

SUNY, Potsdam College
Department of Politics

Politics 321: Politics and the Judicial Process

Spring 2015
MW 4:00-5:40
Kellas Hall 102

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Office Hours: Tu 1-2:30, Th 2-4

Course Description and Objectives. The catalog description of this course gives an accurate topical overview: *A legal-political analysis of the institutions and factors shaping judicial behavior and decision-making. Emphasis is placed upon the federal political system, particularly the Supreme Court of the U.S.* Our coverage of judicial process is selective: we explore a relatively small number of topics, in relatively great depth. (Those interested in process and criminal law are encouraged to take POLS 312; the Court's impact and aspects of process and civil law are covered in POLS 327.) At the completion of the course, students should be able to describe and apply major theories of judicial decision-making; students will also evaluate key elements of judicial process, and describe their influence on judicial behavior. In addition, students will be able to analyze political science literature—that is, extract and critique a study's theory, hypotheses, data, analysis, and conclusions. Finally, students will be able to independently derive a hypothesis from applicable theory and propose a test.

Course Structure. This course will be taught as a seminar, with minimal lecturing. The bulk of class time will be discussion, which requires careful attention to readings for each session. In such a class, informed student participation is essential, and this is reflected in the course grading. Asking questions is strongly encouraged.

Grading. Course grades will be based on the following components.

Twice-weekly response papers: 25%

In-class participation: 20%

Paper (Research Design): 20%

Mid-term (15%) and Final Exam (20%): 35%

Grading Scale. The grading scale is standard. 92-100: 4.0; 90-92: 3.7; 88-90: 3.3, etc.

Extra Credit. There may be opportunity for extra credit, worth 2% of your final grade. I will give details in class, and post information on Moodle.

Late Paper Policy. I will collect response papers at the end of each class session in which they are due. Students with excused absences should upload their response papers to Moodle before class time. Late *response* papers will not be accepted. For each day that the *research design* paper is late, I will subtract 3 points from the grade; those that are more than fourteen days late will be awarded no credit.

Response Papers. A large part of your grade will be based on response papers to each session's readings. I expect that these one to two page papers will form the foundation, in part, for our class discussions. Specific criteria for these papers will be explained in class. Note that these criteria will differ from those that apply to your typical "reaction paper." All papers will be collected, and a sample of the papers collected will be graded.

Final Exam and Mid-term Policy. Failure to take the final exam or mid-term at the scheduled time will result in a 30% reduction of the test grade.

Attendance, Participation, and Quizzes. Class attendance is required, and is part of the participation grade. Only absences for medical reasons, certified by a doctor, and absences for religious holidays will be considered excused. Coming to class on time and prepared—having read and thought about the readings—is crucial for the ability to understand lecture and contribute intelligently in the class. At my discretion, I will administer unannounced quizzes covering the readings for a given session and/or information from previous classes, at the beginning of a class; quizzes are part of the participation grade. During class discussion, remain respectful of opposing viewpoints, and refrain from personal attacks. Do not browse the internet or use your phone to text in class. Laptop use is discouraged. Repeated cell phone use or other inappropriate behavior will result in a 0 for the participation grade. *Because we cover fundamental information that will be crucial to your success in the class, make every effort to avoid absences in the first several weeks of class.*

Assistance. I want to give you any help with the course that you need. My office hours are listed at the beginning of the syllabus; you can always stop by at these times. Feel free to send me an e-mail when you have a question or concern; my e-mail address is listed also. My office phone number is 267-2716. I will often be in my office, even outside of office hours; you can stop by, although I cannot guarantee that I will always be free. If you'd like to meet outside of office hours, it is safest to email, or call, to set up an appointment. If you notice that you are struggling with any aspect of the course, it may be a good idea to meet with me as soon as possible, so that we can discuss ways of overcoming the struggles before there is a serious impact on your grade.

Academic Honesty. Please review the Honor Code:

<http://www.potsdam.edu/studentlife/studentconduct/honorcode/index.cfm>

I expect all of the work you do in this course to be your own. I will tolerate absolutely no cheating or plagiarism (using someone else's words or ideas without proper citation). Any case of cheating, plagiarism, or other academic dishonesty will be reported to the Office of Student Conduct and Community Standards, where it will be handled according to college policy. The default penalty for plagiarism is the 0 on the plagiarized assignment or 1.0 grade reduction in the course for a first offense (whichever reduction is greater), and a 0 in the class for any subsequent offense. Students are not allowed to leave the room before turning in exams.

Accommodations/Disability. I rely on Accommodative Services for assistance in verifying the need for accommodations and developing accommodation strategies. If you are a student with a disability who will require accommodations in this course, please meet with Accommodative Services in Sisson Hall Room 111 for assistance in developing a plan for accommodations. If you are already working with Accommodative Services, please set up a time to meet with me, or come by during office hours, to discuss accommodations. For more information, visit the Accommodative Services website at <http://potsdam.edu/support/oas>.

Textbooks. Required:

Baum (B), *The Supreme Court*, 11th ed., 2013. CQ Press. ISBN: 9781452220963.

Segal and Spaeth (S), *The Supreme Court and the Attitudinal Model Revisited*, 2002 edition. Cambridge. ISBN: 9780521789714.

Schedule of Readings and Topics. Readings are to be read before the session for which they are listed. It is best to read the readings in the order listed. We will read several articles a week, in addition to the textbook readings. I will post non-textbook readings to Moodle. I recommend printing and bringing to class each sessions articles. Readings you should make extra time for are denoted with *.

Part I. Introduction and Theory.

Session 1. 1/19. Organizational Session.

Session 2. 1/21. Reading Social Science.

S, pp. 44-48.

Segal and Cover, Ideological Values and Votes, *APSR*, 1989

*Reading a Regression Table: A Guide For Students.

Session 3. 1/26. Supreme Court Overview I.

B, Chapter 1.

B, Chapter 5.

Session 4. 1/28. Supreme Court Overview II.

*S, Chapter 1.

Session 5. 2/2. The Legal Model.

S, Chapter 2

Session 6. 2/4. Attitudinal Model and Strategic Model I.

S, pp. 86-97.

Session 7. 2/9. Attitudinal Model and Strategic Model II.

*S, pp. 97-114.

Session 8. 2/11. More on Models.

Gilman, What's Law Got to Do with it? *L&SI* 2001

Recommended: Exchange on precedent between Segal and Spaeth and Brisbin, in *AJPS* 40(4), 1996.

Part II. Using Theory to the Understand the Basics of Process.

Session 9. 2/16. Staffing the Court I.

B, Chapter 2

Gaile, Publishing by Judges, *JLS* 1997.

Session 10. 2/18. Staffing the Court II.

S, Chapter 5.

Hitt, Presidential Success in Supreme Court Appointments, *PSQ* 2013 pp. 1-15 and 18-22.

Session 11. 2/23. Agenda-setting I.

Baum, Chapter 3.

Session 12. 2/25. Agenda-setting II.

*S, Chapter 6.

*Caldeira, Wright and Zorn, Sophisticated Voting and Gate-Keeping, *JLEO* 1999

Session 13. 3/9. Decision-Making I.

B, Chapter 4.

Session 14. 3/11. Decision-Making II.

S, Chapter 7.

Review Segal and Cover article from Session 2.

Johnson, Wahlbeck, and Spriggs, Oral Arguments and Information, *APSR* 2006

Session 15. 3/16. Decision-Making III.

S, Chapter 8.

Murphy, Marshaling the Court, *U Chicago LR* 1961

Session 16. 3/18. Decision-Making IV.

S, Chapter 9.

Optional: Maltzman and Wahlbeck, A Conditional Model of Opinion Assignment, *PRQ* 2004

Session 17. 3/23. Midterm.

Session 18. 3/25. The Attitudinal and Strategic Models: Boundaries

*Posner, What do Judges Maximize, *SC Economic Review*, 1993

Wold and Caldeira, Perceptions of Routine Decision-making, *Polity* 1980

Session 19. 3/30. The Attitudinal and Strategic Models: Boundaries II.

Gibson, Judicial Role Orientations, *APSR* 1978

Songer et al, Do Judges Follow Law When There is No Fear of Reversal? *JSJ* 2003

Session 20. 4/1. The Court and Public Opinion.

Review B, pp. 140-148.

*Baum and Devins, Why Supreme Court Cares about Elites, *Georgetown LJ* 2009

Optional (summarize to replace low grade response paper): Hamilton, Commentary on *Pleasant Grove*

Session 21. 4/8. Empirical Tests of Separation of Power Games.

*Sala and Spriggs, Designing SOP Tests, *PRQ* 2004

Part III. Advanced Topics.

Session 22. 4/13. The Language of Opinions I.

Owens and Wedeking, Justices and Legal Clarity, *LSR* 2011

Session 23. 4/15. The Language of Opinions II.

Coe and Hansford, Linguistic Complexity and Acceptance of Decisions, Working Paper 2014

Goelzhauser and Cann, Judicial Independence and Clarity, *SPPQ* 2014

Session 24. 4/20. In-Class Exercise.

Session 25. 4/22. Clerks.

Ditslear and Baum, Clerks, *JOP* 2001

Peppers and Zorn, Law Clerk Influence, *DePaul LR* 2008

Session 26. 4/27. The Cert Pool.

Palmer, The Bermuda Triangle, *Constitutional Commentary* 2001

Session 27. 4/29. TBD.

Session 28. 5/4. TBD.

Sessions 29. 5/6. Review Session for Final Exam.

In-class final examination (bring pencils):

Monday, May 11, 5:00 - 7:00 pm

Good luck on final exam!

(Note: schedule, readings subject to change).