

American Legal Process

Political Science 275

University of Oregon

Winter 2022

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Course Description: The aim of this course is to provide students with a comprehensive introduction to the American legal system. Students will learn various aspects of American law and study how and why American institutions, policies, and patterns of American life have developed from the founding to our contemporary moment. Between the textbook, digital media, and engagement with landmark court cases students will become proficient in understanding and distinguishing between myths and realities of law, courts, and legal reasoning which have shaped the United States for over two centuries. Each week contains at least one chapter from the required textbook, landmark court cases, and occasionally other materials available on Canvas. Student should expect to spend 2-3 hours on readings and class materials, and another 1-2 hours for assessment and writing per week for this course.

Course Grades & Assignments:

Weekly Reading Assessment: Each week the reading and learning material will be assessed using short answer and multiple-choice quiz on Canvas. This is a simple way to make sure you're obtaining the core learning objectives and keeping up with the course content. Each assessment is due Sunday night.

Weekly Discussion Posts: Due to this course being asynchronous the important element of discussion and conversation will be conducted on Canvas with weekly prompts that will encourage you to reflect on materials for a given week. You will be able to author original posts or reply to classmates for credit. Discussion posts are a mixture of opinion and informed analysis using assigned readings and other content on Canvas. Each discussion post is due Sunday night.

Media Analysis: Drawing on information used from the textbook students will pick 1 movie (from the list provided on Canvas) to analyze and offer a reflection paper that synthesizes a synopsis, analysis, and critique which identifies the myths and realities of the case discussed and legal system more broadly.

Final Exam: There will be a final exam on Canvas which will draw on materials learned from the weekly assessments and discussion posts and ask students to on key case studies that were of particular interest, challenge, or help in understanding aspects of the American legal system. The Final exam is due March 19th.

Late submission policy: Assignments that are submitted late may be subject to penalty of up to half a letter grade per day. If you have circumstances which arise and prevent you from being on time, then please contact me ASAP. Conversely, students can work ahead at their own pace.

Weekly Discussion Posts (3% each x 10)	30%
Weekly Reading Assessment (3% each x 10)	30%
Media Analysis Paper	20%
<u>Final Exam</u>	<u>20%</u>
Total	100%

Required Textbook & Course Schedule: Students must acquire the required textbook in either physical or digital format. All other materials including landmark case selections, videos, etc, will be available on Canvas. This course has one required textbook. All materials assigned will be useful and necessary for completing all assignments thoroughly. Please acquire:

Pamela C. Corley; Artemus Ward; Wendy L. Martinek. (2016) *American Judicial Process: Myth and Reality in Law and Courts*. Taylor & Francis.

Course Overview and Foundations of Legal Thought – January 3rd-9th

Week 1 Assigned Content:

- Course video: Syllabus and Canvas Overview
- Course video: Introduction to Legal thought and Judicial Process
- Textbook, *Myth and Reality in the Judicial Process* (Chapter 1)
- Excerpts from *the Constitution*
- Excerpts from *the Federalist Papers* 10, 51, 78

Assignments Due:

- Discussion Post #1
- Reading Assessment #1

Structures & Institutions of the US Legal System – January 10th – 16th

Week 2 Assigned Content:

- Course video: Exploring the Architecture of the US legal system
- Textbook, *Organization of the Courts* (Chapter 4)
- *Chisholm v. Georgia* (1793)
- *Marbury v. Madison* (1803)
- *McCulloch v. Maryland* (1819)
- *Gibbons v. Ogden* (1824)

Assignments Due:

- Discussion Post #2
- Reading Assessment #2

Thinking Like A Lawyer – January 17th – 23rd

Week 3 Assigned Content:

- Course video: Exploring How Lawyers Think and Reason
- Textbook, *Legal Education and Law School* (Chapter 2)
- *Erin Brockovich* (2000)

Assignments Due:

- Discussion Post #3
- Reading Assessment #3

The Legal Profession: Lawyers and Practicing Law – January 24th – 30th

Week 4 Assigned Content:

- Course video: Exploring Specializations in Law and Counsel
- Textbook, *Lawyers and Practicing Law* (Chapter 3)
- *Marshall* (2017)
- *Philadelphia* (1993)

Assignments Due:

- Discussion Post #4
- Reading Assessment #4

Appointing, Electing, and Making Judges – January 31st – February 6th

Week 5 Assigned Content:

- Course video: Exploring the Pathways to Judicial Authority
- Textbook, *Choosing Judges* (Chapter 5)
- *On the Basis of Sex* (2018)

Assignments Due:

- Discussion Post #5
- Reading Assessment #5

The Civil Side of Law – February 7th – 13th

Week 6 Assigned Content:

- Course video: Exploring the Civil Side of Law
- Textbook, *Civil Law* (Chapter 6)
- *Dark Waters* (2019)

Assignments Due:

- Discussion Post #6
- Reading Assessment #6

Crime and Punishment – February 14th – 20th

Week 7 Assigned Content:

- Course video: Exploring the Criminal Side of Law
- Textbook, *Criminal Law* (Chapter 7)
- *Conviction* (2010)

- *Just Mercy* (2019)
- *Weeks v. United States* (1914)
- *Mapp v. Ohio* (1961)

Assignments Due:

- Discussion Post #7
- Reading Assessment #7

Juries and Trials – February 21st – 27th

Week 8 Assigned Content:

- Course video: Exploring the Systems of Juries and Trials
- Textbook, *Trials* (Chapter 8)
- *Find Me Guilty* (2006)
- *The Trial of the Chicago 7* (2020)

Assignments Due:

- Discussion Post #8
- Weekly Reading Assessment #8

Appellate Process – February 28th – March 6th

Week 9 Assigned Content:

- Course video: Exploring the Appellate Process and Courts
- Textbook, *Appeals* (Chapter 9)
- *Gideon's Trumpet* (1980)
- *You Don't Know Jack* (2010)
- *Gideon v. Wainwright* (1963)

Assignments Due:

- Discussion Post #9
- Weekly Reading Assessment #9

The Future of American Law and Legal Process – March 7th – March 13th

Week 10 Assigned Content:

- Course video: Thinking about the Future of American Law
- Textbook, *The US Supreme Court* (Chapter 10)
- Textbook, *Implementation and Impact* (Chapter 11)
- The Supreme Court & Dark Money (Canvas)

- Possible Expansion the Supreme Court? (Canvas)
- *Americans for Prosperity Foundation v. Rodriguez* (pending)

Assignments Due:

- Discussion Post #10
- Weekly Reading Assessment #10
- Media Analysis Paper Due By March 13th (on Canvas)

W11: Finals Week – March 14th – March 20th

No readings. *Review prior assessments and discussion posts to prepare.*

Assignments Due:

- Final Exam Due by March 19th (on Canvas)

Learning Outcomes

Students who complete this course and its assignments will develop an understanding of the key institutions, ideas, and interests at work in the American Legal System, and will gain knowledge about a variety of key substantive policy and issue areas. This course also is designed to help build important critical skills and tools, including the following:

- To gain a demonstrated working knowledge of several major policy and political issues that lie at the heart of U.S. political debates today.
- To develop a deeper understanding of the workings and impact of the American political system at the local, state, national, and international levels.
- To help you reason well through varied problems and issues, whether in the classroom or in your personal and professional life. As Paul and Elder note, critical thinking “involves three interwoven phrases: It analyzes thinking, it evaluates thinking, and it improves thinking.” The work you do in and for this seminar is designed to enhance your critical thinking skills and tools, whether you are engaged in discussions or debates, presentations, or writing. That is, we hope to encourage all participants to ask good questions that reach past the allure of easy answers.

OTHER INFORMATION

Office Hours and Communications

Office hours will be by appointment only. I can be reached via email at dellis@uoregon.edu (I check this regularly) and we can arrange Zoom meetings as needed.

Guidelines for Canvas Discussions: Below are some useful guidelines for discussions to keep in mind this term for both general discussions and Canvas discussion threads:

Discussing to Learn: Contribute ideas and views in the spirit of inquiring and learning together, rather than trying to debate or win arguments (unless the activity is designed as a debate or to assess best arguments).

Mindful Listening: Listen actively with attention and respect for what others are saying, without interrupting or tuning out to focus on preparing one's own contribution.

Stepping Up/Stepping Back: Pay attention to the voices in the room and be mindful of one's contributions. Are there patterns regarding which voices are being heard and which are not? How do I fit in these patterns? Is there need to step back and let others have opportunity to contribute? Is there need to step up and contribute more? Do we feel empowered to hold ourselves accountable for our class participation dynamics?

Listening Lenience: Remember that we are learning together and may not necessarily get something right the first or even second try. Practice being lenient with oneself and with others. Restating what someone just said can provide them an opportunity to clarify or revise their statement. Similarly, it is good practice to state when you say something not quite right and then try to state it again or ask for help in saying it.

Ideas not Individuals: Focus on engaging others' ideas not judging or criticizing individuals. Asking for clarification can be helpful, and using language such as "The idea I hear you saying is..." (rather than "you said") or "I don't agree with that idea..." (rather than "I don't agree with you).

Support Our Statements: Offer supporting evidence of some kind to back up your contributions, such as data, clear reasoning or reference to a text, and be aware that your own experience or an anecdotal story may not fit a larger pattern. Remember that being an exception does not discredit a rule.

A Part is Not the Whole: Remember that your view or experience is your view or experience, a partial opening onto the whole, and not necessarily a general view or experience of everyone; nor are the views or experiences of others necessarily going to match your own. And, just as you cannot represent an entire group of people, nor can anyone else represent a group of people. It is quite okay for everyone to speak their truth and their experience, but working from individual views and experiences to more general ideas or conclusions often requires considerable work.

Mutual Respect: A key goal is to respect diverse experiences, viewpoints, approaches, and identities. Even when we disagree, please do not undermine, demean, or marginalize others.

Academic Integrity: The University Student Conduct Code defines academic misconduct, which includes unauthorized help on assignments and examinations and the use of sources without acknowledgment. Dishonest behavior includes both “giving” and “taking” of improper assistance on exams, papers, or any other form of attempting to take credit for work that is not your own. If you are uncertain what plagiarism entails, please see the following site: <http://libweb.uoregon.edu/guides/plagiarism/students/>.

Accessible Education

If you have a condition that inhibits learning or evaluation under customary circumstances, please let me know. In addition, please request a letter from the Accessible Education Center (346-1155, 164 Oregon Hall) that verifies your disability and states the accommodations that I can make. I will make any reasonable adjustments necessary to improve your learning environment.

Notice of duty to report

We support Title IX and have a duty to report relevant information. The UO is committed to providing an environment free of all forms of prohibited discrimination and sexual harassment, including sexual assault, domestic and dating violence and gender-based stalking. Any UO employee who becomes aware that such behavior is occurring has a duty to report that information to their supervisor or the Office of Affirmative Action and Equal Opportunity. The University Health Center and University Counseling and Testing Center can provide assistance and have a greater ability to work confidentially with students.

University Health and Counseling Services

University Health Services help students cope with difficult emotions and life stressors. If you need general resources on coping with stress or want to talk with another student who has been in the same place as you, visit the Duck Nest (located in the EMU on the ground floor) and get help from one of the specially trained Peer Wellness Advocates. Find out more at health.uoregon.edu/ducknest.

University Counseling Services (UCS) has a team of dedicated staff members to support you with your concerns, many of whom can provide identity-based support. All clinical services are free and confidential. Find out more at counseling.uoregon.edu or by calling 541-346-3227 (anytime UCS is closed, the After-Hours Support and Crisis Line is available by calling this same number).