

University of California, Merced
POLI 102: Judicial Politics
Spring 2017
Syllabus

Instructor: Kayla Canelo

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Office: TBD

Office Hours: Wednesdays from 8 – 10 a.m. and by appointment

Class: MWF 10:30 – 11:20 a.m.

Location: KOLLIG 217

Course Description:

This course will provide students with a broad survey of the current state of the theory, substantive knowledge, and research methods in the field of judicial politics. While the primary emphasis of this course will be on the U.S. Supreme Court, we will also spend time discussing lower federal courts and state supreme courts. Specific topics include the selection of judges, the numerous theories of judicial decision making, external political influences on the judiciary (including Congress, interest groups, and the public), and the “real world” effects of landmark Supreme Court decisions.

Throughout the course, we will take a social scientific approach to studying judges and courts. This means we will consider theories of judicial behavior and judicial institutions and then consider the ways in which these theories have and can be empirically tested.

Intended Student Learning Outcomes (SLOs):

At the end of this course, students should be able to:

1. Communicate a thorough factual understanding of the structure and operation of our federal judicial system (corresponds to PLOs 1 and 4, listed below).
2. Demonstrate knowledge of the central questions, theories, approaches, and findings in the field of judicial politics (corresponds to PLO 1).
3. Comprehend and critique contemporary political science research on law and courts (corresponds to PLO 2).
4. Conduct basic but rigorous social science research on a topic in the field of judicial politics (corresponds to PLOs 3 and 4).

General Program Learning Outcomes (PLOs) for Political Science:

1. An understanding of the processes, theories, and empirical regularities of political institutions and political behavior in the student’s chosen emphasis area: American politics, comparative politics, or international relations.
2. An ability to employ critical thinking and demonstrate social scientific literacy, including basic quantitative literacy.

3. A capacity to utilize contemporary social science research methods to conduct rigorous research on political phenomena.
4. Effective written communication skills, especially the ability to convey complex concepts and information in a clear and concise manner.
5. An ability to apply abstract theory and research methods to understand contemporary political events and public policies.

Prerequisites:

POLI 1 and POLI 10 (or equivalent).

Required Readings:

Baum, Lawrence. 2015. *The Supreme Court*. 12th ed. Washington, DC: CQ Press.

Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: CQ Press.

* Additional required readings are assigned below and will be made available on CatCourses. The readings listed for that day should be completed before class. I recommend you take notes on the readings so you are prepared to discuss them.

Assignments:

Midterm 30%

There will be one midterm in this course spanning two days. The first day will be essay based and the second day will be multiple-choice. Exam dates are listed in the semester calendar. Barring an emergency or documented illness, you must take the exams on the scheduled dates. This exam will help assess the degree to which you attain SLOs 1, 2, and 3.

Research Paper 30%

This class requires a 10 - 15 page research paper on a judicial politics topic. This is to be a true research paper in which you identify an interesting research question and propose a hypothesis that answers this question. It is then critical that you provide a quantitative empirical test of your hypothesis. I will provide further specifics on this assignment and we will spend some in-class time discussing your papers as they progress.

The following portions of your paper will be due at various points throughout the semester. These due dates are listed in the semester calendar. Failure to turn in the research question or paper plan will result in a "0" grade on those assignments and your final paper will be penalized a letter grade (per assignment missed). Please review the make up work policy for further information.

Each portion of your research paper will be penalized one letter grade per 24 hours it is late. *Assignments that are more than 48 hours late will not be accepted.* These must be submitted in hard copy at the beginning of class (or emailed to me, only in the event that they are late). The completion of the research paper contributes to and assesses your attainment of SLOs 3 and 4.

1. Research Question & Brief Literature Review (5% of overall grade)
2. Paper Plan: Overview of Theory, Hypothesis, and Potential Tests (5% of overall grade)

3. Final Paper with Analyses (20% of overall grade)

As a part of the final paper, you will be required to upload your dataset to CatCourses

Final Exam 30%

There will be one final exam in this class containing both short essay questions and multiple-choice questions. The exam is scheduled to take place Saturday, May 6th at 8 a.m. Barring an emergency or documented illness, you must take the exam on the scheduled date. This exam will help assess the degree to which you attain SLOs 1, 2, and 3. The final will not be cumulative.

Class Participation 10%

Your participation is required in this course, as we will have discussions on the required reading just about every day we have class. I will not hesitate to call on students if needed. If the class does not maintain an active discussion I reserve the right to require weekly write-ups to fulfill this requirement. Since it will take time for me to learn everyone's name, we will determine a seating arrangement on the first day of class that will help me maintain records on participation points. It is essential that you sit in your assigned seat each day. Class participation helps assess the degree to which you attain SLO 1, 2, and 3.

Extra Credit 2%

You may earn up to 2 percentage points of extra credit towards your final grade by participating in the UC Merced subject pool (SONA) OR by participating in a short writing assignment. You can sign up at <https://ucmerced.sona-systems.com/>. Details of the writing assignment will be provided on CatCourses.

Grading Scale:

A+	97 – 100%
A	93 – 96%
A-	90 – 92%
B+	87 – 89%
B	83 – 86%
B-	80 – 86%
C+	77 – 79%
C	73 – 76%
C-	70 – 72%
D+	67 – 69%
D	63 – 66%
D-	60 – 62%
F	Below 60%

Important Dates & Deadlines:

February 6th - Last Day to Add/Drop Classes (without a 'W')

February 20th – President's Day Holiday

March 27th - 30th Spring Recess

March 31 - Cesar Chavez Day

April 4- Last Day to Drop (with a 'W')

Saturday, May 6th - Final Exam 8 to 11 a.m.

Policies:

Attendance:

I take attendance at the start of every class. If you are late you and miss this you will be marked as absent. Your participation is important to this course. I recommend you come to class prepared to discuss the readings in order to earn participation points. The lectures contain much information not found in the required readings and you will be responsible for knowing this for the exam. If you miss class it is your responsibility to acquire notes from your classmates.

Late & Make Up Work: Each portion of your research paper will be penalized one letter grade per 24 hours it is late. Failure to turn in the research question or paper plan will result in a “0” grade on those assignments and your final paper will be penalized a letter grade (per assignment missed). *Assignments that are more than 48 hours late will not be accepted.* If there is a documented emergency and you contact me within 24 hours of the due date I will consider allowing extra time to work on the assignment. Please note that these instances are rare. I encourage you to plan ahead and submit your assignments on time.

Exams must be taken on their scheduled dates unless there is a documented emergency or illness. In the event that this occurs, please contact me as soon as possible so that we can schedule a time for you to take the exam.

Academic Dishonesty: Academic dishonesty will not be tolerated and will be reported. Please refer to the UC Merced Academic Honesty Policy that can be accessed here: <http://studentconduct.ucmerced.edu> by clicking on appropriate link.

Special Accommodations: Students with specific disabilities that require accommodations should contact the instructor and Disability Services in the first few weeks of the semester. More information can be found at the Disability Services office in SSB 230, at the department website <http://disabilityservices.ucmerced.edu> or by calling (209) 228- 6996.

Expectations of Behavior:

1. Students are expected to attend class on time. If you must arrive late please do so as quietly as possible.
2. Disruptive, defiant, rude, and distracting behavior will not be tolerated at any time. If this occurs, I reserve the right to drop said students from the class.
3. Students must be respectful of the opinions and beliefs of others. It is important that students feel comfortable expressing their views to the class.

The Student Code of Conduct also applies in this course. By staying enrolled in this course, you are agreeing to the terms of this syllabus.

Devices: I reserve the right to impose a strict ban on devices such as laptops and tablets, if it becomes necessary. You are prohibited from recording audio or taking pictures or video of slides without my permission (and I rarely grant such permission).

Semester Calendar:

Week 1	January 18 th & 20 th Introduction
	<p><u>Wednesday:</u> Introduction to the Class</p> <p><u>Friday:</u> Introduction to the Judiciary Baum Chapter 1</p>
Week 2	January 23 rd , 25 th , 27 th Staffing the Courts
	<p><u>Monday</u> Staffing the Courts Overview Baum Chapter 2</p> <p><u>Wednesday</u> Staffing the Federal Courts * Cameron, Kestelc, & Park “Voting for Justices: Change and Continuity in Confirmation Voting 1937-2010”</p> <p><u>Friday</u> Staffing the Federal Courts (cont) and Staffing State Supreme Courts *Bonneau, “The Effects of Campaign Spending in State Supreme Court Elections”</p>
Week 3	January 30 th , February 1 st & 3 rd Agenda Setting
	<p><u>Monday</u> Selection of Trial Judges * Huber, Gregory A. and Sanford C. Gordon. 2004. “Accountability and Coercion: Is Justice Blind When it Runs for Office?”</p> <p><u>Wednesday</u> The U.S.S.C. Calendar Baum Chapter 3</p> <p><u>Friday</u> Agenda Setting *Caldeira and Wright, “Organized Interests and Agenda Setting In the U.S. Supreme Court.”</p>
Week 4	February 6 th , 8 th and 10 th Oral Argument & the Legal Model
	<p><u>Monday</u> Research Paper Discussion & Intro to Oral Argument *Epstein, Landes, and Posner, “Inferring the Winning Party in the Supreme Court from the Pattern of Questioning at Oral Argument”</p>

	<p><u>Wednesday</u> Oral Argument & Intro to the Legal Model of Decision Making Baum pp. 104-120</p> <p><u>Friday</u> Legal Model of Decision Making *Gates and Phelps, “Intentionalism in Constitutional Opinions”</p>
Week 5	February 13 th , 15 th , and 17 th The Attitudinal Model
	<p><u>Monday</u> The Attitudinal Model Overview Baum pp. 120-128</p> <p><u>Wednesday</u> The Attitudinal Model *Segal and Spaeth, “Models of Decision Making”</p> <p><u>Friday</u> The Attitudinal Model *Segal and Cover, “Ideological Values and the Votes of U.S. Supreme Court Justices”</p>
Week 6	February 20 th , 22 nd , and 24 th The Strategic Model
	<p><u>Monday</u> NO CLASS: PRESIDENT’S DAY</p> <p><u>Wednesday</u> The Strategic Model Overview Baum pp. 129-136</p> <p><u>Friday</u> The Strategic Model Epstein and Knight, Chapters 1-4</p>
Week 7	February 27 th , March 1 st and 3 rd Models Recap & Research Paper
	<p><u>Monday</u> The Strategic Model Discussion *Wahlbeck, Spriggs, and Maltzman, “Marshalling the Court: Bargaining and Accommodation on the U.S. Supreme Court” Research Question and Brief Literature Review Due</p> <p><u>Wednesday</u> Three models recap and discussion</p> <p><u>Friday</u> Research Paper Discussion</p>
Week 8	March 6 th , 8 th and 10 th Catch up & Midterm Exam
	<p><u>Monday</u> Catch Up Day/Review</p>

	<p><u>Wednesday</u> Midterm Exam: Written Portion</p> <p><u>Friday</u> Midterm Exam: Multiple Choice Portion</p>
Week 9	March 13 th , 15 th and 17 th Organized Interests & the Court
	<p><u>Monday</u> Introduction to Organized Interests and the Court Baum pp. 68-83</p> <p><u>Wednesday</u> Organized Interests & The Court *Hansford and Johnson, “The Supply of Amicus Curiae Briefs in the Market for Information at the U.S. Supreme Court”</p> <p><u>Friday</u> Organized Interests & Models of Judicial Decision Making * Collins, <i>Friends of the Supreme Court: Interest Groups and Judicial Decision Making</i> Chapter 4</p>
Week 10	March 20 th , 22 nd , and 23 th Separation of Powers
	<p><u>Monday</u> The Presidency & the Court Overview</p> <p><u>Wednesday</u> The Presidency & the Court (cont.) * Black and Owens, “A Built-In Advantage: The Office of the Solicitor General and the Supreme Court”</p> <p><u>Friday</u> Introduction to Congressional Constraint *Epstein and Knight, pp. 138-157 Research Paper Plan Due</p>
Week 11	March 27 th , 29 th and 31 st Spring Break
	NO CLASS: SPRING RECESS
Week 12	April 3 rd , 5 th , and 7 th Congress & the Courts
	<p><u>Monday</u> Congress Constrains the Court: Restraint *Clark, “The Separation of Powers, Court Curbing & Judicial Legitimacy”</p>

	<p><u>Wednesday</u> Congress Constrains the Court: Overturning SC Decisions *Uribe, Spriggs II, & Hansford, “The Influence of Congressional Preferences on Legislative Overrides of Supreme Court Decisions”</p> <p><u>Friday</u> Guest Speaker Josh Franco, M.A. “Judicial Pork” Reading TBD and available on CatCourses</p>
Week 13	April 10 th , 12 th and 14 th The Public & Courts
	<p><u>Monday</u> Public Perceptions of the Court *Gibson, “The Legitimacy of the U.S. Supreme Court in a Polarized Polity”</p> <p><u>Wednesday</u> Public Perceptions of the Court’s Decisions * Nicholson & Hansford “Partisans in Robes? Party Cues & the Acceptance of Supreme Court Decisions”</p> <p><u>Friday</u> Public Opinion and Judicial Decision-Making * Casillas, Enns, and Wohlfarth. 2010. “How Public Opinion Constrains the U.S. Supreme Court.”</p>
Week 14	April 17 th , 19 th and 21 st Case Studies
	<p>Readings for each day are TBD and will be posted to CatCourses.</p> <p><u>Monday</u> The First Amendment</p> <p><u>Wednesday</u> Civil Rights: Gender</p> <p><u>Friday</u> Civil Rights: Race</p>
Week 15	April 24 th , 26 th , and 28 th Opinion Writing
	<p><u>Monday</u> Introduction to Opinion Writing * Carrubba, Friedman, Martin, & Vanberg “Who Controls the Content of Supreme Court Opinions?”</p> <p><u>Wednesday</u> Strategy in Opinion Writing *Staton & Vanberg, “The Value of Vagueness: Delegation, Defiance, and Judicial Opinions”</p>

	<p><i>Friday</i> Amicus Curiae Influence on Opinion Writing Reading will be posted to CatCourses</p>
Week 16	<p>May 1st, 3rd, 5th Implementation & Impact</p>
	<p><i>Monday</i> The Implementation of Supreme Court Decisions Baum Chapter 6</p> <p><i>Wednesday</i> The Impact of Supreme Court Decisions * Rosenberg, <i>The Hollow Hope</i>, Chapter 2</p> <p><i>Friday</i> Recap and Review Day Research Paper & Data Due</p>
FINAL	<p>FINAL EXAM</p>
	<p><u>Saturday, May 6th from 8 a.m. to 11 a.m.</u></p>