

Politics and the Court

Political Science 174 - Fall 2017

Meeting Times: MW 5 - 6:15 P.M.

Location: Social Science Building 207

Instructor

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Office Hours: Monday & Wednesday 2:00 - 3:15 P.M. or by appointment

Course Overview

The purpose of this course is to provide students with a thorough understanding of the courts and judicial politics. The central aspect of this course is systematic exploration of the decision-making behavior of U.S. Supreme Court Justices. How do Supreme Court justices reach their decisions? Are Supreme Court decisions based primarily on legal and jurisprudential considerations or are they motivated instead by the ideological preferences of the individual justices? In addition to exploring these broad questions, the course will also cover additional aspects of the Court. The topics covered in this course include: attitudinal, legal, and strategic theories of Supreme Court decision making, consensus and dissensus in the Supreme Court, bargaining and accommodation in Supreme Court opinion writing, judicial selection, separation of powers, and public opinion and the institutional legitimacy of the Court. This course will cover other elements of public including the lower federal courts, state courts, and comparative courts. This is a reading and writing intensive course.

Learning Outcomes

Upon completing this course, students will:

1. Be able to understand and identify key concepts within law and courts.
2. Be able to explain the basic structure of the judicial hierarchy.
3. Be able to identify the major theoretical models of decision making in the U.S. Supreme Court.
4. Be able to explain how decisions by the courts impact legal and policy outcomes.
5. Be able to critically engage and evaluate the judicial politics literature.
6. Be better able to read, discuss, and write critically.

Required Texts

- ★ Binder, Sarah A. and Forrest Maltzman. 2009. *Advice & Dissent: The Struggle to Shape the Federal Judiciary*. Brookings Institutions Press.

- ★ Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press.

Recommended Texts

- ★ Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press.
- ★ Baum, Lawrence. 2008. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton: Princeton University Press.
- ★ Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: CQ Press.
- ★ Segal, Jeffrey A., Harold J. Spaeth, and Sara C. Benesh. 2005. *The Supreme Court in the American Legal System*. New York: Cambridge University Press.

Required Top Hat Account

This class will use the Top Hat classroom response system. All students are required to purchase a subscription account to Top Hat. Through Top Hat students will be able to confirm attendance and submit answers to in-class questions using any smart phone, tablet, or laptop. Additionally, Top Hat allows students to engage in an interactive discussion and submit questions and comments to the instructor. You can register for a Top Hat account at www.tophat.com. Once registered, enter the following code to join this course: 405749. You can access the course materials at www.tophat.com/e/405749.

Course Structure and Evaluation

In this course, we will engage in a variety of activities, including lecture, lecture-based discussion, and critical evaluation of the readings. Over the course of the semester, students in this course will be evaluated on the following items: attendance, critical responses, a brief presentation, an original research design, and a cumulative final exam.

Attendance and Participation

Regular on-time attendance to class is expected from each student. Attendance includes reading the assigned material for the session as well as adequately preparing for the discussion of the material in class. All students are expected to contribute in class. Daily attendance will be taken through the Top Hat interface. All students in this class are required to register for a Top Hat account so that their daily attendance can be recorded. During each class students will be given a unique code that must be entered in your Top Hat account to get credit for attendance. Following university policy, each student is allowed missing a maximum of 10% of the course without penalty. Any additional absences beyond the one absence allowed will result adversely affect the student's final grade. As an incentive to attend all sessions, students with a perfect attendance record will have 2 percentage points added to their semester average at the end of the course.

Critical Responses

Over the course of the semester, each student will write two short response papers, each in response to one or (at most) two of the assigned or recommended readings. The purpose of the response paper is to help students develop the ability to critique scholarly work. In these short papers, students should provide a very brief synthesis of the readings and then discuss the strengths, weaknesses, and contributions of each reading. The critical response should clearly identify the works that are being critiqued. The critical responses should be approximately 2-3 pages, with one-inch margins, double-spaced. If an assigned reading is selected, the critical response paper is due prior to the start of class on the day the reading is to be discussed.

Student Presentation

Students in the class will select one of the recommended readings and prepare a short presentation for the class. These presentations are similar to the critical response paper in that they should synthesize the literature for the topic being covered and present the strengths, weaknesses, and contributions of the readings. In addition, these presentations should also include a discussion of potential research questions that stem from the readings. Instead of presenting on one of the recommended readings, a student may, alternatively, present their research design. Students who elect to present a research design should identify a research question, discuss related previous research, offer at least one hypothesis, and discuss an appropriate source to obtain data to test the hypothesis. The student presentations will take near the end of the semester. Additional information on the student presentation will be announced in class.

Research Design

Students are required to complete an original research design in the course. The research design can examine any aspect of law and courts. The scope of the paper is purposely broad so that the student can produce a quality research design on an aspect of the courts that is of interest to the student. Each research design should identify a research question, discuss related previous research, offer at least one hypothesis, and discuss an appropriate source to obtain data to test the hypothesis. Early in the semester, students are required to submit a short, two-sentence research question that will form the basis of their research design. Students are encouraged to schedule appointments early in the semester to discuss potential research topics. Early submission of rough drafts for instructor comments is also highly encouraged. The research design should be approximately 10-12 pages in length. The research proposal is due through Safe Assign on Blackboard. More information on the research design will be provided in class.

Final Examination

There will be a cumulative final exam in this class. The exam is designed to test the student's knowledge and comprehension of assigned readings and the discussion in class. Thus, it is worth reiterating the importance of completing your reading and attending class regularly. The exam will consist of a series of multiple choice, true and false, and short-answer essay questions. The class before the final exam is designated as a review session. A make-up examination is only offered when there is documented proof of a medical emergency that is

excused by the professor. In the event of such a medical emergency, a student may be given an essay make-up exam. If a student misses the final exam due to a medical emergency, the student must contact the instructor as soon as it is practical to do so. If a student fails to appear for the final exam for any other reason a grade of zero will be recorded.

Research Paper Alternative

Students may opt to write a full research paper in lieu of taking the final exam. The research paper can examine any aspect of judicial politics. Students may elect to extend their research design in to a complete research paper. Early submission of rough drafts for comments is highly encouraged. Students electing to submit a research paper may still elect to take the final exam in which case the higher grade of the two will be recorded. While quality matters more than quantity, students who elect to complete a research paper are expected to submit a paper between 20-25 pages in length. The research paper is due prior to the final exam.

Technology in the Classroom

Students are allowed to use tablets and laptops in the class to take notes and participate in class activities. Multitasking with material that does not relate to the class interferes with the learning process and can be highly distracting to other students. Cell phone use is not allowed in the class with one exception, which is to record your attendance on Top Hat.

General Expectations

Each student is expected to regularly attend class, arrive on-time, and leave only after the instructor has adjourned the day's session. Students are expected to be cordial with each other and the instructor to facilitate a good learning environment. Students with any concerns relating to the class should bring them to the attention of the instructor before or after class or during office hours.

Academic Integrity

Students should familiarize themselves with the University's Honor Code and policy for academic integrity. All work in this course is expected to be completed by the student submitting the work. Academic dishonesty, in any form, will not be tolerated. Students who engage in academic dishonesty by cheating or plagiarizing will receive a grade of zero for the work. In addition, the student may also receive a failing grade for the course. Violations of the academic code will be referred to the Vice President for Student Affairs and the Dean of Students, which may result in expulsion from the university.

Special Needs

Students with special needs should contact Services for Students with Disabilities at 559-278-2811, so that appropriate accommodations can be made. In addition, students should bring any request for reasonable accommodation to the attention of the instructor.

Syllabus Amendments

Over the course of the semester, amendments to the syllabus are possible or may become necessary. The instructor reserves the right to amend the syllabus at any point during the semester. In the event of an amendment, students will be notified during the class.

Extra Credit

There will be a limited number of extra credit opportunities available to students. More information on the extra credit opportunities will be announced in class.

Grade Appeals

Instructors occasionally make a mistake in grading. If a student wishes to appeal their grade, a written (typed) appeal must be submitted with the original graded work. Successful appeals will clearly identify specific mistakes made in the original grading. Students should contact the instructor to schedule a time to discuss the final decision. Grade appeals may only be submitted after 48 hours of receiving a graded assignment or test.

Grade Distribution

Attendance & Participation	10%
First Critical Response Paper	10%
Second Critical Response Paper	10%
Student Presentation	15%
Research Design	20%
Final Examination	35%

Course Schedule

The schedule of classes is listed below along also with the reading assignment for the session. The readings are listed by the class date prior to which they should be completed. Students should complete the reading assignments in their entirety. Students should make note of two important points. First, this course is reading intensive. Second, the readings listed below are required readings for the course; they are not optional. It is critical that students to class prepared to discuss the readings.

	Content
Week 1	
Wed 8/23	★ Course Introduction & Overview ★ Reading assignment: None
Week 2	
Mon 8/28	★ Introduction to Judicial Politics & Empirical Research ★ Reading assignment: None
Wed 8/30	★ A Political History of the U.S. Supreme Court ★ Reading assignment: None

Week 3	
Mon 9/4	<ul style="list-style-type: none"> * Labor Day (No Class) * Reading assignment: None
Wed 9/6	<ul style="list-style-type: none"> * The U.S. Supreme Court * Reading assignment: Strother 2016
Week 4	
Mon 9/11	<ul style="list-style-type: none"> * The U.S. Supreme Court continued * Reading assignment: Segal and Spaeth Chapter 6
Wed 9/13	<ul style="list-style-type: none"> * Decision Making Models for U.S. Supreme Court * Reading assignment: Segal and Spaeth Chapter 1
Week 5	
Mon 9/18	<ul style="list-style-type: none"> * The Legal Model * Reading assignment: Segal and Spaeth Chapter 2
Wed 9/20	<ul style="list-style-type: none"> * The Attitudinal Model * Reading assignment: Segal and Spaeth Chapter 3
Week 6	
Mon 9/25	<ul style="list-style-type: none"> * Measuring Ideology & Judicial Values * Reading assignment: Segal and Cover 1989
Wed 9/27	<ul style="list-style-type: none"> * Measuring Ideology & Judicial Values Continued * Reading assignment: Epstein et. al 1998
Week 7	
Mon 10/2	<ul style="list-style-type: none"> * The Intersection of Law & Ideology * Reading assignment: Songer and Lindquist 1996; Masood and Songer 2013
Wed 10/4	<ul style="list-style-type: none"> * The Strategic Model * Reading assignment: Epstein and Knight 2000; Johnson; Spriggs, and Wahlbeck 2005
Week 8	
Mon 10/9	<ul style="list-style-type: none"> * The Politics of Judicial Selection * Reading assignment: Binder and Maltzman Chapters 1-3
Wed 10/11	<ul style="list-style-type: none"> * The Politics of Judicial Selection continued * Reading assignment: Binder and Maltzman Chapters 4-6

Week 9	
Mon 10/16	<ul style="list-style-type: none"> ★ Opinion Writing and Bargaining in the Courts ★ Reading assignment: Segal and Spaeth Chapter 9
Wed 10/18	<ul style="list-style-type: none"> ★ The Lower Courts ★ Reading assignment: Songer and Haire 1992; Corley, Collins, and Calvin 2011
Week 10	
Mon 10/23	<ul style="list-style-type: none"> ★ The Lower Courts ★ Reading assignment: Kesteliec 2016
Wed 10/25	<ul style="list-style-type: none"> ★ Research Design Workshop ★ Reading assignment: None
Week 11	
Mon 10/30	<ul style="list-style-type: none"> ★ Judicial Hierarchy ★ Reading assignment: Songer and Haire 1992; Westerland et al. 2010
Wed 11/1	<ul style="list-style-type: none"> ★ Judicial Hierarchy ★ Reading assignment: Benesh and Reddick 2002
Week 12	
Mon 11/6	<ul style="list-style-type: none"> ★ Separation of Powers: Courts and the Executive ★ Reading assignment: None
Wed 11/8	<ul style="list-style-type: none"> ★ Separation of Powers: Courts and Congress ★ Reading assignment: Reid and Randazzo 2016; Hall 2012; Owens et al. 2013
Week 13	
Mon 11/13	<ul style="list-style-type: none"> ★ Courts and Public Opinion ★ Reading assignment: Bryan and Kromphard 2016; Mishler and Sheehan 1993; Mishler and Sheehan 1996
Wed 11/15	<ul style="list-style-type: none"> ★ Judicial Legitimacy ★ Reading assignment: Benesh 2006; Caldeira and Gibson 1992; Ura 2014
Week 14	
Mon 11/20	<ul style="list-style-type: none"> ★ The Politics of Concurring and Dissenting Opinions ★ Reading assignment: Hettinger et al. 2003a; Hettinger et al. 2003b; Hettinger et al. 2004
Wed 11/22	<ul style="list-style-type: none"> ★ The Politics of Concurring and Dissenting Opinions continued ★ Reading assignment: None

Week 15	
Mon 11/27	<ul style="list-style-type: none"> * Student Research Presentations * Reading assignment: None
Wed 11/29	<ul style="list-style-type: none"> * Student Research Presentations * Reading assignment: None
Week 16	
Mon 12/4	<ul style="list-style-type: none"> * Student Research Presentations * Reading assignment: Chapter 14
Wed 12/6	<ul style="list-style-type: none"> * Course Wrap Up & Review Session * Reading assignment: None
Week 17	
Mon 12/11	<ul style="list-style-type: none"> * Final Exam (5:45 - 7:45 P.M.) * Reading assignment: None