

**PSCI 3200.001: The American Legal System**  
**Fall 2010**  
**TR 12:30–1:50 PM, Wooten Hall 116**

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Office: Wooten Hall 154  
Office Hours: Wednesdays, 8:30–11:30 am and by appointment

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This course is intended to familiarize students with the organization of the American legal system and the processes by which cases are processed and decided. We will consider the role of courts in the American political system and the roles of various players (litigants, lawyers, judges, etc.) in the legal process. We will examine the structure of federal and state court systems, methods of judicial selection, and the determinants of judicial decision making.

**PSCI3200 on the Web**

A Blackboard conference will be maintained for this course at <https://ecampus.unt.edu>. Student grades will be posted on Blackboard and most assignments will be submitted through Blackboard.

**Communication and Email**

My email address is [bethany.blackstone@unt.edu](mailto:bethany.blackstone@unt.edu). When you email me, please include the course number (PSCI 3200) in the subject line of your messages. Also, please sign your emails with your first and last name, and include an appropriate salutation. (Hint: you can't go wrong with "Hi Professor Blackstone.") Articulate the content of your message clearly—do not use text message or instant message speak. Finally, before you email me, you should review the syllabus and course announcements on the class website—it is very likely that you can find an answer to your question(s) by examining the course materials.

If I need to contact you by e-mail, I will send e-mail to your official UNT EagleConnect account. If you do not normally use this account, you should set up e-mail forwarding so messages will be forwarded to your preferred account. Please consult <http://eagleconnect.unt.edu/> for instructions on e-mail forwarding and other questions related to your EagleConnect e-mail account.

**Readings**

The following text is required.

- Robert A. Carp, Ronald Stidham, and Kenneth L. Manning. 2010. *Judicial Process in America*, 8th edition. Washington, D.C.: CQ Press. (Hereinafter CSM.)

The 7th edition is also acceptable if you would prefer to purchase it. Other assigned readings will be available on the course Blackboard site.

**Grading**

Grades will be assigned on the following basis:

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

- Exams (Exam 1 – 20%; Exam 2 – 25%; Exam 3 – 25%)

There will be three exams in the course. The exams will consist of multiple choice, short answer, and essay questions. The first exam will include all material addressed in class through September 16 and will be worth 20% of your final course grade. The second exam will include material covered from September 28 to October 28 and will be worth 25% of your course grade. The final exam will include material covered after the second exam and will be worth 25% of your final grade.

- Court Observation Journal Entries and Paper (20% total)

Over the course of the semester, you will be required to spend a total of ten hours (in at least three separate visits) observing the judicial branch in action. You must spend at least two hours observing state district court proceedings and at least two hours observing proceedings in federal district court. You may spend the remaining six hours in state, federal, or county court. There are 6 state district courts that operate in Denton (as well as many others throughout the metroplex). The nearest federal courts are in Plano, Dallas, and Fort Worth. (*If you anticipate any problems with your ability to travel to one of the federal courts to complete your observation, you must discuss an alternative assignment with me by Thursday, September 9.*)

Each student will post blog entries on his or her court visits throughout the semester on the course webpage and will write a short paper on the court-watching experience.

- Blog Entries and Comments (10%)

You must post your observations on the class blog (in Blackboard) within 24 hours of each court visit (while your impressions are still fresh in your mind). In each blog entry, you should document the day and time of your visit, which court you attended, the presiding judge, the type of case (civil/criminal) and the type of proceeding (a motion hearing, a jury trial, jury selection, etc). You should also record your thoughts about the proceedings: Are they more or less formal than you expected? How do the attorneys conduct themselves, both during the proceeding and before/after (if you have a chance to observe that)? Are civil clients, a criminal defendant, or a victim present? Other court personnel? What is the pace of the proceeding? How do your observations square with readings and class discussion?

I expect you to read and comment on each others' posts. For example, it might be interesting to compare how one person's observations of a sentencing compare with another's. What might account for those differences?

- Paper (10%)

In addition to the blog posts and comments, you will write a short (3–5 page) paper summarizing your overall impressions. For example, what are the differences between criminal and civil proceedings or between proceedings in state and federal court?

Your court observation paper must be submitted electronically and in hard copy by 5:00 pm on Tuesday, December 7, 2010. Late papers will be penalized one full letter grade per 24-hour period.

- Simulations (10% total)

Each student is required to participate in two in-class simulation activities. The simulations will be held on **Thursday, October 28** and **Tuesday, November 16**. For each simulation, assignments will be distributed at least one week prior to the simulation. You will be evaluated on the basis of:

1. Your participation—you should “perform” the role as indicated in your individual assignment.
2. A post-simulation assessment—After each simulation, an assessment will be posted on Blackboard and must be completed within one week of the simulation.

### **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.

### **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 two weeks 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 two weeks of the date that grades are returned in class. Grade disputes will not be considered if submitted past the two-week statute of limitations.

The Family Educational Rights and Privacy Act (FERPA) prohibits me from discussing grades via email. Accordingly, grade disputes should be handled during office hours.

### **Attendance**

Your attendance and participation are expected. Because I will cover material in class that is not discussed in the texts, 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.

### **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 [www.unt.edu/csrr](http://www.unt.edu/csrr).

### **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](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.

### **Accommodations**

The University of North Texas is on record as being committed to both the spirit and letter of federal equal opportunity legislation; reference Public Law 92-112—The Rehabilitation Act of 1973 as amended. With the passage of new federal legislation entitled Americans with Disabilities Act (ADA), pursuant to section 504 of the Rehabilitation Act, there is renewed focus on providing this population with the same opportunities enjoyed by all citizens.

The Political Science Department cooperates with the Office of Disability Accommodation (ODA). The ODA makes formal recommendations regarding necessary and appropriate accommodations based on specifically diagnosed disabilities. If you are a student with a disability and wish to request accommodations, you should contact the ODA as soon as possible at 940.565.4323. Please present your written accommodation request to me on or before September 9. Information regarding disabilities is treated in a confidential matter.

## Course Outline

The following represents an approximate calendar of class discussions. Every attempt will be made to adhere to this schedule. However, departures from the schedule may occasionally occur. Exam dates should be considered firm, and you should arrange your personal schedule to be present at the appointed times.

**8/26 Course Introduction**

**8/31 American Law**

- CSM Chapter 1—Foundations of Law in the United States

**9/2 Judicial Review**

- “Introduction to Part I: Judicial Review and American Politics—Historical and Political Perspectives” in *Judges on Judging: Views from the Bench*, ed. David M. O’Brien. Washington: CQ Press, pages 1–6.
- Warren E. Burger. “The Doctrine of Judicial Review: Mr. Marshall, Mr. Jefferson, and Mr. Marbury” in *Judges on Judging: Views from the Bench*, ed. David M. O’Brien. Washington: CQ Press, pages 7–19.

**9/7 Federal Judicial System**

- CSM Chapter 2—The Federal Judicial System

**9/9 Federal Judicial System (continued)**

**9/14 State Judicial Systems**

- CSM Chapter 3—State Judicial Systems

**9/16 Jurisdiction, etc.**

- CSM Chapter 4—Jurisdiction and Policymaking Boundaries

**9/21 Exam 1**

**9/23 No Class**

**9/28 State Judicial Selection and Removal**

- CSM Chapter 5—State Judges

**9/30 Federal Judicial Selection and Removal**

- CSM Chapter 6—Federal Judges

**10/5 Federal Judicial Selection and Removal (continued)**

**10/7 The Executive and the Courts**

- CSM Chapter 7—Policy Links between the Citizenry, the President, and the Federal Judiciary

**10/12 Lawyers, Litigants, and Interest Groups**

- CSM Chapter 8—Lawyers, Litigants, and Interest Groups in the Judicial Process
- Herbert M. Kritzer. 1997. “Contingency Fee Lawyers as Gatekeepers in the Civil Justice System,” *Judicature* 81(1): 22–29.  
(Reprinted in *Judicial Politics: Readings from Judicature*, third edition, ed. Elliot E. Slotnick. Washington: CQ Press, 157–165.)

**10/14 Criminal Procedure and Trials**

- CSM Chapter 9—Crime and Procedures Prior to a Criminal Trial
- CSM Chapter 10—The Criminal Trial and Its Aftermath

**10/19 Criminal Procedure and Trials** (continued)

**10/21 Criminal Procedure and Trials** (continued)

**10/26 Plea Bargaining**

**10/28 Plea Bargaining Simulation**

**11/2 Exam 2**

**\*\*\* Plea Bargaining Simulation Assessment Due by 11:59 PM on November 4 \*\*\***

**11/4 Civil Procedure and Trials**

- CSM Chapter 11—The Civil Court Process
- Edmund V. Ludwig. 2002. “The Changing Role of the Trial Judge,” *Judicature* 85(5): 216–217, 253.  
(Reprinted in *Judicial Politics: Readings from Judicature*, third edition, ed. Elliot E. Slotnick. Washington: CQ Press, 333–335.)

**11/9 Decision Making in Trial Courts**

- CSM Chapter 12—Decision Making by Trial Court Judges
- Marvin E. Frankel. “The Adversary Judge: The Experience of the Trial Judge,” in *Judges on Judging: Views from the Bench*, ed. David M. O’Brien. Washington: CQ Press, pages 68–75.

**11/11 Juries**

- Stephan Landsman. 1999. “The Civil Jury in America” *Law and Contemporary Problems* 62: 285–304.
- Jeremy W. Barber. 1994. “The Jury is Still Out: The Role of Jury Science in the Modern American Courtroom.” *American Criminal Law Review* 31: 1225–1252.

**11/16 Voir Dire Simulation**

**11/18 Decision Making in Collegial Courts**

- CSM Chapter 13—Decision Making in Collegial Courts
- Alex Kozinski. “What I Ate for Breakfast and Other Mysteries of Judicial Decision Making” in *Judges on Judging: Views from the Bench*, ed. David M. O’Brien. Washington: CQ Press, pages 76–81.

- Paul J. Wahlbeck, James F. Spriggs, and Forrest Maltzman. 2002. “Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court,” in *Courts, Judges, and Politics: An Introduction to the Judicial Process*, eds. Walter F. Murphy, C. Herman Pritchett, and Lee Epstein. New York: McGraw Hill, 671–677.

**\*\*\* Voir Dire Simulation Assessment Due by 11:59 PM on November 23 \*\*\***

**11/23 Decision Making in Collegial Courts** (continued)

**11/25 No Class—Thanksgiving Break**

**11/30 Implementation and Impact of Judicial Decisions**

- CSM Chapter 14—Implementation and Impact of Judicial Policies
- Gerald N. Rosenberg. 2002. “The Hollow Hope: Can Courts Generate Social Change?” in *Courts, Judges, and Politics: An Introduction to the Judicial Process*, eds. Walter F. Murphy, C. Herman Pritchett, and Lee Epstein, New York: McGraw Hill, 714–728.

**12/2 Courts and the Public: Confidence and Legitimacy**

- Sara C. Benesh. 2006. “Understanding Public Confidence in American Courts.” *The Journal of Politics*, 68: 697–707.
- Herbert M. Kritzer. 2001. “The Impact of *Bush v. Gore* on Public Perceptions and Knowledge of the Supreme Court.” *Judicature* 85(1): 32–38.  
(Reprinted in *Judicial Politics: Readings from Judicature*, third edition, ed. Elliot E. Slotnick. Washington: CQ Press, 500–506.)

**\*\*\* Court Observation Essays Due in Hard Copy and Electronically (via Blackboard) by 5:00 pm on December 7 \*\*\***

**12/7 Courts in News and Entertainment**

- Elliot E. Slotnick and Jennifer A. Segal. 1994. “‘The Supreme Court Decided Today’... or Did It?” *Judicature* 78: 89–95.  
(Reprinted in *Judicial Politics: Readings from Judicature*, third edition, ed. Elliot E. Slotnick. Washington: CQ Press, 471–479.)
- Kimberlianne Podlas. 2002. “Should We Blame Judge Judy? The Messages TV Courtrooms Send Viewers,” *Judicature* 86(1): 38–43.  
(Reprinted in *Judicial Politics: Readings from Judicature*, third edition, ed. Elliot E. Slotnick. Washington: CQ Press, 480–486.)
- Maricopa County Attorney’s Office. 2005. “CSI: Maricopa County: The CSI Effect and its Real-Life Impact on Justice.”

**12/9 Courts in News and Entertainment** (continued) and **Conclusions**

- CSM Chapter 15—Policymaking by American Judges: A Synthesis

**12/14 Exam 3** (10:30 am–12:30 pm)