

CJL 3510: The Courts

Syllabus

Instructor: Peg O'Connor

Contact: peg@ufl.edu or the Mail Tool in Sakai

Credits: 3

Course Deadline: 16 weeks from each student's enrollment date

Textbook: *AMERICAN COURTS: PROCESS AND POLICY*, Lawrence Baum

Introduction

Welcome! This document is perhaps the most important one you will receive in this class. It is a syllabus; a FAQ, a "do and don't-do" list, and a guide to helping you get the grade you want. Read this entire document carefully. The lines are numbered for a reason; if you ask me a question that is answered in here, I will refer you to the appropriate line number(s). Please read this document before asking any questions; more than likely, you'll find the answer you're looking for in here.

Important Note

I have noticed a growing trend of students registering for this and other online courses because they are trying to become eligible for reinstatement at another university. For a host of reasons, this course is not the one you should be signing up for if you're looking for an easy A (or even B). This class is at the 3500 level. It requires critical thinking. You will be expected to read legal opinions, parse them, and explain them in a case brief. You will be required to analyze the reading material to prepare thoughtful responses to essay questions. It is presumed that you possess writing skills commensurate with an upperclass student in the Sociology/Criminology department at UF. Points are deducted for spelling, grammatical, and syntactical errors, as well as failure to follow formatting and other directions. Previous reinstatement-seeking students have taken the class with disastrous results.

I say this not to discourage you from taking the class if you are interested in learning about the American court system and all its nuances, have the prerequisite skills necessary, and are willing to put in the time and effort to succeed. I say this only as a fair warning to those who sign up for the course believing it will be a simple way to raise their GPA.

Course Description

This upper-level undergraduate course explores all facets of the court system and the people who make it work. You will learn about the dual court structure we have in the United States and learn how to distinguish between a federal circuit court and a state circuit court, or a state district court and a federal district court (did you know that a Supreme Court in New York is actually a trial court?). You will be briefing cases to sharpen your critical thinking and issue-spotting skills, keeping up with current legal events, and perhaps most interesting of all (I hope), learning how to draft an opinion. While we will not be able to emulate exactly the true nature of the appellate decisionmaking process (oral argument, conferencing, passing around draft opinions, etc.), it will give you a feel for how solid judicial writing must be in order to 1) be

published in the official law reporters, where it can be seen by anyone who cares to look; and 2) withstand scrutiny from parties who may believe the outcome of the case should have been different.

It assumes that you have taken other law-related classes and understand how to brief a case, how to think analytically, and most importantly, how to express yourself in writing clearly and concisely. Analyzing and writing are an attorney's tools of the trade, and whether you plan on attending law school eventually or not, you will appreciate the close attention to detail a lawyer must give to his work. If you successfully complete the class, you will know how to spot the important issues in a case, brief them thoroughly, analyze and critique both sides of all issues, and then present your analysis in a well-written final work product. You will gain an understanding of (and hopefully an appreciation for) the attention to detail that goes into crafting a piece of legal writing. You will also know, when you step into a courtroom, who the players are and what purposes they serve. And finally, it is my hope that this course will encourage you to keep abreast of current legal events, always examining them with a critical eye, and put yourself in the shoes of the lawyers and judges who make the legal world go 'round.

Grading Criteria

Here is the meaning behind the grades I assign to your papers (you should use these guidelines to determine how you might work toward a higher grade):

Because we will not have the opportunity to meet in person, your written work is the only chance you have to make a positive impression, and it is the only material on which your grade will be based. I expect you to have a solid grasp of the English language and a commensurate ability to reduce that language to effective written form. Because you are not law students, I don't expect you to have a command (or perhaps even a clear understanding) of legal writing, so don't worry about whether you "sound like a lawyer." I do, however, expect your writing to be clear, concise, free of errors, and supported by logical arguments, selection of facts, and a willingness to concede weaknesses where appropriate. I place high emphasis on thoughtful analysis; at this stage of your college career, you should be doing much more in your writing than simply regurgitating what you found in the book. You should be taking apart arguments, dissecting them, offering your criticisms and improvements, and communicating your analysis clearly to the reader.

Following is a guide to my expectations for each writing product you submit.

Textbook. Begin with the reading assignments in the textbook. Because you are learning a new vocabulary (indeed, law has its own language), it may be helpful to read once without taking notes in order to get a feel for what is being discussed. On your second reading, underline terms you don't understand and take notes as you go along. The discussion in this course packet builds upon and refers back to the text material.

Questions. The questions are designed to get you thinking about the material you read in the text, asking you to expound upon or explain certain aspects. Credit is not awarded for a one- or two-sentence answer. You should make sure to answer each question and provide sound reasoning for support. The questions are not boundaries or parameters within which you are confined; instead, think of the questions as “jumping-off” points for your side of the discussion. As you write, try to anticipate what questions you think I might ask you if we were sitting face-to-face and include your replies in your answer. A good lawyer anticipates problems and counterarguments and addresses them in advance.

Very often you will be called upon to provide a criticism or opinion of a concept. Rather than looking to give me what you perceive to be the "right" answer, you should support whatever response you make with facts and references from the text. You should also utilize outside sources (such as web research), but cite your sources completely.

Case Briefing. You will be asked to brief a pre-selected case for most lessons. There is a formula for preparing the case brief discussed in Chapter 1 which you must follow. It uses the same format that you would use if briefing a case in law school, and it will teach you to break down a case into discrete legal “chunks” for easier analysis. A sample case and brief is included in Chapter 1 for you to examine. You must address all issues raised in each case. Make sure that for each issue (question), you have an argument for each side, a holding (answer), a rule, and the accompanying rationale. Also ensure that you address all concurring and dissenting opinions. Keep in mind that an error in one section of your brief will have a domino effect and cause an aggregation of errors in other sections. For example, if the case contains three issues and you spot only one, then those two issues will be missing throughout your brief. You will have argument on only one issue; you will have only one holding and one rule; and your rationale will discuss only the issue you found. This type of compound error quickly decimates your score on the overall brief.

Current Event. The purpose of the current event summary is to force you to keep yourself apprised of trends, issues, and stories happening in the legal arena today. You are free to select a news clipping, magazine article, or other timely material on a current legal event in the news that fits into one of the following categories (you may choose only one article for each topic, so make sure you keep track of which topics you have already submitted an assignment on):

1. Selection of federal judges
2. Selection of state judges (not limited to Florida)
3. State court decisionmaking
4. Federal court (other than the U.S. Supreme Court) decisionmaking
5. U.S. Supreme Court decisionmaking
6. Interest groups in the courts
7. Compliance with, implementation of, or response to a court decision
8. Lawyer discipline/public image of lawyers
9. Drug court/teen court/mental health court/tobacco court

10. *Pro se* litigants in the court system

You do not have to do them in sequence; for example, if you find a good article on *pro se* litigants (topic 10) and interest groups (topic 6) early in the semester, you are welcome to submit those first.

The articles should be taken from newspapers, news magazines (e.g., Time, Newsweek, U.S. News and World Report), and/or reputable online news sources. The articles must be accounts of current events rather than editorials or opinion pieces and may not be more than six months old. Assignments based on articles older than six months will receive zero points, as will assignments based on op-ed pieces. (I am open to your writing a response to an op-ed piece if you are willing to do the research to get unbiased facts upon which to base your response.)

Each article must be accompanied by a summary that (1) briefly describes the article and (2) relates the events described in the article to material covered in class or in the text. Relating the article to class and/or text material is the most important aspect of the summary and should be the primary focus. Page references should be provided when referring to the text. Each summary must identify the topic to which the article and summary relate. The summary must contain either a link to the article or a copy-and-paste of the article. If you provide a link, it must appear before your summary. If you copy-and-paste the article itself, that must appear after your summary. In either case, you must provide a complete citation to the article at the top of the assignment. A complete citation includes full title, author's name, publication, publication date, and which topic you are covering with the article (refer to topics 1 through 10 above). Failure to comply with these requirements will result in point deductions.

The assignments will be graded on organization, selection of articles, and quality of summaries. Poor grammar and spelling errors will negatively affect your grade here, just as it will with all other assignments in the course.

You should relate the event to what you have learned or would like to learn in the course. Following are questions and concepts that must be addressed in your analysis of each piece:

- Why is this topic considered newsworthy?
- How credible is the source?
- Have there been new developments since the story was written? Are further developments anticipated?
- Who are the important people/groups affected by this event?
- What are the arguments on each side?
- What underlying assumptions has the author made? Are those assumptions stated explicitly or implicitly?
- How have those assumptions affected the author's arguments and conclusions?

- Have any concepts or ideas been over- or under-emphasized? Do you detect any subjectivity or bias?
- What are the central themes in the topic? How can those themes be used to draw a conclusion or formulate your own opinion on the event?
- Is the coverage sufficient? What additional information do you need or want to know to further your understanding?
- What data did the article utilize? Is there empirical support for those data?
- Are the conclusions of the article justified? What is the significance of those conclusions?
- How does the article relate to what you have learned in the course to date?
- What are your own opinions and reactions regarding the article?
- How has this piece added to or changed your understanding of the topic?

For all assignments: Don't use a Latin term unless you know what it means! Don't just copy the phrases you see and hope they'll make sense to me. Know exactly what you're saying and why. Look up any phrases you do not understand, and if you use one in your writing, you must include a plain-English translation in parentheses to show me that you really do know what you're putting on paper.

Also for all assignments: Courts expect lawyers to submit their pleadings and motions on time. They don't accept excuses. Their documents must be formatted in a certain style and follow certain rules; they risk having those documents rejected if they fail to adhere to all applicable rules. Similarly, I expect you to submit your assignments according to the requirements set out in this syllabus, and excuses will not be accepted. Even though you don't have clients who depend on you for their life or liberty, I want you to take responsibility for submitting documents that are as perfect as you can make them. Just as in real life, the rules are laid out clearly here, and you risk having your assignment rejected or points deducted for failure to comply with them.

Grading

The course letter grade will be determined according to the following scale:

A	95
A-	90
B+	87
B	83
B-	80
C+	77
C	73
C-	70
D+	67
D	63
D-	60
E	59% and below

Grading Method

I add up all the points you've earned and divide that amount by the number of total possible points. If the number is a decimal of .5 or above, I'll round it up to the next higher number. That's it. No sneaky stuff. And no, if your grade is a point or two below what you need for an A or B+ or whatever, I won't give you free points or extra-extra-credit to make up the difference.

Academic Honesty

Academic dishonesty—in any form—will not be tolerated. In lawyer lingo, you need to "avoid the very appearance of impropriety." You must not only refrain from engaging in it yourself, but if you witness or suspect that cheating is occurring, you are under a duty to report it to me immediately. Failure to do so will subject you to the same penalties as if you had engaged in the unlawful conduct yourself.

Plagiarism, in any form, is grounds for failing the entire course. Please educate yourself on what plagiarism is and how to avoid it. Always use proper citations and quotes where appropriate. Don't forget that if you use an online source, I can find it even if you don't name it. And copies are kept of all previous students' assignments, so if you "recycle" any part of a prior student's work, I can find that, too.

Submission of Assignments

You may submit no more than **two** assignments per week. An "assignment" is defined as a single online submission. (This limit does not apply to the first two introductory posts and the honesty/diligence contract, as they are not substantive in nature and do not require detailed feedback.) This permits sufficient time for you to digest the material and thoughtfully prepare your assignment, and it permits me time to carefully review your work and provide helpful feedback. If you submit more than the allotted number of assignments in a week, they will be returned ungraded. Do not ask to submit more than two a week. I cannot and will not fast-track you at the expense of other students. If you need a course you can rush through, this is not the right place for you.

The lessons are structured in sequence; you will miss key concepts if you attempt to skip around the lessons. Thus, you must progress through each lesson before moving to the next. You are permitted to submit assignments ~~within~~ each lesson in any order you choose. Assignments submitted out of order will be returned ungraded.

When submitting your assignments, include the following information in the filename: Your last name, lesson number, and assignment title (ex: "Jones Lesson 3 Case Brief.doc" or "Smith Lesson 6 Jury Instructions.doc" or "Stephens Lesson 4 Current Event.doc"). Points may be deducted for improper file naming.

Refer to specific instructions within each lesson for formatting and submitting your assignments. Points will be deducted for failure to comply with all requirements.

Method of Citation

All citations must follow Bluebook format, *i.e.*, the most current edition of *The Bluebook: A Uniform System of Citation*, published by the Harvard Law Review Association. You are not required to purchase this book, and basic legal citations will be discussed in the first lesson.

You may also use the current edition of the *ALWD Citation Manual*, published by the Association of Legal Writing Directors. You are not required to purchase this book, either.

Because you are writing for a Florida “court,” you must use the few “trump” rules laid out in Florida Rule of Appellate Procedure 9.800. A copy of the rule is in this course packet.

No other citation formats (including, but not limited to, APA, MLA, etc.) are permitted.

Let’s Get Started!

I think you will enjoy this class if you’re prepared to put the necessary time and energy into reading and understanding the material and into submitting high-quality work. The law is a fascinating field, and even if you don’t aspire to be a lawyer one day, you’ll find knowledge in this course that you can take with you and apply in other areas of your life.

Policies

The University of Florida assures the confidentiality of all your educational records in accordance with State University System Rules, State Statutes, and the Family Educational Rights and Privacy Act. **Grades are not given out over the phone.**

Plagiarism:

“A student shall not represent as the student’s own work all or any portion of the work of another. Plagiarism includes but is not limited to:

1. Quoting oral or written materials including but not limited to those found on the internet, whether published or unpublished, without proper attribution.
2. Submitting a document or assignment which in whole or in part is identical or substantially identical to a document or assignment not authored by the student.” Source: Regulations of the University of Florida, UF-4.041. For more information, please go to this link: [Student Honor Code and Student Conduct Code: Scope and Violations](#)

“For a violation or violations of the Honor Code, a student may receive any of the sanctions that can be imposed for Student Conduct Code violations, including but not limited to conduct probation, suspension and expulsion as well as any educational sanctions. In addition, students

may receive the following:

(a) Assignment grade penalty. The student is assigned a grade penalty on an assignment including but not limited to a zero.

(b) Course grade penalty. The student is assigned a grade penalty in the entire course including but not limited to an 'E'." Source: [Regulations of the University of Florida, UF-4.047](#).

Disability Accommodations:

The [Disability Resource Center](#) in the [Dean of Students Office](#) provides students and faculty with information and support regarding accommodations for students with disabilities. Staff at the Disability Resource Center will assist any student who registers as having a disability. Official documentation of a disability is required to determine eligibility for appropriate accommodations. The professional employees at the Disability Resource Program serve as full-time advocates for students with disabilities ensuring students have physical and programmatic access to all college programs. One of the services provided by the Disability Resource Center includes:

- Testing Accommodations

Please click on this link for further information: [DRC-Testing Accommodations](#)

Here is the link to register with the DRC: [DRC-How to Get Started](#)

The Flexible Learning office needs to be notified of any special accommodations required by the student when they begin their course.

Course Deadline and Extension Policy:

Each student's online course expires **16 weeks from the date of enrollment**. Although there is flexibility in completing the coursework, the course should be started as soon as the course materials are received since the 16 week period has already begun. The coursework should be submitted as it is completed. All **final** coursework needs to be completed and submitted for grading at least **2 weeks** prior to the course expiration date. Any "due dates" that may be in E-Learning in Sakai do **not** apply to the student's course expiration date.

Each student is allowed 16 weeks to complete a course. If the time is about to expire, the student will be assigned a failing grade ("E"). If the student has made sufficient academic progress, which is defined as completing at least 50% of the course, the student may petition the instructor for a course extension. After you have contacted your instructor for an extension, each extension request will be administratively evaluated.

Dropping or Withdrawing From a Course:

A tuition refund may be granted after a student submits a written request for withdrawal from a course within 30 days of enrollment. This request must be in writing and may be sent by fax or email. All requests will receive written responses. Refunds will be the amount of tuition, less \$25.00 per course. If a credit card was used to pay for tuition, the refund will be in the form of credit to that card. A refund can be issued on course materials at the time of withdrawal if they are returned within 30 days of sale and are in their original condition. Allow 6 – 8 weeks for refund checks. Please call our office (1-800-327-4218) for up to date refund policies. **No refunds**

are granted after 30 days. Students with disabilities who need to drop a course due to disability-related reasons are allowed to petition for additional drops. For more information, contact the [Disability Resource Center](#).

Attention UF Students:

- To drop a course: In order to drop a UF Flexible Learning course, UF students must have an Academic Advisor or Department Chair email the UF Flexible Learning office at learn@dce.ufl.edu stating that the student is approved to drop the course. Please use this link for more information: [UF Drop Policies](#)
UF Students wishing to drop a UF Flexible Learning course after drop/add should contact their college advising office to see if they have a free drop remaining. If they have a free drop remaining, they have 14 weeks from the date of enrollment to drop the course, subject to applicable rules of their college and the university. This action is subject to verification that a grade has not yet been assigned.
- All full-term withdrawals must follow University of Florida policies/procedures. An approved withdrawal form must be submitted to the Dean of Student's Office for review and final approval. Students must also notify the UF Flexible Learning office of this request.
Please use this link for more information: [UF Withdrawal Policies](#)

Medical Withdrawals:

Here is the link to start the Medical Withdrawal Process:

[Dean of Students Office Medical Withdrawal Process](#)

Retroactive Withdrawals:

Here is the link for retroactive withdrawal information: [Petition Information](#)

Transfers:

You may transfer from one course to another within 30 days of enrollment. This request must be in writing and sent by fax or e-mail. You will receive a receipt by mail. Any difference in tuition will be collected or refunded. There is a \$50.00 transfer fee. After the transfer has taken place, the original enrollment and expiration dates still apply. The approval and signature of a dean or academic advisor is required for UF students.

Book Buy-Back Policy:

Textbooks and materials, except for ones that use an access code, that are in continued use by UF Flexible Learning and are in good condition may be repurchased at 50% of the original purchase price 30 days from completion of or withdrawal from a course. Contact UF Flexible Learning for more details at 1-800-327-4218.

How to Request a UF Transcript:

There are two ways to order a transcript:

1. The online ordering system by going to this link: [Ordering UF Transcripts](#)
2. If you cannot use the online system, please contact the UF Office of the University Registrar for instructions to mail in a request with a check or money order. They can be contacted by phone Monday-Friday, 8:00 a.m. to 5:00 p.m., at 352-392-1374. Persons with hearing impairments can call FRS # 1-800-955-8771 (TDD).

Please check your “unofficial transcript” first, before ordering your “official transcript”, to make certain that your grade has been posted.

UF Flexible Learning Contact Information:

Email: learn@dce.ufl.edu
Phone: (352) 392-1711
Toll free: (800) 327-4218
Fax: (352) 392-6950
Website: [UF Flexible Learning](#)

Office Hours:

Monday-Friday
8:00am-5:00pm EST