

U.S. Supreme Court Simulation

Political Science 159T - Spring 2018

Meeting Times: T & TR 5 - 6:15 P.M.

Location: Family Food & Sciences 314

Instructor

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Office Hours: Tuesday & Thursday 2:30 - 3:15 P.M. and 6:15 - 7 P.M.

Course Overview

The purpose of this course is to provide students with a thorough understanding of the U.S. Supreme Court. The central aspect of this course is exploring judicial selection, Supreme Court procedure, and the dynamics of decision-making behavior within the U.S. Supreme Court. How do Supreme Court nominees get on the Court? How do Supreme Court justices grant certiorari? How do the justices make decisions? In addition to exploring these broad questions, the course will also cover additional aspects of the Court. The topics covered in this course include: theories of Supreme Court decision making, agenda setting, oral arguments, consensus and dissensus in the Supreme Court, bargaining and accommodation in Supreme Court opinion writing, separation of powers, and public opinion and the institutional legitimacy of the Court. This is a simulation based course where participants will simulate the roles of lawyers and Supreme Court justices.

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 branch.
3. Be able to explain how the justices set the Supreme Court's agenda.
4. Be able to identify the major theories of decision making for the U.S. Supreme Court.
5. Be able to engage and evaluate the process through which the justices make decisions.
6. Be better able to read, discuss, and write critically.

Required Texts

- * Baum, Lawrence. 2016. *The Supreme Court*, 12th ed. Washington: CQ Press.

Recommended Texts

- ★ Baum, Lawrence. 2008. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton: Princeton University Press.
- ★ Baum, Lawrence. 2012. *American Courts: Process and Policy*. Boston: Wadsworth Publishing.
- ★ Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2008. *Judicial Process in America*, 8th ed. Washington: CQ 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: 975626. You can access the course materials at www.tophat.com/e/975626.

Course Structure and Evaluation

In this course, we will engage in a variety of activities, including lecture, lecture-based discussion, and simulation of Supreme Court proceedings. Over the course of the semester, students in this course will be evaluated on the following items: attendance and participation, a presentation, a reflection, two written assignments, 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.

Student Presentation

Students in the class will prepare a short presentation for the class profiling a Supreme Court justice or unsuccessful Supreme Court nominee. These presentations should be approximately 7-10 minutes in length. Additional information on the student presentations will be provided in class.

Simulation Reflection

After the first simulation, each student will a short reflection. The purpose of the response paper is to help students develop the ability to critique and improving their writing ability. The reflection should provide a very brief synthesis of the simulation proceedings and then discuss the strengths, weaknesses, and suggestions for improvement. The reflections should be approximately 2 pages, with one-inch margins, double-spaced.

Writing Assignments

Following the second and third simulations, each student will work on a written assignment. While generally similar, the nature of this assignment will depend on the role the student plays. Students playing the role of justices will work together to produce a majority opinion for the Court. Justices not in the majority will together to produce a dissenting opinion. In addition, students playing the role of lawyers will produce detailed briefs that summarize their arguments and make a case for why the justices should rule in their favor. Students will work on two writing assignments over the course of the semester.

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 law and courts. 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	30%
Student Presentation	10%
Simulation Reflection	10%
First Written Assignment	15%
Second Written Assignment	15%
Final Examination	20%

Course Schedule

	Content
Week 1	
Tue 1/16	<ul style="list-style-type: none"> * Course Introduction & Overview * Reading assignment: None
Thr 1/18	<ul style="list-style-type: none"> * Introduction to Law & Empirical Research * Reading assignment: None
Week 2	
Tue 1/23	<ul style="list-style-type: none"> * A Political History of the U.S. Supreme Court * Reading assignment: None
Thr 1/25	<ul style="list-style-type: none"> * Civil Rights and Civil Liberties * Reading assignment: None
Week 3	
Tue 1/30	<ul style="list-style-type: none"> * Civil Rights and Civil Liberties continued * Reading assignment: None
Thr 2/1	<ul style="list-style-type: none"> * Justices and Judicial Selection * Reading assignment: Baum Chapter 1 and 2
Week 4	
Tue 2/6	<ul style="list-style-type: none"> * Supreme Court Procedure * Reading assignment: Baum Chapter 3
Thr 2/8	<ul style="list-style-type: none"> * Supreme Court Procedure continued * Reading assignment: Baum Chapter 4
Week 5	
Tue 2/13	<ul style="list-style-type: none"> * Law, Ideology, and Decision Making * Reading assignment: Segal and Cover (1989)
Thr 2/15	<ul style="list-style-type: none"> * Law, Ideology, and Decision Making & Student Presentations - Day 1 * Reading assignment: Johnson, Spriggs, and Wahlbeck (2005)

Week 6	
Tue 2/20	<ul style="list-style-type: none"> ★ Student Presentations - Day 2 ★ Reading assignment: None
Thr 2/22	<ul style="list-style-type: none"> ★ Student Presentations - Day 3 ★ Reading assignment: None
Week 7	
Tue 2/27	<ul style="list-style-type: none"> ★ Simulation 1 - Day 1 (Nomination Hearing Candidate A) ★ Reading assignment: None
Thr 3/1	<ul style="list-style-type: none"> ★ Simulation 1 - Day 2 (Nomination Hearing Candidate B) ★ Reading assignment: None
Week 8	
Tue 3/6	<ul style="list-style-type: none"> ★ Simulation 1 - Day 3 (Nomination Hearing Candidate C) ★ Reading assignment: None
Thr 3/8	<ul style="list-style-type: none"> ★ Simulation 1 - Day 4 (Judiciary Committee Deliberations) ★ Reading assignment: None
Week 9	
Tue 3/13	<ul style="list-style-type: none"> ★ Simulation 2 - Day 1 (Arguments) ★ Reading assignment: None
Thr 3/15	<ul style="list-style-type: none"> ★ Simulation 2 - Day 2 (Arguments) ★ Reading assignment: None
Week 10	
Tue 3/20	<ul style="list-style-type: none"> ★ Simulation 2 - Day 3 (Conference) ★ Reading assignment: None
Thr 3/22	<ul style="list-style-type: none"> ★ Simulation 2 - Day 4 (Arguments) ★ Reading assignment: None
Week 11	
Tue 3/27	<ul style="list-style-type: none"> ★ Spring Break (No Class) ★ Reading assignment: None
Thr 3/29	<ul style="list-style-type: none"> ★ Spring Break (No Class) ★ Reading assignment: None

Week 12	
Tue 4/3	<ul style="list-style-type: none"> ★ Simulation 2 - Day 5 (Arguments) ★ Reading assignment: None
Thr 4/5	<ul style="list-style-type: none"> ★ Midwest Political Science Conference (No Class) ★ Reading assignment: None
Week 13	
Tue 4/10	<ul style="list-style-type: none"> ★ Simulation 2 - Day 6 (Conference) ★ Reading assignment: None
Thr 4/12	<ul style="list-style-type: none"> ★ Simulation 2 - Day 7 (Discussion) ★ Reading assignment: None
Week 14	
Tue 4/17	<ul style="list-style-type: none"> ★ Simulation 3 - Day 1 (Arguments) ★ Reading assignment: None
Thr 4/19	<ul style="list-style-type: none"> ★ Simulation 3 - Day 2 (Arguments) ★ Reading assignment: None
Week 15	
Tue 4/24	<ul style="list-style-type: none"> ★ Simulation 3 - Day 3 (Conference) ★ Reading assignment: None
Thr 4/26	<ul style="list-style-type: none"> ★ Simulation 3 - Day 4 (Arguments) ★ Reading assignment: None
Week 16	
Tue 5/1	<ul style="list-style-type: none"> ★ Simulation 3 - Day 5 (Arguments) ★ Reading assignment: None
Thr 5/3	<ul style="list-style-type: none"> ★ Simulation 3 - Day 6 (Conference) ★ Reading assignment: None
Week 17	
Tue 5/8	<ul style="list-style-type: none"> ★ Course Wrap Up & Review Session ★ Reading assignment: None
Week 18	
Thr 5/17	<ul style="list-style-type: none"> ★ Final Exam (5:45 - 7:45 P.M.) ★ Reading assignment: None