

Political Science 3100

Judicial Politics

McGannon Hall, Room 262
Tu Th 11:00-12:15

Professor Information

Morgan L.W. Hazelton, J.D., Ph.D.

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Office Hours: Tuesday, 2:00 - 3:00; Thursday, 9:00-11:00; or, by appointment.

Course Description

How do American courts work? What is the function of law and courts in the greater political system? How do varying features of courts influence outcomes? These questions will help focus our exploration of legal systems in the United States, include federal and state systems. We will consider what factors, including law, politics, and ideology, influence the decisions that judges make. We will also delve into the scope of judicial power. The class will be focused on mastering a deeper knowledge regarding law and legal systems, engaging critical concepts regarding judicial politics, and developing independent research.

This course fulfill three hours for the Social Science requirement for the Bachelors of Arts and Sciences curricula.

Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that will be able to:

- use conceptual tools and methodologies to analyze and understand their social world in the context of judicial politics.
- think and write critically about human behavior and community in the context of judicial politics.
- understand various methodological approaches used by social scientists to study judicial politics.
- understand key features of judicial systems in the United States, including:
 - the institutional structures and features of federal and state courts.
 - the nature and features of civil litigation and criminal prosecutions.
- master major concepts and approaches in considering:
 - the role of judicial hierarchy.
 - the impact of judicial selection mechanisms on judicial outcomes.
 - American courts in the context of the other branches and the public.
 - the influence of law, ideology, and politics in judicial systems.
- identify major challenges in studying courts and law and strategies to avoid such pitfalls.
- critique and assess scholarly theories and evidence.
- discuss and defend ideas orally, as part of discussion and presentations.
- engage in meaningful and productive dialogue with others.
- develop and execute independent research.
- construct and present arguments and evidence clearly in written work, including independent research and essay exam answers.
- assess how policy and institutional choices regarding legal systems affect individuals, organizations, and society.
- discern the ethical consequences of institutional features of a legal system.

Course Materials

- Carp, Robert, Kenneth Manning, Lisa Homes, and Ronald Stidham. 2019. *Judicial Process in America, 11th Edition*. CQ Press. (JPA)
- Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Congressional Quarterly, Inc. (CJM)
- McGuire, Kevin. Ed. 2012. *New Directions in Judicial Politics*. Routledge. (NDJP)

Requirements and Evaluation

Attendance Policy and Class Participation

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class for a legitimate reason, such as illness, family emergency, or University-sponsored activity, you should contact me as soon as possible (which means before the missed class whenever possible). If you have more than **two** unexcused absences, your class participation grade, which is worth 10% of your grade, will be lowered by 2% for each additional day. For example, if you have five total unexcused absences, your class participation grade will be no more than 4% (of the total 10%) and your overall grade in the class can be no more than 94%.

Students are expected to be prepared to discuss the assigned materials every class. Additionally, students will be assigned on-call days on which they will be expected to act as experts on the material - this will include answering in-depth questions about the material and leading class discussion and group work. The following schedule regarding the material may change. Thus, it is very important that you stay abreast of what material will be covered on your on-call days. When in doubt, ask.

Classroom discussion is an essential part of the learning process during which we deepen our understanding of the material, draw conceptual connections, and apply theoretical and legal frameworks to new scenarios. Students will be graded on their participation based on the quality of reasoning reflected in their answers, level of participation in discussions, thoughtfulness in comments, and active listening. Disagreement and debate is a part of healthy intellectual discourse and strongly encouraged. Students must, however, remain respectful to all members of the class at all times.

Quizzes and Exams

There will be five pop quizzes in this class. Each will be worth 1% of your overall grade for a total of 5%.

There will be two exams in this course: a mid-term and final. The purpose of the exams is to test your mastery of the material in terms of both factual knowledge and conceptual understanding. Thus, the exams will consist of multiple question types that will include multiple choice, short answer, and essay. The final will be cumulative for the entire course.

Make-up exams will only be allowed for extraordinary circumstances. In all other cases, the student will receive no points for missed exams.

Assignments and Papers

There is one major paper assignment for this class. Your paper should explore some topic pertaining to judicial politics, which could include some aspect of judicial decisionmaking, legal institutional features, or interbranch relations. The specific topic of the paper will be of your choosing (with my prior approval). You will need to conduct independent research on the topic and cite sources appropriately. Papers should be 12-15 pages in length.

To help you produce the highest quality work, various drafts of the paper will be due throughout the semester, including the topic, outline, rough draft, and final draft. Additional information regarding this assignment will be handed out in class. The papers are due in hard copy form.

Students will be penalized 10% per day on late papers. For an example, a paper that would normally receive a 91% would be recorded as 71% if the student turned it in two days late.

Course Evaluations

Students are required to fill out a course evaluation at the end of the course.

Grading

Your grade for this course will consist of the following components and relative weights:

| Type | Item | Grade Value |
|--|-----------------------------|--------------------|
| <i>Verbal</i> | Class Participation | 10% |
| | On Call Days | 10% |
| | Paper Presentation | 5% |
| <i>Written</i> | Paper Topic & Topic Meeting | 5% |
| | Paper Outline | 5% |
| | Paper Draft | 10% |
| | Final Paper | 15% |
| <i>Examination</i> (<i>Written</i>) | Pop Quizzes | 5% |
| | Midterm Exam | 15% |
| | Final Exam | 20% |

Grades will be assigned by the following scale:

| Percent of Pts | Letter Grade |
|---------------------------|-------------------------|
| ≥ 93 | A |
| ≥ 90 | A- |
| ≥ 87 | B+ |
| ≥ 83 | B |
| ≥ 80 | B- |
| ≥ 77 | C+ |
| ≥ 73 | C |
| ≥ 70 | C- |
| ≥ 60 | D |
| < 60 | F |

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. Grades of “Incomplete” will only be given after extensive consultation with a student and only in the most exceptional of circumstances.

Important Matters

Academic Integrity and Honesty

Academic integrity is honest, truthful and responsible conduct in all academic endeavors. The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern.

The governing University-level Academic Integrity Policy was adopted in Spring 2015, and can be accessed on the Provost's Office website at: https://www.slu.edu/provost/policies/academic-and-course/policy_academic-integrity_6-26-2015.pdf.

Additionally, each SLU College, School, and Center has adopted its own academic integrity policies, available on their respective websites. All SLU students are expected to know and abide by these policies, which detail definitions of violations, processes for reporting violations, sanctions, and appeals. Please direct questions about any facet of academic integrity to your faculty, the chair of the department of your academic program, or the Dean/Director of the College, School or Center in which your program is housed.

Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual misconduct (e.g. sexual assault, sexual harassment, stalking, domestic or dating violence), we encourage you to report this to the University. If you speak with a faculty member about an incident of misconduct, that faculty member must notify SLU's Title IX coordinator, Anna R. Kratky (DuBourg Hall, room 36; akratky@slu.edu; 314-977-3886) and share the basic facts of your experience with her. The Title IX coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK. To view SLU's sexual misconduct policy and for resources, please visit the following web addresses: www.slu.edu/here4you and <https://www.slu.edu/general-counsel>.

Student Success Center

In recognition that people learn in a variety of ways and that learning is influenced by multiple factors (e.g., prior experience, study skills, learning disability), resources to support

student success are available on campus. The Student Success Center assists students with academic-related services and is located in the Busch Student Center (Suite, 331). Students can visit <https://www.slu.edu/life-at-slu/student-success-center/> to learn more about tutoring services, university writing services, disability services, and academic coaching.

Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must contact Disability Services to discuss accommodation requests and eligibility requirements. Once successfully registered, the student also must notify the course instructor that they wish to access accommodations in the course.

Please contact Disability Services, located within the Student Success Center, at Disability_services@slu.edu or 314.977.3484 to schedule an appointment. Confidentiality will be observed in all inquiries. Once approved, information about the student's eligibility for academic accommodations will be shared with course instructors via email from Disability Services and viewed within Banner via the instructor's course roster.

Note: Students who do not have a documented disability but who think they may have one are encouraged to contact Disability Services.

University Writing Services

Students are encouraged to take advantage of University Writing Services in the Student Success Center; getting feedback benefits writers at all skill levels. Trained writing consultants can help with writing projects, multimedia projects, and oral presentations. University Writing Services offers one-on-one consultations that address everything from brainstorming and developing ideas to crafting strong sentences and documenting sources. For more information, visit <https://www.slu.edu/life-at-slu/student-success-center/> or call the Student Success Center at 314-977-3484.

Basic Needs Security

Students in personal or academic distress and/or who may be specifically experiencing challenges such as securing food or difficulty navigating campus resources, and who believe this may affect their performance in the course, are encouraged to contact the Dean of Students Office (deanofstudents@slu.edu or 314-977-9378) for support. Furthermore, please notify the instructor if you are comfortable in doing so, as this will enable them to assist you with finding the resources you may need.

Library Assistance

Rebecca Hyde is the liaison librarian for the Political Science department. She is available to help students find the sources they need for their classes and research. I highly recommend that you contact her for assistance with your research papers. She is an excellent resource! Her contact information is:

Rebecca Hyde Pius XII Library, Room 202H

Phone: 314.977.3106

e-mail: rebecca.hyde@slu.edu

Course Schedule

What follows is a *tentative* outline of the topics to covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

| Week | Dates | Topic | Assignments |
|--------|----------------------|---|---|
| Week 1 | Aug. 27 Aug. 29 | Syllabus APSA - No Class | |
| Week 2 | Sept. 3 Sept. 5 | Introduction Federal Judicial System | JPA Ch. 1 JPA Ch. 2 |
| Week 3 | Sept. 10 Sept. 12 | Federal Judicial System State Judicial System State Judicial System | NDJP Ch. 7 JPA Ch. 3 NDJP Ch. 6 Paper Assignment Handout |
| Week 4 | Sept. 17 Sept. 19 | Jurisdiction & Boundaries Jurisdiction & Boundaries State Judges | <i>Topic Meetings</i> JPA Ch. 4 NDJP Ch. 9 JPA Ch. 5 NDJP Ch. 3 |
| Week 5 | Sept. 24 Sept. 26 | Federal Judges Federal Judges | JPA Ch. 6 NDJP Ch. 1 NDJP Chs. 2 & 8 Paper Topic Due |
| Week 6 | Oct. 1 Oct. 3 | Supreme Court Supreme Court | CJM Chs. 1-3 CJM Chs. 4-6 |
| Week 7 | Oct. 8 Oct. 10 | Policy Links Policy Links | JPA Ch. 7 NDJP Ch. 11 & 13 Paper Outline Due |

| Week | Dates | Topic | Assignments |
|---------|--------------------|--------------------------------------|--|
| Week 8 | Oct. 15 Oct. 17 | Review Midterm | Review Session Midterm Exam |
| Week 9 | Oct. 22 Oct. 24 | Fall Break Lawyers & Litigants | No Class JPA Ch. 8 NDJP Ch. 5 |
| Week 10 | Oct. 29 Oct. 31 | Lawyers & Litigants Criminal | NDJP Ch. 12 JPA Ch. 9 & 10 |
| Week 11 | Nov. 5 Nov. 7 | Criminal Civil Trial Courts | NDJP Ch. 4 JPA Ch. 11 JPA Ch. 12 |
| Week 12 | Nov. 12 Nov. 14 | Collegial Courts Collegial Courts | JPA Ch. 13 NDJP Ch. 10 Paper Draft Due |
| Week 13 | Nov. 19 Nov. 21 | Impact Impact Synthesis | JPA Ch. 14 NDJP Ch. 14 NDJP Ch. 15 JPA Ch. 15 Paper Draft Returned |
| Week 14 | Nov. 26 Nov. 28 | Review Thanksgiving | Review Session No Class |

| Week | Dates | Topic | Assignments |
|-------------|--------------|--------------|----------------------------------|
| Week 15 | Dec. 3 | Research | Presentations Final Paper Due |
| | Dec. 5 | Research | Presentations |
| Week 16 | Dec. 12 | Final | Final Exam - 12:00-1:50 |