I. Introduction:

As institutions, state supreme courts provide an informative area of public law that differs greatly from studies of the federal courts. State supreme courts offer a variety of rules and mechanisms that affect court outcomes and the characteristics of judges, while the federal courts remain largely uniform in nature. This course capitalizes on fundamental differences at the state level, focusing on the characteristics of state judicial institutions as well as forms of judicial behavior. The first section of the course will evaluate the organizational framework for each state court system. There, we will also discuss the different state methods of judicial selection and how political pressures differently influence state courts. We next will approach the topic of judicial behavior. This phase of the course evaluates judicial outcomes and the impact of state institutions, including those structured by state constitutions and state laws. Within this section we will assess judicial behavior within the context of mainly appellate review by evaluating strategic forms of judicial behavior. Lastly, the third section of the course surveys research on the characteristics of judges, lawyers and litigants, as well as the policy-making role of state courts. While the federal courts have deservedly received attention, the state courts are often neglected in comparison; however, this course seeks to inform students about the very different conditions that exist among state courts providing a more complete understanding of American judicial institutions.

II. Required Text:

There are two textbooks required for this class, which are available for purchase at the university bookstore or through an on-line bookseller. If purchasing on-line, be sure that it is shipped promptly as readings begin immediately.

3. Prepared Readings Packet. UTA Libraries Online Course Reserves. ([http://pulse.uta.edu/vwebv/enterCourseReserve.do](http://pulse.uta.edu/vwebv/enterCourseReserve.do)).

III. Course Requirements:
1. Class Participation – Students are expected to attend each class and to arrive on time prepared to discuss the day’s readings. While there is not an attendance grade, failure to attend class will have a direct negative result on your participation grade (10% of the course grade). I expect thoughtful participation in each class where participation reflects class engagement and careful thinking about that day’s readings. Related, students will be called upon at random throughout the semester. The exercise of answering questions in class requires preparation and readiness to discuss the matters being discussed. One answer pass will be given during the semester; afterwards, deductions of twenty (20) percentage points will be made from the participation grade where students have not responded sufficiently or where students are not present to answer a question.

2. Research Paper – All students are required to write a research paper. A general research topic will be submitted to the class on February 6th, and all students will be required to discuss the status of their paper in class and submit a one-page status report on March 9th. While the status paper will not be graded, it should identify the important elements of your paper including the intended topic of the paper, the rationale for the topic, and a description of the preliminary research that you have found. Failure to submit a status paper will result in a 10 point deduction (i.e., one letter grade) from your final research paper grade. You are expected to conduct independent research, using examples from the states to discuss within your paper. Papers should be seven to eight pages long and should be double-spaced with a 12 point font and have one inch margins. Importantly, only scholarly sources (e.g., library books or articles downloaded from a university affiliated databases, such as Lexis-Nexis, Academic Search Premier, or JSTOR) are acceptable as outside sources. Non-governmental websites are strictly not accepted for paper citations and should not be used. Citations to non-academic sources such as Wikipedia will result in a returned non-graded paper which will be considered late. Complete citations are expected for all research. Failure to fully cite your research is a violation of academic honesty and must be avoided. Papers are due at the beginning of class on April 20th. Late papers will be penalized one letter grade per day that they are late.

3. Examinations – There will be three examinations, two mid-term examinations and a final examination. Examinations will include essays and possibly some short answer questions. The first mid-term examination is scheduled on February 27th and the second mid-term examination is scheduled on April 6th. The cumulative final examination is scheduled by the university on May 7th from 11:00AM-1:30PM. All students will take the examinations at the designated times with no make-up examinations allowed except for situations such as medical emergencies, deaths in the family, etc. Where examination absences are caused by medical emergencies, the student is expected to contact the instructor by the day of the test and will be required to present proof of a physician’s examination. Otherwise, failure to take an examination will result in a grade of zero.

Make-up Examination Policy
Where make-up exams are permitted, those examinations will be scheduled for the final week of the semester. As such, make-up exams are generally more difficult due to the time that has passed since the graded material was covered. Further, make-up exams will be essay format, may be comprehensive, and will require specific, detailed answers. An additional disadvantage relates to the extra points sometimes added to the regular exam, since they are never applied to a different make-up exam.

Exam Tardiness Policy
Students entering late disturb other students taking an exam. Further, tardiness permits students to ask other exiting students about the content of an exam – that is obviously not fair for students that have arrived on time. Unless a prior arrangement has been made, students will receive a grade of zero when tardy for an examination.

These examinations will be challenging exercises, where very prepared students should have an easier time. This is not designed to be an easy course and students should expect to struggle both on the exams and overall where they have not attended class on a regular bases or have failed to participate. The more students know about the cases studied, the better they should expect to do on the exams.

**IV. Grading:**

1. Participation – 10%
2. Research Paper – 20%
3. Midterm Examination #1 – 20%
4. Midterm Examination #2 – 20%
5. Final Examination – 30%

The grading scale is as follows:

- 90-100 A
- 80-89 B
- 70-79 C
- 60-69 D
- 0-59 F

**V. Class Schedule:**

**Week 1:** Modern Controversies in State Courts  
January 18-20  

**Week 2:** State Court Systems  
January 23-27  

**Week 3:** State Court Systems cont.  
January 30-February 3  

**Week 4:** Judicial Selection  
February 6-10

Research Topic Distributed: February 6

Week 5: Judicial Selection cont.
February 13-17

Week 6: Judicial Selection cont.
February 20-24

Midterm Examination #1: Monday, February 27th

Week 7: Jurisdiction and Policymaking
February 29-March 2
http://libproxy.uta.edu:2055/stable/1228176

Week 8: Jurisdiction and Policymaking cont.
March 5-9

Research Paper Status Reports Due: March 7

Research Day, No Class: March 9
Spring Break: March 12-16

Week 9: Decision-making by State Judges
March 19-21
Tarr and Porter, 1988, “Alabama” in State Supreme Courts in State and Nation (Chapter 3)
Melinda Gann Hall, 1987, “Constituent Influence in State Supreme Courts: Conceptual Notes and a Case Study”.
http://libproxy.uta.edu:2055/stable/2130788

Class Canceled: Friday, March 23

Week 10: Decision-making by State Judges cont.
March 26-30
Tarr and Porter, 1988, “Ohio” in State Supreme Courts in State and Nation (Chapter 4)

Week 11: Decision-making by State Judges cont.
April 2-4
Tarr and Porter, 1988, “New Jersey” in State Supreme Courts in State and Nation (Chapter 5)

Midterm Examination #2: Friday, April 6

Research Day, No Class: Monday, April 9

Week 12: Judges, Lawyers, and Litigants in State Courts
April 9-13

April 16-20

Research Papers Due: April 20
Week 14: Implementation of Judicial Policies  
April 23-27

Week 15: Implementation of Judicial Policies cont./Flex Week  
April 30-May 4
No readings

Final Examination: Monday, May 7, 11:00AM-1:30PM (01 University Hall)

VI. Core Expectations and Citizenship

Expectations of Students
I have strong yet reasonable expectations for students. To perform well, students are expected to work - meaning a combination of recurrent attendance, frequent class participation, and careful attention to the readings is required. Students that do not attend class regularly, do not take careful class notes, and do not carefully read the assigned material will have a more difficult time with the exams. Additionally, I encourage students to see me during my office hours. Where questions arise about the content of the course or a student’s grade, office hours represent important opportunities for interaction between students and their instructor.

Citizenship
While each student pays a significant cost to attend this course, sometimes an individual is less interested in learning, and disturbs others during class (i.e., talking, receiving or making phone calls, or text messaging). In the event of these behaviors, I reserve the right to ask the students to leave class or reduce a student’s course grade. Turn cell phones off or to vibrate for emergency calls. Do not walk in late, leave early, or push around others to find a seat once class has begun. Be careful with laptop computers. Unfortunately, a majority of students use their laptops to access the web for un-related material, to play games or read email rather than paying attention to the lecture. Where I see a laptop being used, I assume (rather accurately) that it is being used for something other than class purposes.

VI. Special Notes:

1. Cell Phones – Students are requested to turn off their cell phones prior to class. If a cell phone rings during class, that student is expected to leave class for the remainder of the period. Cell phones are also prohibited during examinations. Failure to remove and store a cell phone during an examination will result in a student’s removal from the classroom and a failing grade (0) on the examination.
2. Test Conduct – All materials must be removed from one’s desk during an examination or quiz. Additionally, headwear (e.g., hats, scarves, etc.), sunglasses, and earphones are absolutely not permitted during an examination.
3. Academic Integrity - All students are expected to obey the civil and penal statutes of the State of Texas and the United States, the Regents’ Rules and Regulations of The University of Texas System, the rules and regulations of the University, and the orders or instructions issued by an administrative official of the University or U.T. System in the course of his/her duties, and to observe standards of conduct that are compatible with the University’s function as an educational institution. Any student found to engage in cheating, plagiarism, or collusion will be sanctioned.

4. Inclement Weather – If a class is canceled due to inclement weather, its subject will be delayed until the following class. Similarly, all tests canceled because of inclement weather will be delivered during the following class. For information related to weather related class cancellations please call (972) 601-2049.

5. Students with Disabilities - Any student with a documented disability needing academic accommodations is requested to speak with the instructor during the first two weeks of class. All discussions will remain confidential.

6. Diversity Policy – It is the policy of the University of Texas at Arlington that, to the extent provided by applicable laws, no person shall be denied employment or admission, be excluded from participation in, be denied the benefits of, or subject to discrimination under, any program or activity which it sponsors or conducts on the basis of race, color, national origin, religion, age, gender, disabilities, veteran status, or sexual orientation.

7. Student Support Services - The University of Texas at Arlington provides a variety of resources and programs designed to help students develop academic skills, deal with personal situations, and better understand concepts and information related to their courses. These resources include tutoring, major-based learning centers, developmental education, advising and mentoring, personal counseling, and federally funded programs. For more information, students may contact the Maverick Resource Hotline at 817-272-6107 or visit www.uta.edu/resources.

8. Syllabus Changes – The instructor reserves the right to change the syllabus at any time during the semester.