

The U.S. Supreme Court

PLSC 414

Class Meeting: T-TH 10:05-11:40 am

Distance Learning (Zoom)

Instructor: Prof. Wendy Martinek

E-mail Address: martinek@binghamton.edu

Office Hours: Variable



The U.S. Supreme Court is an intrinsically interesting institution. As one of the three co-equal branches of American government, it wields enormous influence on the shape of our political, economic, and social lives. But the average person has only a vague understanding of how the Court operates. The purpose of this course is to acquaint students with the role of the Supreme Court in the American system of governance. In addition, the course is intended to help students appreciate how the Court makes the decisions it makes and how those decisions create law. Equally important is the goal of helping students to think critically and analytically about the Court.

For **political science majors**, this course:

- Helps fulfill: (1) the requirement of 40 political science credits; (2) the requirement of six upper-division courses; and (3) the requirement of two 400-level seminars.
- Fulfills the requirement of at least one course in American politics.

For **all students**, this course fulfills the N general education requirement.

1

Contents

Course Goals	p. 3	Attendance	p. 10
Required Texts	p. 4	Zoom	p. 11-13
Credit Hours	p. 5	About the Instructor	p. 14
Grade Components	p. 5	Academic Integrity Exercise	p. 15
Grading Scale	p. 5	Exam	p. 16
Academic Integrity	p. 6	Legal Research Exercise	p. 17
Special Circumstances	p. 7	Paper #1 and #2	p. 18
Life Can Be Tough	p. 8	Oral Argument #1 and #2	p. 19
Stress & Mental Health	p. 9	Schedule	p. 20-21

2



The specific goals of this course are:

To learn about:

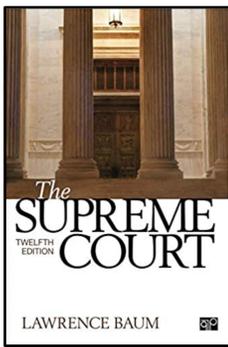
- How the Court fits into the larger political system and its position in the judicial hierarchy;
- The basic operations of the Court;
- The key actors that influence and shape the Court's decisions;
- The Court's jurisprudence in selected areas of constitutional law;
- The basics of legal research.

To analyze and dissect the law as embodied in opinions of the Court and the precedents those opinions establish.

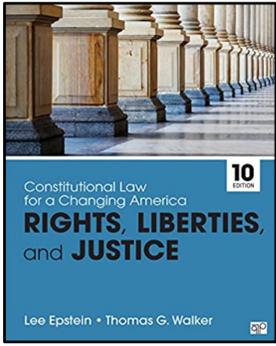
To apply the Supreme Court's precedents to the disposition of novel factual situations.

3

Required Texts



Baum, Lawrence. 2016. *The Supreme Court*, 12th edition. Thousand Oaks, CA: CQ Press.



Epstein, Lee and Thomas L. Walker. 2019. *Constitutional Law for a Changing America: Rights, Liberties and Justice*, 10th edition. Thousand Oaks, CA: CQ Press.

There will be additional assigned readings for the course. They will be available (at least one week in advance) on myCourses.

4

This is a four-credit course.

What does that mean?

~1.5 hour class Tuesday
 ~1.5 hour class Thursday
 + ~9.5 hours of course-related work outside of class

 12.5 hours per week

Students should anticipate spending this many hours (on average) each week for this class.

Basis of Grade Calculation

ITEM	DATE	% OF FINAL GRADE
Academic Integrity Exercise	February 23	5
Exam	March 11	20
Legal Research Exercise	March 23	5
Paper #1	April 13	25
Oral Argument #1	April 13 & 15	10
Paper #2	May 13	25
Oral Argument #2	May 13 & 18	10

Grading Scale	
A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	65-69
F	<65

5

Academic Integrity



Faculty and students have a responsibility to abide by and vigorously promote the highest standards of academic integrity.



Students are to carefully review the Student Academic Honesty Code, which can be found on-line in the 2020-21 University Bulletin.



Have questions? Ask me!!



Violations will receive a grade of 0.00 (F) for the class and likely proceedings before the Academic Honesty Committee.

6

Students with Special Circumstances

Students who have a disability requiring accommodation (as documented by Services for Students with Disabilities) should be sure to contact me in the first week or so of classes so that we can discuss the logistics of providing any accommodation(s) to which they are entitled.



Student athletes and students who are in the military should also be sure to contact me in the first week or so of classes so that we can develop a plan (if necessary) to help students simultaneously meet their academic obligations for this class and their athletic or military responsibilities.

I am also happy to discuss any other special circumstances (family illness, childcare) that students are experiencing so that we can plan accordingly to permit students to navigate both their academic and other obligations.



7

Life can be tough.

This is especially true during a pandemic! But we often forget that and, as a result, are really hard on ourselves. Way harder than we would be on others. Hard on ourselves in a way that is not productive. So, this is a friendly reminder that what you are doing (in this class and beyond) might be tough and challenging. (In fact, I hope you do find this class challenging!)

What does that mean? Well, it doesn't mean tough or challenging things are necessarily unfair. And, it certainly does not mean that tough or challenging things are insurmountable. In fact, tough or challenging things are often our best opportunities for developing new skills and for personal growth.

There are several things that you can do to prepare yourself for the tough and challenging things ahead this semester:

- **Organize** your work and obligations (for this class, for other classes, for extracurriculars) now. Nothing beats writing things down on paper, reviewing frequently, and adjusting as needed.
- **Plan** for the unexpected. Build in extra time for tasks so you are not caught short if an illness, family emergency, or other surprise comes up.
- **Take stock** of yourself. Think about your habits and tendencies and take action to reinforce the helpful ones and to redirect the unhelpful ones. This will not happen by magic!
- **Be attentive** to your physical and mental health. Know the resources that are available to you and take advantage of them as needed.



8

Stress & Mental Health

If you are experiencing undue personal or academic stress at any time during the semester or need to talk with someone about a personal problem or situation, I encourage you to seek support as soon as possible. [I am available to talk with you about stresses related to your work in my class.](#)

Also, I can assist you in reaching out to relevant campus resources, including:

- Dean of Students Office: 607.777.2804
- Decker Student Health Services Center: 607.777.2221
- University Counseling Center: 607.777.2772
- Interpersonal Violence Prevention: 607.777.3062
- Harpur Academic Advising: 607.777.6305
- Office of International Student & Scholar Services: 607.777.2510
- Ombudsman: 607.777.2388 (main campus) or 607.777.2388 (UDC)
- Services for Students with Disabilities: 607.777.2686 (Voice, TTY)



In the event that you choose to write or speak about experiencing or surviving sexual violence, including sexual harassment, dating and domestic violence, sexual assault, stalking, and rape, please keep in mind that federal and state laws require that I (as your instructor) notify the Title IX Coordinator, Andrew Baker. He will contact you to provide you with on- and off-campus resources and discuss your options with you.

If you would like to disclose your experience confidentially, you can contact University Counseling Center, Decker Student Health Services, Harpur's Ferry, Ombudsman, or Campus Ministry. For more information, please navigate to:

<https://www.binghamton.edu/ivp/> OR <https://www.binghamton.edu/rmac/title-ix/>

9

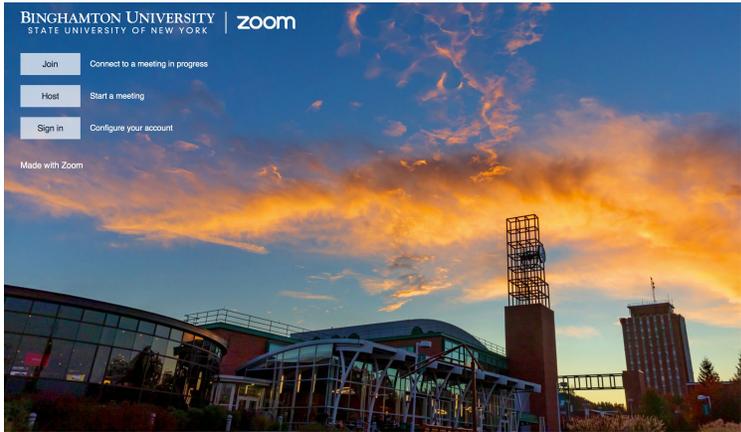


Attendance

- Class attendance is always beneficial for students, but it is especially beneficial for seminars.
- In fact, the development of **connection** and **community** that are so important for a successful seminar cannot happen in the face of uneven attendance.
- Accordingly, **attendance is required** for PLSC 414.
- If something truly unusual and outside of a student's control arises, something that makes an absence impossible to avoid, there are two options available:
 - 5 % deduction on the final grade, or
 - Assignment on a topic related to the material covered on the day of the absence as assigned by me.

10

10



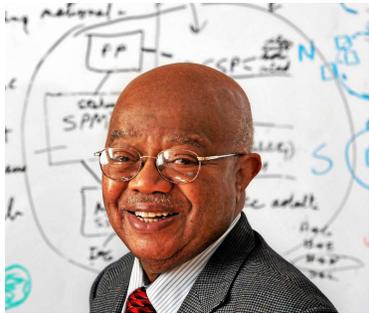
Zoom

- Zoom is a useful tool that enables us to do so much.
- But, let's face it, Zoom comes with some awkward stuff, too.
- Two awkward things are most relevant for PLSC 414.

11

Awkward Thing #1

- We do not get the same chance to get to know one another through casual conversations before or after class.
- Those connections are, of course, rewarding on a personal level. But they are also enormously valuable in terms of academic performance. Students simply work harder, are more resilient, and do better when they are connected with others in class.
- Accordingly, the **first 5 minutes of class** will be earmarked for conversations in which we can get to know a bit about one another. And, maybe, meet some pets! 🐹 🐍 🐕 🐈 🐢
- In addition, I will host several (non-mandatory) Zoom coffee hours over the semester.



“No significant learning occurs without a significant relationship.”

Dr. James P. Comer

12

Awkward Thing #2

- Class discussions on Zoom can be stilted with more delays and pauses than would be typical in an in-person class discussion.
- Silences in in-person classes can be awkward enough but the awkwardness seems multiplied several times when it takes place via Zoom.
- But that is okay. Really, it is. And, in fact, we are going to just accept it as a fact of Zoom classroom life.
- Sometimes, we'll even lean into it and I'll ask you to pause (awkwardly or not) for a longish time before responding.

Zoom Meeting



13

ABOUT THE INSTRUCTOR

NAME: Dr. Wendy L. Martinek

JOINED BU: 2000

HOMETOWN: Milwaukee, WI • CURRENT RESIDENCE: Endicott, NY

EDUCATION: Lawrence Univ. (BA 1990) • Univ. of WI-Milwaukee (MA 1995) • MI State Univ. (PHD 2000)



favorite author



elixir of life



happy place



beloved pet



fan girl



favorite podcast



guilty pleasure

lover of Hamilton



14



15

Academic Integrity Exercise

- There is one academic integrity exercise for this class.
- Format:
 - Open book, open note
 - Multiple choice and short answer
- Value: 5% of the final class grade
- Distributed by: Tuesday February 16 @ 10:05 a.m.
- Due by: Tuesday February 23 @ 10:05 a.m.
- Submission: As a **Google doc shared with me** (and for which I have been granted **editing privileges**)

15

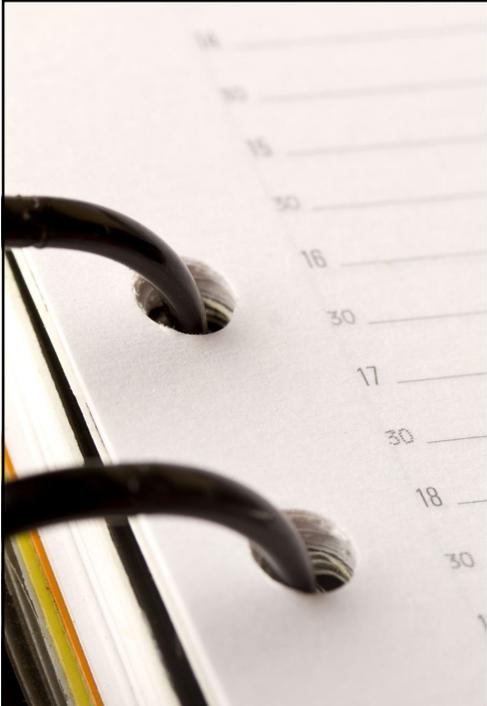


16

Exam

- There is one exam for this class.
- Format:
 - Closed book, closed note
 - Multiple choice "plus"
- Value: 20% of the final class grade
- Distributed by: Thursday March 11 @ 10:05 a.m.
- Due by: Thursday March 11 @ 11:40 a.m.
- Submission: As a **Google doc shared with me** (and for which I have been granted **editing privileges**)

16



17

Legal Research Exercise

- There is one legal research exercise for this class.
- Format:
 - Open book, open note
 - Short answer
- Value: 5% of the final class grade
- Distributed by: Tuesday March 16 @ 10:05 a.m.
- Due by: Tuesday March 23 @ 10:05 a.m.
- Submission: As a **Google doc shared with me** (and for which I have been granted **editing privileges**)

17

18

Paper #1 and #2

- There are two papers for this class.
- Value:
 - Paper #1 = 20% of the final class grade
 - Paper #2 = 20% of the final class grade
- Due:
 - Paper #1: Tuesday April 13 @ 8:00 a.m.
 - Paper #2: Thursday May 13 @ 8:00 a.m.
- Submission: As a **Word or pdf submitted to the Turnitin.com link** posted on myCourses



18

Oral Argument #1 and #2

- There are two oral arguments for this class.
- Value:
 - Oral Argument #1 = 10% of the final class grade
 - Oral Argument #2 = 10% of the final class grade
- Dates:
 - Oral Argument #1: Tuesday April 13 and Thursday April 15
 - Oral Argument #2: Thursday May 13 and Tuesday May 18



SCHEDULE	DATE	TOPIC	READINGS & REMINDERS
	Thursday February 11	Intro to the Court	
	Tuesday February 16	Process and Procedure	Baum 1-5
	Thursday February 18	Process and Procedure	Ward, Ubertaccio, Collins
Academic Integrity Exercise Due	Tuesday February 23	Process and Procedure	
	Thursday February 25	Process and Procedure	
	Tuesday March 2	Legal Research	
	Thursday March 4	Legal Research	
	Tuesday March 9	Legal Research	
	Thursday March 11	→ Exam ←	
	Tuesday March 16	The Justices	
	Thursday March 18	Search and Seizure	Epstein and Walker 10
Legal Research Exercise Due	Tuesday March 23	Search and Seizure	
	Thursday March 25	Search and Seizure	
	Tuesday March 30	Search and Seizure	

SCHEDULE		DATE	TOPIC	READINGS & REMINDERS
		Thursday April 1	Search and Seizure	
		Tuesday April 6	Search and Seizure	
		Thursday April 8	Rejuvenation	No Class
Paper #1 Due & Grade Option Change Deadline	→	Tuesday April 13	→ Simulation #1 Part 1 ←	
		Thursday April 15	→ Simulation #1 Part 2 ←	
		Tuesday April 20	Rejuvenation	No Class
		Thursday April 22	First Amendment	Epstein and Walker 5
		Tuesday April 27	First Amendment	
		Thursday April 29	First Amendment	
		Tuesday May 4	First Amendment	
		Thursday May 6	First Amendment	
		Tuesday May 11	First Amendment	
Paper #2 Due	→	Thursday May 13	→ Simulation #2 Part 1 ←	
Withdrawal Deadline	→	Tuesday May 18	→ Simulation #2 Part 2 ←	