THE JUDICIAL PROCESS
University of Utah, College of Law
Fall Semester 2011

Instructor: Carolyn B. McHugh,
Associate Presiding Judge,
Utah Court of Appeals

Time: Monday Evenings
5:25 to 7:25 p.m.

Place: Room 107

Office: Matheson Courthouse, 5th Floor
450 South State Street
SLC, UT 84111

Office Hrs: By Appointment or Before or After Class

Telephone: (801) 578-3900

Email: jmchugh@email.utcourts.gov

Course Description:

This is a two credit class that is intended to compliment your judicial placement. Each student is required to submit a written paper, five to ten pages in length, on a topic approved by Judge McHugh, and to present a ten to fifteen minute summary of the same topic to the class.

Assigned Readings:

Class discussion will be based on reading assignments available on-line as indicated in this course description. Due to the fact that this is only a two hour class, the reading assignments are not extensive. You are expected to have read what is assigned and to participate in the classroom discussions on the week's topic.

Guest Presenters:
During some class sessions, persons involved in various aspects of the judicial process will share their experience with the class. Students are expected to be attentive and respectful during these presentations. Relevant questions are welcome and encouraged.

**Grading:**

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<tr>
<td>Attendance:</td>
<td>5%</td>
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<td>Classroom Participation:</td>
<td>15%</td>
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<td>Oral Adjudication Report:</td>
<td>20%</td>
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<td>Written Paper:</td>
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<td>Class Presentation of Paper:</td>
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<td><strong>TOTAL</strong></td>
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**COURSE OUTLINE**

**August 29:** Course Overview; Writing Assignment Topics; and The Structure of the State and Federal Courts of Utah

**Assigned Reading:**

Utah State Courts at courts.uslegal.com/state-courts/utah-state-courts/


**September 5:** No Class
September 6: (TUESDAY) Federalism

Assigned Reading:


Guest Speaker:

John L. Fellows, General Counsel for the Utah Legislature

September 12 Judicial Review

Student Presentation: Scott Weight: Judicial Selection

Assigned Reading:

United States Constitution, article III at http://www.constitution.org/constit_.htm

Federalist Paper #78 at http://www.constitution.org/fed/federa78.htm

Anti-Federalist # 15 at http://www.constitution.org/afp/brutus15.htm

Guest Speaker:

Senator Stephen Urquhart, Utah Senate, R-St. George

September 19 Theories of Constitutional Interpretation
Student Presentation: Meghan Sheridan: The Impact of Illegal Immigration on the State and Federal Courts

Assigned Reading:


Constitutional Interpretation the Old Fashioned Way, Justice Antonon Scalia at http://www.cif.org/htdocs/freedomline/current/guest_commentary/scalia-constitutio nal-speech.htm

Guest Speaker:

Justice Matthew B. Durrant, Utah Supreme Court

September 26 Judicial Selection

Student Presentation: Anetta Pietrzak: The War on Drugs, Are We Winning?

Student Presentation: Jared Forsgren: Mandatory Minimum Sentences

Assigned Reading:


Guest Speakers:

Judge Fred Voros, Utah Court of Appeals
October 3  Ethical Constraints On Judicial Officers//Retention Elections

Student Presentation: Ryan Beckstrom: The Death Penalty: Pros & Cons

Student Presentation: Spencer Hall: The Impact of the Economic Crisis on Indigent Defendants.

Assigned Reading:

Cannons 1-5 of the Utah Code of Judicial Conduct at http://www.utcourts.gov/resources/ethadv/anncanon.htm

Guest Speaker:
Brent A. Johnson, General Counsel, Administrative Office of the Courts
Joanne C. Slotnik, Executive Director, Judicial Performance Evaluation Commission

October 10  (No Class)

October 17  Judicial Conduct and Discipline in the State Courts

Student Presentation: Bebe Grill: The Role of Tribal Courts in the American Judicial System
Student Presentation: Alex Jacobson: The Challenges of Seating and Maintaining an Impartial Jury in High-Profile Cases in the Age of the Internet

Student Presentation: Jamie Banks: Plea Bargains: Could the Courts Function Without Them and Are They Fair?

Assigned Reading:

Utah Constitution, art. VIII, § 13 (Judicial Conduct Commission)  
http://le.utah.gov/~code/const/const.htm

Utah Judicial Conduct Commission Annual Report FY 2010 at  

In re Judge Anderson, 82 P.3d 1134 (Utah 2004).  
http://www.utcourts.gov/opinions/supopin/inrein012304.htm

Guest Speakers:

Lois Richins, Member, Judicial Conduct Commission

Ronald R. Russell, Parr, Brown, Gee & Loveless  
Chairperson, Judicial Conduct Commission

October 24 The Role Our Trial Courts

Student Presentation: Lauren Hosler: The Ethical Concerns of Judicial Elections

Student Presentation: Mary Martinez-Spainhour: The Proper Role of the Victim in the Criminal Justice System


Assigned Reading:


**Guest Speakers:**

Judge Dale A. Kimball, United States District Court for the District of Utah

Judge Tyrone Medley, Third District Court, State of Utah

**October 31**

**The Role of The Appellate Courts**

**Student Presentation:** Peter Robson: The Juvenile Justice System: How to Prevent Juvenile Delinquents From Becoming Adult Offenders.

**Student Presentation:** Steven Black: Is the U.S. Too Litigious?

**Student Presentation:** Michelle Kennedy: The Impact of Race on Criminal Justice.

**Assigned Reading:**


**November 7**

**Utah's Juvenile Court System**

**Student Presentation:** Vivianne Mbaku: The Propriety of Forcing Medication on the Mentally Ill.
**Student Presentation:** Adrienne McKelvey: Our Prisons: What if Any Obligation Does the Government Have to Keep Prisoners Safe From Each Other?

**Student Presentation:** Laurie Abbott: Access to Legal Representation: Are You Rich Enough or Poor Enough to Get a Lawyer?

**Assigned Reading:**


**Guest Speakers:**

Judge Kimberly K. Hornak, Third Judicial District Juvenile Court, State of Utah

Judge Dane Nolan, Third Judicial District Juvenile Court, State of Utah

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**November 14**  
**Innovations In Jurisprudence: Drug Court/Mental Health Court**

**Student Presentation:** Sam Johnston: Alternative Dispute Resolution

**Student Presentation:** Traci Brinkerhoff: TBA

**Assigned Reading:**

Mental Health Initiatives in the Criminal Justice System

An Alternative to Incarceration at

Guest Speakers:

Judge Judith Atherton, Third Judicial District Court, State of Utah

Judge Michele Christiansen, Utah Court of Appeals

Judge Dennis Fuchs, Third Judicial District Court, State of Utah (Retired)

November 21  Student Presentations

Student Presentation: Adam Revelli: The Tension Between Post-Conviction Remedies and the Need for an End to the Appeals Process.

Student Presentation: Paige Alsbury: Science and the Courts What Does the Constitution Mean on Things the Framers Likely Never Imagined?

Student Presentation: Brandon Dalley: Child Welfare: The Tension Between the Constitutional Right to Parent and the State’s Interest in Assuring that Children Become Healthy Well-Adjusted Adults.


Student Presentation: Nathan Marigoni: Eyewitness Identification: What Precautions, If Any, Should Be Imposed On Its Use At Trial?

November 28  (LAST CLASS)  Student Presentations

Student Presentation: Josh Ostler: Pro se Litigants: Challenges & Solutions
**Student Presentation**: Douglas Crapo: Pro Se Litigants: The Tension Between Judicial Neutrality and Accommodation.

**Student Presentation**: Corey Sherwin: TBA

**Student Presentation**: Blair Wardle: Eyewitness Identification: Jury Perception v. Social Science Data

**Student Presentation**: Nathan Dorsey: TBA