B-
77-79	C-
73-76	С
70-72	C-
60-69	D
Below 60	Ε

# **UNITS OF INSTRUCTION**

July 29, 2013: Introduction and Overview

**Judicial Philosophy** 

Reading: Lon L. Fuller, The Case of the Spelunkean Explorers,

62 Harv. L. Rev. 616 (1949)

July 30, 2013: Judicial Philosophy, cont.

**Judicial Decision-Making as a Process** 

Judge as Lawmaker/Lawfinder

Reading: The Nature of the Judicial Process (excerpt) by Benjamin

Cardozo

Judging and the Nature of Justice LAW 843 Course Syllabus Page 3 of 3

July 31, 2012: Judging the Judges – The Nuremberg Trials

**Reading:** Law like Love and The Hidden Law by W.A. Auden We will be watching excerpts from Judgment at Nuremberg (1961) directed by Stanley Kramer

August 1, 2012: Justice and Law

**Reading:** The Merchant of Venice (excerpt) by William Shakespeare Letter from Birmingham Jail by Martin Luther King, Jr.

August 2, 2012: Judge's Role within the Legal System

Styles of Judging Judicial Ethics

Reading: A Nation under Lawyers (excerpt) by Mary Ann Glendon