

POLS 210 – Law and the Legal System  
 Spring 2024  
 Tuesdays and Thursdays 2:30-3:45 PM  
 Oglebay Hall Room 103

## INSTRUCTOR INFORMATION AND ACCESSIBILITY

Instructor: Dr. Jonathan M. King, Assistant Professor, Political Science

Email: jonathan.king@mail.wvu.edu

Office: 315D Woodburn Hall

Office Hours: Tuesdays and Thursdays 12:00PM-2PM or by appointment

Teaching Assistant: Jacob Berg

Email: jmb00107@mix.wvu.edu

## COURSE DESCRIPTION AND OBJECTIVES

In *Federalist 78* Alexander Hamilton famously called the judiciary "the weakest of the three departments of power" because it "has no influence over the sword or the purse; no direction either of the strength or of the wealth of the society; and it can take no active resolution whatever." Yet in modern times, the U.S. federal courts are a major political player. People care about who gets put on the bench, who leaves the bench, who writes the opinions, and what those opinions say. The federal courts are not just legal decision-makers, but political ones as well.

This class will discuss the American federal judiciary. Our focus will specifically emphasize the U.S. Courts of Appeals and the United States Supreme Court, and how their processes influence politics and policy. Throughout the semester, we will discuss the questions that plague the judiciary, such as:

- How were the courts created? How have they evolved since their inception?
- How do judges or justices get on the court? How do they decide to retire? How do presidents decide who to pick, and how does the confirmation process work?
- What are the main theories of judicial decision making? How have social scientists studied judges?
- How do justices decide a case? Why does one justice write the opinion and not another? Who gets to right the "good" cases and who gets stuck with the "dogs"?
- How does a case make it to the Supreme Court? How do the justices decide to take the case, and how do attorneys make their arguments to the Court once the justices agree to hear it?
- How do the courts interact with external institutions (Congress, the president, the people, interest groups)? What is their impact on the courts, and what are the courts' impact on them?

## COURSE MATERIALS

Please obtain a copy of the following book for this class (either digital, physical copy, or audiobook is fine, but if you use the digital copy/ audiobook, it is your responsibility to locate the corresponding page numbers).

- Kaplan, David A. 2018. *The Most Dangerous Branch: Inside the Supreme Court's Assault on the Constitution*. New York: Crown. (Also called "Inside the Supreme Court in the Age of Trump")

All other course material will be placed on eCampus. Please ensure you have access to eCampus at the beginning of the semester; if you do not, please email me during the first week of class.

For any eCampus issues, call for tech support:  
 304-293-4444 or 877-327-9260

## COURSE REQUIREMENTS

Your grade will be determined using the following weights:

Area	Weight
Module Quizzes	40%
Written Assignments	30%
Final	20%
Attendance	5%
Pre/Post Quiz	5%
<b>Total</b>	<b>100%</b>

### Module Quizzes (40%):

Over the course of the class, you will be taking six quizzes following the completion of each module. Each quiz will have between 10 and 15 multiple choice questions and 2-3 short answer questions (3-5 sentences of writing) per quiz. Quizzes will be timed with 30 minutes to complete each quiz. These quizzes are not cumulative. The first quiz will cover the material from the first module. Each subsequent quiz will cover the material examined since the last quiz.

The quiz schedule is included at the end of the syllabus. Quizzes will be open-note and open-book and taken on eCampus. Quizzes may be taken any time during the specified module but must be completed by the due date. Quizzes completed after the listed due date will be subject to late penalties. Exceptions to the late penalties will be made in extreme circumstances including, but not limited to: 1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; or (4) observance of a religious holiday. All claims must, when possible, be made prior to the quiz that you will miss. But, because life happens, I will drop your lowest quiz score (meaning your final quiz grade will be from your five best quizzes). That means you can miss one quiz without incurring a penalty. Quizzes must be completed by 11:59 PM Morgantown time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

### Written Assignments (30%):

Alongside the course material, you will also be reading *The Most Dangerous Branch* by David A. Kaplan. This book uses interviews with justices and law clerks to give a behind-the-scenes look at the current court.

During the semester, you will be completing two short writing assignments (no more than five pages, double spaced) in which you will answer questions (two questions) that connect the text to course concepts. This assignment gives you the opportunity to work on your analytical skills while also showing your comprehension of course topics.

Your reading “assignments” are as follows (Note: this is a *recommended* schedule):

Due Date	Chapters
1/14	Introduction-Chapter 1 (38 pages)
1/28	Chapters 2-4 (60 pages)
2/18	Chapters 5 & 6 (45 pages)
3/3	Chapter 7 & 8 (31 pages) Written Assignment #1 Due by 11:59 PM ET
3/17	Chapters 9 & 10 (50 pages)
3/31	Chapters 11 & 12 (56 pages)
4/7	Chapters 13 & 14 (44 pages)
4/14	Chapter 15 (33 pages) Epilogue (optional) Writing Assignment #2 Due by 11:59 PM ET

The written assignments should be submitted on eCampus (Assignments → Written Assignment). It should be completed in Times New Roman 12 pt. font, double spaced, with 1" margins. All written assignments must be submitted as a PDF. Written assignments must be completed by 11:59 PM Morgantown time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

I will provide more details about these assignments, including the grading rubric, in a separate document that will be posted on eCampus in the first two weeks of the semester.

#### Final (20%):

To evaluate all that you learned throughout the semester, there will be a final for the class. This final will be cumulative, timed, and will consist of ~50 multiple-choice questions and several short answer questions. ~40 of the multiple-choice questions will come from previous in-class quizzes, while ~10 will be new questions from over the semester. Like quizzes, the final will be open-book and open-note.

All exams must be taken during the period in which they are scheduled. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; (4) observance of a religious holiday; or (5) three or more exams are scheduled for the same day during finals week. All claims must, when possible, be made at least two weeks prior to when the exam is scheduled. Failure to follow these guidelines will result in a grade of "0" being awarded for the final. I reserve the right to have the makeup exam be of a different format than the exam that is given during class.

#### Attendance (5%):

Coming to class is important. Throughout the semester, we will have random attendance “quizzes” on topics covered in either the previous or current lecture. Quizzes will be given randomly throughout lectures (so, not always at the beginning of lecture). These quizzes will be graded for attendance only (you will not lose points if you get the answer wrong). Of these quizzes, I will drop at least 4 quizzes, no questions asked. You do not need to email me if you miss class. This corresponds to missing at least two weeks of class. Any additional missed quizzes will detract from your attendance grade. For example, if we have 10 attendance quizzes and you only take 9, you will receive a 9/10 (90%) attendance grade.

You are prohibited from taking quizzes for classmates who are absent. Students suspected of engaging in this activity will receive a grade of zero for the *entire* quiz portion of the course and will have formal disciplinary proceeding for academic dishonesty initiated against them. The same action will be taken against the student(s) with quizzes taken for them.

#### Pre/Post Quiz (5%):

One of the aims of this course is to increase your knowledge of the judiciary, the judicial process, and judicial behavior. We will have a pre- and post-course quiz to gauge changes in knowledge of the judiciary. Prior to the start of course content, you will take the pre-course quiz. Your last assignment in this course will be a post-course quiz. These quizzes will only be graded on completion and not on the accuracy of your responses. These two quizzes are closed-note and closed-book.

### **GRADING SCALE**

I will use the following scale to assign course grades:

<b>Percentage</b>	<b>Grade</b>
90-100%	A
80-89%	B
70-79%	C
60-69%	D
59% or less	F

Per University guidelines, you will receive a midterm grade report. Please note that you should not over-interpret this reported grade. A high midterm report grade does not guarantee a high end-of-semester grade nor does a low midterm report grade guarantee a low end-of-semester grade.

### **AVAILABILITY OF COURSE PERSONNEL**

Email is the best way to contact me. My email address is [jonathan.king@mail.wvu.edu](mailto:jonathan.king@mail.wvu.edu). If you email me, include "POLS 210" in the subject line to make sure the email does not get missed. Please allow 24 hours for a response during the week (Monday-Thursday) and 36 hours during the weekend (Friday-Sunday). If you do not get a response in that time, please resend your email, as I probably missed it.

I will have office hours every Tuesday and Thursday from 12 to 2:00 PM. I set aside this time for you to ask questions about course material outside of class, so please utilize it. If you cannot make it to office hours, I am also available by appointment if you have anything you would like to discuss.

### **COURSE PROCEDURES**

#### Course Communications

All course communication will go through eCampus, including occasional updates and notes. You can set up eCampus such that it will email or text you whenever a new announcement is posted. I encourage you to take advantage of this. If you choose not to do so, you are still responsible for checking eCampus for any course updates.

Classroom Content Recording and Sharing:

As members of a learning community, students are expected to respect the intellectual property of course instructors. All course materials presented to students are the copyrighted property of the course instructor and are subject to the following conditions of use:

- Students may record lectures or any other classroom activity and use the recordings only for their own course-related purposes.
- Students may share the recordings with other students enrolled in the class. Sharing is limited to using the recordings only for their own course-related purposes.
- Students may not post the recordings or other course materials online or distribute them to anyone not enrolled in the class without the advance written permission of the course instructor and, if applicable, any students whose voice or image is included in the recordings.

Any student violating the conditions described above may face academic disciplinary actions.

Grade Appeals:

If you receive a grade and see that it contains an arithmetic error (i.e., I mis-calculated your grade), please inform me of the issue. If you have a question or concern about your performance on any course work, please contact me as soon as possible. All concerns must be stated in writing (email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. This includes attendance concerns. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

**COURSE POLICIES**General Statement:

I take academic integrity seriously. As a student, you are responsible for familiarizing yourself with all relevant departmental, college, and university policies governing your conduct in this course. This includes, but is not limited to, policies relating to plagiarism, academic integrity, and accommodations for students with documented disabilities. If ever in doubt, please ask!

You can find the relevant university policies at the following link:

<https://tlcommons.wvu.edu/syllabus-policies-and-statements>

Academic Integrity and Honesty:

The integrity of the classes offered by any academic institution solidifies the foundation of its mission and cannot be sacrificed to expediency, ignorance, or blatant fraud. Therefore, instructors will enforce rigorous standards of academic integrity in all aspects and assignments of their courses. For the detailed policy of West Virginia University regarding the definitions of acts considered to fall under academic dishonesty and possible ensuing sanctions, please see the West Virginia University [Academic Standards Policy](#). Should you have any questions about possibly improper research citations or references, or any other activity that may be interpreted as an attempt at academic dishonesty, please see your instructor before the assignment is due to discuss the matter.

Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. This includes your classmates, using GroupMe to get answers from your classmates, ChatGPT, and online

sources such as Oyez and Justia. Unless authorized by the instructor, all coursework is expected to be completed without assistance from others unless explicit permission for group or partner work is given. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Students found using GroupMe for course answers will be subject to academic integrity violations. Students who violate WVU's academic integrity rules may receive a penalty grade, including a failing grade on the assignment or in the course. Contact your instructor if you are unsure about the appropriateness of your course work (see also the [Academic Integrity](#) webpage).

#### Grief Absence Policy:

University sanctioned absences are absences in which instructors provide opportunities to make up substantial class work or activities (e.g., assignments, exams) and will not penalize students for those absences. University sanctioned absences include mandatory military obligation, mandatory court appearances, and participation in university activities at the request of university authorities. According to WVU's [Emergency Leave Policy and Procedures](#), "students are responsible for notifying their instructors of expected university sanctioned absences within two weeks of the event or as soon as possible. Instructors may require written documentation in advance of the university sanctioned absence from the academic or athletic unit sponsoring the activity for students participating in official activities. Instructors may request additional verification from the Center for Veteran, Military, and Family Programs website for students serving military obligations. Students who are absent are responsible for contacting their instructors promptly, unless the instructors' policy require otherwise."

For university sanctioned absences totaling more than three weeks of course work resulting from military obligation, see WVU's [Military leave section of the undergraduate catalog](#). For students who will miss more than a week of course work due to health condition or personal trauma, refer to WVU's [Emergency Leave Policy](#).

#### TurnItIn Policy:

Consistent with WVU's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, I have chosen to use a tool called Turnitin to compare your papers with multiple sources. The tool will compare each paper you submit to an extensive database of prior publications and papers, providing links to possible matches and a 'similarity score.' The tool does not determine whether plagiarism has occurred or not. Instead, I will make a complete assessment and judge the originality of your work. All submissions to this course may be checked using this tool.

You should submit papers to eCampus without identifying information included in the paper (e.g., name or student number), the eCampus system will automatically show this information to me when I view the submission, but the information will not be retained by Turnitin. If you forget and submit your paper with your identifying information on it, it will be retained in the Turnitin repository.

#### Syllabus Adjustments:

I reserve the right to modify this syllabus at any point in the course to suit the needs of the class. All changes will be noted in eCampus and sent to students via email in advance of class. A revised version of the syllabus will be posted, as well.

## COURSE OUTLINE AND DUE DATES

The schedule below follows our Tuesday/ Thursday class meeting times. Unless otherwise specified, readings should be completed before the scheduled lecture date. That is, you should come to class prepared having read the assigned materials listed. Module quizzes will be posted after the final lecture on the topic and are due at the time assigned on the syllabus. Written assignments may be turned in at any time before the assigned due date. Note: once submitted to eCampus, quizzes and written assignments are considered “final” and may be graded before the due date. Quizzes and written assignments must be completed by 11:59 PM Morgantown time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

### MODULE 0: SYLLABUS/ COURSE INTRODUCTION

**January 9 (T)**

Course Introduction

- Syllabus
- Pre-course quiz (Due 1/14 by 11:59PM)

### MODULE 1: HISTORY OF THE COURTS

**January 11 (R)** – Judicial History

- Read Article III of U.S. Constitution
- Read [Federalist Papers #77-81](#)

**January 16 (T)** – Court Procedures

- Watch [C-SPAN’s Supreme Court Documentary](#)
- Module 1 Quiz (Due 1/21 by 11:59PM)

### MODULE 2: STAFFING THE COURTS

**January 18 (R)**- Introduction to Social Science Research

- [Epstein and Martin \(2014\)](#)
- [Blog Post: How to Read a Regression Table](#)

**January 23 (T)**- Judicial Retirements

- Ward (2003)

**January 25 (R)**- Judicial Selection

- Black and Owens (2016)

**January 30 (T)**- Lower Court Confirmations

- Dancy *et al.* (2021)

**February 1 (R)**- Supreme Court Confirmation

- [Frontline: Extreme Revenge Documentary](#)
- Schoenherr *et al.* (2020)

**February 6 (T)- Law Clerks**

- Black and Owens (2020)
- Module 2 Quiz (Due 2/11 by 11:59PM)

**MODULE 3: THEORIES OF JUDICIAL BEHAVIOR****February 8 (R)- The Law**

- Segal (1984)

**February 13 (T)- Policy****February 15 (R)- Psychology**

- Black *et al.* (2020)- Ch. 1 & 2
- Module 3 Quiz (Due 2/18 by 11:59PM)

**MODULE 4: MECHANICS OF JUDICIAL DECISION-MAKING****February 20 (T)- Cert and Agenda Setting**

- Perry (1991)- Ch. 8

**February 22 (R)- Cert and Agenda Setting (Cont.)****February 27 (T)- Briefs****February 29 (R)- NO CLASS- WRITING DAY**

- Written Assignment #1 Due by 11:59 PM ET on 3/3

**March 5 (T)- Oral Arguments**

- [More Perfect: "Justice Interrupted"](#)
- Module 4 Quiz (Due 3/10 by 11:59PM)

**MODULE 5: JUDICIAL OPINIONS****March 7 (R) – Opinion Assignment and Writing**

- Johnson, Spriggs, and Wahlbeck (2005)
- Maltzman and Wahlbeck (1996)

**March 12 (T)- SPRING BREAK/ NO CLASS****March 14 (R)- SPRING BREAK/ NO CLASS****March 19 (T)- Separate Opinions**

- Ginsburg (2010)
- Module 5 Quiz (Due 3/24 by 11:59PM)

**MODULE 6: COURT AND THEIR ENVIRONMENTS****March 21 (R)- Solicitor General**

- Wohlfarth (2009)

**March 26 (T)- Interest Groups**

- Collins (2007)

**March 28 (R)- News Media**

- Collins and Cooper (2015)



**April 2 (T)- Public Opinion**

- Krewson (2019)

**April 4 (R) – NO CLASS/ MPSA CONFERENCE****April 9 (T)- Representation on the Bench**

- [Russell-Kraft \(2021\)](#)
- Harris and Sen (2019)

**April 11 (R)- NO CLASS- WRITING DAY**

- Written Assignment #2 due by 11:59PM ET on 4/14

**April 16 (T)- Separation of Powers****April 18 (R)- Recusals****April 23 (T)- Judicial Impact****April 25 (R)**

## Review Day

- Module 6 Quiz (Due 4/28 by 11:59PM)
- Post-Course Quiz (Due 4/28 by 11:59PM)

**Final Exam Due During Final Exam Period**