



- state and federal court structures,
- recruitment and selection or election of judges, and
- impact of judicial decisions.

### Course Goals and Overview

This class helps students learn and understand the role of legal actors and institutions in the shaping, execution, and implementation of judicial decisions.

In the class, we consider the following questions, and seek answers to them using source material in the form of readings, audio recordings, and documentary and dramatic film or videos:

- What is a judge? Who becomes a judge? What forces and institutions shape judges and their decisions?
- What is the role of process in judicial decision-making?
- Why is legal reasoning significant?
- When, how, why and under what conditions are judicial decisions respected?
- How does society make sense of a judicial process bound by law and regulation?
- What sort of role do judges play in shaping public policy?
- What methods do scholars use to study the judicial process?
- Does scholarly research on judicial processes shape public policy formation?

Students will examine the role of judges in solving disputes governed by law and the roles judges play as creators of legal, social and political change or defenders of the status quo.

The course invites students to think about the role popular culture about judges and the law (documentary and dramatic films, television shows, songs, novels, etc.) plays as an important mechanism by which societies understand the significance of the judicial process.

Students will write a brief research paper on a past or current United States Supreme Court justice. Students will also write a book review of Curriden and Phillips, *Contempt of Court: The Turn of the Century Lynching That Launched 100 Years of Federalism*.

### LEARNING OUTCOMES

After the completion of this course, students should have the following skills or knowledge:

- Have an understanding of the American judicial process.
- Be able to analyze, compare and argue over different scholarly approaches to the study of judges and the judicial process.
- Have a developed understanding of how scholarly research about the judicial process can inform and advance the goals of public policy formation.

- Be adroit in understanding the importance of popular culture in shaping/capturing orientations towards judges and the law.

## UTEP EDGE ADVANTAGE

You can learn about UTEP Edge, here: <https://www.utep.edu/edge/about/index.html>

This class fulfills the following targeted UTEP Edge Advantage skills:

- Communication: Discussion boards, essay profiling a Supreme Court Justice, a book review, and responses to films and/or music.
- Confidence: Multiple choice tests to give you a deeper understanding of the textbook.
- Critical thinking: Relationship of judges to society, partly based on understanding how the Supreme Court has become the ultimate arbiter of Constitutional law.
- Problem solving: Multiple choice tests, profile essay and book review.
- Social responsibility: examining the social forces that influence who judges are, how they are educated and trained, and the processes they govern.

### Required readings

The *required* texts for this course are:

Corley, Pamela A., Artemus Ward & Wendy L. Martinek. 2016. *American Judicial Process: Myth and Reality in Law and Courts*. Routledge, New York.

ISBN: 9780415532983

Includes access to online student resources at companion website:

<http://www.routledgetextbooks.com/textbooks/9780415532983/student.php> (no access code required)

\*Please note that the companion website is managed by Routledge and neither the professor nor UTEP can take any responsibility for broken or outdated links.

Curriden, Mark and Leroy Phillips, Jr. 2001. *Contempt of Court: The Turn of the Century Lynching That Launched 100 Years of Federalism*. New York: Anchor Books.

Paperback ISBN: 9780385720823

### Grading Scheme

**Note well: Failure to submit any assignment, including submitting an incomplete assignment, may result in failing the class or withdrawal from the class.**

#### Tests (30 points each)

Seven, due weekly. 210 points

### **Discussion board (30 points each)**

Seven, due weekly. 210 points

**Midterm** 150 points

**Final** 150 points

**Paper: Supreme Court Justice Profile** 150 points.

**Book Review** 130 points

Curriden and Phillips, *Contempt of Court*.

Total: 1,000 points

The total point score is then divided by 10 to provide a percentage. The letter grades break down in the following way:

#### **% Letter**

≥ 89.50 A

79.50-89.49 B

69.50-79.49 C

59.50-69.49 D

≤ 59.49 F

#### Descriptions of graded work

**Late work is unacceptable. You are advised to contact the instructor before the due date if, for any reason, you are going to submit late work.**

## WEEKLY TESTS

After you do the assigned readings for a given week, you will take the test (which will have about 30 questions per week). The tests are based on the materials you read, consult, or view each week. You shall submit your answers to the tests by Sunday, 11:00pm (MT) each week.

## EXAMS

There are two exams for the course: a midterm and a final. Questions for the midterm are based on materials used in the weeks up to the midterm, and for the final from the midterm on.

The exams will be “open book” so that you will be able to have all support materials you think are necessary to answer the exam questions.

The exams will be administered via Blackboard.

You will have **from Monday through Thursday or Friday of two specific weeks** to complete the exam upon activation.

The exams are to be taken individually—it is **not allowed to discuss the exam questions with the classmates or anyone else**.

Please refer to the section on “Academic Integrity” below to review the University and instructor policies on cheating, collusion, and plagiarism.

## MAKE-UP EXAMS

Make-up exams will be given *only* in the case of a *documented* emergency (see “excused absences” below). Note that make-up exams may be in a different format than the original exam and may require more intensive preparation. If you miss a test and your absence is not considered excused, you will receive a zero on the test. This policy will be strictly enforced.

## PROFILE PAPER OF PAST OR CURRENT U.S. SUPREME COURT JUSTICE

One of the key purposes of this course is to introduce you to how judges are shaped, (s)electd, and the role they play as arbiters of legal disputes.

An important part of this goal is to help you develop the analytical skills necessary to grasp the dynamics of systematically studying the significance of judges in U.S. policy formation and implementation.

Given these objectives, you will write an essay that is a profile of a past or current U.S. Supreme Court justice.

The instructions for the essay task will be provided on the course website on Blackboard.

## BOOK REVIEW

You will write a review of Mark Curriden and Leroy Phillips, *Contempt of Court: The Turn-of-the-Century Lynching that Launched A Hundred Years of Federalism*.

Many people quickly (and wrongly) assume that the U.S. Supreme Court’s power to interpret the Constitution has been obvious and absolute from its inception.

This book suggests otherwise and raises questions about how judicial process is best seen as a struggle over the social and political significance of law’s role in governing disputes over power.

**The book review is not a summary.**

The book review will be two pages in length, double-spaced, Times New Roman, 12 points.

## DISCUSSION POSTS/CLASS PARTICIPATION

This is the central activity of the class and **you will need to log into Blackboard several times during the week** to participate effectively in the discussion board for each week.

Each week you will submit:

(1) a discussion post in response to a guided question (minimum of **250 words** and maximum of **500 words**); and,

(2) respond to **at least one** of your classmates' post (minimum of **100 words** and maximum of **500 words**).

Be sure to submit your discussion post and response to your peers for a given week by Sunday, 11:00pm (MT) of that week to receive credit for your participation.

Class participation via discussion posts makes up a significant portion of your grade in this class **and is a key indicator of attendance**.

Check Blackboard for the instruction about the three-paragraph format. **The instructor will not read your weekly discussion post** if you do not use a three-paragraph format and the post will be returned to you with a **grade of zero** and an **instruction to resubmit your post for regrading**.

It is also a weekly requirement that you comment on other students' submissions on the discussion board. **The instructor will not read your discussion post** if you do not include at least one comment on another student's post, **you will receive a grade of zero**, and an **instruction to resubmit with a comment on another student's post for regrading**.

Some suggestions for successful posts:

Write with the **curiosity** of university students.

The instructor is more interested in **doubts** and the **questions** you raise rather than providing concrete answers. The expression of doubt and uncertainty is a skill and something to be practiced and developed.

**You are strongly encouraged to use the UTEP Writing Center for assistance in drafting all written work, including discussion boards, the SCOTUS justice profile essay, and reviews.**

I expect everyone to actively participate in class and do so in a positive and appropriate way (see the "Online Etiquette and Effective Communication" section below). Keep in mind that class participation is more than just completing the scheduled assignments and taking exams—you should be willing to ask and answer questions, and contribute intellectually to class debates via online discussion posts.

Before posting a discussion, you should complete the assigned readings or viewings. Exams will cover material from the readings, possible mini lectures, and our online discussions, so doing just one or the other will leave you at a disadvantage.

Full credit for a discussion post is reserved only for those that follow the online etiquette and effective communication rules below.

## Course/Instructor Policies

### E-Mail Protocol

UTEP e-mail is the best way to contact the instructor: [ptimmons2@utep.edu](mailto:ptimmons2@utep.edu)<sup>1</sup>. Please do not try to contact the instructor via the Blackboard messaging function.

Please **only** email the instructor from your UTEP email account. The instructor cannot respond to emails from non-UTEP accounts.

When e-mailing the instructor **from your UTEP account, please put the course number in the subject line**. In the body of your e-mail, clearly state your question. At the end of your e-mail, be sure to put your first and last name, and your university identification number.

The instructor will make every attempt to respond to e-mails within 24-48 hours of receipt during weekdays. The instructor will respond to weekend messages by Monday at the latest.

### Online Etiquette and Effective Communication

It is essential that the **utmost respect and professionalism** be adhered in all exchanges between class members. This is a political science course and we will be discussing at times sensitive and controversial topics. Avoid any unnecessary arguments with other class members, such as political polemical arguments (e.g., negative partisan talking points targeting those of opposing ideological perspectives or particular political figures) or, even worse, personal attacks on others for having different views.

*\*No inappropriate behavior will be tolerated.\**

Unprofessional conduct will be dealt with swiftly through the university and it is at the professor's full discretion to have a student dropped from the course for any inappropriate behavior.

### Online Etiquette and Effective Communication Policy

Please carefully read the following rules for online etiquette and effective communication:

**Language:** Given the absence of face-to-face clues, written text can easily be misinterpreted. Avoid the use of strong or offensive language, all capital letters, and the excessive use of exclamation points. If you feel particularly strongly about a point, it may be best to write it first as a draft and then to review it, before posting it, in order to remove any strong language.

**Respect:** A web-based classroom is still a classroom, and comments that would be inappropriate in a regular classroom are likely to be inappropriate in a Web-based course as well. Treat your professor and your fellow students with respect. Remember that members of the class and the instructor will be reading any postings.

**Be Forgiving:** If someone states something that you find offensive, mention this directly to the professor in an email. Remember that the person contributing to the discussion is also new to this form of communication. What you find offensive may quite possibly have been unintended and can best be cleared up by the professor.

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<sup>1</sup><mailto:ptimmons2@utep.edu>

**This is Permanent:** Think carefully about the content of your message before contributing it. Once sent, there is no taking it back. When reacting to someone else's message, address the ideas, not the person. Post only what anyone would comfortably state in a face-to-face situation.

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*Treat your professor and your fellow students with respect.*

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**Edit Your Work:** The grammar, spelling, and punctuation of a message are part of the grading criteria – you should not expect your professor and peers to decode misspelled words or poorly constructed sentences. It is a good practice to compose and check your comments in a word-processor before posting them.

**Test for Clarity:** Messages may often appear perfectly clear to you as you compose them, but turn out to be perfectly obtuse to your reader. One way to test for clarity is to read your message aloud to see if it flows smoothly and if you can read it to another person before posting it, even better.

**Follow the Parameters/Stick to the Point:** Follow the posting requirements and parameters set up by your professor. Contributions to a discussion should have a clear subject header, and you need to stick to the subject. Don't waste others' time by going off on irrelevant tangents. Also keep in mind that no credit will be received for yes/no answers. Posts should justify positions and provide specific examples. Students must demonstrate that they have read the assignment and their classmates' comments carefully and thoughtfully.

**Read First, Write Later:** Don't add your comments to a discussion before reading the comments of other students unless the assignment specifically asks you to. Doing so is tantamount to ignoring your fellow students and is rude. Comments related to the content of previous messages should be posted under them to keep related topics organized, and you should specify the person and the particular point you are following up on.

### Excused Absences and Excuse for Late Work

The instructor will excuse absences and late work **only** when a student participates in an official university-recognized activity, observes a recognized religious holiday of her/his faith that happens to coincide with a class session or due date for an assignment, is called to and participates in active military service for a reasonably brief period, or confronts a medical emergency.

To be excused, you must notify the instructor *in writing* **prior** to the date of absence.

That said, in cases where advance notification is not feasible (e.g. a medical emergency), you must provide notification **as soon as possible** following your absence. Such notification must include an explanation of why notice could not be sent in advance. You must also provide satisfactory documentation verifying the reason for the absence. In case of an illness, a doctor's note is the proper documentation required. *For the instructor's records, you should e-mail me a scanned copy of the documentation that verifies the reason for your absence (if you don't have access to a scanner, you can take a photo of the documentation). Documentation that is not provided in a timely manner will not be accepted.*



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*You must also provide satisfactory documentation verifying the reason for the absence.*

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Please do **not** ask the instructor to excuse absences for minor illnesses or scheduling conflicts (e.g. sports practices, play rehearsals, meetings, conferences, appointments with other professors or advisors, student teaching, having your cable installed, having a bad headache, etc.). **The instructor is aware** that students have other interests and obligations, but you should nevertheless make this class a priority. If you are likely to have recurring conflicts, please take another course that better fits your schedule.

See academic regulations in UTEP Undergraduate Catalogue for a list of excused absences:

<http://catalog.utep.edu/undergrad/academic-regulations/curriculum-and-classroom-policies/>.

According to UTEP Curriculum and Classroom Policies, "When, in the judgment of the instructor, a student has been absent to such a degree as to impair his or her status relative to credit for the course, the instructor may drop the student from the class with a grade of "W" before the course drop deadline and with a grade of "F" after the course drop deadline."

### Academic Integrity

Academic dishonesty is prohibited and is considered a violation of the UTEP Handbook of

Operating Procedures. It includes, but is not limited to cheating, collusion, and plagiarism.

*Cheating* may involve copying from or providing information to another student and possessing unauthorized materials during a test.

*Collusion* involves collaborating with another person to commit any academically dishonest act. One example of collusion is preparing a discussion entry for another person or having someone prepare a discussion entry for you. The instructor encourages students to study together and work collectively; however, working together to write any part of a written assignment, research paper, and/or exam is collusion.

*Plagiarism* is commonly defined as passing off the ideas, works, writing, etc., of another person as your own. Accordingly, you are committing plagiarism if you copy the work of another person and turn it in as your own work, even if you have the permission of that person. Be aware, just as the internet has made it easier to find material, it has also made it easier to trace the source of any written work. If you are unsure whether a citation is required, err on the side of caution and provide one.

**Any act of academic dishonesty attempted by a UTEP student is unacceptable and will not be tolerated.** Violations will be taken seriously and will be referred to the Dean of Students' Office for possible disciplinary action. Students may be suspended or expelled from UTEP for such actions. Refer to the Office for Student Conduct and Conflict Resolution at <https://www.utep.edu/student-affairs/osccr/index.html>.

### Copyright Statement for Course Materials

All materials used in this course are protected by copyright law. The course materials are only for the use of students currently enrolled in this course and only for the purpose of this course. They may not be further disseminated.

## Americans with Disabilities Act (ADA)

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you require specific accommodations and support services, please contact the Center for Accommodations and Support Services (CASS). Please keep in mind that accommodations need to be requested at least two weeks (or a month if advance planning, such as the acquisition of books-on-tape, is required) prior to the beginning of the semester. Here is the contact information for CASS: web: <http://sa.utep.edu/cass/>; phone: (915) 747-5148; fax: (915) 747-8712; e-mail: <sup>2</sup>[cass@utep.edu](mailto:cass@utep.edu);<sup>3</sup> location: UTEP Union Building East Room 106.

## SOFTWARE REQUIREMENTS

You will need the following software on your computer to efficiently work in this course (your computer may already have some of these programs installed):

☐ **Adobe Acrobat Reader.** To get this program, go

to <https://acrobat.adobe.com/us/en/products/pdf-reader.html><sup>4</sup> and follow the instructions.<sup>5</sup>

☐ **Adobe Flash Player.** To get this program, go to <https://get.adobe.com/flashplayer/><sup>6</sup> and follow<sup>7</sup> the instructions.

☐ **QuickTime Player.** To get this program, go to <http://www.apple.com/quicktime/download/> and follow the instructions.

☐ **Microsoft Office.** If you do not have a word-processing software, go to <https://my.apps.utep.edu>. Using My.Apps interface, UTEP students can access most<sup>8</sup> software offered in student computer labs (including Microsoft Office) from their personal computing devices. Students can use any laptop, tablet, or smartphone with an Internet connection and use the software from anywhere at any time. For more information, go to <http://admin.utep.edu/Default.aspx?tabid=73740><sup>9</sup> and follow the instructions.<sup>10</sup>

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<sup>2</sup><http://sa.utep.edu/cass/>

<sup>3</sup><mailto:cass@utep.edu>

<sup>4</sup><https://acrobat.adobe.com/us/en/products/pdf-reader.html>

<sup>5</sup><https://acrobat.adobe.com/us/en/products/pdf-reader.html>

<sup>6</sup><https://get.adobe.com/flashplayer/>

<sup>7</sup><https://get.adobe.com/flashplayer/>

<sup>8</sup><https://my.apps.utep.edu/>

<sup>9</sup><http://admin.utep.edu/Default.aspx?tabid=73740>

<sup>10</sup><http://admin.utep.edu/Default.aspx?tabid=73740>

## UTEP TECHNICAL SUPPORT

The University of Texas at El Paso offers complete technical information and Help Desk support at: <http://issweb.utep.edu/techsupport/>.<sup>11</sup>

## ALTERNATE MEANS OF SUBMITTING WORK IN CASE OF TECHNICAL ISSUES

The instructor strongly suggests that you save all your work (answers to discussion points, quizzes, exams, and essays) in a separate Word document as a back-up in case there is a technical issue with the course website, network, and/or your computer.

This way, you will have evidence that you completed the work and will not lose credit.

If you are experiencing difficulties submitting your work through the course website, you can always email the instructor (**[ptimmons2@utep.edu](mailto:ptimmons2@utep.edu)**) your back-up<sup>12</sup> document.

However, this communication is only to prove you completed the assignment on time. The instructor will ask you to resolve your technology issues and submit the assignment via Blackboard once they are resolved.

## COURSE SCHEDULE AND TASKS – WEEKS AT A GLANCE\*

**NB: You must start reading Curriden and Phillips, *Contempt of Court* as soon as possible.**

Please be aware that the Blackboard page for our class contains the specific week level readings or viewings.

### **Week 1: 07/06 to 07/12**

#### **Introduction; Myth and Reality in the Judicial Process; Thinking Like a Lawyer**

Carefully read the syllabus:

- Review the posted materials in “Welcome and Course Introduction”
- Introduce yourself to the class via “Student introductions”
- Take the Syllabus Test – *you must **not** proceed to the rest of the class without taking the syllabus test.*

In Week 1 module: do the required readings

- Take the weekly test
- Submit a post to the discussion board and comment on another student’s post

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<sup>11</sup><http://issweb.utep.edu/techsupport/>

<sup>12</sup><mailto:ptimmons2@utep.edu>

**Week 2: 07/12 to 07/19**

**The Legal Profession; Organization of Courts**

In Week 2 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Week 3: 07/20 to 07/26**

**Choosing Judges; Civil Law**

In Week 3 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Profile Essay of U.S. Supreme Court Justice due on Friday, July 24 @ 11:00pm (MT).**

**Week 4: 07/27 to 08/02**

**Trials**

In Week 4 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Midterm Exam – will be activated on Monday, July 27 @ 11:00am and due on Friday, July 31 @ 11:00pm (MT).**

**Week 5: 08/03 to 08/09**

**Appeals**

In Week 5 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Week 6: 08/10 to 08/16**

## **U.S. Supreme Court**

In Week 6 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Book review of Curriden and Phillips, *Contempt of Court*, due on Friday, August 14 at 11pm MT.**

## **Week 7: 08/17 to 08/23**

### **Implementation and Impact**

In Week 7 module: do the required readings, and:

- Take the test
- Submit a post to the discussion board and comment on another student's post

**Final Exam – will be activated on Monday, August 8 @ 11:00am and due on Thursday, August 21 @ 11:00pm (MT).**

**\*The designated time zone for the submission of all course assignments and tasks is Mountain Time (MT).\***

*Please remember to evaluate the course. UTEP, Extended University, the Political Science Department and your professor **value** your assessment!*