

POLS 314 (sec. 1): Judicial Politics – Spring 2019

Dr. Laura Moyer
Classroom: 407 Ford Hall
Class: 10:00-10:50 MWF

Office: 404 Ford Hall
Office hours: Mondays 2:30-3:30, or by appt.
Email: laura.moyer@louisville.edu

Course Description and Objectives

Pre-requisite: POLS 201

In this class, we will explore many aspects of the American legal system, including both the formal and informal structures and institutions involved in the resolution of conflicts through the courts. This course will also introduce students to social scientific approaches used to evaluate the role of federal and state courts as political institutions and policy makers. At the end of the course, students should be able to (1) demonstrate comprehension of how legal institutions are designed and intended to function, (2) analyze how these institutions actually function in practice, (3) pose interesting empirical questions about judicial processes, and (4) begin to design research projects to answer these questions.

***Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor.**

Requirements for the Course

1. Attendance

While no grade will be assigned for attendance alone, failing to attend class regularly will undermine your ability to succeed in the class. Special consideration for students who miss class on a day when graded work is due is limited **ONLY to students with documented, excused absences**. Students must alert their instructor in advance if missing class for a documented, school-sponsored event or because of a religious holiday; in the event of a family emergency or personal illness, notification by email must occur on the day of the missed class unless physically impossible.

2. Participation: in-class discussion and writing

I expect students to check their university email account and Blackboard regularly for announcements about class, questions to guide your reading, and other pertinent information. Attendance is a necessary, but not sufficient, condition for a good participation grade. Students are expected to attend class on time and for the duration of the class period, read all assigned materials before class, take notes during class, complete all written assignments on time, conduct themselves in a mature and professional manner, and treat other students and the instructor with courtesy and respect (including on email). **Please silence and put away phones and other unrelated materials before class begins. NO LAPTOPS are allowed unless required by Disability Services.**

The quality of participation will be evaluated through both spoken and written contributions to class. **In-class discussion will be worth a maximum of 3 points, and in-class writing will be worth a maximum of 7 points.** To earn all of points for participation, students must be outstanding and consistent in their ability to examine the implications of assigned reading, make connections across readings, demonstrate the fundamentals of legal reasoning, and analyze alternative explanations; they must also be

conscientious, responsible, and respectful in person and over email. Lack of attendance, preparedness, or respect for others in the course will result in lower grades.

3. Reading quizzes

There will be **short, daily quizzes** on the assigned reading and the lecture, which will be given at some point during class. (Coming in after the quiz has begun constitutes a missed quiz, so be on time!) You will be allowed two missed quizzes without penalty, but subsequent missed quizzes will result in a grade of zero, unless the missed quiz is because of a university excused absence. (University excused absences – death in the family, family emergency, illness, participation in university-approved events – must be documented and communicated to the instructor by the day of the absence.) There will be no make-up quizzes, but excused absences will not count against the total.

4. Exams

In-class discussions and the readings listed on the class schedule will serve as the basis for your exams. There will be **two midterm** exams and a **final exam** to test your understanding of concepts as well as your ability to apply and analyze them. Students are expected to be present on all testing days. However, **students who miss an exam (for any reason) will make it up in class on the designated make-up day: Friday, April 19. Make-ups for the Final Exam are totally at the discretion of the instructor** and will be only for those absences necessitated by a documented and legitimate emergency as governed by university policy. (Forgetting the correct time of the exam is not grounds for a make-up exam.)

5. Plea bargaining simulation

Students will play the role of either a defense attorney or a prosecutor in a plea bargaining simulation. There is no mechanism for “making up” the simulation; attendance is required in order to earn a grade. **BEFORE the simulation day**, students are responsible for reading the simulation instructions as well as the private information provided to them. **On Simulation Day** (Feb. 18), students will take a short **quiz** at the beginning of class before starting the simulation. After the simulation, students will prepare a **2-4 page debriefing paper due on February 22**, analyzing their negotiation strategies as well as their adversary’s strategies. More detailed instructions will follow in class and on Blackboard.

6. Research Analysis Write-Up: Supreme Court Decision Making

A major component of the course will be an **8-10-page** (Times New Roman, double-spaced, one-inch margins) **empirical research paper**. You will choose from a list of research questions posted on Blackboard and use these to write hypotheses that you will evaluate using the Supreme Court database. [More specific guidance will be provided on Blackboard and in class throughout the semester.] Late papers will be subject to letter grade penalties.

Special Accommodation

*Graduate students, students wishing to receive honors credit, and students with documented disabilities who require special accommodations: please notify me privately at the beginning of the semester.

Academic Honesty

Every student is expected to be familiar with and abide by the University’s policy on academic honesty before performing any academic work. (See the Student Code of Conduct for details.) Examples of academic dishonesty described in the Code of Student Conduct include, but are not limited to cheating on tests, plagiarizing written work from any source (including Wikipedia and your friends), selling or buying academic assignments, writing a single paper for multiple classes, collaborating on an assignment without the instructor’s permission, and helping another student do any of these things. **Academic dishonesty will result in a failing grade and be reported to the College.**

Title IX/Clery Act Notification

Sexual misconduct (including sexual harassment, sexual assault, and any other nonconsensual behavior of a sexual nature) and sex discrimination violate University policies. Students experiencing such behavior may obtain confidential support from the PEACC Program (852-2663), Counseling Center (852-6585), and Campus Health Services (852-6479). To report sexual misconduct or sex discrimination, contact the Dean of Students (852-5787) or University of Louisville Police (852-6111). Disclosure to University faculty or instructors of sexual misconduct, domestic violence, dating violence, or sex discrimination occurring on campus, in a University-sponsored program, or involving a campus visitor or University student or employee (whether current or former) is not confidential under Title IX. Faculty and instructors must forward such reports, including names and circumstances, to the University’s Title IX officer. For more information, see the Sexual Misconduct Resource Guide: <http://louisville.edu/hr/employeerelations/sexual-misconduct-brochure>.

Grading Policy

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| Participation: 10 points | Plea bargaining simulation: 5 points |
| Reading quizzes: 15 points | Research analysis: 10 points |
| Midterm exams: 20 points x 2 | Final exam: 20 points |

The course is graded on a 100-point scale. There is **no extra credit available** for any student. Borderline final grades (defined as less than 1 point away from the next letter grade) will be decided based on the quality of participation. Grades will NOT be discussed over email, for confidentiality reasons; please make an appointment with me if you have a question. Written assignments are due at the beginning of class, in hard copy form; work submitted later will be subject to grade penalties.

A+: 97-100	C+: 76-79
A: 93-96	C: 73-75
A-: 90-92	C-: 70-72
B+: 86-89	D (60-69)
B: 83-85	F (59 & below)
B-: 80-82	

Required texts

- Corley, Ward, and Martinek. 1st ed. *American Judicial Process*. [Denoted as **CWM**]
- McGuire, *New Directions in Judicial Politics*. 2012. Routledge. [Denoted as **NDJP**]
- Additional readings posted on Blackboard [Denoted as **BB** on schedule]

Spring 2019: Important dates

- Drop/add period ends: Fri., Jan. 11
- Last day to withdraw: Wed., March 6
- Last Day of Class: Monday, April 22
- **Final exam:** Friday, April 26 (8:00 – 10:30 a.m.)

Schedule of Readings and Assignments (to be read PRIOR to coming to class)

Mon., Jan. 7	Introduction to course
Wed., Jan. 9	I. Foundations of Law and the American judicial system A. What is law? <u>Reading:</u> “Myth and Reality in the Judicial Process” in CWM (pp. 4-11)
Fri., Jan. 11	A. What is law? Legal systems around the world <u>Reading:</u> “Comparative Legal Systems” on BB <u>Exercise:</u> Compare two constitutions through the Constitute Project (see assignment on Blackboard). Bring in results to class.
Mon., Jan. 14	B. Using social science to study law and courts <u>Reading:</u> “Myth and Reality in the Judicial Process” in CWM (pp. 12-16)
Wed., Jan. 16	C. Structure of the federal judiciary <u>Reading:</u> “Organization of Courts” in CWM (pp. 103-122)
Fri., Jan. 18	D. State court organization <u>Reading:</u> “Organization of Courts” in CWM (pp. 126-133)
Mon., Jan. 21	** NO CLASS: MLK Day of Service **
Wed., Jan. 23	II. Judicial selection A. Selecting and retaining state judges <u>Reading:</u> “Choosing Judges” in CWM (pp. 161-178)
Fri., Jan. 25	A. Selecting and retaining state judges Judicial selection <u>Reading:</u> <i>Republican Party of Minnesota v. White</i> (2002) on BB <u>In class:</u> <i>Caperton v. Massey</i>
Mon., Jan. 28	A. Selecting and retaining state judges <u>Reading:</u> “Campaign Contributions and Judicial Decisions in Partisan and Non-Partisan Elections” in NDJP (pp. 38-51) [Written participation due in class – prompt on BB]
Wed., Jan. 30	SNOW DAY – no class (online assignment)

Fri., Feb. 1	B. Federal judicial selection “Choosing Judges” in CWM (pp. 139-161)
Mon., Feb. 4	B. Federal judicial selection [end of material on Exam 1] <u>Reading:</u> “Role of Public Opinion in Supreme Court Confirmations” in NDJP (pp. 20-37) [Written participation due in class – prompt on BB]
Wed., Feb. 6	Catch up day/review for Exam 1
Fri., Feb. 8	**EXAM 1**
Mon., Feb. 11	III. Litigants & Lawyers [<i>beginning of material for Exam 2</i>] A. The Legal Profession and Law School <u>Reading:</u> “The Legal Profession” in CWM (pp. 58-89)
Wed., Feb. 13	A. The Legal Profession and Law School <u>Reading:</u> “Thinking Like a Lawyer” in CWM (pp. 21-47) EXTRA: “The Rankings Made Us Do It” on BB B. Organized interests and political litigation <u>Reading:</u> “Interest Groups and their Influence on Judicial Policy” in NDJP (pp. 221–236)
Fri., Feb. 15	IV. Criminal and Civil Cases A. Criminal law processes <u>Reading:</u> “Criminal Law” in CWM (pp. 235-262) <u>In class:</u> Prep for plea bargaining simulation – roles assigned
Mon., Feb. 18	A. Criminal law processes: plea bargaining simulation <u>Reading:</u> “Plea bargaining” in CWM (pp. 262-268) “Simulation packet” on BB [read information for your role] In class: Quiz and Plea Bargaining Simulation
Wed., Feb. 20	A. Criminal law processes: eye witness identification <u>Reading:</u> “Eye Witness Memory Is Still Not Common Sense” on BB **Prepare 2 questions to bring to class [written participation credit] Guest speaker: Professor Keith Lyle, Psychology
Fri., Feb. 22	B. Civil law processes <u>Reading:</u> “Civil Law” in CWM pp. 190-222 **Due via BB by 5 p.m.: Simulation reflection paper**

Mon., Feb. 25	B. Civil law processes <u>Reading:</u> “Java Jive” on BB
Wed., Feb. 27	B. Civil law processes [<i>end of material on Exam 2</i>] <u>Reading:</u> “In Arbitration, a Privatization of the Justice System” on BB . “Wells Fargo Killing Sham Account Suits by Arbitration” on BB
Fri., March 1	Catch up/Review for Exam 2
Mon., March 4	**EXAM 2**
Wed., March 6	V. Judicial Decision Making A. Trial Courts [<i>beginning of material on Final Exam</i>] <u>Reading:</u> “Trials” in CWM (pp. 296-318)
Fri., March 8	A. Trial Courts Before class, complete the online quiz (on BB), “Will you be seated on a jury?” <u>In class:</u> civil jury simulation
March 11-15	*NO CLASS: SPRING BREAK*
Mon., March 18	A. Trial Courts <u>Reading:</u> “Race and Death Sentencing” in NDJP (pp. 55-74) [Written participation due in class – prompt on BB] EXTRA: “Does Unconscious Racial Bias Affect Trial Judges?” (BB)
Wed., March 20	B. Appellate Courts: The Supreme Court <u>Reading:</u> “Appeals” in CWM pp. 382-410
Fri., March 22	C. Theories of judicial decision making <u>Reading:</u> “Split Definitive: How Party Polarization Turned the Supreme Court into a Partisan Court” on BB
Mon., March 25	C. Theories of judicial decision making <u>Reading:</u> “A Strategic Account of Judicial Decisions” on BB
Wed., March 27	C. Theories of judicial decision making <u>Reading:</u> “Supreme Court Agenda Setting” in NDJP (pp. 144-166) [Written participation due in class – prompt on BB]
Fri., March 29	C. Theories of judicial decision making <u>Reading:</u> “Untangling the Causal Effects of Sex on Judging” on BB
Mon., April 1	C. Theories of judicial decision making *Pick a research question and a theory from BB for Research Analysis Paper and bring to class

Wed., April 3	C. Theories of judicial decision making * BB : Do Supreme Court Database practice exercise, print out, and bring to class.
Fri., April 5	** In class: Practice using Supreme Court database Laptops okay to bring
Mon., April 8	VI. Implementation and Impact of Courts' Decisions <u>Reading</u> : "Implementation and Impact" in CWM (pp. 429-446)
Wed. April 10	VII. Courts, Media, and Public Opinion <u>Reading</u> : "The U.S. Supreme Court and New Media" (BB) <u>In class</u> : The Running of the Interns
Fri., April 12	Research Analysis Paper DUE - we will not meet in class Upload to Assignments tab on BB no later than noon
Mon., April 15	Courts, Media, and Public Opinion <u>Reading</u> : "Understanding Public Confidence in American Courts" (on BB)
Wed., April 17	CASE STUDY: Media Coverage of the Ruling in the ACA case <u>Reading</u> : "Can the Supreme Court Survive a Healthcare Decision?" (on BB) "We're Getting Wildly Different Assessments" (on BB) EXTRA: Case brief (on BB), "How the Justices Ruled" (on BB)
Fri., April 19	**Make-up Exam Day** (No class for students not taking a makeup)
Mon., April 22	Review for final exam
Fri. April 26	**FINAL EXAM** 8:00 – 10:30 a.m. (407 Ford)