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## Instructor

DR. BETHANY BLACKSTONE  
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## Class Meetings

TUESDAYS & THURSDAYS  
9:30 AM - 10:50 AM  
WOOTEN 215

## Office Hours

TUESDAYS: 2:30 PM TO 4:30 PM  
AND BY APPOINTMENT  
SAGE 320

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# THE U.S. SUPREME COURT

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## Course Overview

The United States Supreme Court plays an important role in American democracy. As the highest court in the federal judiciary, its decisions do more than resolve disputes between litigants; they announce important public policies that govern relationships among citizens and governments. The Supreme Court plays an important role in determining the scope of freedoms enjoyed in the United States and its decisions frequently alter the balance of power between political actors and institutions, including citizens, the president, Congress, the states, and the Court itself.

In this course, we will explore the Supreme Court as a political and policymaking institution. We will consider the processes by which cases are decided and the factors that influence Supreme Court justices' decisions. We will also consider the relationships between the Supreme Court and other actors, including the elected branches of government, interest groups, and the public.

## Required Materials

There is a required textbook.

Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks, CA: CQ Press.

ISBN: 9781544327389

The textbook is available for purchase or rent at the UNT bookstore from \$24.45 and is on reserve at Eagle Commons Library. You may also borrow my copy during office hours.



## PSCI 3210 Online

Course materials are posted on Canvas. Access the site at [unt.instructure.com](http://unt.instructure.com).

Assignments will be submitted in Canvas and student grades will be posted in Canvas. Check the site regularly to ensure you are up-to-date on all course-related information.



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*The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office.*

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## What You'll Do in PSCI 3210

1

### TEAM-BASED LEARNING & READINESS ASSURANCE TESTS (RATS)

This course uses a team-based learning approach that emphasizes your ability to apply course concepts and to solve problems. Course requirements are designed to ensure that individuals are prepared for team work and minimize the likelihood of typical “group work” problems (individuals shirking their responsibilities, individuals dominating the group, or the division of labor to avoid group interaction).

Course grades will be based on work from individuals and teams. You will be assigned to a team during the first day of class.

At the beginning of each course unit, you will take an **individual Readiness Assurance Test (iRAT)**. You will then take the same **Readiness Assurance Test as a team (a tRAT)**. After the RATs, we will explore the unit’s topic through short lectures and team application exercises.

Missed RATs can not be made up. If you will miss RATs for a university-excused absence, make plans to take the RAT *prior to* your absence.

2

### LITIGATION STRATEGY PROJECT

Working individually or with a partner, you will formulate a litigation strategy designed to get the Supreme Court to overturn a decision that is currently good law (i.e that is still valid). This project will require that you articulate a cogent legal argument and that you conduct research on (1) the establishment and subsequent treatment of your chosen precedent, (2) individual justices’ decision-making in related cases, and (3) the political context from the time the precedent was announced to today.

Your final paper will be due Friday, December 6. Intermediate assignments related to the paper will be due throughout the semester.

3

### PEER EVALUATIONS

You will complete peer evaluations at multiple points during the semester. You will be evaluated on both the quality of feedback you provide about your teammates’ performances and on how your teammates evaluate your performance.

4

### EXAMS

There will be two exams in the course—a midterm and a cumulative final. The final exam will be administered during the course’s scheduled final exam period in our regular classroom.

### PLAN AHEAD



All readings for a unit are due on the first day of the unit. You will read fewer pages per unit than you would in a traditional course, but your reading assignments will be concentrated to facilitate team-based learning activities.

### ATTENDANCE

You are expected to attend class and to actively participate. Failure to do so will affect your peer evaluation scores. Attendance may be taken into account in responding to special requests and in deciding borderline grades.

## Grading Policies

Your grade will be based on the components described on the previous page—individual Readiness Assurance Tests (iRATs), team performance (team RATs and in-class activities), peer evaluations, exams, and assignments related to your litigation strategy project.

The class will have a role in determining how these assignments are weighted. I have set the assignments weights for team-related course components and set minimum weights for individual work. The class will choose how to allocate the remaining 25% points across the individual course components during our first class meeting.

Course assignments will be weighted according to the weights chosen on the first day of class. Scores will be rounded to the nearest whole number and then letter grades will be assigned according to the scale below.

90-100% = A  
 80-89%=B  
 70-79=C  
 60-69%=D  
 <60=F

Late assignments will be penalized 10 points (1 letter grade) for each 24 hour period they are late.

There are no opportunities for extra credit. Plan accordingly.

Assignment Weights

Component	Minimum Weight	Class Points Allocated	Assignment Weight
Team Performance	10	.	10
Peer Evaluations	10	.	10
iRATs	20	10	30
Exams	15	5	20
Litigation Strategy Project	15	15	30
	70	30	100

### Need help? Ask!

*If you need help, contact me via Canvas or email or see me during office hours. I want you to succeed in this course and to enjoy learning about the Supreme Court. If you are having difficulty with the material, let me know so we can ensure that you get the most out of the time and effort you put into the course! If an emergency arises that prevents you from meeting course-related expectations, let me know. I will do my best to direct you to available campus resources and, where necessary, to make reasonable accommodations.*

### Semester-at-a-Glance

**Tuesday, September 3:** Unit 1 RATs

**Tuesday, September 19:** Unit 2 RATs

**Friday, September 27:** Plagiarism Recognition Assignment Due

**Tuesday, October 8:** Midterm

**Tuesday, October 15:** Unit 2.5 RATs

**Friday, October 18:** Peer Evaluations Due

**Tuesday, October 22:** Unit 3 RATs

**Friday, October 25:** Paper Proposal Due

**Tuesday, November 5:** Unit 4 RATs

**Friday, November 8:** Preliminary Research Assignment Due

**Tuesday, November 21:** Unit 5 RATs

**Friday, December 6:** Litigation Strategy Papers Due

**Tuesday, December 10:** Peer Evaluations Due

**Thursday, Dec. 12 @ 8 am:** Final Exam

## Relevant University Policies

### Academic Integrity

Academic integrity is defined in the UNT Policy on Student Standards for Academic Integrity. Any suspected case of academic dishonesty will be handled in accordance with the University Policy and procedures. Possible academic penalties range from a verbal or written admonition to a grade of F in the course. Further sanctions may apply to incidents involving major violations. You will find the policy and procedures at <http://facultysuccess.unt.edu/academic-integrity>.

### Americans with Disabilities Act Compliance

The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking reasonable accommodation must first register with the Office of Disability Accommodation (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with a reasonable accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request reasonable accommodation at any time, however ODA notices of reasonable accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of reasonable accommodation for every semester and must meet with each faculty member prior to implementation in each class. Students are strongly encouraged to deliver letters of reasonable accommodation during faculty office hours or by appointment. Faculty members have the authority to ask students to discuss letters during their designated office hours to protect the privacy of the student. For additional information see the ODA website at <http://www.unt.edu/oda>. You may also contact them by phone at 940.565.4323.

### Classroom Conduct

Student behavior that interferes with an instructor's ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Center for Student Rights and Responsibilities to consider whether the student's conduct violated the Code of Student Conduct. The university's expectations for student conduct apply to all instructional forums, including university and electronic classrooms, labs, discussion groups, field trips, etc. The Code of Student Conduct can be found at <https://deanofstudents.unt.edu/conduct>.

### Sexual Discrimination, Harassment, and Assault

UNT is committed to providing an environment free of all forms of discrimination and sexual harassment, including sexual assault, domestic violence, dating violence, and stalking. If you (or someone you know) has experienced or experiences any of these acts of aggression, please know that you are not alone. The federal Title IX law makes it clear that violence and harassment based on sex and gender are civil rights offenses. UNT has staff members trained to support you in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and more.

UNT's Dean of Students website offers a range of on-campus and off-campus resources to help support survivors, depending on their unique needs: [http://deanofstudents.unt.edu/resources\\_o](http://deanofstudents.unt.edu/resources_o). Esther Oppong is UNT's Student Advocate and she can be reached through e-mail at [SurvivorAdvocate@unt.edu](mailto:SurvivorAdvocate@unt.edu) or by calling the Dean of Students office at 940-565-2648. You are not alone. We are here to help.

### Emergency Notification & Procedures

UNT uses a system called Eagle Alert to quickly notify you with critical information in an event of emergency (i.e., severe weather, campus closing, and health and public safety emergencies like chemical spills, fires, or violence). The system sends voice messages (and text messages upon permission) to the phones of all active faculty, staff, and students. Please make certain to update your phone numbers at [www.my.unt.edu](http://www.my.unt.edu). Some helpful emergency preparedness actions include: 1) ensuring you know the evacuation routes and severe weather shelter areas, determining how you will contact family and friends if phones are temporarily unavailable, and identifying where you will go if you need to evacuate the Denton area suddenly. In the event of a university closure, your instructor will communicate with you through Canvas regarding assignments, exams, field trips, and other items that may be impacted by the closure.



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# COURSE SCHEDULE

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## Getting Started

Tuesday, August 27: Introduction to the Course

Read the syllabus.

Access the course Canvas site at <http://unt.instructure.com>

Post an introductory video in Flipgrid (instructions in Canvas)

Thursday, August 29: Introduction to the Supreme Court

## Unit 1: The U.S. Supreme Court as a Political Institution. Are courts different?

RATs: Tuesday, September 3

Team Activities:

Thursday, September 5

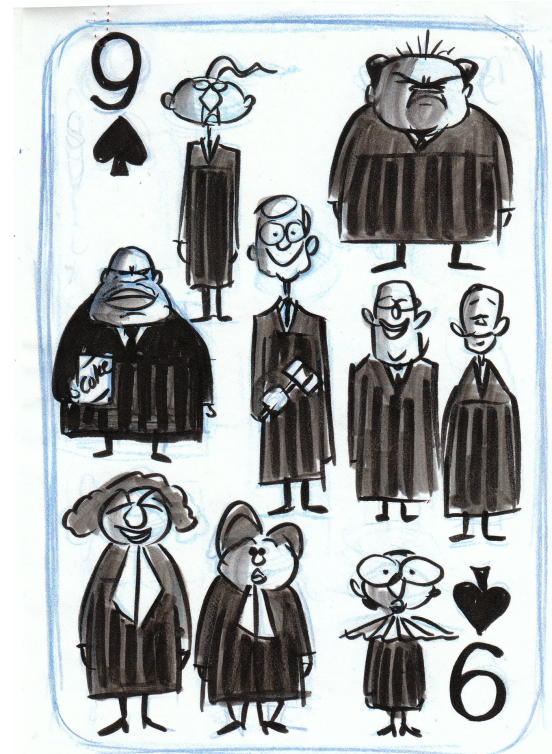
Tuesday, September 10

Thursday, September 12

Tuesday, September 17

Readings (complete all by September 3)

1. Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press.  
Chapter 1, "The Court"  
Chapter 5, "Policy Outputs"
2. James L. Gibson and Michael J. Nelson. 2014. "The Legitimacy of the U.S. Supreme Court: Conventional Wisdoms and Recent Challenges Thereto." *Annual Review of Law and Social Science* 10: 201-219.
3. Douglas M. Gibler and Kirk A. Randazzo. 2017. "Can the Courts Protect Democracy? Yes, But They Need These Three Supports." *WashingtonPost.com Monkey Cage*. February 17. [https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/17/can-the-courts-protect-democracy-yes-but-they-need-these-three-supports/?utm\\_term=.8c7e75ecf30b](https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/17/can-the-courts-protect-democracy-yes-but-they-need-these-three-supports/?utm_term=.8c7e75ecf30b) (Accessed August 3, 2019).
4. Jeffrey Segal. 2016. "Why We Have the Most Polarized Supreme Court in History." *The Conversation*. March 14. <https://theconversation.com/why-we-have-the-most-polarized-supreme-court-in-history-55015> (Accessed August 3, 2019).
5. Brandon Bartels. 2018. "It Took Conservatives 50 Years to get a Reliable Majority on the Supreme Court. Here are 3 Reasons Why." *WashingtonPost.com Monkey Cage*. June 29. <https://www.washingtonpost.com/news/monkey-cage/wp/2018/06/29/it-took-conservatives-50-years-to-get-a-reliable-majority-on-the-supreme-court-here-are-3-reasons-why> (Accessed August 3, 2019).



## Unit 2: Supreme Court Policymaking

RATs: Thursday, September 19

Team Activities:

Tuesday, September 24  
Thursday, September 26  
Tuesday, October 1  
Thursday, October 3

\* *Plagiarism Detection Assignment due Friday, September 27.*

*Readings* (complete all by September 19)

1. Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press.  
Chapter 6, "The Court's Impact"
2. G. Alan Tarr. 2012. *Judicial Process and Policymaking*. Boston: Cengage.  
Chapter 9, "Judicial Policymaking: An Introduction"
3. Lief H. Carter. 1977. "When Courts Should Make Policy: An Institutional Approach" in John A. Gardiner, ed. *Public Law and Public Policy*. Santa Barbara: Praeger Publishers Inc.
4. Gerald Rosenberg. 2002. "The Hollow Hope: Can Courts Generate Social Change?" in Walter F. Murphy, C. Herman Pritchett, and Lee Epstein, eds. *Courts, Judges, and Politics: An Introduction to the Judicial Process*. New York: McGraw Hill: 714-728.
5. Matthew E.K. Hall. 2011. *The Nature of Supreme Court Power*. New York: Cambridge University Press.  
Chapter 1, "Neither Force Nor Will," pages 1-5.  
Chapter 2, "When Courts Command," pages 6-18.

**Midterm Exam:** *Tuesday, October 8*

## Unit 2.5: Litigation Strategy Project

*Litigation Strategy Project Overview:* Thursday, October 10

RATs: Tuesday, October 15

Team Activities: Thursday, October 17

\* *Peer Evaluations due Friday, October 18.*

*Readings* (complete all by October 15)

1. Ryan C. Black and James F. Spriggs, III. 2013. "The Citation and Depreciation of U.S. Supreme Court Precedent." *Journal of Empirical Legal Studies* 10(2): 325-358.
2. James F. Spriggs, III and Thomas G. Hansford. 2002. "The U.S. Supreme Court's Incorporation and Interpretation of Precedent." *Law & Society Review* 36(1): 139-160.
3. James Fowler and Sangick Jeon. 2008. "The Authority of Supreme Court Precedent." *Social Networks*: 30: 16-30.

### Unit 3: Supreme Court Processes

RATs: Tuesday, October 22

Team Activities: Thursday, October 24  
Tuesday, October 29  
Thursday, October 31

\* Paper Proposals due Friday, October 25.

Readings (complete all by October 22)

1. Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 3, "The Cases"  
Chapter 4, "Decision Making," (Stop at "Influences on Decisions: Introduction.")
2. William H. Rehnquist. 2001. *The Supreme Court*. New York: Vintage Books. Chapter 13, "How the Court Does Its Work: Oral Argument," pages 239-251.
3. Paul J. Wahlbeck, James F. Spriggs II, and Forrest Maltzman. 2006. "Marshaling the Court: Bargaining and Accommodation on the United States Supreme Court" in *Courts, Judges, and Politics*, ed. Walter F. Murphy, C. Herman Pritchett, Lee Epstein, and Jack Knight. Boston: McGraw-Hill, pages 684-690.

### Unit 4: Decision Making



RATs: Tuesday, November 5

Team Activities:

Tuesday, November 12  
Thursday, November 14  
Tuesday, November 19

\* We will not meet on Thursday, November 7

\* Preliminary Research Assignment due Friday, November 8.

Readings (complete all by November 5)

1. Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 4, "Decision Making," (From "Influences on Decisions: Introduction" to end of chapter.)
2. Robert Dahl. 1957. "Decision-Making in a Democracy: The Supreme Court as a National Policymaker." *Journal of Public Law* 6: 279-295.
3. Lawrence Baum. 2011. "Law and Policy: More and Less Than a Dichotomy" in *What's Law Got to Do with It? What Judges Do, Why They Do It, and What's at Stake*, ed. Charles Gardner Geyh. Stanford: Stanford University Press.
4. Neil Devins and Will Federspeil. 2010. "The Supreme Court, Social Psychology, and Group Formation," in *The Psychology of Judicial Decision Making*, eds. David Klein and Gregory Mitchell. New York: Oxford University Press, pages 85-100.

## Unit 5: Staffing the Bench

RATs: Thursday, November 21

Team Activities:

Tuesday, November 26

Tuesday, December 3

Thursday, December 5

\* *Litigation Strategy Papers due Friday, December 6.*

\* *Peer Evaluations due Tuesday, December 10.*

\* *Final Exam Thursday, December 12 at 8:00 am*

Readings (complete all by November 21)

1. Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 2, "The Justices"
2. Richard Pildes. 2017. "Neil Gorsuch's Confirmation Shattered Political Conventions. Here is Why." *WashingtonPost.com Monkey Cage*. April 10. [https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/10/neil-gorsuchs-confirmation-shattered-political-conventions-here-is-why/?utm\\_term=.dfbca9993256](https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/10/neil-gorsuchs-confirmation-shattered-political-conventions-here-is-why/?utm_term=.dfbca9993256) (Accessed August 3, 2019).
3. Lee Drutman. 2017. "The Case for Supreme Court Term Limits Has Never Been Stronger." *Vox.com*. January 31. <https://www.vox.com/policy-and-politics/2017/1/31/14463724/case-for-supreme-court-term-limits> (Accessed August 3, 2019).
4. David Harsanyi. 2017. "Vox is Wrong. The Case for Supreme Court Term Limits Has Never Been Weaker." *The Federalist*. February 1. <http://thefederalist.com/2017/02/01/case-for-supreme-court-term-limits-has-ever-been-weaker/> (Accessed August 3, 2019).
5. Michael Scherer. 2019. "'Court-Packing' Ideas Get Attention from Democrats." *WashingtonPost.com*. March 11. [https://www.washingtonpost.com/politics/court-packing-ideas-get-attention-from-democrats/2019/03/10/d05e549e-41c0-11e9-a0d3-1210e58a94cf\\_story.html?utm\\_term=.20f75badb7be](https://www.washingtonpost.com/politics/court-packing-ideas-get-attention-from-democrats/2019/03/10/d05e549e-41c0-11e9-a0d3-1210e58a94cf_story.html?utm_term=.20f75badb7be). (Accessed August 3, 2019)

