
THE AMERICAN LEGAL SYSTEM
PSCI 3200.001
COURSE SYLLABUS
FALL 2009
MWF 12:00-12:50
WOOTEN HALL ROOM 321

Instructor: Professor Collins
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Objectives

The purpose of this course is to critically analyze the American legal system. To do this, we will examine a host of topics, including the structure of federal and state court systems, the processes by which cases enter the courts, methods of judicial selection, and the determinants of judicial decision making.

While I will lecture at some length each class, your participation is expected. Accordingly, class attendance is not optional. Rather, you should come to class with questions and critiques of the readings for each day's class. I strongly suggest you prepare notes on the readings prior to each day's class. If you have questions on the readings, I expect you will take advantage of my office hours before class.

Readings

Please purchase the following book from the UNT bookstore:

Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2007. *Judicial Process in America*. 7th Edition. Washington, DC: CQ Press.

In addition, we will be reading several scholarly articles and book chapters throughout the semester. These readings are available on this course's Blackboard page (<http://ecampus.unt.edu>). Journal articles can also be found on-line (www.jstor.org) and in the journal stacks in the library. All readings are required and listed the day they are expected to be read in the Course Outline section. I suggest you read the required readings in the order in which they are listed and prepare notes to bring to class for discussion.

Grades

Final grades will be computed on the following basis:

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

Exams (Exam #1 – 25%; Exam #2 – 25%; Final Exam – 25%)

There will be three exams in this class. Each exam is closed book. Exams will consist of some combination of multiple choice, matching, short answer, and essay questions. The first exam will include all material addressed in class up to September 30th. The second exam will include all material covered in class from October 5th to November 2nd. The final will be cumulative, but will focus most heavily on the final third of the semester. For the examinations, students are responsible for all lectures and readings from the textbook, articles, and book chapters that correspond to the time periods discussed above.

Research Paper (25%)

Each student will write one research paper (about 10-15 pages), tracing a case that was eventually decided by the U.S. Supreme Court through the American legal system. To do this, students will choose any U.S. Supreme Court case decided between October 1, 2008 and July 31, 2009. Once the case is located, the remainder of the paper is based on five parts. An instruction sheet, with complete details of the paper, is available on the course's Blackboard page. The research papers are due on November 25, 2009.

(1) You will begin the paper by briefly summarizing the key facts surrounding the controversy. For example, how did the case begin? What laws are implicated by the case? What provisions of the Constitution are at play?

(2) Next, you will trace the case throughout the American legal system. Where did the case originate? How did federal and/or state lower courts dispose of the case (who won, what did the lower court judges say)? How did the U.S. Supreme Court come to take the case (e.g., certiorari, original jurisdiction, noting probable jurisdiction, etc.)? Who was involved in the case (e.g., who are the litigants, were there amicus curiae briefs, was the case sponsored by an interest group)?

(3) Following this, you will address the U.S. Supreme Court's disposition of the case. How did the Court dispose of the case? Who wrote the majority or plurality opinion and what did he or she say? Who joined that opinion? Were there any dissenting or concurring opinions? What was said in those separate opinions and why did those justices write separately? Did the Court follow or depart from precedent? Is the decision best explained by the legal or attitudinal models?

(4) What have newspapers and law reviews said about the U.S. Supreme Court's decision and its broad importance? I would highly recommend that you examine *The New York Times*, *Washington Post*, and *Wall Street Journal* on the day after the decision. You might also take a look at what Nina Totenberg of National Public Radio has to say (<http://www.npr.org/>), as well as Tony Mauro from American Lawyer Media/Lawyer's Times (<http://www.law.com/jsp/scm/index.jsp>). Law review articles can be accessed via Lexis-Nexis. Because this is a subscription site, if you are off campus, you will have to login via the UNT library system.

(5) Lastly, you should indicate your own opinion about the U.S. Supreme Court's decision. Is the decision good law and good policy? Is it a clear decision that will be helpful for future litigants and judges? You must support your opinion with references to the Court's opinions, as well as newspaper and law review commentary.

Course Outline

8/28	<u>General Class Information</u>
8/31	<u>American Law</u> Carp, Stidham, and Manning, Chapter 1
9/2	<u>The Federal Judiciary, Part I</u> Carp, Stidham, and Manning, Chapter 2
9/4	No Class (American Political Science Association Meeting)
9/7	No Class (Labor Day)
9/9	<u>The Federal Judiciary, Part II</u>
9/11	<u>The Federal Judiciary, Part III</u>
9/14	<u>State Judiciaries</u> Carp, Stidham, and Manning, Chapter 3
9/16	<u>Jurisdiction and Policy Making, Part I</u> Carp, Stidham, and Manning, Chapter 4
9/18	<u>Jurisdiction and Policy Making, Part II</u>
9/21	<u>State Judicial Selection and Removal</u> Carp, Stidham, and Manning, Chapter 5
9/23	<u>Federal Judicial Selection and Removal, Part I</u> Carp, Stidham, and Manning, Chapter 6
9/25	<u>Federal Judicial Selection and Removal, Part II</u>
9/28	<u>The Executive and the Courts</u> Carp, Stidham, and Manning, Chapter 7
9/30	Review for Examination #1
10/2	Examination #1
10/5	<u>Lawyers, Litigants, and Interest Groups, Part I</u> Carp, Stidham, and Manning, Chapter 8

- 10/7 Lawyers, Litigants, and Interest Groups, Part II
- 10/9 Criminal Trials, Part I
Carp, Stidham, and Manning, Chapter 9
- 10/12 Criminal Trials, Part II
Carp, Stidham, and Manning, Chapter 10
- 10/14 Criminal Trials, Part III
- 10/16 Civil Trials
Carp, Stidham, and Manning, Chapter 11
- 10/19 Juries, Part I
Landsman, Stephan. 1999. "The Civil Jury in America." *Law and Contemporary Problems* 62: 285-304.
- 10/21 Juries, Part II
Barber, Jeremy W. 1994. "The Jury Is Still Out: The Role of Jury Science in the Modern American Courtroom." *American Criminal Law Review* 31: 1225-1252.
- 10/23 Juries, Part III
Film: *Juries on Trial*
- 10/26 Decision Making on Collegial Courts, Part I
Carp, Stidham, and Manning, Chapter 13
- 10/28 Decision Making on Collegial Courts, Part II
- 10/30 Decision Making on Collegial Courts, Part III
- 11/2 Review for Examination #2
- 11/4 Examination #2
- 11/6 No Class (Symposium on Interveners in Canadian Courts)
- 11/9 The Impact of Court Decisions, Part I
Carp, Stidham, and Manning, Chapter 14
- 11/11 The Impact of Court Decisions, Part II
Rosenberg, Gerald N. 1995. "The Real World of Constitutional Rights: The Supreme Court and the Implementation of the Abortion Decisions." In *Contemplating Courts*, ed. Lee Epstein. Washington: CQ Press.
- 11/13 New Judicial Federalism
Haas, Kenneth. 1981. "The 'New Federalism' and Prisoner's Rights: State Supreme Courts in Comparative Perspective." *Western Political Quarterly* 34: 553-71.

- 11/16 Confidence and Legitimacy
Benesh, Sara C. 2006. "Understanding Public Confidence in American Courts." *Journal of Politics* 68: 697-707.
- Gibson, James L. 1989. "Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance." *Law and Society Review* 23: 469-496.
- 11/18 Courts in the Media
Kohm, Steven A. 2006. "The People's Law versus Judge Judy Justice: Two Models of Law in American Reality-Based Courtroom TV." *Law and Society Review* 40: 693-728.
- Slotnick, Elliot E., and Jennifer A. Segal. 1994. "'The Supreme Court Decided Today'...Or Did It?" *Judicature* 78: 89-95.
- 11/20 The Stanford Prison Experiment
Film: *Quiet Rage: The Stanford Prison Experiment*
- Haney, Craig, and Philip Zimbardo. 1998. "The Past and Future of U.S. Prison Policy: Twenty-Five Years After the Stanford Prison Experiment." *American Psychologist* 53: 709-727.
- 11/23 Contemporary Issues: Felon Disenfranchisement
Uggen, Christopher, and Jeff Manza. 2002. "Democratic Contraction? The Political Consequences of Felon Disenfranchisement in the United States." *American Sociological Review* 67:777-803.
- 11/25 **Research Papers Due**
- Contemporary Issues: Sex Offender Registration
Note. 2004. "Making Outcasts out of Outlaws: The Unconstitutionality of Sex Offender Registration and Criminal Alien Detention." *Harvard Law Review* 117: 2731-2752.
- Zevitz, Richard G., and Mary Ann Farkas. 2000. "Sex Offender Community Notification: Managing High Risk Criminals or Exacting Vengeance?" *Behavioral Sciences and the Law* 18: 375-391
- 11/27 No Class (Thanksgiving Break)
- 11/30 Contemporary Issues: Homosexual Rights
Jost, Kenneth. 2001. "Gay Rights." In *Issues in Law and Society: Selections from the CQ Researcher*. Washington: CQ Press.
- Liu, Frederick, and Stephen Macedo. 2005. "The Federal Marriage Amendment and the Strange Evolution of the Conservative Case against Gay Marriage." *PS: Political Science and Politics* 38: 211-216.

Gerstmann, Evan. 2005. "Litigating Same-Sex Marriage: Might the Courts Actually Be Bastions of Rationality?" *PS: Political Science and Politics* 38: 217-220.

12/2

Contemporary Issues: Affirmative Action

Crosby, Faye J., Aarti Iyer, and Sirinda Sincharoen. 2006. "Understanding Affirmative Action." *Annual Review of Psychology* 57: 585-611.

Jost, Kenneth. 2002. "Affirmative Action." In *Issues in Race, Ethnicity and Gender: Selections from the CQ Researcher*. Washington: CQ Press.

12/4

Contemporary Issues: The CSI Effect

Maricopa County Attorney's Office. 2005. "CSI: Maricopa County: The CSI Effect and its Real-Life Impact on Justice."

Smith, Steven M., Marc W. Patry, and Veronica Stinson. 2008. "Is the *CSI Effect* Real? If it is, What is it?" In *The Proceedings of the 2007 North American Correctional & Criminal Justice Psychology Conference*. Ottawa: Public Safety Canada.

12/7

Judicial Policy Making (Pre-Finals Week)

Carp, Stidham, and Manning, Chapter 15

12/9

Review for Final Examination

12/18

Final Examination (10:30 a.m. - 12:30 p.m.)

Miscellaneous Information

Grade Disputes: A great deal of time is invested in grading student assignments. If a student wishes to dispute a grade, he or she must do so in writing. When doing so students should provide a clear explanation as to why they feel a different grade is in order, as well as what grade they believe to be more representative of their work. Simply "wanting" or "needing" a higher grade is an insufficient reason. Students should also be aware that when work is reviewed for a grade dispute, the entire exam or paper is reviewed, not simply the specific detail being disputed by the student. All grade disputes are due in writing to the Professor within two calendar weeks after the graded work is returned in class. Grade disputes will not be considered if submitted past the two-week statute of limitations. Note that the Family Educational Rights and Privacy Act (FERPA) prohibits the Professor from discussing grades via email. Accordingly, grade disputes should be handled during office hours. Note that there is no opportunity for extra credit, unless I specifically indicate such an opportunity in class.

Make Up Policies: Each student is expected to complete all assignments by the due date and take all examinations at the scheduled times. Make up exams will be permitted only under the gravest of circumstances. As a general rule, make up exams will not be offered. Failure to appear for a scheduled exam without prior notification and an acceptable reason will result in a score of zero (0) for that exam. Students should be aware that the makeup exam, if allowed, may not be the same as the original examination. While the general format and the material to be tested will stay the same, the exact questions may differ.

Office Hours: Office hours are currently scheduled from 9:00-10:30 Mondays and Wednesdays. If these times prove to be inconvenient, special appointments are available. Students should contact me to schedule special appointments. Contact via e-mail is encouraged.

Accommodations: If you are a student with a disability and wish to request accommodations, please notify me by the second week of class. You are also encouraged to contact the Office of Disability Accommodation at (940) 565-4323. The ODA makes formal recommendations regarding necessary and appropriate accommodations based on specifically diagnosed disabilities. Information regarding disabilities is treated in a confidential manner.

Statement of ADA Compliance: The Political Science Department cooperates with the Office of Disability Accommodation to make reasonable accommodations for qualified students with disabilities. Please present your written accommodation request on or before the sixth class day (beginning of the second week of classes).

Religious Holidays: In accordance with University policy, I will excuse any absences that result from religious observances, provided that you notify me in advanced of your planned absence.

Academic Honesty: Academic dishonesty will not be tolerated in this class. Incidents of plagiarism and/or cheating will result in a failing grade for the class. Students are advised to review the policies established in the Code of Student Conduct regarding academic honesty (http://www.unt.edu/csrr/student_conduct/index.html). If you have any questions about what constitutes plagiarism or cheating, PLEASE ASK ME! Finally, students agree that by taking this course that all required assignments may be subject to submission for textual similarity review to www.turnitin.com or a similar plagiarism prevention system.

The UNT 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.

Stipulation: I reserve the right to change this syllabus as I see fit at any point in the semester.