

**POLS 3336-001  
Spring 2024**

**State Courts  
Tuesday and Thursday, 12:30-1:50PM  
Location: University Hall 01**

Instructor: Dr. Brent Boyea

Office: 446 University Hall

E-mail: [boyea@uta.edu](mailto:boyea@uta.edu)

Website: <https://www.brentdboyea.com>

Faculty Profile: <https://www.uta.edu/profiles/brent-boyea>

Office Hours: Tuesday and Thursday, 11:15AM-12:15PM

Microsoft Teams link: <https://teams.microsoft.com/l/team/19%3aVeegCA16cj-9gPXWNPDIS37t5u6GwrBzWjGntV6rZN81%40thread.tacv2/conversations?groupId=a792d6f0-d3a1-47ff-8c44-006df4b63f5d&tenantId=5cdc5b43-d7be-4caa-8173-729e3b0a62d9>

### **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. Course Modality**

Per university policy, this is an in-person course. We will meet Tuesdays and Thursdays in UH 01 unless noted in the schedule below. If the university changes classroom policies, I will adjust as necessary.

Though the course is in-person, classes may be transitioned to online and asynchronous format. Presentation modules for those classes will be stored in Canvas. With each module, video and audio (generally found at the upper right corner of a slide) are embedded in the files. To view and listen to the media content, students must download the file from Canvas and open in Microsoft PowerPoint or Keynote. Where students attempt to review in Canvas, neither video nor audio will be accessible and important points will be missed. Modules will be available after completion of the prior class.

### **III. Required Text:**

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

1. [Cann, Damon, and Jeff Yates. 2016. \*These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making\*. New York: Oxford University Press. \(ISBN-9780199307210\)](#)
  - a. Available online through university library and Oxford University Press.
2. [Vining, Jr., Richard L., and Teena Wilhelm. 2023. \*Administering Justice: Placing the Chief Justice in American State Politics\*. Ann Arbor, MI: University of Michigan Press. \(ISBN – 9780472056309\)](#)
  - a. Available online through university library and JSTOR.
3. 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.

#### **IV. 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 12:30PM. 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. Student assignments will be completed during class based on a random draw. Each team is expected to conduct independent research, using examples from state courts, state laws, and state courts research to discuss during their presentation. Team project guidelines will be distributed on January 25. Each team will be required to submit a one-page status report in Canvas on February 21 at 12PM (noon) that includes important research elements, a description of the topic’s importance, and a description of preliminary research that has been completed. Failure to submit a status report at the designated time will result in a 10-point deduction (i.e., one letter grade) from the team’s final grade. Each team’s power point presentation must be submitted in Canvas prior by March 27 at 12PM. All students are required to attend the 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 on the last slide of the presentation. 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 are worth 25% of the course grade.
3. Reading Quizzes – Students will take five reading quizzes, which will be run through Canvas. Each quiz will consist of five multiple choice questions based on the readings. Each quiz will represent 5% of the student's final grade, with the lowest quiz score dropped (4 x 5% = 20%).
4. Examinations – There will be one midterm examination and one final examination. The midterm exam is 20% and the final exam is 25% of the course grade. Examinations will be essay and short answer format. The midterm examination is on March 5 and the final examination will be on Thursday, May 2 from 8-10:30AM. 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.

## **V. 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](http://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 – 25%
3. Reading Quizzes – 20%
4. Mid-term Examination – 20%
5. Final Examination – 25%

The grading scale is as follows:

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

## **VI. Class Schedule:**

Week 1	Introduction to State Courts January 16-18 Boyea, Forthcoming, "Politics and the Judicial Process" in Canvas.
Week 2	Role of State Courts and Types of Laws January 23-25 Bowie and Savchak, 2021, "State Court Influence on U.S. Supreme Court Opinions" in Canvas.
<b>January 25</b>	<b>Discussion of Team Project Guidelines</b>
Week 3	Institutions of State Courts January 30 – February 1 Vining and Wilhelm, 2023, Introduction and Chapter 1 (pp. 1-36)

- Week 4      Controversies in Selecting Judges  
February 6-8  
Vining and Wilhelm, 2023, Chapter 2-3 (pp. 37-79)
- February 6      Library Research Day (Location: TBD)**
- Week 5      Judicial Elections  
February 13-15  
Vining and Wilhelm, 2023, Chapter 4 (pp. 80-111)  
Geyh and Thrapp, 2017, "A Changing Legal Landscape of Judicial Elections" in Canvas.
- Week 6      Political Competition and Participation in State Court Elections  
February 20-22  
Vining and Wilhelm, 2023, Chapter 5 and Conclusion (pp. 112-136)
- February 21      Presentation Status Report Due in Canvas  
at 12PM**
- Week 7      Q&A; Midterm Examination Review  
February 27-29  
No readings
- February 27      Q&A: Ty Stimpson (personal injury attorney, former prosecutor) and Shane Lewis  
(criminal defense attorney)**
- February 29      Midterm Examination Review**
- Week 8      Midterm Examination; Judges, Lawyers, and Litigants in State Courts  
March 5-7  
[Rebecca Gill and Kate Eugenis, 2019, "Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections"](#) in Canvas.  
[Greg Goelzhauser, 2011, "Diversifying State Supreme Courts"](#) in Canvas.
- March 5      Midterm Examination**
- March 11-15      Spring Recess**
- Week 9      Judges, Lawyers, and Litigants in State Courts; Judicial Legitimacy  
March 19-21  
[Rorie Spill Solberg and Christopher Stout, 2021, "Is Nine Too Much? How the Gender Composition of State Supreme Courts Influences Support for Female Candidates"](#) in Canvas.  
Cann and Yates, 2016, Chapters 1 (pp. 1-9)
- Week 10      Q&A; Jurisdiction and Policymaking  
March 26-28  
Cann and Yates, 2016, Chapters 2 (pp. 10-21)  
[Brent Boyea and Paul Brace, 2021, "Revisiting the Business of State Supreme Courts in the 21st Century"](#) in Canvas.

**March 26**      **Q&A: District Judge John Chupp and Amy Boyea (civil defense attorney)**

**March 27**      **Power Point Presentations Due in Canvas**  
**by 12PM**

Week 11      Decision-making by State Judges and Team Project Presentations  
April 2-4  
Cann and Yates, 2016, Chapters 3-4 (pp. 22-77)

Week 12      Decision-making by State Judges cont. and Team Project Presentations  
April 9-11  
Cann and Yates, 2016, Chapters 5-6 (pp. 78-117)

Week 13      Judicial Review and Team Project Presentations  
April 16-18  
Cann and Yates, 2016, Chapters 7-8 (pp. 118-137)

Week 14      Team Project Presentations  
April 23-25  
No readings

Week 15      Final Exam Review  
April 30  
No readings

**Final Examination:** Thursday, May 2<sup>nd</sup> from 8:00-10:30AM in UH 01

## **VII. 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.

### *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 is a 2-point penalty, two offenses are a 4-point penalty, etc.). I reserve the right to ask the 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, most 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 that it is being used for something other than class purposes.

### *Communication*

The University has provided students with an official email address. All communication will be directed to you through that address, as well as announcements through Canvas. Students are responsible for checking their e-mail and Canvas regularly. Per university policy, I will not respond to non-university email addresses. Also, remember to formalize your emails by addressing the e-mail, providing a 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 to allow a sufficient answer on my part.

### **VIII. 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 – Examinations are closed book. Cell phones, textbooks, and open internet sites that are not Canvas are prohibited during examinations.
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 due to university closure 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. 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 me via Microsoft Teams during the first two weeks of the course. 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](http://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](http://www.uta.edu/titleIX) or contact the Title IX Coordinator at (817) 272-7091.

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](mailto: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](http://www.uta.edu/resources).
11. Emergency Phone Numbers - In case of an on-campus emergency, call the UT Arlington Police Department at 817-272-3003 (non-campus phone), 2-3003 (campus phone). You may also dial 911. The non-emergency number is 817-272-3381.
12. Syllabus Changes – The instructor reserves the right to change the syllabus at any time during the semester.