COURSE SYLLABUS

Judging and the Nature of Justice

LAW 843

Summer 2014

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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.

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	A
90-92	A-
87-89	B+
83-86	B
80-82	B-
77-79	C+
73-76	C
70-72	C-
60-69	D
Below 60	E

UNITS OF INSTRUCTION

July 21, 2014: Introduction and Overview
Judicial Philosophy
Reading: Lon L. Fuller, *The Case of the Spelunkean Explorers,* 62 Har**v.** L. Rev. 616 (1949)

July 22, 2014: Judicial Philosophy, cont.
Judicial Decision-Making as a Process
Judge as Lawmaker/Lawfinder
Reading: *The Nature of the Judicial Process* (excerpt) by Benjamin Cardozo

July 23, 2014: 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

July 24, 2014: Justice and Law

Reading: *The Merchant of Venice* (excerpt) by William Shakespeare

Letter from Birmingham Jail by Martin Luther King, Jr.

July 25, 2014: Judge's Role within the Legal System

Styles of Judging

Judicial Ethics

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