

Judicial Simulation

POLT 289 – Fall 2023

Meeting Times: T & TR 3 - 4:15 P.M.

Location: King 337

Instructor

Professor Ali Masood

Email: amasood@oberlin.edu

Office: Rice Hall 232

Office Hours: Tuesday & Thursday 4:15 - 5:15 P.M. or by Appointment

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 American courts. 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, clerks, and Supreme Court justices.

Learning Outcomes

Upon completing this course, students will:

1. Be able to identify key concepts within judicial politics.
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 explain how decisions by the courts impact legal and policy outcomes
5. Be able to engage and evaluate the process through which the justices make decisions.
6. Improve oral and written communications skills through class discussion and written assignments.
7. Learn to think critically, analytically, and systematically about courts and judicial decision making.

Required Textbook

The textbook listed below is available online and at the campus bookstore:

- ★ Baum, Lawrence. 2022. *The Supreme Court*, 14th Edition. CQ Press.

Recommended Texts

- ★ Baum, Lawrence. 2008. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton: Princeton University Press.
- ★ Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2008. *Judicial Process in America*, 8th ed. Washington: CQ Press.
- ★ Segal, Jeffrey A., Harold J. Spaeth, and Sara C. Benesh. 2005. *The Supreme Court in the American Legal System*. 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 titled: judsim-fall2023. You will receive an email prompt to join.

Zoom Remote Contingency

We may need to conduct our class remotely through Zoom Video if campus is closed. If the class becomes remote, students are required to have their video on in order to participate. If you have not already done so, please register and install the Zoom video application on your device. The Zoom meeting information for the class is as follows:

Meeting ID: 478-716-9473 Passcode: 289

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: attendance, participation, a simulation reflection, two written assignments, and a final creative project.

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. Each student is allowed three absences without penalty.

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 their effort and improve their participation in the remaining simulations. The reflection should provide a very brief synthesis of the simulation proceedings and then discuss the strengths, weaknesses, and

areas with potential improvement. The reflections should be approximately 2 pages, double-spaced, with one-inch margins, and should be submitted as a PDF.

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. Finally, students playing the role of Supreme Court clerks will produce a report assessing the performance of each justice and the legal teams. Each student will work on two writing assignments over the course of the semester. All written assignments should be submitted as a PDF.

Final Creative Project

As the culminating project for this course, students are tasked with teaching “outsiders” about any substantive aspect covered in this course. This includes judicial nominations and confirmations, Supreme Court oral arguments, or written opinions. You can use a wide variety of preferred mediums, except for a standard essay or a twitter thread. Feel free to be creative. Record a podcast. Do a photo essay. Write a Song. Produce a series of TikTok videos. Write a longform essay for a magazine. The possibilities are purposely broad. Regardless of the form, all projects will need to be pre-approved by the instructor and will be evaluated according to the following criteria: meeting with the instructor (5 points); demonstrating a clear understanding of the concept (20 points); making clear why the concept is important for understanding law and courts in the United States (25 points); using language that is accessible to the broader public (10 points); demonstrating an effort commensurate with that of a well-developed project (25 points); showcasing creativity and imaginative thinking (15 points).

Research Paper Alternative

Students may opt to write a research paper in lieu of completing the creative project. The research paper can examine any aspect of law and courts. Early submission of rough drafts is highly encouraged. While quality matters more than quantity, students who elect to complete a research paper should submit a paper that is approximately 18-20 pages in length, double-spaced. The research paper is due on the day of the final exam.

Honor Code

Students should familiarize themselves with Oberlin College’s Honor Code Charter 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 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.

Accommodations

Students requiring accommodations should contact the Office of Accessibility Services at 440-775-5588, so that appropriate arrangements can be made. Students should also bring any request for reasonable accommodation to the attention of the instructor.

Grade Appeals

Instructors at times may have a very different perception on performance evaluation from students. 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	15%
Participation	25%
Simulation Reflection	10%
First Written Assignment	15%
Second Written Assignment	15%
Creative Project	20%

Grading Scale

100 - 98.00	A+	79.99 - 77.00	C+
97.99 - 93.00	A	76.99 - 73.00	C
92.99 - 90.00	A-	72.99 - 70.00	C-
89.99 - 87.00	B+	69.99 - 60.00	D
86.99 - 83.00	B	<= 59.99	F
82.99 - 80.00	B-		

Syllabus Amendments

Over the course of the semester, amendments to the syllabus may become necessary. In the event of an amendment, students will be notified electronically.

Course Schedule

The readings are listed by the class date prior to which they should be completed.

	Content
Week 1	
Thr 8/31	<ul style="list-style-type: none"> ★ American Political Science Conference (No Class) ★ Reading assignment: None
Week 2	
Tue 9/5	<ul style="list-style-type: none"> ★ Course Introduction & Overview ★ Reading assignment: None
Thr 9/7	<ul style="list-style-type: none"> ★ A Political History of the U.S. Supreme Court ★ <i>Marbury v. Madison</i>
Week 3	
Tue 9/12	<ul style="list-style-type: none"> ★ U.S. Supreme Court Procedure ★ Reading assignment: None
Thr 9/14	<ul style="list-style-type: none"> ★ Judicial Nominations and Confirmation Hearings ★ Reading assignment: Boyd, Collins, and Ringhand (2018); Epstein et al. (2006); Schoenherr, Lane, and Armaly (2020); Whittington 2007
Week 4	
Tue 9/19	<ul style="list-style-type: none"> ★ Oral Arguments ★ Reading assignment: Johnson (2001); Johnson et al. (2009); Ringsmuth, Bryan, and Johnson (2012); Gleason (2020)
Thr 9/21	<ul style="list-style-type: none"> ★ Majority Opinions, Concurrences, and Dissents ★ Reading assignment: Corley (2008); Ginsburg (2010); Scalia (1994); Spriggs, Maltzman, Wahlback (1999)
Week 5	
Tue 9/26	<ul style="list-style-type: none"> ★ Simulation 1 - Day 1 (Overview & Assignments)
Thr 9/28	<ul style="list-style-type: none"> ★ Judicial Politics Research Symposium (No Class) ★ Assignment: Creative Project Proposal Due
Week 6	
Tue 10/3	<ul style="list-style-type: none"> ★ Simulation 1 - Day 2 (Nominee Preparation & Senator Consultations)
Thr 10/5	<ul style="list-style-type: none"> ★ Simulation 1 - Day 3 (Nomination Hearing Candidates A, B, and C)

Week 7	
Tue 10/10	★ Simulation 1 - Day 4 (Nomination Hearing Candidates D, E, and F)
Thr 10/12	★ Simulation 1 - Day 5 (Nomination Hearing Wrap-Up and Confirmation Votes) ★ Assignment: Simulation Reflection Due
Week 8	
Tue 10/17	★ Fall Break
Thr 10/19	★ Fall Break
Week 9	
Tue 10/24	★ Simulation 2 - Day 1 (Overview & Practice)
Thr 10/26	★ Simulation 2 - Day 2 (Supreme Court Conference) ★ Assignment: Attorney Briefs Due
Week 10	
Tue 10/31	★ Simulation 2 - Day 3 (Supreme Court Oral Arguments Case A)
Thr 11/2	★ Simulation 2 - Day 4 (Supreme Court Oral Arguments Case A)
Week 11	
Tue 11/7	★ Simulation 2 - Day 5 (Supreme Court Conference)
Thr 11/9	★ Simulation 2 - Day 6 (Supreme Court Oral Arguments Case B) ★ Assignment: Creative Project Status Update Due
Week 12	
Tue 11/14	★ Simulation 2 - Day 7 (Supreme Court Oral Arguments Case B)
Thr 11/16	★ Simulation 2 - Day 8 (Supreme Court Conference)
Week 13	
Tue 11/21	★ Simulation 2 - Day 9 (Simulation Debrief) ★ Assignment: Justice Opinions and Clerk Reports Due
Thr 11/23	★ Thanksgiving Break

Week 14	
Tue 11/28	<ul style="list-style-type: none"> ★ Simulation 3 - Day 1 (Overview & Conference) ★ Assignment: Attorney Briefs Due
Thr 11/30	<ul style="list-style-type: none"> ★ Simulation 3 - Day 2 (Supreme Court Oral Arguments Case C)
Week 15	
Tue 12/5	<ul style="list-style-type: none"> ★ Simulation 3 - Day 3 (Supreme Court Oral Arguments Case C)
Thr 12/7	<ul style="list-style-type: none"> ★ Simulation 3 - Day 4 (Supreme Court Conference & Debrief)
Week 16	
Tue 12/12	<ul style="list-style-type: none"> ★ Course Wrap Up ★ Assignment: Justice Opinions and Clerk Reports Due
Week 17	
Wed 12/20	<ul style="list-style-type: none"> ★ Creative Projects Due by 9 P.M.