

**POLS 3336-001
Spring 2020**

**State Judicial Institutions and Jurisprudence
Monday & Wednesday 1:00 – 2:20 PM
Location: 02 University Hall**

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Office Hours: Monday 11:15-12:00PM and Wednesday 9:00-9:45AM

I. Introduction:

As institutions, state courts provide an informative area of public law that differs greatly from the federal courts. State supreme courts, in particular, offer diverse sets of rules that affect outcomes and the characteristics of judges. This course capitalizes on fundamental differences at the state level, focusing on the characteristics of state courts as well as forms of judicial behavior. The first section of the course will focus on state methods of judicial selection and how political pressures influence those who serve. We next move to the topic of judicial behavior to evaluate judicial outcomes, including how decisions by judges are impacted by state constitutions, state laws, and the ways that judges are selected. While the federal courts have received abundant attention, state courts are sometimes neglected. This course seeks to inform students about the very different conditions that exist within state courts.

II. Required Text:

There are three textbooks required for this class, which are available for purchase at the university bookstore or through an on-line bookseller. If purchasing on-line, be sure they are shipped promptly as readings will begin immediately.

1. Damon Cann and Jeff Yates. 2016. *These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making*. New York: Oxford University Press. (ISBN-9780199307210)
2. Melinda Gann Hall. 2014. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford, CA: Stanford University Press. (ISBN – 9780804793087)
3. G. Alan Tarr and Mary Cornelia Aldis Porter. 1988. *State Supreme Courts in State and Nation*. New Haven, CT: Yale University Press. (ISBN-0300039123)
4. Prepared Book Readings. UTA Libraries Online: Course Reserves. URL: https://uta.summon.serialssolutions.com/#!/course_reserves/5793568570004911
5. Prepared Articles on Canvas. To access Canvas, visit <https://www.uta.edu/provost/Canvas/uta-canvas-login.php> or contact the Office of Information Technology Help Desk at 817-272-2208.

III. Course Requirements:

1. Class Participation – While there is not an attendance grade, students are expected to arrive on time and prepared to discuss the day's readings. While it is understood that events sometimes happen beyond our control, chronic lateness is inexcusable. Class begins at 1PM. Failure to attend

class will have a direct negative result on your participation grade (10% of the course grade). I expect thoughtful participation in each class where participation reflects class engagement and careful thinking about that day's readings. Students will be called upon at random during the semester. One answer pass will be given per student during the semester; thereafter, deductions of twenty (20) percentage points will be made from the participation grade where students have not responded sufficiently or are not present.

2. Team Project and Presentation – Students are required to participate in a two-student team project, which will result in a class presentation in late April/early May. A general guideline will be distributed on February 10th. The topic will be centered on areas of conflict in state law and how structures of state courts can be used to alleviate these problems. Teams will be required to submit a one-page status report on March 2nd that details the goals of the team's research. The status paper must identify the important research elements, the rationale for the topic, and description of preliminary research that the group has conducted. Failure to submit a status paper will result in a 10-point deduction (i.e., one letter grade) from the team's final grade. I will comment on the status reports and return my comments. Each team is expected to conduct independent research, using examples from the state courts and state laws to discuss during the presentation. A power point presentation will be due on April 20th with ten-minute presentations to begin on April 27th. The schedule for presentation will be distributed on April 15th. All students must attend the team project presentations. Only scholarly (e.g., government sources and library books or articles downloaded from library databases, such as Lexis-Nexis, Academic Search Premier, or JSTOR) will be accepted as outside sources. All research must be cited in the team presentation and addendum that will list citations. Failure to cite research is a violation of academic honesty and must be avoided. Failure to complete a presentation by a two-person team will result in a grade of zero. Students will receive a grade of zero where they do not assist their partner. Team projects will be worth 20% of the course grade.
3. Reading Quizzes – Students will take five reading quizzes, which will be run through Canvas. Each quiz will consist of 8-10 multiple choice questions based on the readings and in-class discussion of the readings that have occurred since the previous reading quiz. Each quiz will represent 5% of the student's final grade, with the lowest quiz score dropped ($4 \times 5\% = 20\%$).
4. Examinations – There will be one midterm examination and one final examination. The midterm exam is 20% and the final exam is 30% of the course grade. Examinations will be essay and short answer format. The mid-term examination is on March 4th and the final examination will be on May 15th. All students will take the examinations at the designated times with no make-up examinations allowed except for medical emergencies or the death of a family member. In relation to examination absences caused by medical emergencies, the student is expected to contact the instructor by the *day of the test* and will be required to present proof of a physician's examination. Otherwise, failure to take an examination will result in a grade of zero.

Make-up Examination Policy

Where make-ups are permitted for a midterm examination and not completed within one week of the scheduled exam, the make-up will then be scheduled for the final week of the semester. In those situations, make-up exams are generally more difficult due to the time that has passed since the graded material was covered.

Exam Tardiness Policy

Students entering an exam late disturb other students. Further, tardiness permits students to ask other exiting students about the content of an exam. Unless a prior arrangement has been made, students will receive a grade of zero when tardy for an examination.

IV. Grading:

Grades will be posted on Canvas. To access the quizzes and your grades on Canvas, log in with your UTA email address and password at uta.instructure.com. If you have difficulty with Canvas, visit <https://www.uta.edu/provost//Canvas/uta-canvas-login.php> or contact the Office of Information Technology Help Desk at 817-272-2208. The grade components of the course are:

1. Participation – 10%
2. Team Project and Presentation – 20%
3. Reading Quizzes – 20%
4. Mid-term Examination – 20%
5. Final Examination – 30%

The grading scale is as follows:

90-100	A
80-89	B
70-79	C
60-69	D
0-59	F

V. Class Schedule:

Week 1	Introduction to State Courts January 22 Cann and Yates, 2016, Chapters 1 (pp. 1-9)
Week 2	Structures of State Courts January 27-29 Cann and Yates, 2016, Chapters 2-3 (pp. 10-53) Geyh and Thrapp, 2017, "A Changing Legal Landscape of Judicial Elections" in Canvas.
Week 3	The Legitimacy of State Courts February 3-5 Cann and Yates, 2016, Chapters 4-5 (pp. 56-97)
February 3	Q&A: District Judge John Chupp and Amy Boyea (civil defense attorney)
Week 4	Controversies in Selecting Judges February 10-12 Cann and Yates, 2016, Chapters 6-8 (pp. 99-137)
February 10	Team Project Guidelines Distributed
February 12	Library Research Day (Location to be determined)
Week 5	Judicial Elections February 17-19 Hall, 2015, Chapters 1-2 (pp. 1-64)

- Week 6 Political Competition and Participation in State Court Elections
February 24-26
Hall, 2015, Chapters 4-5 (pp. 95-164)
- Week 7 Midterm Review and Midterm Examination
March 2
Hall, 2015, Chapter 6 (pp. 165-184)
- March 2 Presentation Status Report Due**
- March 4 Midterm Examination #1**
- Spring Recess: March 9-11**
- Week 8 Judges, Lawyers, and Litigants in State Courts
March 16-18
Kathleen Bratton and Rorie Spill, 2004, "Moving Up the Judicial Ladder: The Nomination of State Supreme Court Justices to the Federal Courts" in Canvas.
Rebecca Gill and Kate Eugenis, 2019, "Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections" in Canvas.
- March 18 Q&A: Ty Stimpson (prosecutor) and Shane Lewis (criminal defense attorney)**
- Week 9 Judges, Lawyers, and Litigants in State Courts; Jurisdiction and Policymaking
March 23-25
Tarr and Porter, 1988, Chapter 1 (pp. 1-40)
- Week 10 Decision-making by State Judges
March 30 – April 1
Tarr and Porter, 1988, Chapter 2 (pp. 41-68)
Paul Brace and Brent Boyea, 2019, "Competing Agendas and the Business of the American State Supreme Courts" in Canvas.
- Week 11 Decision-making by State Judges cont.
April 6-8
Tarr and Porter, 1988, Chapter 3 (pp. 69-123)
- Week 12 Judicial Review and Judicial Federalism
April 13-15
Tarr and Porter, 1988, Chapter 4 (pp. 124-183)
- April 15 Distribution of Presentation Schedule**
- Week 13 Judicial Review and Judicial Federalism cont.
April 20-22
Crabtree and Nelson, 2019, "Judging Judicial Review in the American States" in Canvas.
Paul Brace and Laura Langer, 2001, "The Florida Supreme Court in the 2000 Presidential Election: Ambiguity, Ideology, and Signaling in a Judicial Hierarchy" in Canvas.

April 20 Power Point Presentations Due

Week 14 Team Project Presentations
April 27-29

Week 15 Team Project Presentations and Final Exam Review
May 4-6

Final Examination: Friday, May 15, 11:00AM-1:30PM (02 University Hall)

VI. Core Expectations and Citizenship

Expectations of Students

I have strong yet reasonable expectations for students. To perform well, students are expected to work - meaning a combination of recurrent attendance, frequent class participation, and careful attention to the readings is required. Students that do not attend class regularly, do not take careful class notes, and do not carefully read the assigned material will have a more difficult time with the exams. Additionally, I encourage students to see me during my office hours. Where questions arise about the content of the course or a student's grade, office hours represent important opportunities for interaction between students and their instructor. You are in charge of your education. If something is unclear to you, it is your responsibility to seek the answer in a timely manner.

Communication

The University has supplied all students with an official email address. All communication will be directed to you through that address. As such, you are responsible for checking your e-mail regularly. Per university policy, I will not respond to non-university addresses. Also, remember to formalize your email by addressing the e-mail, providing a proper subject, and always signing your email. Note that one-line comments or questions are not enough for me to know what you are trying to say - be sure to provide enough detail about the context of your comment or question to allow a sufficient answer on my part.

Citizenship

While each student pays a significant cost to attend this course, sometimes an individual is less interested in learning, and disturbs others during class (i.e., talking, receiving or making phone calls, or text messaging). As a result of student complaints, use of cell phones during class will result in a two-point deduction from a student's final semester grade for each offense (one offense equals 2 points, two offenses equals 4 points, etc.). I also reserve the right to ask students to leave class when cell phone use is observed. Otherwise, do not walk in late, leave early, or push around others to find a seat once class has begun - it disturbs others! Be careful with laptop computers. Unfortunately, a majority of students use their laptops to access the web for non-related material, play games or read email rather than paying attention to the lecture. Where I see a laptop being used, I assume (rather accurately) that it is being used for something other than class purposes.

VII. Special Notes:

1. Cell Phones and Electronic Devices – Students are instructed to turn off their cell phones prior to class. See the comments about cell phone usage in the Citizenship section. Usage of a cell phone or other non-permitted electronic device during an examination or quiz will result in a grade of zero on that examination or quiz.

2. Test Conduct – All materials must be removed from one’s desk during an examination or quiz. Additionally, headwear (e.g., hats), sunglasses, and earphones are not permitted during an examination.
3. Academic Integrity - All students are expected to obey the civil and penal statutes of the State of Texas and the United States, the Regents’ Rules and Regulations of The University of Texas System, the rules and regulations of the University, and the orders or instructions issued by an administrative official of the University or U.T. System in the course of his/her duties, and to observe standards of conduct that are compatible with the University’s function as an educational institution. Any student found to engage in cheating, plagiarism, or collusion will be sanctioned.
4. Inclement Weather – If a class is canceled due to inclement weather, its subject will be delayed until the following class. Similarly, all tests canceled because of inclement weather will be delivered during the following class. For information related to weather related class cancellations please call (972) 601-2049.
5. Emergency Exit Procedures - Should we experience an emergency event that requires us to vacate the building, students should exit the room and move toward the nearest exit, which can be found to the left and right behind the lecture podium. When exiting the building during an emergency, one should never take an elevator, but should use the stairwells. Faculty members and instructional staff will assist students in selecting the safest route for evacuation and will make arrangements to assist individuals with disabilities.
6. Campus Carry - Effective August 1, 2016, the Campus Carry law (Senate Bill 11) allows licensed individuals to carry a concealed handgun in buildings on public university campuses, except in locations the University establishes as prohibited. Under the new law, openly carrying handguns is not allowed on college campuses. For more information, visit <http://www.uta.edu/news/info/campus-carry/>.
7. Students with Disabilities - Any student with a documented disability needing academic accommodations is requested to speak with the instructor during the first two weeks of class. All discussions will remain confidential.
8. Discrimination Policy – The University of Texas at Arlington does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disabilities, genetic information, and/or veteran status in its educational programs or activities it operates. For more information, visit uta.edu/eos.
9. Title IX Policy - The University of Texas at Arlington is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct is a form of sex discrimination and will not be tolerated. For information regarding Title IX, visit www.uta.edu/titleIX or contact Ms. Jean Hood, Vice President and Title IX Coordinator at (817) 272-7091 or jmhood@uta.edu.
10. Student Support Services - The University of Texas at Arlington provides a variety of resources and programs designed to help students develop academic skills, deal with personal situations, and better understand concepts and information related to their courses. These resources include tutoring, major-based learning centers, developmental education, advising and mentoring, personal counseling, and federally funded programs. Among the support services on campus, the IDEAS Center (2nd Floor of Central Library) offers free tutoring to all students with a focus on transfer students, sophomores, veterans and others undergoing a transition to UT Arlington. To schedule an appointment with a peer tutor or mentor email IDEAS@uta.edu or call (817) 272-6593. For more information, students may contact the Maverick Resource Hotline at 817-272-6107 or visit www.uta.edu/resources.

11. Syllabus Changes – The instructor reserves the right to change the syllabus at any time during the semester.