POLLS 5320 – SEMINAR IN PUBLIC LAW

Mondays: 6:00 – 8:50pm in BEND Room 205

INSTRUCTOR: Dr. Rebecca A. Reid
EMAIL: rareid@utep.edu
OFFICE: 307 Benedict Hall
STUDENT HOURS: Mondays 10:30 am- 1:00 pm and 2:30- 5:30 pm;
Wednesdays 10:30 am- 12 pm; or by appointment

LAND ACKNOWLEDGMENT

As members of the University of Texas at El Paso community, we acknowledge that we are meeting on unceded Indigenous land. We would like to recognize and pay our respects to the Indigenous people with long ties to the immediate region: Lipan Apache, Mescalero Apache, Piro, Manso, Suma, Jumano, Ysleta del Sur Pueblo, Piro/Manso/Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe, and Tortugas Pueblo. We also acknowledge the nations whose territories include present day Texas: the Carrizo & Comerrodu, Coahuiltecan, Caddo, Tonkawa, Comanche, Alabama-Coushatta, Kickapoo, and the peoples of Chihuahua and northern Mexico from whom most/many of our students descend, such as the Rarámuri, Tepehuan, Wixarrika and Nahuatlaca peoples. Finally, we recognize all of the American Indian and Indigenous Peoples and communities who have been or have become a part of these lands and territories here in Paso del Norte, on Turtle Island. The University of Texas at El Paso honors your history and cultures and we seek greater awareness of the myriad ways in which your legacy can guide us in fruitful partnerships and mutually fulfilling relationships.

COURSE DESCRIPTION

This course provides graduate students a survey of the literature in judicial politics. The class will focus on judge decision-making, the role of institutions, strategic behavior, the implementation and impact of judicial policies, the relationship between the judiciary and other institutions, and comparative judicial politics. As such, this course will survey the U.S. Supreme Court, lower federal courts, state supreme courts, international courts, and domestic judiciaries in other countries.

UTEP EDGE

This course encompasses activities associated with UTEP EDGE, including (1) problem-solving and (2) critical thinking through class discussions, critical reflections, self-assessments, and role-playing/simulation activities that apply class themes to real world problems; (3) research and scholarly activity through examining scholarship in the discipline, synthesizing arguments, and generating new knowledge across a variety of assignments; (4) creativity as assignments challenge students to think in innovative ways to produce original arguments, evaluate problems, and teach substantive material to their
peers; (5) communication is emphasized through a variety of assignments and class discussion to enable students to develop their voice and refine their effectiveness as writers and speakers; 6) global awareness through comparative approaches to law and judicial systems; 7) social responsibility by critically evaluating the causes and consequences of judge-made law across increasingly interdependent yet diverse communities across the globe; 8) leadership skills through student teaching, team work, self-assessment and critical reflection; and 9) team work through group projects and class activities.

LEARNING OBJECTIVES
The course seeks to promote student development across three areas: substantive knowledge development, student skill development, and personal and inter-personal development: These learning objectives are supplemented by students’ own, individual goals for the course and self-directed learning objectives.

Substantive Knowledge Development
- Develop and demonstrate an understanding of the key elements of judicial institutions and legal systems, including a) how institutions shape behavior of judges, states, and transnational legal communities, b) fundamental public law theories related to judicial behavior and decision-making, c) different features of judicial institutions and legal systems cross-nationally and internationally, and d) how law and courts operate within and across jurisdictions and political contexts.
- Develop and demonstrate an understanding of implications of policies and processes, analyzing and evaluating the implications and repercussions of policies across a variety of metrics (such as ethics, equity, inclusion, and justice).

Skill Development
- Develop and demonstrate ability to read, comprehend, discuss, and evaluate peer-reviewed academic scholarship and empirical studies.
- Develop and demonstrate critical and analytical thinking skills necessary to analyze, adapt, and apply theoretical arguments and empirical implications to different (specific and generalized) contexts.
- Develop and demonstrate the ability to synthesize arguments into cogent arguments and explanations.
- Develop and demonstrate creativity in weaving together existing knowledge from scholarship with personal knowledges, experiences, and ideas to create novel arguments, inquiries, approaches, and/or paths of knowledge.
- Develop and demonstrate effective teamwork skills for collaborative work while demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.
- Develop and demonstrate leadership skills through successful development of a) their own voice and active listening skills (communication); b) their ability to identify shared, unifying goals and develop action plans to achieve these overarching goals (vision); c) their ability to demonstrate open-mindedness and appreciation of others’ experiences, viewpoints, and contributions (empathy); and
d) ability to identify commonalities, sources of (potential) disagreement, and alternative options/compromises through mutual agreement (*conflict resolution*).

**Personal and Inter-Personal Development**

- Develop **self-awareness and self-knowledge**, through **self-reflection and self-assessment**, including a) identifying their own goals, identities, beliefs, assumptions, stereotypes, implicit biases, and ethics; b) improving stress management and recognition; c) identifying their own leadership goals and styles; d) developing metacognition and individualized learning goals and assessment; and e) developing confidence, self-motivation, and self-efficacy.
- Identify and develop individual and community-based strategies for **civic engagement**, political action, and social mobilization across levels of governance and issue areas, based upon student interests and goals.

**COURSE ASSIGNMENTS**

This course includes a variety of assignments, intended to structure student learning through the practice of different skills; offer feedback to improve student learning (formative assessment), and evaluate student learning (summative assessment).

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<th>Assignment</th>
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<td>Critical Reflections</td>
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<td>Consulting Simulation</td>
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**GRADING**

The grading scale is as follows:

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

**Discussion and Participation**

Attendance and participation are essential for this seminar-style class. Students are responsible for contributing to conversations, discussions, and questions as co-equal contributors of knowledge.
**Individual Development Plan**

Each individual (career) development plan packet contains a variety of worksheets. Evaluation is based upon completion and good faith effort. The purpose is to provide time, space, and assistance in explicitly identifying student goals and career opportunities.

**Critical Reflections**

Critical Reflections are assignments that ask students to develop, communicate, and reflect upon their experiences, identities, assumptions, and opinions. These assignments ask the student to engage in self-reflection; as such, critical reflections are an extension of critical thinking and metacognition. These assignments are evaluated based upon quality of student engagement, not by the content of the answers.

**Self-Assessments**

Self-assessments are assignments that challenge students to reflect and evaluate their performance, relationships, progress, and learning across several topics. Analyzing and evaluating oneself enables self-awareness and metacognition by identifying and measuring growth, improvement, and performance. It also facilitates student autonomy in deciding what aspects to improve upon and what is important to them (or less important) based upon their own goals. It also fosters dialogue to assist with self-identified learning goals and strengths/weaknesses.

**Consulting Simulation**

Students are divided into groups to role play consulting firms who have been hired to develop the judiciary for the new nation-state: Florin. Each firm must determine the institutional features and processes for the new judiciary, based upon empirical data, historical and contemporary events, and compelling incentive structures. These firms will present their proposed judicial system in the hopes of being selected for adoption and implementation in Florin.

Consulting firms will be evaluated based upon the adequate and explicit descriptions of their reasoning, definition of the problem(s), the principles and concepts they choose to apply (or not), development of alternative solutions, and best solution that is aligned with their stated reasoning and principles.

For example, what is the appropriate balance between judicial independence and judicial accountability? How is this balance achieved through the institutional structures? How are judges selected and by whom? Do judges serve lifetime appointments or terms? Are there processes of removal or ethics commissions? How do judges become promoted within the judiciary? What qualifications, if any, are required for someone to become a judge or justice? Who determines or monitors judicial salaries, jurisdiction, and judicial oversight?
Final Exam
Students will be provided the final exam early in the semester. The final exam consists of essay questions that students are intended to work on over the course of the semester. The exam is designed to be an iterative process, where students can build and revise their responses as they gain new knowledge, insights, and instructor feedback. Only the final version of the exam will be graded (as summative assessment) at the end of the semester.
STUDENT SUPPORT AND RESOURCES

A variety of university-provided resources and support centers can be located here: https://www.utep.edu/student-affairs/. Some of these services are highlighted below.

UNIVERSITY WRITING CENTER
The University Writing Center is a useful tool each of student should take advantage of in for all written/paper assignments. While not required, your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information, go to: http://uwc.utep.edu/index.php/hours-location. For appropriate assignments, I offer up to 10 points extra credit if you consult the writing center. In order to be eligible for this credit, you must show evidence of your consultation and evidence of the revisions suggested and those you made. You must also provide a reflection as to what you learned from the experience (for instance, what types of errors do you systematically make and how can you correct them). Hence, credit will only be possible with adequate evidence and thoughtful reflection of the writing and revision process.

SPECIAL ACCOMMODATIONS
If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at https://www.utep.edu/student-affairs/cass/. CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities. HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CASS/INDEX.HTML

UNIVERSITY CAREER CENTER
The Career Center has a number of great services, resources, and events that can help you explore career options that align with your interests and values. They offer free services, including: one-on-one appointments, recruiting and networking events, interview preparation, resume building workshops, career advising, job search resources, career planning tools and templates, career fairs, job and internship hunting support, and more. HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CAREERS/STUDENTS-ALUMNI/STUDENT-SERVICES.HTML
HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CAREERS/INDEX.HTML
MILITARY STUDENT SUCCESS CENTER
The Military Student Success Center (MSSC) serves the military-affiliated community of El Paso, Fort Bliss and beyond as the epicenter for success at The University of Texas at El Paso. Through a collaborative effort the MSSC ensures student success by achieving academic, social and professional development from admissions to graduation. The MSSC accomplishes this effort by extending student support services, assisting in using educational benefits and facilitating the transition from military to college life. The MSSC’s vision is to make UTEP one of the most Military Friendly Institutes of Higher Learning in the country. We strive to meet the unique and ever-changing needs of our military students by continually reviewing, analyzing and updating our policies and procedures. Our goal is to make the MSSC at UTEP a model program of successful transition into civilian life for military students.
HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/MSSC/INDEX.HTML

CHILD CARE
A YWCA Early Learning Academy (ELA) is a warm, friendly place that fosters exploration, problem solving, creativity and growth. Each site is staffed with highly-trained, nurturing caregivers who appreciate each and every child, as they are now, and for the amazing person they will grow up to be! With more than 35 years of experience in child care, the YWCA is your best choice for child care in El Paso.
HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/EARLY-LEARNING-ACADEMY/INDEX.HTML

If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class.

COUNSELING AND PSYCHOLOGICAL SERVICES
The University Counseling Center is dedicated to providing high quality mental health services that support students’ ability to benefit from their experience at the University of Texas at El Paso. To this end the center provides career counseling, educational workshops, individual and group counseling, crisis intervention, and professional training experiences that are responsive to the individual, cultural, and demographic diversity of our students. The center, located at 202 Union West, offers confidential counseling services in English or in Spanish. They also provide group and individual counseling for currently enrolled UTEP students, via in-person and Zoom.

Student tuition includes free individual and/or group counseling and mental health services.
HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/COUNSEL/RESOURCES/SERVICES-STUDENTS-FAQ.HTML
HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/COUNSEL/RESOURCES/SERVICES-STUDENTS.HTML
GENERAL POLICIES

ACADEMIC DISHONESTY
Absolutely no form of academic dishonesty will be tolerated. The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards. 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, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

COVID STUDENT RESPONSIBILITIES
Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to covidaction@utep.edu, so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID-19 testing.

The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear face masks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine. If you still need the vaccine, it is widely available in the El Paso area, and will be available at no charge on campus during the first week of classes. For more information about the current rates, testing, and vaccinations, please visit https://www.utep.edu/ehs/covid/.

If you feel ill, stay home.
GENERAL EXPECTATIONS
All students are expected to behave professionally in class and are held responsible for all material covered in the textbooks, articles, videos, and class discussions. If you miss a class, you are still responsible for the content of that day’s information—which you can obtain from classmates and the assignments. Lecture slides are posted to Blackboard (under Course Content) after class or at the end of the module. Students should strive to attend class on time and let me know in advance if they will miss class so any accommodations can be made. Students are welcome to bring and use laptops, iPad, and/or other assistive technologies to enable and enhance their learning. Students should also bring pen/pencil and paper to class for class assignments.

This class is designed to introduce new information and challenge students with new, and sometimes controversial, ideas, and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. However, safe does not always mean comfortable. This class does not give you knowledge—i.e., knowledge and understanding are not transfused to students by simply sitting in class. Learning is an interactive process, requiring engagement with the material. Assignments are designed to assist you in learning processes, which consist of understanding material, remembering material themes and concepts, and being able to clearly (and correctly) communicate that material. Learning also entails developing your own insights and applying them to better your own livelihood and authentic self.

CIVILITY AND RESPECT
Civility in the classroom and respect for the opinions of others is very important in an academic environment. It is likely you may not agree with everything which is said or discussed in the classroom, but courteous behavior and responses are expected. Our campus community reflects and is a part of a society comprising all races, genders, ethnicities, creeds, sexualities, ideologies, and social circumstances. It is fundamental to our mission to create an unbiased community and to oppose vigorously any form of racism, religious intolerance, sexism, ageism, homophobia, heterosexism, and discrimination against those with disabling conditions. All identity groups (genders, sexualities, races, ethnicities, nationalities, creeds, religions, socioeconomic classes, etc.) should be treated respectfully.
COURSE SCHEDULE

The following is a list of topics to be covered at each class meeting, and the readings, which should be completed in order to fully participate in class that day. You are expected to read the material prior to the class. Literature listed on the syllabus but not included in a textbook are the responsibility of students to locate and read. Academic articles can often be found via the UTEP library’s website under the “Articles and Database” tab, where you can search repositories like JSTOR and Sage as well as individual journal titles. Under no circumstance should you pay to access an article. If you need help locating a specific article, email me and I will help you.

While I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. As a general rule, the course will follow this order of topics, unless otherwise announced.

(Aug 28) Week 1: Welcome

(Sept 11) Week 2: OMG What the heck is THIS? How to Read Academic Articles

Learning objective: How to locate, read, (annotate), and comprehend peer-reviewed scholarship without harming yourself or others.

Readings: Complete both readings prior to class


Moyer, Laura. 2022. “‘She Blinded Me with Science’: The Use of Science Frames in Abortion Litigation before the Supreme Court.” Justice System Journal 43 (2): 153-173.
**Week 3: Does Law Matter?**

*Learning objective:* Introduce and evaluate judicial decision-making models: legal, attitudinal, and strategic models.

*Inquiry:* How do judges make decisions? What role(s) does law, ideology/legal culture/philosophy, and political context play? Under what conditions? What are the implications?

*Readings:* **PICK 3 readings to complete prior to class**


**Learning objective:** Investigate whether/how judicial diversification impacts judicial decision-making, intra-court power dynamics, and legitimacy.

*Inquiry:* Do judge identities matter for the rule of law?

*Readings:* **PICK 3** readings to complete prior to class


Learning objective: Evaluate alternative judicial appointment, retention, and promotion procedures to investigate how institutional features impact behavior.

Inquiry: How do different judicial selection procedures impact judge behavior and judicial quality? Is it better to elect or appoint judges? Should there be term limits?

Readings: PICK 3 readings to complete prior to class


(Oct 9) Week 6: Cornerstones of Democracy?

*Learning objective:* Examine the role(s) of courts and the rule of law in democratic, autocratic, and hybrid regimes.

*Inquiry:* Are courts the cornerstone of democracy?

*Readings:* PICK 3 readings to complete prior to class


(Oct 16) Week 7: Colonizing, Oppressive, or Right Protective?

**Learning objective:** Analyze how courts balance their dual roles of protecting rights and maintaining social order that reinforces (status quo) power disparities.

**Inquiry:** Are courts primarily an arm of the state or rights protectors for the marginalized?

**Readings:** PICK 3 readings to complete prior to class


(Oct 23) Week 8: Freedom! The Politics of Judicial Independence

**Learning objective:** Define the concept of judicial independence and explore its role in domestic politics.

**Inquiry:** Why would ruling elites decide to give up their monopoly of power to grant courts judicial independence? Is judicial independence necessary to constrain executive/legislative power?

**Readings:** PICK 3 readings to complete prior to class


(Oct 30) Week 9: Please Clap: Courts, Communication, and Public Opinion

Learning objective: Introduce court legitimacy and public support and investigate the role of public opinion and audiences in judicial decision-making.

Inquiry: Who are judges’ audiences? Why? How do courts build institutional legitimacy?

Readings: PICK 3 readings to complete prior to class


(Nov 6) **Week 10: Break down, Build up: Courts in Conflict and Economics**

**Learning objective:** Examines the relationship(s) between courts and war, state-building, transitional justice regimes, and economic development.

**Inquiry:** How does war impact courts? How do courts impact national security and military efforts? How can courts facilitate or hinder post-conflict regime transitions and economic development?

**Readings:** **PICK 3 readings to complete prior to class**


Week 11: Hello World: International and Domestic Judicial Relations

Learning objective: Investigate international law and state compliance. Analyze the interactions between domestic and international legal systems.

Inquiry: Do international law and courts matter?

Readings: PICK 3 readings to complete prior to class


(Nov 20) Week 12: Final Exam DUE and Workshop

(Nov 27) Week 13: Consulting Firm Simulation

(Dec 4) Week 14: Conclusions