LEGAL297BL: BIAS IN THE AMERICAN LEGAL SYSTEM
COURSE SYLLABUS
SPRING 2022
TUESDAYS AND THURSDAYS 11:30-12:45
TOBIN HALL ROOM 204

Instructor: Professor Collins (he/him)
Office: Thompson Hall 216
Student Hours: 9:00-10:30AM Tuesdays via Zoom, 9:00-10:30AM Thursdays in Thompson 216,
and by appointment. Students are required to wear masks during in-person student hours in
Professor Collins’ office.
Email: pmcollins@umass.edu

Graduate Student Grader: Ben Leiter (he/him)
Student Hours: By appointment.
Email: bleiter@umass.edu

OBJECTIVES
The purpose of this course is to critically analyze how the American legal system functions, and how
various forms of bias can infiltrate the legal system. To do this, we will examine the structure of the
federal and state court systems; the processes by which civil and criminal disputes are handled; the
work of police, lawyers, judges, and juries; and other salient topics. This course will provide you with
a new way of thinking about the legal system by exploring how individuals may experience bias in
the administration of justice, and what steps can be taken to lessen that bias.

IMPORTANT DATES
Quizzes: Thursdays 1:00PM-Friday 1:00PM
Reform Paper Proposal Due: 9:00PM March 24
Midterm Exam: March 10
Reform Paper Due: 9:00PM April 21
Extra Credit Due: 9:00PM April 28
Final Exam: To be announced

READINGS
There is no textbook for this class. Instead, the readings consist of journal and popular press articles,
and book chapters. These readings are available on this course’s Moodle page
(https://umass.moonami.com/). On average, we will read about one journal article/book chapter
per class, along with a shorter reading.

All readings are required and listed the day they are expected to be read in the Course Outline
section. I suggest you read the required readings in the order in which they are listed and prepare
notes to bring to class for discussion. If you have any questions about the readings, please contact
me via email or stop by my Student Hours – I am here to help.
**Grading Distribution**

**Exams (Midterm – 30%; Final – 30%)**
There will be two exams, a midterm and a final. Both exams are closed book. Exams will consist of a combination of multiple choice, short answer, and essay questions. The midterm exam will include all material addressed in the readings and in class during the first half of the course. The final exam will include all material addressed in the readings and in class during the second half of the course.

**Reading Quizzes (20%)**
As you go through the course, you will complete a quiz for each week (12 in total) on the course’s Moodle page. The quizzes are short (generally about 10 questions each) and are meant to test your mastery of the information presented in the readings for a given week. The quizzes will be open for 20 minutes once you start. I recommend that you do not start the quiz until you have finished going over all the material for the week since you will likely not have enough time to be able to find the answers as you go along. The quizzes will be available to take starting at 1:00PM on Thursday and must be completed by 1:00PM on Friday of each week. In calculating your final quiz grade, I will drop your lowest 2 quiz grades.

**Reform Paper (5% Proposal, 15% Paper)**
For your reform paper, you will identify and explain a legal activity, discuss one form of bias that might infiltrate that legal activity, and propose a solution for mitigating the bias. The purpose of this paper is for you to apply the knowledge you have gained over the course of the semester to identify and remedy bias in the American legal system.

Your paper must be at least six full pages in length. It will consist of four main parts:
1) **Introduction:** The introduction will consist of two paragraphs (about 1-1½ pages). You will begin with an especially engaging opening paragraph regarding the legal activity and form of bias you are going to write about to draw the reader in. For instance, you might provide a brief example of a real-life story. Or you might ask the reader to imagine a situation.

The second paragraph will begin with two sentences that clearly state the legal activity you will write about, the form of bias you will discuss, and the proposed reform for mitigating this bias. This paragraph should also contain a discussion of why this legal activity is important and in need of reform. For example, if you were writing about racial disparities in traffic stops, your second paragraph might begin with something like this: “People of color are more frequently pulled over by police for traffic violations. I believe this form of bias should be remedied by [your reform proposal].” Or, if you were writing about gender bias in oral arguments in appellate courts, you might write: “Research shows that judges interrupt female attorneys more often than male attorneys. I believe this form of bias can be remedied by [your reform proposal].” Or, if you were writing about how individuals who cannot afford attorneys might be disadvantaged, you might write: “Research shows that individuals who cannot afford attorneys are disadvantaged in litigation compared to those with legal counsel. This disadvantage can be remedied by [your reform proposal].” You would follow these two sentences with 4-8 sentences explaining why the legal activity is important and in need of reform.

2) **Description of Legal Activity:** In a page or two, you will explain the legal activity that you are writing about. Here, I want you to concisely cover the main aspects of the legal activity that is the focus of your paper, including who the main actors are, what factors influence their actions, how
those actions take place, and the consequences of those actions. For instance, if you were writing about disparities in traffic stops, you would discuss the guidelines for making traffic stops, who makes the decision to pull someone over, what factors guide the decision to pull someone over, and the consequences of pulling someone over.

3) Potential for Bias: In about two pages, you will explain how bias can infiltrate the legal activity you are writing about, drawing on research into the topic you are writing about. Here, you will address a number of points, including: how might bias creep into the legal activity you have identified? What evidence is there to suggest that bias has infiltrated the legal activity you have identified? What type of bias is it and why is this bias problematic?

4) Reform Proposal: In about two pages, you will present your reform proposal for mitigating the bias you have identified. Be sure to address the following: How might you diminish or eliminate the bias you have identified? What actors are involved in regulating the act you have identified? What strategy do you think is the best way to get the actors involved in setting policy in this area to remedy the bias you have identified?

Students must submit a one-page PDF version of the proposal of the reform they plan to focus on and at least four relevant references on Moodle no later than 9:00PM on March 24th. In one (double-spaced) page, the proposal should address the following: 1) What legal activity are you planning to write about?; 2) What form of bias do you plan to write about?; 3) What reform do you plan to recommend? In addition, you need to submit four relevant references about bias in the legal activity you plan to write about.

A PDF version of the research paper is due on Moodle by 9:00PM on April 21st. Late papers will be penalized five points for each calendar day they are tardy. Full details on the reform paper will be discussed in class and will be made available on the course’s Moodle webpage.

Extra Credit
There is one opportunity for extra credit in this class. A PDF version of the extra credit assignment is due on Moodle no later than 9PM on April 28th. Extra credit assignments that are late will not be accepted. The extra credit assignment requires you to take two implicit association tests from the following website: https://implicit.harvard.edu/implicit/takeatest.html. You will then write a two (double-spaced) page paper explaining: 1) why you decided to take each of the tests that you choose; 2) how you felt about taking each test; and 3) how you felt about the results of each test. Note that you should only share as much information about the results as you feel comfortable doing so (that is, you can get full credit without sharing the results if you are uncomfortable sharing the results). The extra credit assignment is worth up to 1 point on the student’s final grade in this class.

My Commitments to You
This is UMass’ second semester back to in-person learning since March of 2020. Because the global pandemic is not yet under control, we might face some challenges this semester.

Many of you will be dealing with economic stress, work disruptions, caretaking responsibilities, and the like. If you feel like you cannot complete assignments or exams on time, please let me know as soon as possible. I am flexible and will do my best to help connect you with any resources you might need.
If you do experience a COVID-related disruption, I expect that you will contact me to review missed coursework and arrange a timeline and plan for completing that work. If you are not able to make up missed coursework by the end of the semester, we may need to consider options that may include a medical withdrawal or incomplete for the semester. Be assured that I will do what I can to work with students to facilitate their successful completion of the course.

**COURSE SCHEDULE**

1/25  Welcome and general class information

   Read the course syllabus.

1/27  The Foundations of American Law


2/1   The Federal Judiciary I: Organization and Structure


2/3   The Federal Judiciary II: The Supreme Court


2/8   State Judiciaries I: The Lay of the Land


2/10  State Judiciaries II: Problem Solving Courts


2/15  State Judiciaries III: Massachusetts

Spend some time browsing this website: https://www.mass.gov/orgs/massachusetts-court-system

2/17 Federal Judicial Selection I


2/22 No class: Monday class schedule to be followed

2/24 Federal Judicial Selection II


3/1 State Judicial Selection I

3/3 State Judicial Selection II


3/8 Catch up and review for midterm examination

3/10 Midterm Examination

3/22 Police


3/24 Lawyers I: Legal Education

Reform Paper Proposals Due

3/29 Lawyers II: The Work of Lawyers


3/31 Social Movements


4/5 Judicial Policy Making I


4/7 Judicial Policy Making II


4/12 Juries I


4/14 Juries II

4/19 Criminal Trials I


4/21 Criminal Trials II


Reform Papers Due

4/26 The Carceral State


4/28 Civil Disputes


Last day to submit extra credit.

5/3 Catch up and review for final examination

TBA: Final Examination

Grade Policies
Please contact the professor with any questions or problems you may have with the class material. If you have concerns regarding your progress in the class, please contact the professor as soon as possible to help address ways to improve your mastery of the course material. The sooner you contact me regarding concerns, the more I can help you.
Grade Determination
Students’ grades will be available on the course’s Moodle page. Please make checking the Moodle Gradebook a regular part of your participation in the course and let the graduate student grader know immediately if you believe that something has gone wrong with recording grades.

Final grades will be computed on the following basis:

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\begin{align*}
94-100\% & = A \\
90-93\% & = A- \\
86-89\% & = B+ \\
83-85\% & = B \\
80-82\% & = B- \\
76-79\% & = C+ \\
73-75\% & = C \\
66-69\% & = D+ \\
60-65\% & = D \\
< 60\% & = F
\end{align*}
\]

In determining your final letter grade for the course, your final numerical grade will be rounded up to the next highest whole number if it is greater than or equal to 0.5. Individual assignments will not be rounded.

Grade Disputes
A great deal of time is invested in grading student assignments. If a student wishes to dispute a grade, they must do so in writing. Students must articulate a clear explanation as to why they feel a different grade is in order, as well as what grade they believe to be more representative of their work. Merely “wanting” or “need”ing a higher grade is not a sufficient reason. Students should also note that if work is reviewed for a grade dispute, the entire work is reviewed, not simply the specific aspect being disputed by the student. All grade disputes are due in writing to the graduate student grader within five calendar days after the grade for the assignment is posted on Moodle. Grade disputes will not be considered if submitted past the five calendar day statute of limitations.

Other Course Policies and Procedures

COVID Safety
For the health and safety of all members of our campus community, students are expected to follow all COVID-related policies on campus. At the start of the Spring 2022 semester, there are two policies in effect that deserve special mention. First, students are required to follow the COVID-19 Daily Self-checklist. Students who are unwell must not attend class, and they will be offered reasonable accommodations for missed work. If you miss class, you can view the lecture on the course’s Moodle page through Echo360. Second, students must follow the masking policy while it remains in effect. Everyone should use a higher-grade mask, such as KN95, KF94, or N95, or double-mask. Cloth masks and gaiters are not effective in limiting the spread of Omicron and should only be used in double masking, with a close-fitting surgical mask underneath. Masks with vents should not be worn. If you are unwilling to mask, you will be asked to leave the classroom. If you do not leave the class, the instructor will end the class, and the Dean of Students office will be informed that you have disrupted class and violated the Guidelines for Classroom Civility and Respect. Anyone with a mask exemption must provide prior written notice to the instructor and must maintain at least six feet of distance from faculty and other students at all times.

Email
Email is the preferred means of communication for the professor and the graduate student grader outside of student hours. When you email the professor or the graduate student grader, remember that this is equivalent to a professional communication that you would have with your boss so you
need to follow some basic rules. First, insert the course title and number (Legal 297BL: Bias in the American Legal System) into the subject line of your message. Second, plainly identify yourself and articulate the content of your message clearly. This means you should not use text message speak. Finally, before you email the professor or the graduate student grader, you should review the syllabus and the course’s Moodle page. It is very likely that you can find an answer to your question(s) there. During the work week I do my best to respond to emails within 24-36 hours.

Moodle and other IT issues (a.k.a. The graduate student grader and the professor are not tech support)
Students are responsible for all materials and announcements posted on Moodle (https://umass.moonami.com/). If I need to correspond with the entire class or make an announcement, I will use the Moodle email and announcement function, so do not ignore these emails.

If you are having trouble with Moodle, UMass IT User Services is available to assist students through live chat, email, phone, and an online ticketing system. Contact information is available on the UMass IT Get Help page. The professor and graduate student grader will not be able to assist you with problems related to Moodle.

Attendance
Though attendance at the lectures is not required, I strongly encourage you to attend each lecture as I will cover material that is not discussed in the course materials (and will appear on the exams). If a student misses a lecture session, they can view the lecture on the course’s Moodle page through Echo360.

Cell Phones
To minimize distractions, students are prohibited from using their cell phones during class, regardless of whether they are used for calling, surfing the web, playing games, or for text messaging purposes. Cell phones should be turned to silent mode or turned off and stowed away at all times in the classroom.

Laptop Computers
Students are free to use laptop computers for notetaking purposes. If a student is discovered using their laptop for any other purposes, such as surfing the internet, that student will forfeit the opportunity to use their laptop for the remainder of the semester. I also want to draw your attention to the following article, reviewing studies that suggest using laptops in class may actually inhibit learning for both the person using the laptop and those sitting nearby: https://www.nytimes.com/2017/11/22/business/laptops-not-during-lecture-or-meeting.html

Make-Up Policies
Students are expected to complete all assignments by the due date and take all examinations at the scheduled times. Make-up exams will be permitted only under the severest of circumstances. As a general rule, make-up exams will not be offered. In order to be eligible for a make-up exam, students must present the Professor with written documentation verifying a legitimate reason for their absence. According to UMass, legitimate reasons include cases of verifiable illness (doctor’s note required), a death in the immediate family, jury duty, military service, and religious holidays. Students must present this documentation to the Professor no later than five calendar days following the missed examination. Failure to present the Professor with documentation within five calendar days
following the missed examination makes a student ineligible to take a make-up examination. Make-up examinations will take place the week before finals week (April 28-May 5). Students should be aware that the make-up exam, if allowed, may not be the same as the original examination. While the material to be tested will stay the same, the exact questions may differ. There will be no opportunity to take a make-up exam in place of the final examination.

**Decorum**
The university environment is a wonderful place for the exchange of the ideas and this course is no exception. Learning includes being open-minded and respectful of ideas that are different than yours and may challenge your existing beliefs. This course includes discussion of controversial topics on which not everyone will agree. While I strongly encourage students to express their thoughts during class, it must always be done in a spirit of respect and courtesy. If a student is unable to conduct themselves in a way that is conducive to a learning atmosphere, that student will be asked to leave. This includes demonstrating respect for your fellow students, as well as for the professor and graduate student grader.

**Academic Integrity**
Since the integrity of any institution of higher education requires honesty in scholarship and research, academic honesty is required of all students at the University of Massachusetts Amherst. Academic dishonesty is prohibited in all programs of the University. Incidents of academic dishonesty will result in a failing grade for the class and further penalties per the University’s judicial process. Academic dishonesty includes but is not limited to: cheating, fabrication, plagiarism, and facilitating dishonesty. Since students are expected to be familiar with this policy and the commonly accepted standards of academic integrity, ignorance of such standards is not sufficient evidence of lack of intent.

Read the [University of Massachusetts Amherst Academic Honesty Policy](#)

As a condition of continued enrollment in this course, you agree that all required assignments will be submitted electronically through Moodle to be scanned by Turnitin for textual comparison or originality review for the detection of possible plagiarism. Turnitin scans all papers and is very good at detecting phrases borrowed from sources without attribution, or from other students. All submitted assignments will be included in the UMass Amherst dedicated database of assignments at Turnitin and will be used solely for the purpose of checking for possible plagiarism during the grading process and during this term and in the future. Lack of knowledge about proper citation procedure does not excuse academic dishonesty. If you have any questions about what constitutes academic misconduct, ask. Better to be safe than sorry!

**PowerPoint Slides**
PowerPoint slides will be made available to students on the course’s Moodle page no later than the day preceding the lecture at which the slides will be discussed. I recommend that you bring the slides with you to class to facilitate notetaking.

**Copyright, Note Selling, and Recordings**
My lectures and course materials, including PowerPoint presentations, assignments, tests, outlines and similar materials are protected by U.S. copyright laws and by university policy. I am the exclusive owner of the copyright in materials I create. You may take notes and make copies of course materials for your own use in this class. You may also share those materials with another
student who is registered and enrolled in this course. You may NOT reproduce, distribute, upload, or display any lecture notes or recordings or course materials in any other way – whether or not a fee is charged – without my express written consent. If you do so, you may be subject to disciplinary action under the UMass Code of Student Conduct. This does not pertain to accommodations under the Americans with Disabilities Act (ADA), although recordings or sharing of course materials and notes for ADA accommodations should not be distributed beyond the students receiving the accommodations. Students may not record this course, or distribute recordings of this course, without the permission of the instructor.

Name and Pronouns
Everyone has the right to be addressed and referred to by the name and pronouns that correspond to their gender identity, including the use of non-binary pronouns (such as “they/them”). Class rosters have a student’s legal first name, unless they have entered a preferred/chosen first name on Spire. You may also enter your preferred pronouns on Spire (a student is not obligated to provide their pronouns, though). A student’s chosen name and pronouns should be respected at all times in the classroom.

Disability Accommodations
The University of Massachusetts Amherst is committed to making reasonable, effective and appropriate accommodations to meet the needs of students with disabilities and help create a barrier-free campus. If you have a disability and require accommodations, please register with Disability Services to have an accommodation letter sent to the professor.

Information on services and materials for registering are also available on the University of Massachusetts Amherst Disability Services page.

If you are a student who speaks English as a second or additional language, please see me if you anticipate or encounter any difficulties with the reading and writing requirements of this course.

Other Health Services
The University has a number of supports to help increase student success across a variety of topics. Resources for students include:
- University Health Services
- Center for Counseling and Psychological Health
- Campus Health and Safety

Writing Center
The Writing Center is located in W. E. B. Du Bois Library and provides free support on any writing you do while at UMass, whether for a course or not. Trained tutors are available to work with you (in person or online) as you plan, draft, and revise your writing. Please visit www.umass.edu/writingcenter for hours and information about making appointments. If you have questions about the UMass Writing Center, please email writingcenter@acad.umass.edu or call 413-577-1293.

You can also contact The Learning Resource Center (LRC) for academic support.

STIPULATION
I reserve the right to change this syllabus as I see fit at any point in the semester.