

Political Science 3100

Judicial Politics

Version 2 - January 31, 2021

Morrissey Hall 0200
Mondays and Wednesdays, 2:10 - 3:25 pm

Instructor Information

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Given the current circumstances, the best way to reach me is by email. I endeavor to be very attentive to emails and generally will respond within 8 hours during on weekdays (during waking hours) and within 24 hours on weekends.

Office: McGannon 153

Office Phone: (314) 977-5169

Office Hours by Appointment (Zoom): You can schedule an appointment to meet with me via Zoom using <https://calendly.com/morgan-hazelton/office-hours>. If you need to meet outside of the times listed on Calendly, please contact me to make arrangements.

Course Description

Catalog Description

Organization and procedures of American federal and state courts. Factors affecting judges' rulings and interpretation of law. Topics may include: politics of judicial selection, case studies of major decisions or social issues, and scope of judicial authority to implement social change.

Additional 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.

Learning Outcomes & Course Objectives

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

- identify the key features of judicial systems in the United States.
 - Understand the institutional structures and features of federal and state courts.
 - Understand the nature and features of civil litigation and criminal prosecutions.
- distinguish among the diversity of traditions in approaches to judicial politics.
 - Critique and assess scholarly theories and evidence.
 - Understand various methodological approaches used by social scientists to study judicial politics.
 - Identify major challenges in studying courts and law and strategies to avoid such pitfalls.
- assess the effect of various social, legal, and political structures and determine which are more likely to promote equality, justice, freedom or other values important to them.
 - 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.
 - Assess how policy and institutional choices regarding legal systems affect individuals, organizations, and society.
 - Evaluate the ethical consequences of institutional features of a legal system.

- read carefully and evaluate and construct analytical arguments in clear and logical prose.
 - Think, speak, and write critically about human behavior and community in the context of judicial politics.
 - Discuss and defend ideas orally, as part of discussion and presentations.
 - Engage in meaningful and productive dialogue with others.

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

Class Participation & Attendance

Absences

Class participation is an essential part of this class, and, thus, your attendance is very important. If you must miss class, you should contact me via email as soon as possible (which means at least one hour before the missed class whenever possible) so that we can make arrangements regarding missed work and the material for that day.

Discussion

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. You are expected to be prepared to discuss the assigned materials every class. Students will be graded on their participation based on their engagement in classroom discussion and activities. You should expect to speak or turn in a participation activity in almost every class. Your grade regarding discussion will be based on well-reasoned answers, taking part in conversations, thoughtfulness in comments, and active listening. All of these factors contribute to our community and learning. Please see the participation rubric on Blackboard for more detailed information. Disagreement and debate is a part of healthy intellectual discourse, and is strongly encouraged. Students must, however, remain civil with

and respectful to all members of the class at all times. General participation will collectively be **worth 10% of your final grade**.

On-Call

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 activities (especially for chapters in NDJP). This helps distribute participation and enriches the community and class by ensuring many voices are heard. It also allows for more individualized assessment of participation for each student. While the expectations for participation for on-call days are the same as those outlined in the participation rubric, the major difference between on-call days and general participation is that students who are on-call will be prioritize for participation and will be individually assessed for their contributions on those specific days. The following schedule regarding the material may change based on the individual dynamics of the class. Thus, it is very important that you stay abreast of what material will be covered on your on-call days. When in doubt, ask. On-call days will collectively be **worth 10% of your final grade**.

Distance Education Etiquette

Your actions in distance education contexts are just as important as in on-ground, face-to-face educational contexts - and sometimes require additional attention and commitment, as some distance education technologies might be less familiar to us. Accordingly, all students are expected to follow the guidelines below:

Synchronous Video Contexts (Zoom, etc.)

- Mute your microphone when you are not speaking. Remember to “un-mute” yourself just prior to speaking. Identify yourself when you begin speaking.
- Expect a few seconds of delay in getting a response from the instructor or another class member to a question; wait before repeating your question or assuming it was not heard.
- If possible, position your camera such that your video feed does not capture too much of your surroundings or other activity/sound from your home/location. Be conscious of posters, art, or other surroundings that others might find offensive or inappropriate for an educational context.
- Use the “Raise Hand” and “Chat” (or similar) features of your video-conferencing tool. This limits verbal interruptions and the confusion generated when multiple people try to speak at once.

- Just as in an on-ground, face-to-face class, limit side conversations, multi-tasking (on your computer or otherwise), and use of your cellphone.
- Temporarily turn off your video feed and mute your microphone when engaged in any non-class conversation or activity.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.
- Remember that video-based class sessions (including chat transcripts) may be recorded and retrieved for later viewing.

Non-Video & Asynchronous Contexts (Blackboard, Canvas, Online Chats, Discussion Boards, etc.)

- When using the “Chat” or “Discussion Board” (or similar) features of your course management system, remember that your course-related communications to the instructor or other students should be considered “professional” (they are not like texts to your friends). Remember that course context and all related written work - including chat and discussion board transcripts - can be recorded and retrieved.
- Be cautious when using humor or sarcasm; without the context of facial expressions or other body language, your tone or intent could be missed or misunderstood by others.
- Respect and be attentive to the diversity of your classmates and instructor. Before communicating, consider your message in the context of the class' diversity in race, ethnicity, religion, disabilities, gender, sexual orientation, age, social class, marital status, geography, etc. Consider the diversity you can see or know - as well as that you cannot.
- Respect others' time and life circumstances, which often don't allow for an immediate response to a question or comment.

Quizzes and Exams

Pop Quizzes

There will be approximately six to seven pop quizzes in this class. Your top five highest quiz grades will count towards your final grade. The purpose of the quizzes is to help incentivize preparation and reinforce learning. (Research indicates that quizzes and tests help students integrate material.) They will not be announced ahead of time. Each quiz will cover a few questions regarding the material for that day. My expectation is that if you have paid

attention while reading the material that you will be able to earn full points on each quiz. Each will be **worth 1% of your final grade for a total of 5%**.

Exams

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.

For each exam, I will provide review sheets (the dates are listed in the syllabus) and we will have review sessions. The review sheets will highlight important material from the class that I will ask questions about on the exam. At the review sessions, I will provide you will information regarding specifics regarding the exam (how many of each type of question and the relative points, etc.) and answer your questions about the exam and the concepts and materials. Please come prepared! Everyone in the class benefits from questions in the review session.

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

The exams are **worth 35% of your final grade (the midterm is worth 15% and the final is worth 20%)**.

Assignments and Papers

Overview

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. More information regarding the paper project will be provided on February 15th.

Examples of possible topics include:

- What factors influence the Supreme Court's decision to grant certiorari?
- Do elected judges have lower professional qualifications than appointed judges?
- Should the United States Court of Appeals for the Ninth Circuit be split into two (or more) courts?
- Does the length of a judge's term influence his or her ability to be independent?
- Did the Framers intend for the Supreme Court to have the power of judicial review?

In your paper, you should state a thesis, identify and analyze the relevant arguments and evidence, and form conclusions based on your analyses. You should maintain an academic tone and approach - this is not intended to be an editorial piece. Thus, you should acknowledge and entertain competing ideas and evidence. You need to explain why you believe that a position should be accepted or rejected based on logical reasoning, as opposed to emotional appeals or vitriol. You may conclude that your thesis is not supported. You will be graded on the strength of your analysis and ability to effectively communicate your arguments.

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. The assignments will be turned in via Blackboard by the beginning of class on the due date. You will receive feedback on the topic, outline, and rough draft (see the schedule for specific dates) to help you produce a high-quality final draft and presentation.

This project is overall **worth 40% of your final grade** (the sum of the individual grades for the Paper Topic & Topic Meeting (5%), Paper Outline (5%), Paper Draft (10%), Final Paper (15%), and Paper Presentation (5%)).

Policies

All assignment should be typed in 12-point font, double-spaced, and with one inch margins in all dimensions. All assignments are due via Blackboard by the start of the relevant class.

Students will be penalized 10% per day for *unexcused* late assignments. For an example, a brief that would normally receive a 91% would be recorded as 71% if the student turned it in two days late without a legitimate reason. Late penalties are capped at 50% if the late assignment is turned in before the last day of class. I will not accept late assignments after the last day of class unless you have made prior special arrangements with me due to extraordinary circumstances.

Paper Topic

Propose an idea for your paper. The proposal should be a brief (250-300 words) description of the issue you are interested in investigating. You may include more than one proposal if you want help choosing between topics.

Additionally, you will need to schedule a brief meeting with me to discuss your topic during the week of February 22nd.

This assignment is **worth 5% of your final grade. Due March 3rd.**

Paper Outline

Outline the paper that you will be writing. Include your thesis and the major sections of the paper. Additionally, identify sources that you will be using to craft your arguments in these sections. While the number of relevant sources varies by topic, you should include at least ten academic sources (peer reviewed articles and books). You may also include so-called popular sources, such as newspaper and magazine articles or websites, but they should be in addition to academic sources rather than replacing the ten academic sources.

This assignment is **worth 5% of your final grade. Due March 24th.**

Paper Draft

You will need to turn in a working draft of your paper for comments. I will be able to provide the best feedback for a draft that is substantially complete. Your draft should be at least ten pages long. (Ideally, it will be longer.) This is meant to be a true working draft. Thus, I will ignore minor grammar errors and technical errors in citations¹ with the understanding that you will resolve those issues before turning in the final draft.

This assignment is **worth 10% of your final grade. Due April 19th.**

Final Draft

Papers should be between 13 and 15 pages in length excluding the bibliography. Your papers should be typed in 12-point font, double-spaced, and with one inch margins in all dimensions. You may use any of the major citation systems (APSA, Chicago, MLA, etc.), but you must be consistent. All sources must be cited appropriately.

This assignment is **worth 15% of your final grade. Due May 3rd.**

Presentations

You will present your research to the class. The presentation should be four minutes in length, and you should have slides. After the presentations, there will be a question and discussion period regarding your research.

This assignment is **worth 5% of your final grade. Due May 3rd and 5th.**

Course Evaluations

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

¹Not citing a work is not a technical error, it is plagiarism.

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%

Barring unusual circumstances, I will provide feedback and grades to you on assignments, on-call days, and exams within one week of you completing the items. If for some reason I need longer than one week, I will let you know that is the case and when you can expect the feedback and grades before the week has ended. Regarding Class Engagement, I will provide you with feedback and a grade every three weeks (excluding the midterm week).

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

Mandatory Statement on Face Masks

The University's Interim Policy on Face Masks governs all students, faculty, staff, and campus visitors in all University-owned, leased, or operated facilities. All persons physically present in any such University facility associated with this course shall comply fully with this policy at all times. Masks must be worn before entry to all such University facilities (as well as outdoors on all University property when six feet of distance is unpredictable or cannot be maintained).

Saint Louis University is committed to maintaining an inclusive and accessible environment. Individuals who are unable to wear a face mask due to medical reasons should contact the Office of Disability Services or Human Resources to initiate the accommodation process identified in the University's ADA Policy. Inquires or concerns may also be directed to the Office of Institutional Equity and Diversity. Notification to instructors of SLU-approved ADA accommodations should be made in writing prior to the first class session in any term (or as soon thereafter as possible).

As the instructor of this course, I shall comply fully with SLU's policy and all related ADA regulations.

Students who attempt to enter a classroom without wearing masks will be asked by the instructor to wear masks prior to entry. Students who remove their masks at any time during a class session will be asked by the instructor to resume wearing their masks.

Note: Accordingly, no consumption of any food will be allowed in class.

Students who do not comply with a request by a SLU instructor to wear a mask in accordance with the University's Interim Policy on Face Masks may be subject to disciplinary actions per the rules, regulations, and policies of Saint Louis University, including but not limited to the Student Handbook. Non-compliance with this policy may result in disciplinary action, up to and including any of the following:

- dismissal from the course(s)
- removal from campus housing (if applicable)
- dismissal from the University

To immediately protect the health and well-being of all students, instructors, and staff, instructors reserve the right to cancel or terminate any class session at which any student fails to comply with faculty or staff request to wear a mask in accordance with University policy.

Students are strongly encouraged to identify to their instructor any student or instructor not in compliance. Non-compliance may be anonymously reported via the SLU Integrity Hotline at 1-877-525-5669 (or confidentially via the Integrity Hotline's website at <http://www.lighthouse-services.com/slu>).

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 harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, that faculty member must notify SLU's Title IX Coordinator and share the basic facts of your experience. This is true even if you ask the faculty member not to disclose the incident. 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.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; anna.kratky@slu.edu; 314-977-3886). If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php> and <https://www.slu.edu/general-counsel>.

IMPORTANT UPDATE: SLU's Title IX Policy (formerly called the Sexual Misconduct Policy) has been significantly revised to adhere to a new federal law governing Title IX that was released on May 6, 2020. Please take a moment to review the new policy and information at the following web address: <https://www.slu.edu/about/safety/sexual-assault->

resources/index.php. Please contact the Anna Kratky, the Title IX Coordinator, with any questions or concerns.

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 to 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.

Course Schedule

What follows is a *tentative* outline of the topics to be 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	Feb. 1	Syllabus	
	Feb. 3	Introduction	JPA Ch. 1
Week 2	Feb. 8	Federal Judicial System	JPA Ch. 2
	Feb. 10	Federal Judicial System	NDJP Ch. 7
Week 3	Feb. 15	State Judicial System	JPA Ch. 3 NDJP Ch. 6 Paper Assignment Packet
	Feb. 17	No Class	
Week 4	Feb. 22	Jurisdiction & Boundaries	<i>Topic Meetings</i> JPA Ch. 4 NDJP Ch. 9
	Feb. 24	State Judges	JPA Ch. 5 NDJP Ch. 3
Week 5	Mar. 1	State Judges Guest: The Honorable Jeffrey Alley	JPA Ch. 5 NDJP Ch. 3 Midterm Review Posted
	Mar. 3	Federal Judges	JPA Ch. 6 NDJP Ch. 1 Paper Topic Due
Week 6	Mar. 8	Federal Judges	NDJP Chs. 2 & 8
	Mar. 10	Review	Review Session Paper Topic Returned

Week	Dates	Topic	Assignments
Week 7	Mar. 15	Midterm	Midterm Exam
	Mar. 17	Supreme Court	CJM Chs. 1–3
Week 8	Mar. 22	Supreme Court	CJM Chs. 4–6
	Mar. 24	Policy Links	JPA Ch. 7 Paper Outline Due
Week 9	Mar. 29	Policy Links	NDJP Ch. 11 & 13
	Mar. 31	Lawyers & Litigants	JPA Ch. 8 NDJP Ch. 5 Paper Outline Returned
Week 10	Apr. 5	Lawyers & Litigants	NDJP Ch. 12
	Apr. 7	Criminal	JPA Ch. 9 & 10
Week 11	Apr. 12	Criminal	NDJP Ch. 4
	Apr. 14	Civil Trial Courts	JPA Ch. 11 JPA Ch. 12
Week 12	Apr. 19	Collegial Courts	JPA Ch. 13 NDJP Ch. 10 Paper Draft Due
	Apr. 21	Impact	JPA Ch. 14 NDJP Ch. 14

Week	Dates	Topic	Assignments
Week 13	Apr. 26	Impact Synthesis	NDJP Ch. 15 JPA Ch. 15 Paper Draft Returned
	Apr. 28	Current Events	TBD Final Review Posted
Week 14	May 3	Research	Presentations Final Paper Due
	May 5	Research	Presentations
Week 15	May 10	Review	Review Session
	May 12	Final	Final Exam - 2:00-3:50