

Judicial Politics

Political Science 280 - Fall 2019

Meeting Times: T & TR 11 A.M. - 12:15 P.M.

Location: Buckman Hall 330

Instructor

Professor Ali Masood

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Office: Buckman Hall 308

Office Hours: Tuesday & Thursday 2 - 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 their role within the political landscape. 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 by the ideological proclivities of individual justices? In addition to exploring these broad questions, the course will also cover additional aspects of judicial politics. The topics covered in this course include: attitudinal, legal, and strategic theories of judicial decision making, consensus and dissensus in the courts, bargaining and accommodation in opinion writing, judicial selection, separation of powers, and public opinion and the institutional legitimacy of the Court.

Learning Outcomes

Upon completing this course, students should:

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 able to produce an original research paper on the subject.

Required Text

- ★ Howard, Robert M. and Kirk A. Randazzo, eds. 2017. "Routledge Handbook of Judicial Behavior." New York, NY: Routledge 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.
- ★ Binder, Sarah A. and Forrest Maltzman. 2009. *Advice & Dissent: The Struggle to Shape the Federal Judiciary*. Brookings Institutions Press.
- ★ Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: CQ Press.
- ★ Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University 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 Slack Account

This class will use Slack for class-related communication. All students are required to join the course using their college email address. The Slack channel for the course is accessible at <https://join.slack.com/t/masood-rhodes/signup>.

Course Structure and Evaluation

In this course, we will engage in a variety of activities, including some lecture, 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 & participation, critical response essays, seminar engagement, a research design presentation, an original research paper, 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 required to pose a question that comes from the readings on Slack once a week. Each student is allowed three absences without penalty. Any additional absences will adversely affect the student's grade.

Critical Response Papers

Over the course of the semester, each student will write two critical response papers engaging the assigned readings for the class. 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 responses should be approximately 2-3 pages, with one-inch margins, double-spaced. The critical response paper is due prior to the start of class on the day the reading is to be discussed.

Seminar Engagement

Each student will choose one of the classes throughout the semester and be the “seminar leader” for that class. This is an opportunity for students in the class to directly engage their peers and stimulate unique directions for critical discussion. The basic requirements for the seminar leader include: (1) offering a brief overview of the readings; (2) postulating both positive and critical impressions of the theory, research design, and conclusions; (3) posing questions and suggesting new directions of inquiry derived from the readings.

Research Design Presentation

Students in the class will present a complete or early version of their research design. At a minimum, these presentations should identify the research question, discuss prior related research, offer a theory with at least one hypothesis, discuss an appropriate source to test the hypothesis, and discuss the potential implications of the project. These presentations should be approximately 10-12 minutes in length.

Research Paper

Students are required to complete an original research paper 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 research paper on an aspect of the courts that is of interest to the student. The research paper should identify an original research question, discuss related research, offer at least one hypothesis, posit a clear research design, conduct a suitable analysis through existing or original data, and, finally, discuss the implications of the work. Early in the semester, students are required to submit a short, two-sentence research question that will form the basis of their research paper. Other components of the paper will due at later points in the semester. 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 paper should be approximately 20 pages in length. More information on the research paper 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. As such, 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. A make-up examination is only offered when there is documented proof of a medical emergency that is excused by the instructor. 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.

Accommodations

Students requiring accommodations should contact the Office of Student Accessibility Services at 901-843-3885, so that appropriate arrangements can be made. Students should also bring any request for reasonable accommodation to the attention of the instructor.

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 concerns relating to the classroom environment should bring them to the attention of the instructor before or after class or during office hours.

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.

Honor Code

Students should familiarize themselves with the Rhodes College 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 Honor Code may result in additional sanction including expulsion from the college.

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.

Grade Distribution

Attendance & Participation	5%
First Critical Response Paper	10%
Second Critical Response Paper	10%
Seminar Engagement	10%
Research Design Presentation	15%
Final Examination	15%
Research Paper	35%

Grading Scale

100 - 90.00	A	70.00 - 76.99	C
87.00 - 89.99	B+	67.00 - 69.99	D+
80.00 - 86.99	B	60.00 - 66.99	D
77.00 - 79.99	C+	<= 59.99	F

Course Schedule

The schedule of courses is listed on the following page also lists 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. It is critical that students come to class prepared to discuss the material.

	Content
Week 1	
Thr 8/22	<ul style="list-style-type: none"> ★ Course Introduction & Overview ★ Reading assignment: None
Week 2	
Tue 8/27	<ul style="list-style-type: none"> ★ Introduction to Judicial Politics and L^AT_EX ★ Reading assignment: None
Thr 8/29	<ul style="list-style-type: none"> ★ American Political Science Conference (No Class) ★ Reading assignment: None
Week 3	
Tue 9/3	<ul style="list-style-type: none"> ★ A Political History of the U.S. Supreme Court ★ Reading assignment: Howard and Randazzo (pp. 1–15)
Thr 9/5	<ul style="list-style-type: none"> ★ The U.S. Supreme Court ★ Reading assignment: Howard and Randazzo (pp. 95–131)
Week 4	
Tue 9/10	<ul style="list-style-type: none"> ★ The Legal Model ★ Reading assignment: Howard and Randazzo (pp. 34–47; 84–94)
Thr 9/12	<ul style="list-style-type: none"> ★ Law and Constraint ★ Reading assignment: George and Epstein 1992; Knight and Epstein 1996; Songer and Lindquist 1996
Week 5	
Tue 9/17	<ul style="list-style-type: none"> ★ The Attitudinal Model ★ Reading assignment: Howard and Randazzo (pp. 15–33; 62–83)
Thr 9/19	<ul style="list-style-type: none"> ★ Ideology in the Courts ★ Reading assignment: Clark 2009; Collins 2008; Gibson 1978; Segal and Spaeth 1996; Zorn and Bowie 2010

Week 6	
Tue 9/24	<ul style="list-style-type: none"> ★ Measures in Judicial Politics ★ Reading assignment: Epstein and Segal 2000; Epstein et al. 2018; Lindquist and Klein 2006; Segal and Cover 1989 ★ Writing assignment: Initial Research Proposal Due
Thr 9/26	<ul style="list-style-type: none"> ★ The Strategic Model ★ Reading assignment: Howard and Randazzo (pp. 48–61); Baird and Jacobi 2009; Boucher and Segal 1995; Epstein and Knight 2000
Week 7	
Tue 10/1	<ul style="list-style-type: none"> ★ Judicial Selection ★ Reading assignment: Howard and Randazzo (pp. 151–165; 321–352); Cameron, Cover, and Segal 1990; Moraski and Shipan 1999
Thr 10/3	<ul style="list-style-type: none"> ★ Research Design Workshop I ★ Reading assignment: None ★ Writing assignment: Revised and Extended Research Proposal Due
Week 8	
Tue 10/8	<ul style="list-style-type: none"> ★ Agenda Setting in the Supreme Court ★ Reading assignment: Caldiera and Wright 1988; Cameron, Segal, and Songer 2000
Thr 10/10	<ul style="list-style-type: none"> ★ Oral Arguments and Opinion Writing ★ Reading assignment: Howard and Randazzo (pp. 166–179; 221–238)
Week 9	
Tue 10/15	<ul style="list-style-type: none"> ★ Fall Break (No Class) ★ Reading assignment: None
Thr 10/17	<ul style="list-style-type: none"> ★ Research Design Workshop II ★ Reading assignment: None ★ Writing assignment: Full Outline of Research Paper Due
Week 10	
Tue 10/22	<ul style="list-style-type: none"> ★ Courts and Public Opinion ★ Reading assignment: Howard and Randazzo (pp. 180–195); Bryan and Kromphard 2016; Mishler and Sheehan 1993; Sheehan and Mishler 1996
Thr 10/24	<ul style="list-style-type: none"> ★ Judicial Legitimacy ★ Reading assignment: Howard and Randazzo (pp. 132–150); Bartels and Johnston 2013; Benesh 2006; Caldeira and Gibson 1992; Ura 2014

Week 11	
Tue 10/29	<ul style="list-style-type: none"> ★ The Lower Courts ★ Reading assignment: Howard and Randazzo (pp. 239–279); Songer and Haire 1992; Corley, Collins, and Calvin 2011
Thr 10/31	<ul style="list-style-type: none"> ★ The Judicial Hierarchy ★ Reading assignment: Benesh and Reddick 2002; Masood, Kassow, and Songer 2019; Songer, Segal, and Cameron 1994; Westerland et al. 2010
Week 12	
Tue 11/5	<ul style="list-style-type: none"> ★ The Politics and Consensus and Dissensus in Lower Courts ★ Reading assignment: Hettinger, Lindquist, and Martinek 2003a; 2003b; 2004
Thr 11/7	<ul style="list-style-type: none"> ★ The Politics and Consensus and Dissensus in the Supreme Court ★ Reading assignment: Corley et al. 2010; Epstein, Segal, and Spaeth 2001; Wahlbeck, Spriggs, and Maltzman 1999
Week 13	
Tue 11/12	<ul style="list-style-type: none"> ★ Separation of Powers: Courts and the Executive ★ Reading assignment: McGuire 1998; Pritchett 1949; Yates and Whitford 1998
Thr 11/14	<ul style="list-style-type: none"> ★ Separation of Powers: Courts and Congress ★ Reading assignment: Hall 2012; Owen et al. 2013; Reid and Randazzo 2016
Week 14	
Tue 11/19	<ul style="list-style-type: none"> ★ Gender and Race in the Courts ★ Reading assignment: Boyd, Epstein, and Martin 2010; Glynn and Sen 2014; Sen 2015; Songer, Davis, and Haire 1994
Thr 11/21	<ul style="list-style-type: none"> ★ Research Design Presentations ★ Reading assignment: None
Week 15	
Tue 11/26	<ul style="list-style-type: none"> ★ Research Design Presentations ★ Reading assignment: None
Thr 11/28	<ul style="list-style-type: none"> ★ Thanksgiving Break (No Class) ★ Reading assignment: None
Week 16	
Tue 12/3	<ul style="list-style-type: none"> ★ Course Wrap Up & Review Session ★ Reading assignment: None ★ Research Paper Due
Week 17	
Tue 12/10	<ul style="list-style-type: none"> ★ Final Exam (1 P.M.) ★ Reading assignment: None