

Judicial Process

PSC 332, Fall 2008

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As Americans, much of what we know about our legal system comes from the television. We learn about criminal justice from shows like "Law and Order" and we learn about trials on shows like "Perry Mason" or "Boston Legal." Indeed, one of the first reality shows on television was "The People's Court," and the real-life legal drama surrounding our most famous people (O.J., Kobe, and Michael, to name a few) continues to captivate the American public.

While some of the information we get from popular culture is grounded in fact, much of it is not. In order to gain a more accurate and comprehensive understanding of the role of courts in America, we will augment our popular perceptions with evidence from theoretical and empirical research. We will also be investigating the social and political impact of our justice system on different segments of society.

The main aim of this course is to systematically dispel the myths surrounding the American legal system. This semester, our group project(s) will focus on the methods by which states choose their judges. We will begin with a basic introduction to the structure and function of our court system and judicial selection. We will discuss the role of judges and other court actors, both in terms of what they *should* do and what they *actually* do. We will examine the function of courts as they address matters of criminal law and civil law, focusing specifically on the consequences of various attributes of criminal and civil procedure. Next, we will study the appellate process. We will conclude the term with a look at how the courts fit in to the larger political landscape, and how they work to shape life and law in America.

Course Objectives

After completing this course, the successful student will:

- 1) Have a working knowledge of American court system structure, function, and procedures;
- 2) Understand the way that procedures and institutions impact the nature of justice that results;
- 3) Be able to analyze the merit of particular legal arguments and approaches, both from a socio-political perspective and a legal perspective;
- 4) Interpret the various outcomes of the court system in terms of the political, institutional and social characteristics of the American legal system;
- 5) Use Web 2.0 to communicate and collaborate efficiently;
- 6) Be able to contribute meaningfully to the current debate about judicial selection in Nevada.

Required Texts

Baum, Lawrence. 2007. *American Courts: Process and Policy*. 6th ed. Houghton Mifflin. ISBN: 0-618-12289-3

Streb, Matthew. 2007. *Running for Judge*. New York: NYU Press. ISBN: 0-814-74034-0

Bonneau, Chris and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. Routledge. ISBN: 0-415-99133-1.

Woods, Dan and Peter Thoeny. 2007. *Wikis for Dummies*. For Dummies. ISBN: 0-470-04399-7. [Recommended].

Additional **required** readings through the UNLV Library's online academic journal subscriptions will be linked to the reading list.

Course Requirements

The Wiki

This semester, we will be collaborating on a repository of information about state judicial selection in Nevada. At the end of this semester, this information will be made available to the public, likely in cooperation with the Nevada Supreme Court. The information we will be collecting will include detailed information about the current judges. The final product will also contain edited versions of our judicial selection research papers. These will be collaborative mash-ups of the papers you'll submit for class. All of these things, taken together, will provide an important public service to the people of Nevada. Details of the assignments will be available on the wiki: <http://unlvjudicialprocess.wetpaint.com>. This wiki, along with your attendance and participation in class, will make up your Class Citizenship grade.

Judicial Selection Research Paper

Each student will be required to complete a research paper on a topic related to judicial selection. This paper will be written on the wiki, and is due on **11/3**. Details of this assignment will be distributed during the first few weeks of class. The paper itself will be 3000 words (or 10 double-spaced word processing pages), and will be in the style of a traditional formal research paper. You should direct your paper to an educated citizen who wishes to learn more about judicial selection. The paper will be evaluated on content *and* presentation, which includes things like grammar, spelling and style. More details about the assignment will be distributed during the first few weeks of the semester. Once this paper is completed, we will begin the process of creating topic-based "mash-ups" of the information contained in the research papers. We will accomplish this collaboratively through the use of the wiki. The resulting information will provide the necessary background for the citizens of Nevada to make educated choices come November.

Examinations

There are two examinations in this course. All examinations will be closed book. The midterm exam will be held on **10/8** in class. The final exam will be held on **12/8** at **6:00 p.m.** The final exam will assume a thorough knowledge of all material covered in the course, but will be weighted toward the post-midterm material.

Grading Policy

Weighted Assessment List:

Class Citizenship	25 %
First Midterm Exam	25 %
Research Paper	25 %
Final Exam	25 %

Grading Scale:

A	Exceptional	90-100	%
B	Good	80-89	%
C	Average	70-79	%
D	Marginal	60-69	%
F	Unacceptable	<60	%

Tentative Schedule

The schedule of topics is listed in the table below. Please note that the relevant book chapters are listed, but that there will be additional reading material for each topic. This material will be made available on the wiki at least a week in advance of our discussion on the topic. At the end of each course period, you will get specific instructions about which readings will be required for the next class.

Week	Topic	Book Chapters
1	Wikis and Courts	<i>Wikis</i> , Baum 1
2	Organization	Baum 2
3	Judicial Selection	Baum 4-5
4	The Merit Plan	
5	Judicial Elections	Streb (all)
6		Bonneau & Hall (all)
7	Picking Nevada's Judges	[Midterm 10/8]
8	Trial Courts	Baum 6-7
9	Appellate Courts	Baum 8
10		Baum 9
11	Decision Making & Power	[Paper Due 11/3]
12		
13		
14	Judicial Selection Revisited	
15		
16	Final Exam	[12/8 @ 6:00 p.m.]

University Policies

Academic Misconduct –

"Academic integrity is a legitimate concern for every member of the campus community; all share in upholding the fundamental values of honesty, trust, respect, fairness, responsibility and professionalism. By choosing to join the UNLV community, students accept the expectations of the Academic Misconduct Policy and are encouraged when faced with choices to always take the ethical path. Students enrolling in UNLV assume the obligation to conduct themselves in a manner compatible with UNLV's function as an educational institution."

An example of academic misconduct is plagiarism: "Using the words or ideas of another, from the Internet or any source, without proper citation of the sources." See the "Student Academic Misconduct Policy" (approved December 9, 2005) located at:

<http://studentlife.unlv.edu/judicial/misconductPolicy.html>.

Copyright

The University requires all members of the University Community to familiarize themselves and to follow copyright and fair use requirements. You are individually and solely responsible for violations of copyright and fair use laws. The university will neither protect nor defend you nor assume any responsibility for employee or student violations of fair use laws. Violations of copyright laws could subject you to federal and state civil penalties and criminal liability, as well as disciplinary action under University policies. To familiarize yourself with copyright and fair use policies, you are encouraged to visit the following website: <http://www.unlv.edu/committees/copyright/>.

Disability Resource Center (DRC)

The Disability Resource Center (DRC) coordinates all academic accommodations for students with documented disabilities. The DRC is the official office to review and house disability documentation for students, and to provide them with an official Academic Accommodation Plan to present to the faculty if an accommodation is warranted. Faculty should not provide students accommodations without being in receipt of this plan.

UNLV complies with the provisions set forth in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, offering reasonable accommodations to qualified students with documented disabilities. If you have a documented disability that may require accommodations, you will need to contact the DRC for the coordination of services. The DRC is located in the Student Services Complex (SSC), Room 137, and the contact numbers are: Voice (702) 895-0866, TDD (702) 895-0652, fax (702) 895-0651. For additional information, please visit: <http://studentlife.unlv.edu/disability/>.

Religious Holidays Policy

Any student missing class quizzes, examinations, or any other class or lab work because of observance of religious holidays shall be given an opportunity during that semester to make up missed work. The make-up will apply to the religious holiday absence only. It shall be the responsibility of the student to notify the instructor no later than the last day at late registration of his or her intention to participate in religious holidays which do not fall on state holidays or periods of class recess. This policy shall not apply in the event that administering the test or examination at an alternate time would impose an undue hardship on the instructor or the university which could not be avoided. <http://catalog.unlv.acalog.com/content.php?catoid=1&navoid=44&bc=1>

Tutoring

The Academic Success Center (ASC) provides tutoring and academic assistance for all UNLV students taking UNLV courses. Students are encouraged to stop by the ASC to learn more about subjects offered, tutoring times and other academic resources. The ASC is located across from the Student Services Complex, #22 on the current UNLV map. Students may learn more about tutoring services by calling (702) 895-3177 or visiting the tutoring web site at: <http://academicsuccess.unlv.edu/tutoring/>

UNLV Writing Center

One-on-one or small group assistance with writing is available free of charge to UNLV students at the Writing Center, located in CDC-3-301. Although walk-in consultations are sometimes available, students with appointments will receive priority assistance. Appointments may be made in person or by calling 895-3908. The student's Rebel ID Card, a copy of the assignment (if possible), and two copies of any writing to be reviewed are requested for the consultation. More information can be found at: <http://writingcenter.unlv.edu/>

Ask The Professor: Classroom Policy FAQs

Do I have to come to class?

Yes, but you already knew that. Your attendance and participation in classroom activities makes up a quarter of your Class Citizenship grade (the rest of this grade comes from your wiki contributions). In addition, students who have not attended class at all during the first three weeks of the semester will be automatically dropped from the course. If you are ill, you will need to contact me right away with documentation from your doctor. If you must miss class for religious reasons, please consult the Religious Holidays Policy above.

Did I miss anything important?

Yes! You may not agree, but you probably shouldn't pose this question to me or the T.A. I think that everything I say is at least mildly important. Instead, you might try asking a fellow student for the lowdown on any information or activities you've missed. Keep in mind that, while the T.A. and I will be happy to answer any questions you may have, we will NOT be able to re-enact the classroom experience for you. It is your responsibility to get notes, etc. from a classmate. Then, if you have questions, you may feel free to ask.

What happens if I have to miss an exam?

If you must miss an exam, you need to contact me right away. Make-up exams will be proctored *before* the actual exam date. If you have one of those rare last-minute medical emergencies that

crops up the morning of the test, you *must* contact me as soon as possible. In order to take the exam *after* the scheduled time, you will need the appropriate documentation from your doctor. Be advised that I reserve the right to give alternative make-up examinations (i.e., exams with different questions or different types of questions).

Where can I download the lecture notes?

Ooh, sorry. You're out of luck on this one. One of the many benefits of coming to class is that you get to see the whole production. These lectures are my intellectual property. You may not record them without my permission. They will not be available online. If you miss a class, you will have to rely on the note-taking skills and generosity of your fellow students.

I'm no good with technology. Do I really have to use the wiki?

Yes. I've assigned a recommended book called *Wikis for Dummies*. I'm not calling you a dummy or anything, but I suggest that you read the book if you are not confident in your technological skills. I will be going over the nuts-and-bolts of the wiki during the first week. You will need to make sure that you come to me or the T.A. *before* you fall behind.

What do I need to know about contacting my professor or T.A.?

To facilitate a quick and accurate response to your queries, please be sure to abide by the following guidelines:

- You MUST use RebelMail. This is a university policy.
- Be advised that we will not receive/respond to communications through WebCampus.
- E-mails must include your full name and the class you're in.
- Be sure to include a greeting. I suggest something like "Dear Dr. Wood" or "Dear Professor." Greetings like "hey" or "what's up rebecca" are far less desirable.
- If you would like a response, be clear about that in your e-mail.
- Sign your e-mail (e.g., "Sincerely, Jenny Smith").

What happens if I turn my work in late?

You won't, right? Minding the deadlines is very important in this class. Remember, we are working collaboratively on a public service project. When one person's work is late, it throws off the entire schedule. As such, I reserve the right not to accept late work. I do not give extensions.

What if I "accidentally" copy content or structure from somewhere else?

This is NOT OKAY. You must be sure to cite your sources. If you didn't know something before you started writing, you must cite it. This includes direct quotes, ideas, facts, concepts, argument structure, etc. We will be covering some of this during the first week of class. When in doubt, cite it! You should also be advised that your references should come from reputable sources or academic articles. Please (I beg you!) do not cite Wikipedia. If you do turn in *any* plagiarized work—even in your wiki contributions—you will face the consequences outlined in the Academic Misconduct Policy found in the University Policies section.

Can I check e-mail/chat on AIM/tweet/update Facebook status, etc. during class?

Um...no. You will be asked to leave. It will be terribly embarrassing.

Is this going to be on the test?

Yes. If the information is purely an FYI, I will let you know. Otherwise, plan to know and understand the material we cover in class, in the readings, on the wiki, etc.

I have a disability and need accommodations. What should I do?

I am happy to accommodate your needs, but you will need to present me with your Academic Accommodation Plan from the Disability Resource Center (DRC) at the beginning of the semester. Please see the information on the DRC in the University Policies section above.

I'm not a very good writer. Does spelling and grammar really matter these days, anyway?

Yes. Communication is a HUGE part of what we do. If you know that this is a weakness of yours, be

sure to contact the Writing Center for help. Please see the information in the University Policies section above.