

PSCI 3200: The American Legal System
Spring 2014
MWF 8:00–8:50 am, Wooten Hall 110

Professor Bethany Blackstone
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Office: Wooten Hall 154
Office Hours: Mondays, 9:00–11:00 am

This course surveys the system of courts in the United States. We will focus particular attention on the processes by which cases are processed and decided, the role of various players (judges, litigants, etc.) in the legal system, factors that affect judicial decision-making, and the role of courts in the American political system.

A Blackboard conference is maintained for this course at <https://learn.unt.edu/>. Students are responsible for checking Blackboard regularly for assignments and notices. Some course assignments will be submitted in Blackboard and student grades will be posted in Blackboard.

Being in Touch

My office hours are listed above and I will always be available during those times. Even outside of those hours I am usually in my office between 8:00 am and 5:00 pm; you are welcome to stop in any time my door is open. You can reach me by email at blackstone@unt.edu. If you write me Monday through Friday, I should get back to you within 24 hours. If I don't, please feel free to send me a reminder! If you write over the weekend, you may have to wait until Monday for a reply. A note on etiquette: please sign your emails with your name and include an appropriate salutation. (Hint: you can't go wrong with, "Hi, Dr. Blackstone.")

If I need to contact you, I will send you a message at your UNT email address. If you wish to receive messages at a different address, set up email forwarding. Please check Blackboard and your email regularly so you will receive all course-related information.

Blackboard

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Course Materials

The following text is required:

Robert A. Carp, Ronald Stidham, and Kenneth L. Manning. 2013. *Judicial Process in America*, 9th edition. Washington, D.C.: CQ Press.

Other assigned readings will be posted in Blackboard.

Grading

Your course grade will be based on the following components.

Component	Percent of Course Grade
Exams (3)	50
Quizzes, In-Class Activities, and Homework	25
Paper Proposal	5
Final Paper	20
Total	100

Course grades will be rounded to the nearest percent and assigned according to the scale below:

90–100%	A
80–89%	B
70–79%	C
60–69%	D
<60%	F

Exams (50%)

There will be three exams in the course. The third exam is not cumulative, but will be offered during the class's assigned final exam period. Exams will include a combination of multiple choice, short answer, and essay questions.

Quizzes, In-Class Activities, and Homework (25%)

You will earn points for quizzes on the assigned readings, for announced and unannounced in-class activities, and for supplementary assignments that are required during the semester. Quizzes on assigned readings are closed book, but you may use notes that you have taken on the assigned readings as long as they are printed in hard copy. (You cannot use a laptop, tablet device, or phone during quizzes.) Missed quizzes and in-class activities cannot be made up. If you have a university-excused absence, you will not be penalized for missing points offered in class if you provide appropriate documentation to verify your absence.

Final Paper (5% for proposal and 20% for paper)

A research paper is an important component of this course and your performance on this project will determine one-quarter of your course grade. You will have some flexibility in choosing the topic of your research paper. Some sample paper topics are listed below.

- Court Observation Assignment. During the course of the semester, students will spend at least 15 hours observing judicial proceedings in state and federal trial courts. Students will maintain a log summarizing the proceedings they observe and will then submit a final paper analyzing similarities and differences between criminal and civil proceedings, or between state and federal courts.
- Exploring the Discovery Process. Students will read *The Buffalo Creek Disaster* by Gerald Stern and evaluate the extent to which the discovery process encourages settlement in the Buffalo Creek case. Students will conduct research to evaluate proposed reforms to current discovery processes.

- A Study of Policymaking in a State Supreme Court. Students may choose to write an original research paper focusing on the judicial policymaking of a state supreme court. The paper should focus on a five-year period between 2008 and 2012. The paper will describe the state supreme court that is the subject of the study and then review the court's use of judicial review during the period.
- Develop a Litigation Strategy. Students will select a Supreme Court decision that is still "good law" and devise a litigation strategy to get the Supreme Court to reverse the earlier decision.
- Wrong and Right in Procedural Dramas. Choose 15 episodes of a procedural drama (case-a-week type shows, like Law & Order). In your paper, describe how the program portrays an aspect of the legal system (possible choices include criminal trials, plea bargaining, sentencing, etc.). Then, highlight the ways in which the program's presentation of the legal system are consistent with and inconsistent with actual practice, based on what you have learned in class.

This is not an exhaustive list of potential topics. If you have interest in a different aspect of the legal system or an idea for a paper that you would like to pursue, see me to discuss ideas. Students must choose paper topics and submit a paper proposal by Monday, April 7. Final papers are due by 5:00 pm on Thursday, May 1. Late papers will be penalized one full letter grade per 24-hour period.

Make Up Policies

Students are expected to complete assignments by the due date and to take examinations at the scheduled times. Make-up opportunities for missed exams or in-class assignments will only be allowed when an absence is due to observance of a religious holiday or participation in a university-sponsored activity. Absence due to participation in UNT activities must be authorized by the student's academic dean in accordance with the UNT Attendance Policy <http://policy.unt.edu/policy/15-2-5>.

Arrangements for make-up work should be made prior to a scheduled absence. Failure to appear for a scheduled exam without prior notification and prior arrangements for a make-up exam will result in a score of zero (0) for that exam. If a make-up exam is allowed, the format and questions may differ from the exam offered at the appointed class exam time.

Attendance Bonus

Because I will cover material in class that is not discussed in the readings, I strongly encourage you to attend each class session. If you are absent from a class session, it is your responsibility to obtain lecture notes from a classmate. You will be considered absent if you are not present when attendance is taken; this means you may be recorded as being absent if you arrive late or leave early. Students that miss 3 or fewer class during the semester will have two percentage points added to their course grade. For example, If your course grade after the final exam is an 89.0 and you have missed only 3 classes, you will earn the attendance bonus, raising your course grade to 91.0 (an A) for the class; if your final course grade is an 89 and you have missed 4 or more classes, you will not earn the attendance bonus and your final grade will be a B.)

You should “save” sufficient absences to deal with unexpected problems that arise during the semester. You will not be granted extra absences because of unexpected personal problems that require you to miss class. Don’t waste your absences just because you don’t feel like coming to class. Save them in case you need them. If you miss class for a university–excused absence, your absence will count towards your total absences; you are not permitted “extra” penalty-free absences. If your participation in a university–excused activity will require you to miss more than 3 classes, see me to discuss accommodations.

Grade Disputes

A significant amount of time is invested in grading student assignments. If you wish to dispute a grade, you must do so in writing within one week of the date that grades are made available to the class. When requesting reconsideration of a grade, you should provide a clear explanation as to why a different grade is in order. You should also indicate what grade you believe is appropriate for your work. Please be advised that I will not change a grade simply because someone “wants” or “needs” a higher grade. Also, when work is reviewed for a grade dispute, the grade may be left unchanged, raised, or lowered. All grade disputes are due in hard copy within one week of the date that grades are returned in class. Grade disputes will not be considered if submitted past the one–week statute of limitations.

Other Class Policies

For course drop information: see schedule at <http://essc.unt.edu/registrar/schedule/scheduleclass.html>.

Policies on academic dishonesty are available at <http://www.vpaa.unt.edu/academic-integrity.htm>.

Department of Political Science Statement of ADA Compliance

The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking accommodation must first register with the Office of Disability Accommodation (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with an accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request accommodations at any time, however, ODA notices of accommodation should be provided as early as possible in the semester to avoid any delay in implementation.

Note that students must obtain a new letter of accommodation for every semester and must meet with each faculty member prior to implementation in each class. For additional information see the Office of Disability Accommodation website at <http://www.unt.edu/oda>. You may also contact them by phone at 940.565.4323.

Department of Political Science Policy on Cheating and Plagiarism

The UNT Code of Student Conduct and Discipline defines cheating and plagiarism as the use of unauthorized books, notes, or otherwise securing help in a test; copying others’ tests, assignments, reports, or term papers; representing the work of another as one’s own; collaborating without authority with another student during an examination or in preparing academic work; or otherwise practicing scholastic dishonesty.

Normally, the minimum penalty for cheating or plagiarism is a grade of “F” in the course. In the case of graduate departmental exams, the minimum penalty shall be failure of all fields of the

exam. Determination of cheating or plagiarism shall be made by the instructor in the course, or by the field faculty in the case of departmental exams. Cases of cheating or plagiarism on graduate departmental exams, theses, or dissertations shall automatically be referred to the departmental Graduate Studies Committee.

Cases of cheating or plagiarism in ordinary coursework may, at the discretion of the instructor, be referred to the Undergraduate Studies Committee in the case of undergraduate students, or the Graduate Studies Committee in the case of graduate students. These committees, acting as agents of the department Chair, shall impose further penalties, or recommend further penalties to the Dean of Students, if they determine that the case warrants it.

In all cases, the Dean of Students shall be informed in writing of the case. Students may appeal any decision under this policy by following the procedures laid down in the UNT Code of Student Conduct and Discipline.

Department of Political Science Policy on Academic Integrity

The Political Science Department adheres to and enforces UNT's policy on academic integrity (cheating, plagiarism, forgery, fabrication, facilitating academic dishonesty and sabotage). Students in this class should review the policy (UNT Policy Manual Section 18.1.16), which may be located at

http://policy.unt.edu/sites/default/files/untpolicy/pdf/7-Student_Affairs-Academic_Integrity.pdf. Violations of academic integrity in this course will be addressed in compliance with the penalties and procedures laid out in this policy. Students may appeal any decision under this policy by following the procedures laid down in the UNT Policy Manual Section 18.1.16 "Student Standards of Academic Integrity."

Department of Political Science Statement on Acceptable Student Behavior

Student behavior that interferes with an instructor's ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Center for Student Rights and Responsibilities to consider whether the student's conduct violated the Code of Student Conduct. The university's expectations for student conduct apply to all instructional forums, including university and electronic classroom, labs, discussion groups, field trips, etc. The Code of Student Conduct can be found at <https://deanofstudents.unt.edu/conduct>.

Course Topic	Dates		Readings & Assignments Due
Course Introduction	Monday	13-Jan	Syllabus.
Courts & Law	Wednesday	15-Jan	CSM, Chapter 1--Foundations of Law in the United States
	Friday	17-Jan	
No Class Meeting - MLK Day	Monday	20-Jan	
Federal and State Court Systems	Wednesday	22-Jan	CSM, Chapter 2--The Federal Judicial System
	Friday	24-Jan	
	Monday	27-Jan	CSM, Chapter 3--State Judicial Systems
	Wednesday	29-Jan	
	Friday	31-Jan	
Jurisdiction	Monday	3-Feb	CSM, Chapter 4--Jurisdiction and Policymaking Boundaries
Judges	Wednesday	5-Feb	CSM, Chapter 5--State Judges
	Friday	7-Feb	CSM, Chapter 6--Federal Judges
Lawyers	Monday	10-Feb	
	Wednesday	12-Feb	CSM, Chapter 8--Lawyers, Litigants, and Interest Groups in the Judicial Process
Exam 1	Friday	14-Feb	
Criminal Procedure	Monday	17-Feb	CSM, Chapter 9--Crime and Procedures Prior to a Criminal Trial
	Wednesday	19-Feb	CSM, Chapter 10--The Criminal Trial and Its Aftermath
	Friday	21-Feb	
	Monday	24-Feb	
No Class Meeting	Wednesday	26-Feb	
Criminal Procedure	Friday	28-Feb	Plea Bargaining Simulation
No Class Meeting	Monday	3-Mar	
Criminal Procedure	Wednesday	5-Mar	Plea Bargaining Simulation Debriefing
Civil Procedure	Friday	7-Mar	CSM, Chapter 11-The Civil Court Process
No Class Meetings - Spring Break	Monday	10-Mar	
	Wednesday	12-Mar	
	Friday	14-Mar	

Course Topic	Dates		Readings & Assignments Due
Decision Making in Trial Courts	Monday	17-Mar	CSM, Chapter 12--Decision Making by Trial Court Judges
	Wednesday	19-Mar	
Decision Making in Collegial Courts	Friday	21-Mar	CSM, Chapter 13--Decision Making in Collegial Courts
	Monday	24-Mar	
Catch-up / Review	Wednesday	26-Mar	
Exam 2	Friday	28-Mar	
Paper Proposal Workshop	Monday	31-Mar	
Judicial Policymaking	Wednesday	2-Apr	G. Alan Tarr. 2012. <i>Judicial Process and Judicial Policymaking</i> . Boston: Cengage. Chapter 9--Judicial Policymaking: An Introduction
No Class Meeting	Friday	4-Apr	
Judicial Policymaking: Capacity	Monday	7-Apr	Paper Proposals Due at 8:00 am
	Wednesday	9-Apr	Lief H. Carter. 1977. "When Courts Should Make Policy: An Institutional Approach" in John A. Gardiner, ed., <i>Public Law and Public Policy</i> , pages 141-157. Jeb Barnes. 2009. "In Defense of Asbestos Tort Litigation: Rethinking Legal Process Analysis in a World of Uncertainty, Second Bests, and Shared Policy-Making Responsibility." <i>Law & Social Inquiry</i> 34(1): 5-29.
Policymaking: Desegregation	Friday	11-Apr	Tarr, Chapter 10--Federal Court Policymaking, pages 278-288
			Gerald N. Rosenberg. 2002. "The Hollow Hope: Can Courts Generate Social Change?" in Walter F. Murphy, C. Herman Pritchett, and Lee Epstein, eds. <i>Courts, Judges, and Politics: An Introduction to the Judicial Process</i> . New York: McGraw Hill, 714-728.
Policymaking: Abortion	Monday	14-Apr	Tarr, Chapter 10--Federal Court Policymaking, pages 288-307 Linda Greenhouse and Reva B. Siegel. 2012. <i>Before Roe v. Wade: Voices that Shaped the Abortion Debate Before the Supreme Court's Ruling</i> . A New Afterword, pages 263-317.
	Wednesday	16-Apr	
Policymaking: School Finance	Friday	18-Apr	Tarr, Chapter 11--State Court Policymaking, pages 308-318.
	Monday	21-Apr	
Policymaking: Torts	Wednesday	23-Apr	Tarr, Chapter 11--State Court Policymaking, pages 318-336. Robert A. Kagan. 2003. <i>Adversarial Legalism: The American Way of Law</i> . Cambridge: Harvard University Press. Chapter 7: "The Tort Law System," pages 126-146
	Friday	25-Apr	
Does the American Legal System Work?	Monday	28-Apr	Thomas F. Burke. 2004. <i>Lawyers, Lawsuits, and Legal Rights: The Battle Over Litigation in American Society</i> . Berkeley: University of California Press. Introduction, pages 1-21.
	Wednesday	30-Apr	
	Thursday	1-May	Final Papers Due by 5:00 pm
Exam 3	Monday	5-May	