

# **POLS 3315: JUDICIAL PROCESS**

College of Liberal Arts  
Asynchronous Online Course

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CRN: 18690  
Term: Fall 2020  
Virtual Office Hours (Bb Collaborate):  
Tues. & Thurs. 2pm-3pm or by Appt.

## **COURSE DESCRIPTION**

This class introduces students to the judicial system and the judicial process in the United States. We will examine judicial organization and administrative processes at the federal and state levels. The structure, influence, and processes of the American legal system will be reviewed. Topics covered include: classical theories of jurisprudence, judicial decision making, criminal and civil litigation, trial and appellate courts, and the scope and limits of judicial power.

## **UTEP EDGE**

This course will help you develop the following UTEP Edge skills: (1) *critical thinking* through the analysis of difficult readings and complex arguments; (2) *communication* through the completion of the case study assignment; (3) *problem-solving* through an understanding of how judges frame and resolve legal issues; and (4) *social responsibility* through an appreciation of how the law influences controversial social policies.

## **LEARNING OUTCOMES**

This course has two primary objectives: (1) to provide an understanding of the American judicial system, and (2) to help increase your critical reading and problem-solving skills.

At the end of this course you will be able to:

- *Understand* the American judicial system;
- *Recognize* the legal issues and developments found in the common law;
- *Explain* the scope and limits of judicial power;
- *Construct, Deconstruct, and Reconstruct* complex arguments; and
- *Appreciate* the multi-faceted legal and social complexities that come before the courts.

## **ONLINE COURSE STRUCTURE**

This is an asynchronous online course. Aside from online office hours available via Blackboard Collaborate, there are no synchronous meetings or sessions.

This online course will generally follow a weekly format. Except for large assignments, you will find all of the materials you need for a given week “packaged” in that week. For example, the materials (PPT presentations, instructor notes or comments, and quizzes) for the first week will be found in “Week One.” The materials for the second week will be found in “Week Two,” and so on.

## REQUIRED MATERIALS

Banks, C. P., & O'Brien, D. M. (2016). *Judicial Process: Law, Courts, and Judicial Politics*. Los Angeles, CA: CQ Press. (ISBN: 978-1-4833-1701-4).

Additional required readings will be made available on the Blackboard course site, which may be accessed at <https://my.utep.edu/>.

## ASSESSMENTS AND GRADING

Your grade will be based upon the following assignments:

Assessment	Percent of Grade	Total Points
Netiquette & Quizzes	25%	125
Netiquette		21
Quizzes		104
Midterm Exam	25%	125
Case Study	25%	125
Final Exam	25%	125
<b>Total</b>	<b>100%</b>	<b>500</b>

### NETIQUETTE & QUIZZES

#### Netiquette

Netiquette involves the rules that govern proper behavior or etiquette when communicating online. There is a tendency to believe that the proper behavior and etiquette of face-to-face communication does not apply to online communication. We are all familiar with stories about improper behavior surrounding emails, tweets, Facebook posts, blogs, etc. Netiquette is being civil online. We will practice proper netiquette. Please read the *Netiquette* document on Blackboard.

#### Quizzes

There will be thirteen quizzes in this course. Quizzes will be administered each week, except for the weeks of the midterm exam and the case study. Quizzes are open book. Each quiz will include multiple choice and short answer questions. And, each quiz is worth 8 points. In the aggregate, the thirteen quizzes are worth 104 points.

The quizzes will be available on Blackboard and must be completed on Blackboard. Each quiz will be made available on Thursday at midnight. You have 24 hours, until Friday at midnight, to complete the quiz for the week. Note: once you start the quiz, you must finish it within 30 minutes.

### MIDTERM EXAM

The midterm exam will take place during the week of October 12th and it is to be completed by **5:00 pm on Friday, October 16th**. The midterm exam is closed book and will consist of multiple choice and short answer questions. Specific information regarding the midterm exam will be provided as we progress through the course.

The midterm exam will be available on Blackboard and must be completed on Blackboard. Note: once you start the midterm exam, you must finish it within 2 hours.

## CASE STUDY

A case study is due by **5:00 pm on Friday, November 20th**. You will be able to access the assignment one week before, at 5:00 pm on Friday, November 13th. Barring exigent circumstances, late submissions will not be accepted. The case study will involve a short paper analyzing developments in a specified area of the common law. A sample case study on developments in another area of the common law will be provided. You should refer to this sample case study when you work on your assignment. More information regarding the case study, including the grading rubric, will be provided as we progress through the course.

Your case study will be submitted to SafeAssign, a plagiarism detecting software. SafeAssign is used to review assignment submissions for originality.

## FINAL EXAM

The final exam will take place during Finals Week and is to be completed by **5:00 pm on Friday, December 11th**. The final exam is closed book and will consist of multiple choice and short answer questions. The final exam will not be comprehensive. Specific information regarding the final exam will be provided as we progress through the course.

The final exam will be available on Blackboard and must be completed on Blackboard. Note: once you start the final exam, you must finish it within 2 hours.

## QUALITY OF WORK

You are expected to produce quality work, which requires being prepared and encompasses both substance and presentation (style, organization, grammar, etc.). Poor presentation distracts from what it is you are trying to communicate. Producing quality work requires more than a minimum effort. In all cases, quality trumps quantity.

## COURSE COMMUNICATION

### Virtual Office Hours

Even though we will not be able to meet on campus, I will hold virtual office hours for your questions and comments about the course. My office hours will be held on Tuesdays and Thursdays from 2pm to 3pm. You can access my office hours on Blackboard Collaborate.

### UTEP Email

Important course information will primarily be communicated through email. There may also be times when I communicate through “Announcements” within Blackboard. Note: your “miners.utep.edu” email address is the only email address I will use when communicating important information via email. Students are responsible for regularly checking their official UTEP email and the “Announcements” section within Blackboard. It is not a valid excuse to say, “I did not receive the email” or “I forgot to check the ‘Announcements’ within Blackboard.”

## COURSE POLICIES

### ACCOMMODATIONS

The University is committed to providing reasonable accommodations and auxiliary services to students with documented disabilities in order to provide them with equal opportunities to participate in programs, services, and activities in compliance with sections 503 and 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008. Students requesting

accommodations based on a disability must register with the [UTEP Center for Accommodations and Support Services](#) (CASS). Contact CASS at 915-747-5148 or email them at [cass@utep.edu](mailto:cass@utep.edu). Students can also apply for accommodations online via the [CASS portal](#).

#### COVID-19 ACCOMMODATIONS

Students are not permitted on campus when they have a positive COVID-19 test, exposure or symptoms. If you are not permitted on campus, you should contact me as soon as possible so we can arrange necessary and appropriate accommodations.

#### WITHDRAWAL POLICY

To be withdrawn from the class, students must take appropriate actions on or before UTEP's deadlines. Automatic withdrawals will not be made by the instructor. A student may officially withdraw from this class with an automatic 'W' at any time **before October 30th**. According to UTEP policy, no withdrawals will be allowed after this date. You will receive a failing grade if you simply stop coming to class and do not take appropriate actions to withdraw from the course.

#### COVID-19 PRECAUTIONS

You must **STAY AT HOME** and **REPORT** if you (1) have been diagnosed with COVID-19, (2) are experiencing COVID-19 symptoms, or (3) have had recent contact with a person who has received a positive coronavirus test. Reports should be made at [screening.utep.edu](http://screening.utep.edu). If you know anyone who should report any of these three criteria, encourage them to report. If the individual cannot report, you can report on their behalf by sending an email to [COVIDaction@utep.edu](mailto:COVIDaction@utep.edu).

For each day that you attend campus - for any reason - you must complete the questions on the UTEP screening website ([screening.utep.edu](http://screening.utep.edu)) prior to arriving on campus. The website will verify if you are permitted to come to campus. Under no circumstances should anyone come to class when feeling ill or exhibiting any of the known COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, and alternative instruction will be provided. Students are advised to minimize the number of encounters with others to avoid infection.

Wear face coverings when in common areas of campus or when others are present. If you are taking a class on campus, you must wear a face covering over your nose and mouth at all times while in the classroom. If you choose not to wear a face covering, you may not enter the classroom. If you remove your face covering, you will be asked to put it on or leave the classroom. Students who refuse to wear a face covering and follow preventive COVID-19 guidelines will be dismissed from the class and will be subject to disciplinary action according to Section 1.2.3 *Health and Safety* and Section 1.2.2.5 *Disruptions* in the UTEP Handbook of Operating Procedures.

You are strongly encouraged to complete the COVID-19 student training available [here](#).

#### SCHOLASTIC DISHONESTY

**Scholastic Dishonesty will not be tolerated.**

I am required by the Handbook of Operating Procedures for The University of Texas at El Paso to report "all alleged acts of scholastic dishonesty...to the Dean of Students for disposition." (See Section III of the Handbook of Operating Procedures for UTEP (*Academic Policies and Faculty Personnel Matters* 4.14a.))

As stated in Section II of the Handbook of Operating Procedures for UTEP (*Student Conduct and Discipline* 1.2.2.1): “Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes but is not limited to cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, any act designed to give unfair advantage to a student or the attempt to commit such acts.”

Please refer to UTEP’s Office of Student Conduct and Conflict Resolution at <https://www.utep.edu/student-affairs/osccr/student-conduct/academic-integrity.html>. You should read the *Avoiding Plagiarism* handout available on their site, which is also available on Blackboard.

### COURSE SCHEDULE

The schedule below outlines what will be covered in this course. It will be followed to the extent possible in meeting the instructional goals and needs of the course, but I reserve the right to alter this schedule as needed. Aside from the required textbook, other readings will be made available on Blackboard. You are required to complete the assigned readings for each week. Remember, there will be a quiz each week except for Week 8 (due to the midterm exam) and Week 13 (due to the Case Study assignment).

Date	Readings and Assignments
Week 1 8/24 - 8/28	<i>Law and Courts in Society</i> <ul style="list-style-type: none"> <li>✓ Ch. 1, pp. 2-25</li> <li>✓ U.S. Constitution</li> <li>✓ <i>Federalist</i> #78</li> </ul>
Week 2 8/31 - 9/4	<i>Law and Jurisprudence I</i> <ul style="list-style-type: none"> <li>✓ Ch. 2, pp. 30-48</li> <li>✓ H.L.A. Hart, <i>Positivism &amp; the Separation of Law &amp; Morals</i>, 71 HARV. L. REV. 593 (1957)</li> </ul>
Week 3 9/7 - 9/11	Sept. 7th: Labor Day - University Closed Sept. 9th: Fall Census Day  <i>Law and Jurisprudence II</i> <ul style="list-style-type: none"> <li>✓ Continuation of H.L.A. Hart article (if needed)</li> <li>✓ Ronald M. Dworkin, <i>The Model of Rules</i>, 35 U. CHI. L. REV. 14 (1967)</li> </ul>
Week 4 9/14 - 9/18	<i>Law and Jurisprudence III</i> <ul style="list-style-type: none"> <li>✓ Continuation of Ronald M. Dworkin article (if needed)</li> <li>✓ Lon L. Fuller, <i>The Case of the Speluncean Explorers</i>, 62 HARV. L. REV. 616 (1949)</li> </ul>
Week 5 9/21 - 9/25	<i>Judicial Organization and Administration</i> <ul style="list-style-type: none"> <li>✓ Ch. 3, pp. 56-89</li> <li>✓ Mitchell, Jonathan F., <i>Judicial Review and the Future of Federalism</i>, 49 ARIZ. ST. L.J. 1091 (Fall 2017)</li> </ul>
Week 6 9/28 - 10/2	<i>Judicial Selection and Removal I</i> <ul style="list-style-type: none"> <li>✓ Ch. 4, pp. 99-130</li> </ul>

<b>Date</b>	<b>Readings and Assignments</b>
Week 7 10/5 - 10/9	<i>Judicial Selection and Removal II</i> ✓ Congressional Research Service. <i>Supreme Court Appointment Process: President's Selection of a Nominee</i> (R44235), Prepared by Barry J. McMillion. Washington: Library of Congress, June 27, 2018.
Week 8 10/12 - 10/16	<b>Midterm Exam Due at 5:00 pm - Oct. 16th</b> <i>The Practice of Law</i> ✓ Ch. 5, pp. 142-167
Week 9 10/19 - 10/23	<i>Access to Courts and Justice I</i> ✓ Ch. 6, pp. 177-190
Week 10 10/26 - 10/30	Oct. 30th: Fall Drop/Withdrawal Deadline <i>Access to Courts and Justice II</i> ✓ <i>Lujan v. Defenders of Wildlife</i> , 504 U.S. 555 (1992) ✓ <i>DaimlerChrysler Corp. v. Cuno</i> , 547 U.S. 332 (2006) ✓ <i>Hollingsworth v. Perry</i> , 570 U.S. 693 (2013)
Week 11 11/2 - 11/6	<i>The Adversarial Process and Criminal Cases</i> ✓ Ch. 7, pp. 196-223 ✓ <i>Roper v. Simmons</i> , 543 U.S. 551 (2005)
Week 12 11/9 - 11/13	<i>Civil Cases and Litigation</i> ✓ Ch. 8, pp. 232-256 ✓ <i>Katko v. Briney</i> , 183 N.W.2d 657 (Iowa 1971) ✓ <i>Minns v. United States</i> , 155 F.3d 445 (4th Cir. 1998) ✓ <i>Tenet v. Doe</i> , 544 U.S. 1 (2005)
Week 13 11/16 - 11/20	<b>Case Study Due at 5:00 pm - Nov. 20th</b> <i>Appellate Courts and Decision Making</i> ✓ Ch. 9, pp. 264-292 ✓ Justice Breyer and Justice Scalia
Week 14 11/23 - 11/27	Nov. 26th-27th: Thanksgiving Holiday - University Closed <i>The Scope and Limit of Judicial Power I</i> ✓ Ch. 10, pp. 301-314 ✓ Global War on Terrorism and Habeas Corpus
Week 15 11/30 - 12/4	Dec. 4th: Dead Day <i>The Scope and Limit of Judicial Power II</i> ✓ Ch. 10, pp. 315-328 ✓ <i>Obergefell v. Hodges</i> , 576 U.S. ____ (2015)
<b>Finals Week</b> 12/7 - 12/11	<b>Final Exam Due at 5:00 pm - Dec. 11th</b>