POLS 5320 – SEMINAR IN PUBLIC LAW

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

INSTRUCTOR: Dr. Rebecca A. Reid
PHONE: 915-747-7970
EMAIL: rareid@utep.edu
OFFICE: 307 Benedict Hall
OFFICE HOURS: Tuesdays and Thursdays 3:30 – 5:30 pm,
or by appointment

LAND ACKNOWLEDGMENT
We, the UTEP Department of Political Science, acknowledge that we are in the unceded territories of the Indigenous Peoples who, along with countless generations of ancestors, are the guardians and keepers of this land, both throughout history and in contemporary times: the Tigua, Mansos, Sumas, Ndé, the Piros, Mescalero Apache, Chiricahua Apache, Tarahumara, Yaqui, Zunio, Comanche, Kiowa, Rarámuri, Tohono O’odham, Yaqui, Kickapoo, Diné, Hopi, Zapotec, Mixtec, Aztec-Nahua-Mexica, Huichol, Tepehuan, Coahuilteco, Chichimeca, and the other Native communities who comprise our multinational region. As scholars and people who reside and work in these lands, we respect and honor the millennia-long history of Native peoples on this land and their ongoing presence today.

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 discussion, critical reflection essays, and short essays requiring analytical thinking to apply class themes. This course enables and requires (3) research and scholarly activity through the generation of a research design, as well as (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 the completion of a variety of written assignments as well as class discussion so enable students to develop their voice and refine their effectiveness as writers and speakers. Students will enhance their 6) global awareness through comparative approaches to law and judicial systems,
and students are challenged to develop 7) **social responsibility** by critically evaluating the causes and consequences of judge-made law across increasingly interdependent yet diverse communities across the globe. Finally, students refine 8) **leadership skills** through serving as class discussion leader teams to guide and contribute student learning of course themes and readings.

**LEARNING OUTCOMES**

Over the course of the semester students will have:

- An understanding of the key elements of judicial institutions and legal systems as well as understand how institutions shape behavior of judges and the legal community.
- Developed an understanding of the fundamental theories related to judicial behavior and decision-making, becoming familiar with peer-reviewed academic scholarship and empirical studies.
- Developed critical and analytical thinking skills necessary to adapt and apply theoretical arguments to specific institutional and environmental contexts.
- Demonstrated the ability to synthesize and evaluate specific arguments into cogent arguments and explanations.
- Developed an understanding of the a) key elements of judicial institutions and legal systems cross-nationally and internationally, b) how law and courts operate within and across jurisdictions and political contexts, and c) how institutions shape behavior of judges, states, and the transnational legal community(s).
- Become introduced to diverse perspectives of the rule of law and become familiar with basic social science theories and be able to apply theoretical perspectives to explain political behavior and processes.
- Demonstrate critical thinking skills to analyze and evaluate multiple perspectives and viewpoints, developing nuanced, independent thinking skills that synthesizes knowledge acquired.
- Demonstrate empathy and open-mindedness to others, demonstrating respect and value of diversity of cultures, backgrounds, viewpoints, and experiences.
- Developed effective teamwork and leadership skills for collaborative work while demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.
- Created an original research design related to judicial politics
COURSE REQUIREMENTS AND GRADING

Evaluation in this course will be based on the following components:

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class Discussion</td>
<td>10%</td>
</tr>
<tr>
<td>Critical Evaluations/Peer Reviews</td>
<td>20%</td>
</tr>
<tr>
<td>Discussion Leader</td>
<td>15%</td>
</tr>
<tr>
<td>Research Design Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Research Design</td>
<td>35%</td>
</tr>
</tbody>
</table>

The grading scale is as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>90-100</td>
<td>A</td>
</tr>
<tr>
<td>80-89</td>
<td>B</td>
</tr>
<tr>
<td>70-79</td>
<td>C</td>
</tr>
<tr>
<td>60-69</td>
<td>D</td>
</tr>
<tr>
<td>59 and below</td>
<td>F</td>
</tr>
</tbody>
</table>

Class Discussion
Attendance and participation are essential for this seminar-style class. Students are responsible for offering their thoughts, opinions, and questions without solicitation from the instructor. Needless to say, these thoughts should have merit and be based upon the readings. Students are expected to complete the readings each week, even if they are not presenting the material that week. Students are expected to contribute to conversations, discussions, and questions as co-equal contributors of knowledge.

Critical Evaluations and Peer Reviews
Each student will select two weeks where they are responsible to turn in a critical evaluation essay that must analyze and evaluate the readings due that week. These papers should address the strengths and weaknesses of the readings, discuss common and disparate themes, how the scholarship is advanced by these readings, the limitations of the readings, how the research can be improved, and how these readings speak with previous readings over the semester. **This is not a summary of the readings.** Rather, the essay is an assessment of the readings, addressing the theoretical and methodological issues and synthesizing scholarship to provide a clear understanding of the relationship across readings. Students will self-select the two weeks that they will write these critical evaluation papers. Hence, there will be a total of 2 critical evaluation papers due for each student. Students are responsible for successfully completing and submitting each paper and staying on schedule.
These papers should be **3-5 pages long, typed, and are emailed to me by Friday 9:00 pm** (that is, the Friday before Monday’s class with those readings evaluated). I will upload these papers to Blackboard Course Content, where **all students are required to read these essays prior to Monday’s class**, where these critical evaluations provide a source for the class discussion and inquiry. Thus, these essays should be written for the whole class as an audience.

Furthermore, **each student is required to complete 2 peer review letters evaluating another student’s critical evaluations**. This peer review letter is a short personal letter to the author of the critical evaluation that identifies the main strengths and weaknesses of the evaluation and offers a readers’ response to the critical evaluation. Peer review letters should focus on the thinking in the essay, not picky responses to writing technicalities unless there are aspects of the writing that interfere (or enhance) with the understanding of the essay’s substance. **Students select the two critical evaluations to which they will complete peer review letters. Students should respond to two different authors.** (Thus, students should not provide both peer review letters to the same author.) **These peer review letters will be turned in via 2 hard copies in class:** one to me (the instructor) and one to the author.

Thus, by the end of the semester, each student is required to complete:

- 2 critical evaluation essays
- 2 peer review letters

**Discussion Leader**
Each week will have a Discussion Leader assigned, whose role that week is to initiate, guide, and moderate the discussion of the readings for that week. Discussion Leaders can select to present and teach the readings to the class, and/or facilitate student-led discussions to address main themes, core arguments, limitations, and questions. Discussion Leaders are intended to facilitate peer-based learning, where all students are expected to have equal share of knowledge, learning capacity, and responsibility.

**Research Design Presentation**
The research design presentation is a 10-12 minute conference-style presentation of the project. The presentation professionalizes students to practice academic conference presentations summarizing and describing their research design project, and it allows for students to receive questions and feedback on their project prior to the final submission of the research design.

**Research Design**
Students are required to submit an original research design paper, 10-15 pages (typed). This research design paper must identify a viable research design to empirically examine some theoretically important research question dealing with US law and courts, comparative courts, international courts, or the rule of law. Students are not required to
carry out the research itself. The research design must identify the research questions, explain its importance, develop a fully-specified theory informed by existing scholarship, and develop an appropriate plan to carry out this research (including adequate discussion of data collection or usage, sample selection, and appropriate analyses).

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 www.sa.utep.edu/cass. CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

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.

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.

COUNSELING AND PSYCHOLOGICAL SERVICES
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. For more information, go to: https://www.utep.edu/student-affairs/counsel/.

ADELANTE CHILD DEVELOPMENT CENTER
Child care is available for children of all students of the University. The Adelante Child Development Center is located at 314 W. Schuster and is managed and operated by Adelante Childcare, Inc. Children aged three months to 12 years are accepted, depending on space availability (Hourly, daily and weekly care are available and the Center offers a Summer Camp for school-age children). Age-appropriate early childhood developmental programs are offered in the curriculum. The Adelante Child Development Center is licensed by the Texas Department of Protective and Regulatory Services. Financial assistance is available for qualifying parents through Child Care Services. For more information, please call: 915-532-1114 or contact: studentaffairs.utep.edu/childcare. If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class.

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 epstrong.org.
Masks are encouraged but not required for class attendance. If you feel ill or have come into contact with COVID-positive individuals, please stay home and get tested. Accommodations will be made. Your health and well-being are my top priority.

- Get vaccinated! Your health is not a partisan issue. Vaccinations are safe and effective at protecting against serious health complications and reduce the likelihood of hospitalization and death.
  - Vaccines do not cause COVID.
  - Vaccines are safe and were developed and tested appropriately.
  - Vaccines do not alter your DNA or affect fertility/pregnancy.
  - Vaccines do not include microchips or tracking devices.
  - Vaccines do not include hard metals or toxic ingredients.
  - You can still get COVID if vaccinated, and you can still spread COVID variants if vaccinated.

If you have any questions or concerns, I am happy to address them and/or point you to resources.

GENERAL EXPECTATIONS

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, videos, and the class discussions. If you miss a class, you are still responsible for the content of that day’s information. I will not tolerate disruptive behavior, including (but not limited to) inappropriate computer use, reading newspapers, talking during lectures, using cell phones or pagers, and disrespecting classmates or the instructor. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for class purposes only.

This class is designed to provide 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, 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, 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.) must 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 required to read the material prior to the class. Literature not included in the textbook but listed on syllabus 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, regardless of date changes, unless otherwise announced. **Readings due** are homework assignments due prior to class that day.

**Week 1: Introduction to Law and Courts**

**Week 2: U.S. Supreme Court**

*Readings due:*


**Week 3: U.S. Courts of Appeals**

*Readings due:*


**Week 4: U.S. District Courts**

*Readings due:*


**Week 5: Hierarchical Influences on Courts**

*Readings due:*


**Research Question Due**

**Week 6: U.S. State Courts**

*Readings due:*


**Week 7: Courts in a Comparative Perspective**

*Readings due:


Week 8: Courts in a Comparative Perspective II

Readings due:


Week 9: Courts in a Comparative Perspective III

Readings due:


Week 10: Courts in a Comparative Perspective IV

Readings due:


Week 11: Courts in a Comparative Perspective V

Readings due:


Week 12: International Human Rights Courts

Readings due:


Week 13: International Courts

Readings due:


Week 14: Research Design Presentations
**Week 15: Courts and Transitional Justice**

*Readings due:*


---

**Research Design Due May 10th**
Research Design Outline

I. Introduction (page 1)
   a. Discusses your research question, why this question is important, and any background information that is necessary to understand the question; will be relatively short section

II. Theory (starts around page 2)
   a.Explicitly explains how your independent variable affects your dependent variable; includes the story of how the causal mechanism works between your variables, under what conditions, for whom, etc;
   b. Uses previous research (often referred as literature reviews) to help develop your arguments. Previous literature is used to supplement (NOT replace) your arguments to show how your theory fits within existing knowledge and offers examples and evidence to bolster your claims. You need to explain and justify everything—nothing speaks for itself.
   c. Ends with hypothesis (or multiple hypotheses) that are single sentence summaries of what you expect to see in the actual data/results. The hypothesis is the predicted observation based upon your theory.
      i. The hypothesis tells me what you should see in the real world if your theory is true. Your theory tells me why this outcome should be predicted and how these causal mechanisms work in detail.
   d. This is the bulk of your paper! So this will be the longest section, and you want to have a developed theory where I can see each step of how your independent variable affects your dependent variable. Like a recipe, your theory needs to take me step by step. This is the section that is most important for your grade since it reflects your understanding of material and your thinking like a scientist.

III. Data and Methods
   a. Is your research question best addressed via qualitative or quantitative methods?
   b. What kind of data would you need to evaluate? Does this data already exist?
      i. Explain how you would measure each theoretical concept, including your independent variable, dependent variable, and control variables
      ii. If you would need to generate data, how would you collect that data? From whom?
   c. What kind of analysis is appropriate for this data?
   d. You are not presumed to have all this information. The intent is that you work with me in this section and learn through this process. So if this is all Greek to you, you’re not alone and that’s perfectly fine! I will help you.

<References>
**How to Read Academic Articles and Achieve Success in your Research Design**

Your research design will be very similar to the academic articles we read in class and those you read for your project. The only difference is that you do not need to actually create, collect, or analyze any data. Hence, you will not have a Results or Conclusion sections.

As you read each article, answer the below questions to help you understand the key components and be able to use/replicate them in your research design.

1) What is the research question?
2) What is the theoretical argument and/or thesis?
3) What is the dependent variable?
4) What is the main independent variable(s)?
5) Do the variables match the theory? Are they appropriate? Do they measure what the authors claim?
6) What data is utilized and is it appropriate?
7) Did the authors include all relevant variables and exclude irrelevant variables? Are there confounding variables? Are there omitted variables?
8) What method of analysis was employed? Qualitative or quantitative? Is this method appropriate for the research question?
9) What are the results? How strong are these results?
10) What are the limitations of the theory, methods, and results?
11) How generalizable are the results?
12) How persuasive is the article? Why?
In-text Citations

These are parenthetical portions, usually at the end of sentences, that provide the immediate source of the information used in the sentence. Citations are required for direct quotations, paraphrasing, and facts or opinions not generally known or easily checked. The citations refer the reader to the full source information in the reference list at the end of the manuscript, and are therefore an essential aspect of a manuscript.

APSA employ the author-date style preferred by many in the physical, natural, and social sciences. For example: (Smith 2002) or (Smith 2002, 148). See more examples below.

Each parenthetical citation must have a matching source that appears in the reference list at the end of the manuscript, including the citations found in endnotes and in the source notes of tables and figures.

Template: (author last name(s) <space> publication year)
            (author last name(s) <space> publication year, page number)

Examples: (Arena 2014) (Durant n.d.) *where n.d. means “no date”

Page numbers must be included for quotes, and should be included to point to specific data sets, ideas, or to avoid ambiguity. The numbers should point to a specifically contextual page or range of pages. The page numbers can be cited as either inclusive or nonconsecutive page numbers.

(Jentleson 2015, 12–14) (Fraser 2017, 227)

With two or three authors, cite all names each time. Use and, not an ampersand (&).

(Dodd and Oppenheimer 1977) (Roberts, Smith, and Haptonstahl 2016)

When four or more authors are cited, et al. should follow the first author’s last name, even in the first reference, unless the author is in multiple references where the et al. would not be the same, in which case use the first and second author’s last names before et al. (and so on) or a shortened title in quotes preceded by a comma.

(Angel et al. 1986)
When multiple sources are cited together, they are included in the same parentheses, but separated by semicolons. They should be alphabetized.

(Hochschild 2015; Jentleson 2015)


Citations of multiple sources by the same author, but published in different years, can omit the name with the second source and beyond.

(Barbarosa 1973; 1978) (Barbarosa 1973, 18; 1978, 32)

If two or more sources are published by the same author in the same year, add lowercase letters to the publication year. To determine how to label the sources with the letters, alphabetize them by title.

(Frankly 1957a, 1957b)

A parenthetical citation to a statute or court case should include the name of the case (in italics except for v.) or statute and the year.

(Baker v. Carr 1962)

References

The References section is the same as a Works Cited or Bibliography section at the end of the manuscript.

All references should be alphabetized by author last name. Single-authored sources precede multi-authored sources beginning with the same last name. Multi-authored sources with the same name (first and last) of the first author should continue to be alphabetized by the second author’s first name. When a source cannot be alphabetized by the author’s name, alphabetize it by (in descending order): year (oldest to newest), editor’s name, title, or descriptive phrase. When alphabetizing by article title, an initial article is ignored. Undated or forthcoming books follow all dated works.

All sources included in in-text citations should also appear in the References.

Each part of a reference is separated by a period, except when otherwise indicated. Each part begins with a capital letter unless it is a lowercase part of an author’s, editor’s, or translator’s name. The general format is:

author last name, author first name. year of publication. “Title of article or chapter.” Book or Journal Title Volume (issue number): page number range.
If the source was published by an organization, association, or corporation and does not carry an author’s name, the organization is listed as the author, even if it is also the publisher.

When no author is associated with a source, but an editor(s) or translator(s) is, those names take the place of the author’s name. The abbreviations ed. or eds., or trans. follows the name(s), preceded by a comma.

If the source does not have an author, editor, translator, organization, association, or corporation that sponsored it, the title should be used in place of the name.

When the year of publication cannot be located, n.d. must take its place. When the publication is forthcoming (that is, not yet published), the term forthcoming takes the place of the year.

**Examples**

*Journal examples*


*Book Chapter examples*


**Book examples**


**Website/Blog/Social Media example**


**Dissertation or thesis example**


**Conference paper (unpublished) example**