

PSC 370-1: American Judicial Politics
Fall 2021 ICB 208
Tu Th 4.00pm – 5.50pm

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Office Hours: Tu Th 2.45pm – 3.45pm; W 11.00am – 12.00pm & 1.00pm – 3.00pm; all on Zoom via calendly.com/wmyersut; additional hours by appointment.

Course Description:

The purpose of this course is to familiarize the student with the organization of American courts, both state and federal, their role in society, the processes in practice through which judges act, and their impact on politics. We will also compare the reality of how judges behave to society's myths and expectations about how they should function as well as the limits of what can and should be expected of courts and judges. A central theme will be to analyze judges as political players who have a profound impact on the development and implementation of public policy.

Course Objectives:

At the end of the semester all students should have:

- Gained the knowledge and ability to discuss the role of politics in the structure and operation of federal and state judicial systems.
- Experience navigating a database and learned how to identify variables to engage the research process.
- Utilize online and print sources to collect and create relevant variables.
- Used R to code and visualize dependent and independent variables and conduct statistical analyses.
- Evaluated hypotheses and assessed findings with respect to dominant theories of judicial decision-making.
- Demonstrated their command of both data analysis and substantive information through a presentation.
- The ability to discuss how the United States Supreme Court and other lower court judges make judicial decisions.

Required Texts:

(JTW) Bonica, Adam and Maya Sen. 2021. *The Judicial Tug of War: How Lawyers, Politicians, and Ideological Incentives Shape the American Judiciary*. New York, NY: Cambridge University Press.

In addition to the required text, there are selected articles and chapters posted on Blackboard that are required reading.

Course Requirements:

You are expected to attend every class meeting. You are expected to read everything assigned on the syllabus. This means you are to complete the assigned reading prior to each class meeting. You are expected to speak and participate at every class meeting. Visiting me during office hours to discuss issues from the reading or raised during class is a very good idea. If you attend class, are prepared for class, and you participate then you will have set yourself up to do very well in the course. If you do not do these things, then you will not do well in this course.

You will be evaluated based on your performance in three areas: participation, data lab assignments, and a final examination.

Participation – 10%

Data Lab Assignments – 70%

Examination – 20%

Participation (10%)

Every student is expected to actively engage in class discussions. This course covers a wide variety of topics that have strong connections to current issues and events in the world. I will frequently use the discussion of those events and issues to enhance and deepen our class discussions and I encourage each of you to think through and seek out those connections and examples as well. You will be challenged, you will have to learn to express your beliefs, and engage in debate constructively.

Many of you may not feel comfortable expressing your thoughts in a group setting for a variety of reasons. If you are anxious or nervous, the best way to overcome this is by practicing doing it. If you're afraid of saying something wrong, don't be. Failure is good. Failing quickly is even better. This is how we learn. If you're not sure your thoughts are shared by others, then it's even more important for you to share them. Diversity of opinion is critically important because this is how knowledge is advanced. Your thoughts are different than mine because of the differences in our experiences and our knowledge base. Most significant advancements in science and knowledge are related to thinking about an idea in a slightly different way than the way it has been thought of previously. If you don't share your thoughts, then we will not grow.

Below I detail exactly how participation will be graded. Note that reading is a necessary precursor towards discussion, you can't participate unless you attend class!

| Grade | Participation | Discussion | Reading |
|-------|---------------|---|--|
| 9-10 | Always | Excellent—leads debate; offers original analysis and comment; uses assigned reading to back up arguments. | Clearly has done and understands virtually all reading; intelligently uses this understanding in discussion. |

| | | | |
|-----|---------------|--|---|
| | | Valuable comments in virtually every class meeting. | |
| 7-8 | Almost Always | Good—thoughtful comments for the most part; willing, able, and frequent contributor. | Has done most reading; provides competent analysis of reading when prompted. |
| 5-6 | Frequent | Fair—has basic grasp of key concepts; arguments sporadic and at times incomplete or poorly supported. | Displays familiarity with most reading, but tends not to analyze it or explore connections between different sources. |
| 3-4 | Occasional | Not good—remarks in class marred by misunderstanding of key concepts; only occasionally offers comments or opinions. | Actual knowledge of material is outweighed by improvised comments and remarks. |
| 0-2 | Rare | Poor—rarely speaks, and parrots readings when put on the spot to offer an opinion. | Little to no apparent familiarity with assigned material. |

Data Lab Assignments (70%)

One of the most important resources for scholars of judicial politics in the United States is The Supreme Court Database (<http://scdb.wustl.edu/index.php>). The database contains information on all cases heard from the United States Supreme Court from 1946 through 2020. The database will be used to investigate the role that political ideology and social background characteristics play in affecting how the justices make decisions across a range of issue areas. You will use this database to test and evaluate several of your own hypotheses as well as theories of judicial decision-making. We will do all our work in R. There are four designated LAB days designated on the schedule where we will spend class working through the main activities. Specific instructions, requirements, and due dates for each of the assignments will be uploaded to Blackboard separately.

There are five main activities that will be assessed: (1) Data Collection; (2) Coding Variables; (3) Summary Statistics; (4) Regression Analysis; and (5) Presentation. Activities 1-4 will be worth 15% each and Activity 5 will be worth 10% of your respective course grade.

Data Lab Assignments will be submitted via Blackboard. Please note that uploading a document may encounter some technological difficulties so plan ahead and make sure you have enough time to submit. Make sure to click through until you have confirmation of submission! All

activities must use 12 point Times New Roman font, standard margins (1” top-bottom, 1” left-right), double spaced, and include page numbers. Submissions require citations in either CMS, APA, or MLA citation styles (https://owl.purdue.edu/owl/research_and_citation/resources.html), a title page, and a reference section. There is a difference between a reference and a citation! A citation tells a reader where information comes from; you cite or refer to a source of information. A reference tells the reader details about the source so that they have a clear understanding of the kind of source it is and could find the source themselves. Lab activity submissions that do not meet all of the formatting requirements will not be accepted and will be graded as a zero. Memorandum are due at the beginning of class (within 5 minutes of class starting) of the due date identified in the syllabus. Emailed submissions will not be accepted. Late Data Lab Assignments will not be accepted unless the scheduled absence policy provisions are met and approved by the instructor.

Examination (20%)

The Final Exam will be scheduled during this course’s final exam period, **Tuesday December 14 3.45pm-5.45pm**, and will be due by the end of the exam period. The exam is cumulative, which means all material covered throughout the semester is expected to be utilized. The Final Exam must be submitted via Blackboard; emailed submissions and late submissions will not be accepted and will receive a zero.

The final exam must use 12 point Times New Roman font, standard margins (1” top-bottom, 1” left-right), double spaced, include page numbers and a title page. References and citations are required. I suggest creating a reference page that includes all of the assigned course materials prior to the final exam. Exam submissions that do not meet all the formatting requirements will not be accepted and will receive a zero. Evidence of collusion with another student on any examination will be considered evidence of cheating and will result in a zero.

Grade Scale:

| Letter Grade | Meaning | Numeric Scale | GPA |
|--------------|-----------------|---------------|-----|
| A | Outstanding | 92-100 | 4.0 |
| A/B | Excellent | 89-91 | 3.5 |
| B | Very Good | 82-88 | 3.0 |
| B/C | Good | 79-81 | 2.5 |
| C | Average | 72-78 | 2.0 |
| C/D | Below Average | 68-71 | 1.5 |
| D | Passing | 60-67 | 1.0 |
| F | Failure | Below 60 | 0.0 |
| NF | No show/Failure | | |

Rules, Protocols, Etiquette and General Advice:

Syllabus Subject to Change:

This syllabus is informational in nature and is not an express or implied contract. It is subject to change due to unforeseen circumstances, as a result of any circumstance outside the University’s control, or as other needs arise. If, in the University’s sole discretion, public health conditions or any other matter affecting the health, safety, upkeep or wellbeing of our campus community or operations requires the University to make any syllabus or course changes or move to remote

teaching, alternative assignments may be provided so that the learning objectives for the course, as determined by the University, can still be met. The University does not guarantee that this syllabus will not change, nor does it guarantee specific in-person, on-campus classes, activities, opportunities, or services or any other particular format, timing, or location of education, classes, activities, or services.

Exposure to or Diagnosis of COVID-19:

What to do if you have an exposure or diagnosis of COVID-19? If you have been diagnosed with COVID off-campus, please confidentially report this to UT's local contact tracers Rapid-Trace, so they can confidentially notify anyone else who may have been exposed, provide you resources, work with you on isolation/quarantine guidelines, and arrange notification to your professors as needed. Students can contact Rapid-Trace at (813) 699-3551, or selfreport@rapid-trace.com. Rapid-Trace can be reached daily from 7 a.m.-9 p.m., with after-hours voicemail. If you are diagnosed with COVID at the Dickey Health and Wellness Center - Rapid-Trace will contact you.

Types of Close Contact that will be traced:

There are three types of contact that Rapid Trace contact tracers will look for when a case has been identified:

- Physical contact – touching without protection
- Close contact – within 6 ft. for 15 minutes or more
- Proximate contact – More than 6 feet-but in the same room for an extended period (an hour or more). However, if students, faculty and staff were wearing masks and are 6ft or more apart then they would NOT be considered close contacts, regardless of class time or time in a room together.

Please remember that these are general guidelines, and it is important to always follow UT's Spartan Shield directives for health and safety.

If you are unvaccinated and feel you have been exposed to COVID and have not been contacted by Rapid Trace, please confidentially report the exposure to get assistance and guidance.

Title IX & Reporting Sexual Misconduct:

Sexual misconduct, including, but not limited to: acts of sexual harassment, nonconsensual sexual intercourse, nonconsensual sexual contact, dating violence, domestic violence, stalking, gender-based harassment or sexual exploitation are prohibited by Title IX, the Student Code of Conduct and other University policies.

The University strives to maintain a safe and nondiscriminatory campus community, and to do so, it is important for the Spartan community to report any safety concerns, such as acts of sexual misconduct. If you experience or witness any of these University prohibited actions, the University encourages reporting these matters, so that the University is able to take prompt action to stop, prevent and remedy the effects of the harassment. University resources and grievance procedure information will be provided to individuals who may seek services or redress.

There are many options to making a Title IX/Sexual Misconduct report. You may report this information through the University's online [Title IX Report form](#).¹ The information will be forwarded and reviewed by the Title IX Coordinator or a Title IX Deputy Coordinator, who will contact you to provide further information on University grievance procedure options and resources that are available.

You may also make a direct report by contacting the University's Title IX Coordinator:
Kelsey San Antonio, Title IX Coordinator
Southard Family Building Suite #266
(DPopovich@ut.edu) (813)-257-3748

If you decide to discuss an incident with your course professor, it is important to note that they are considered a Responsible Employee, and are obligated to report the information you share to the University's Title IX Coordinator.²

If you are not ready to disclose or report this information to the University, you may disclose the information to a confidential party, such as a Victim Advocate, or a Counselor or Health Clinician at the Student Health and Wellness Center³, to discuss any further options and resources available before making a decision to report.

- The Victim's Advocacy Hotline: (victimadvocacy@ut.edu) (813) 257-3900.
- Health and Counseling Center (healthcenter@ut.edu) (813) 253-6250
- Dickey Health & Wellness Center (wellness@ut.edu) (813) 257-1877

For more information, see The University of Tampa's [Title IX webpage](#)⁴ and the [Student Code of Conduct](#)⁵ webpage.

ADA Statement:

Students with disabilities: If you require accommodations because of a disability, please call (813) 257-5757 or e-mail disability.services@ut.edu for information on registering with Student Disability Services. You can also submit your request for accommodations and supporting documentation via an [Accommodation Request](#)⁶. Please feel free to discuss this with me in private for more information.

If you encounter disability-related barriers accessing the online content for this course, please contact Sharon Austin, Academic Technology Accessibility Specialist, at saustin@ut.edu. If the initial access to the content cannot be resolved, the university will provide individuals with

¹ https://ut-advocate.symplicity.com/titleix_report/index.php/pid419524?

² There is an exception to this required reporting for preventative education programs and public awareness events or forums. For more information about exempt events, please contact the Title IX Office.

³ A disclosure to a Dickey Health and Wellness Center Counselor or Medical clinician is only confidential when the disclosure is within the course of mental or medical health treatment and services.

⁴ <https://www.ut.edu/about-ut/university-services/human-resources/title-ix->

⁵ <https://www.ut.edu/campus-life/student-services/office-of-student-conduct/student-code-of-conduct>

⁶ https://ut-accommodate.symplicity.com/public_accommodation/

disabilities access to, and use of, information and data by an alternative means that meets the identified needs.

Campus Closure Statement:

Course interruption due to adverse conditions: In case of any adverse condition or situation which could interrupt the schedule of classes, each student is asked to access [UT Homepage](#)⁷ for information about the status of the campus and class meetings. In addition, please refer to [UT Blackboard](#)⁸ for announcements and other important information. You are responsible for accessing this information.

Academic Integrity Statement:

The University of Tampa is committed to the development of each student to become a productive and responsible citizen who embraces the values of honesty, trust, fairness, respect, and responsibility. Upholding academic integrity and promoting an ethical standard that does not condone academic misconduct is an important demonstration of these values and underpins how we live and learn in a community of inquiry. Students are expected to act ethically in the pursuit of their education and to avoid behaviors that run counter to participation in and demonstration of their learning. The [Academic Integrity Policy](#)⁹ lists several common types of violations related to cheating, unauthorized collaboration or assistance, plagiarism, and more. While the policy lists common violations and examples, it is not an exhaustive list and instructors may identify other types of conduct that impacts their ability to evaluate what has been learned substantively enough to constitute a violation of this policy. An instructor may impose a wide range of sanctions for academic integrity violations from completing a more difficult replacement assignment to an F in the course. Particularly severe violations or multiple violations throughout a student's academic career may result in suspension or expulsion from the University.

Face Coverings/Masks:

To reduce the risk of becoming infected with COVID-19 variants and potentially spreading to others, the [CDC recommends](#)¹⁰ that all individuals, including those that are fully vaccinated, wear a mask in public indoor settings if they are in an area of substantial or high transmission. UT community members are required to wear face masks indoors on campus, regardless of vaccination status when deemed necessary by the University. Exceptions are permitted when actively eating or drinking, participating in athletic practices and contests, and within selected courses within the fine arts. Instructors and podium presenters who are vaccinated and physically distanced from the audience may remove their masks for the duration of their presentation.

⁷ <http://ut.edu>

⁸ <https://utampa.okta.com>

⁹ <http://ut.smartcatalogiq.com/en/current/catalog/Academic-Policies-and-Procedures/Academic-Integrity-Policy>

¹⁰ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>

As with all COVID related regulations, the requirement for face masks will be periodically reviewed and may be adjusted based on local transmission rates. The hope is that an increase in vaccination rates will slow transmission significantly.

All face coverings, whether disposable or reusable, must

- be made with at least two layers of breathable material;
- fully cover the nose and mouth and secure under the chin;
- fit snugly but comfortably against the side of the face; and
- be secured with ties or ear loops, allowing one to remain hands-free.

Based on guidance from health authorities, the following are *not* acceptable face coverings: neck gaiters, open-chin triangle bandanas, and face coverings containing valves, mesh material, or holes of any kind. Unless a face shield is coupled with a face mask, it is *not* considered an acceptable masking practice on campus.

Failure to wear a mask will mean that one cannot enter a building nor attend class. Refusal to wear a mask within the classroom is considered disruptive behavior and will be handled through the classroom disruption policy. Refusal to wear a mask in other settings will be handled through Student Conduct or Human Resources if faculty or staff.

Class Disruption Statement:

Disruption policy: Every student has the right to a comfortable learning environment where the open and honest exchange of ideas may freely occur. Each student is expected to do his or her part to ensure that the classroom (and anywhere else the class may meet) remains conducive to learning. This includes respectful and courteous treatment of all in the classroom. According to the terms of the University of Tampa Disruption Policy, the professor will take immediate action when inappropriate behavior occurs. Details of the policy may be found at [Disruption of the Academic Process](#)¹¹.

Eating and Drinking:

Eating will not be allowed in class due to face mask requirements. Drinking is allowed, but masks must be replaced immediately. Preferably, you should leave the classroom to remove your mask to have a drink.

Mobile Devices:

Please turn off your phone (airplane mode or silent). The use of a phone or mobile device is not allowed in class.

Computers:

No laptops or tablets will be allowed in class except on Lab designated dates. Studies consistently demonstrate that students learn less when laptops are used for note taking. Here is an example of one such study if you are curious: Mueller, Pam A. and Daniel M. Oppenheimer.

¹¹ <http://ut.smartcatalogiq.com/en/current/catalog/Academic-Policies-and-Procedures/Disruption-of-the-Academic-Process>

2014. “The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking.” *Psychological Science* 25(6): 1159-1168.

Recordings:

Audio recordings are not permitted unless previously arranged and the proper forms have been signed and registered with the University.

Mental Health Counseling:

College can be a stressful time in a young person’s life and if at some point during your time at UT you begin to feel depressed or out of control for any reason you should know you are not alone and help is available to you. Mental health counselors are available to you through the Counseling Center at 111 North Brevard Ave (at the Dickey Health and Wellness Center) or you can call 813.253.6250. All students are allowed up to six free consultations per semester with licensed professionals. The time to deal with mental health issues is when they arise.

Academic Assistance:

The Academic Center for Excellence in North Walker Hall offers free peer tutoring, academic skills courses, national testing services and services for students with disabilities. If you think any of these services might be useful for you, I strongly recommend seeking out more information.

Saunders Writing Center:

Tutors are available in the writing center to assist you in all aspects of your writing. It is strongly suggested that all students, not just students who are having problems, to take full advantage of the tutors in the writing center, 323 Plant Hall (Phone: 813.253.6244). You can call or go by in person to make an appointment.

Office Hours:

Office hours are designated times all faculty set aside each week specifically for students to visit them. These hours are your chance to come by and ask questions about the course material, about college in general, or just chat so we can get to know each other. I will be holding office hours virtually on Zoom. Please use Calendly (calendly.com/wmyersut) to sign-up for a 15-minute meeting time with me. I am also happy to meet with you outside of designated office hours, but my availability may be limited and must be scheduled in advance.

Many students come to office hours after an assignment or exam to ask how they could have done better or ask prior to an exam “what do I need to know?” Office hours are most helpful to students if you have done some studying or attempted a problem before coming to my office and discovering for yourself what you need help with. When you come in with substantive questions about the course material, I can explain a concept a different way or help you work through a problem.

Email:

Treat emails to me as a professional communication. Use a clear subject line. Use a salutation and signature. Use standard punctuation, capitalization, spelling and grammar. Please refer to

the instructor as ‘Professor’ or ‘Dr.’ Be aware that how you communicate is a reflection of the image that you want to project.

I try to respond to all student emails in a timely fashion – this does not mean immediately. I will make every effort to respond within 24 hours during the week and within 48 hours on the weekend.

Consider what questions are appropriate for email and if a particular question would be best left for class or office hours. I will be more than happy to answer whatever I can over email, but also understand if I require an in-person response.

Do not email me assignments unless I specifically tell you to do so. I will not accept emailed assignments as they can be frequently lost, attachments can be corrupted or not attached at all.

Please consult the syllabus for questions relating to the schedule, due dates, submission requirements, or class structure. Be resourceful.

You must communicate with me via your UT email. I cannot acknowledge or respond to any email communications from other email. I cannot be certain emails are from you unless it comes from your UT address.

Attendance Policy and Excused Absences:

The [University of Tampa has a General Attendance Policy](#) in the Catalog. As stated, students are expected to attend class and academic programs and individual faculty may require specified levels of attendance for successful completion of a course. However, the University has identified specific types of absences as either excused or unexcused absences. Students should be aware of each type of absence and the impact on their ability to complete work that was missed during their absence.

Faculty must be notified of scheduled excused absences in advance in order for students to receive accommodation for work missed. The type of absence must fall within the categories specified in the catalog and the faculty member may determine how far in advance notification must be provided.

Certain types of unscheduled absences may also qualify as excused. Faculty may require documentation or verification. This would include isolation or quarantine due to COVID.

The policy requires faculty to accommodate excused absences, including graded work, in a fair manner. This is determined by the faculty member and is dependent on the structure of the course and what work was missed. This may include replacement of work with something equivalent or having the work excluded from the student’s grade. Faculty are NOT required or expected to provide accommodation through remote access to the class or by providing a recording of the class session.

Faculty may determine that a student has missed too much participant-dependent work to successfully accomplish learning outcomes, even if the absences meet the criteria for excused absences.

Faculty are not required to allow a student to make up work missed due to unexcused absences.

Questioning Grades:

Grades are not my personal opinion but are a professional evaluation of your work. I do my best to communicate expectations as well as provide comments on assignments that point out areas where you did well and where you need work. Sometimes I miss something and am more than willing to make a correction if the following conditions are met: (1) you wait at least 24 hours but no more than a week after receiving your graded assignment before contacting me about it; (2) you submit via email an explanation of why you think there was a mistake. I will review your submission and give you my final decision within one week of the receipt. Any further appeals on the issue should be directed to the department chair, Dr. Kevin Fridy. Any and all grade appeals must be resolved prior to the last day of class.

Schedule:

Tuesday, August 31

First Day of Class

The Judicial Branch

Thursday, September 2

Constitution – Article III (Blackboard)

The Federalist No. 78 (Blackboard)

The Federal Judicial System

Tuesday, September 7

JPA Ch. 2 (Blackboard)

Thursday, September 9

JPA Ch. 4 (Blackboard)

Policymaking by the Courts

Tuesday, September 14

AM Ch. 1 (Blackboard)

Grossmann Swedlow 2015 JLC (Blackboard)

Theories of Judicial Decision-making

Thursday, September 16 & Tuesday, September 21

AM Ch. 2 (Blackboard)

AM Ch. 3 (Blackboard)

Thursday, September 23

AM Ch. 8 (Blackboard)

Tuesday, September 28

Bailey and Maltzman 2008 APSR (Blackboard)

Thursday, September 30

LAB #1

The Role of Social Background Characteristics in Decision-making

Tuesday, October 5

Tate 1981 APSR (Blackboard)

Thursday October 7

Boyd et al 2010 AJPS (Blackboard)

Glynn Sen 2015 AJPS (Blackboard)

Tuesday, October 12

Blake 2011 PRQ (Blackboard)

Thursday, October 14

Barton 2012 FLR (Blackboard)

LAB #1 Due

Tuesday, October 19

Hinkle 2021 RP (Blackboard)

Thursday, October 21

LAB #2

Tuesday, October 26

JPA Ch. 6 (Blackboard)

The Legal Profession and the Captured Judiciary

Thursday, October 28 & Tuesday, November 2

JTG Ch. 1

JTG Ch. 2

JPA Ch. 8 (Blackboard)

Lab #2 Due 10/28

Thursday, November 4

LAB #3

Tuesday, November 9

JTG Ch. 3

Political Actors and Politicization of the Courts

Thursday, November 11

JTG Ch. 4

Lab #3 Due

Tuesday, November 16
LAB #4

Thursday, November 18
JTG Ch. 5

Tuesday, November 23 & Thursday November 25
Thanksgiving
No Class

Tuesday November 30
JTG Ch. 6
Lab #4 Due

Thursday, December 2
JTG Ch. 8

Judicial Reform

Tuesday, December 7
Bowie Testimony (Blackboard)
Sen Testimony (Blackboard)

Thursday December 9
Presentations Due

Final Exam

Tuesday, December 14
3.45pm-5.45pm