POLI 4023: Judicial Politics

Professor Laura Moyer
Office: 208B Stubbs Hall
Classroom: 116 Stubbs Hall
Class: 10:40-11:30 MWF
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Course Description and Objectives
Pre-requisite: POLI 2051 or equivalent
In this class, we will explore many aspects of the American legal system, including both the formal and informal structures and institutions involved in the resolution of conflicts through the courts. Specifically, this course is designed to introduce students to social scientific approaches used to evaluate the role of federal and state courts as political institutions and policy makers. At the end of the course, students should be able not only to understand the topics and concepts related to judicial processes, but also to ask interesting normative, empirical, and conceptual questions about these issues and to design research projects to answer these questions.

Requirements for the Course
Participation
Attendance is a necessary, but not sufficient, condition for a good participation grade. Students are expected to attend class on time and for the duration of the class, read all assigned materials before class, complete all written assignments on time, and treat other students and the instructor with respect (including on Moodle). Please turn off phones and put away iPods, newspapers and other unrelated materials before class begins. NO LAPTOPS are allowed.

Participation grades will be determined in the following way. Earning an “A” involves regularly examining the implications of assigned readings, going beyond assigned readings, posing alternative hypotheses, or analyzing alternative explanations. Earning a “B” entails showing understanding of arguments and their implications. Merely repeating or describing reading is “C” work, though the inability to do at least that when asked will result in lower grades.

Exams
In-class lectures and the readings listed on the class schedule will serve as the basis for your exams. There will be one mid-term and one final exam to test your understanding of concepts as well as your ability to apply and analyze them. The final exam will test only the material that we cover after the mid-term exam.

Students are expected to be present on all testing days. Makeup examinations will be totally at the discretion of the instructor and only for those absences necessitated by a legitimate emergency. Students must contact the instructor prior to the examination for an excused absence. If you have 3 final exams scheduled within 24 hours, you must contact your instructors before November 7 to reschedule one of those exams.

Special Accommodation
*Graduate students, honors students wishing to receive honors credit, and students with documented disabilities who require special testing accommodations: please notify me privately at the beginning of the semester.

Paper [proposal, rough draft peer review, final version]
A major component of the course will be a 10-12 page analytical research paper due at the end of the semester. A list of topic suggestions will be posted on Moodle, though you are free to go
outside of this list (with instructor approval). These papers will be analytical in focus, not merely descriptive, and will take the form of a research design.

You must have a **proposal for your paper** approved by me before proceeding with your research. Your proposal will consist of a **one-page abstract** with (a) an interesting question or puzzle related to your chosen topic, (b) a brief discussion of existing research on your question, (c) your preliminary hypotheses, and (d) the sources of data you plan to use. **The proposal is due in class on Monday, September 22.**

You will bring a **rough draft** of your paper to class on **November 19** for in-class peer review. (The rough draft must include at least the introduction, literature review, and theory/hypotheses sections.) One or two of your classmates will read over it and provide you with comments and questions. This will give you a chance to get some early feedback on your paper that you will have time to incorporate into **the final version, which is DUE DECEMBER 1.** Failure to bring in a rough draft for peer review will result in a ONE LETTER GRADE deduction on the paper.

**Reading quizzes**
There will also be daily one-question quizzes on the assigned reading and the lecture, which will be given at some point during class. (Coming in after the quiz has begun constitutes a missed quiz, so be on time!) You will be allowed one missed quiz without penalty, but subsequent missed quizzes will result in a grade of zero. There will be no make-up quizzes. However, at the end of the semester, I will drop your lowest quiz grade.

**Academic Honesty**
Every student is expected to be familiar with the University’s policy and procedures on **academic honesty before performing any academic work.** You can find these at the Dean of Students website under “Code of Student Conduct” in section 5.1, “Academic Misconduct.”
Examples of academic dishonesty described in the Code include, but are not limited to cheating on tests, plagiarizing written work **from any source (including Wikipedia and your friends),** selling or buying academic assignments, writing a single paper for multiple classes, collaborating on an assignment without the instructor’s permission, and helping another student do any of these things. **Students who commit violations of the academic code of conduct will be reported to the Dean of Students and sanctioned.**

**Grade Breakdown**

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Class participation:</td>
<td>10%</td>
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<tr>
<td>Midterm exam:</td>
<td>20%</td>
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<tr>
<td>Final exam:</td>
<td>30%</td>
</tr>
<tr>
<td>Reading quizzes:</td>
<td>15%</td>
</tr>
<tr>
<td>Research paper:</td>
<td>25%</td>
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**Grading**
All grading is on a 0-100 point scale. Borderline grades at the end of the course will be decided based on the quality of participation.

A (90 & above) D (60-69.9)
B (80-89.9) F (59.9 & below)
C (70-79.9)

**Required texts**
- Carp, Stidham, and Manning. *Judicial Process in America.* [Denoted as CSM on reading schedule]
- Diascro and Ivers. *Inside the Judicial Process.* [Denoted as DI on reading schedule]
- Additional readings posted on Moodle [Denoted as M on reading schedule]
Fall 2008: Important dates

- Drop period ends: Tuesday, September 2
- Last day to add: Thursday, September 4
- Last day to withdraw: Friday, November 7
- Last Day of Class: Friday, December 5
- Final exam: Tuesday, December 9 (5:30-7:30 p.m.)

Notes: This course syllabus is a general plan for the course. Deviations announced to the class by the instructor may be necessary.

Schedule of Readings and Assignments (to be read PRIOR to coming to class)

Mon., Aug. 25 Introduction to course

Wed., Aug. 27 I. Foundations of Law and the American judicial system
Chapter 1, “Foundations of Law” in CSM (pp. 1-22)

Fri., Aug. 29 NO CLASS

Mon., Sept. 1 NO CLASS: Labor Day Holiday

Wed., Sept. 3 “Origins of Law” and “Schools of Jurisprudence” on M (pp. 4-16)
In-class exercise on interpreting law

Fri., Sept. 5 Chapter 2, “The Federal Judicial System” in CSM (pp. 24-50)
CSM pp. 73-78
Article III of the Constitution, in CSM pp. 435-6
Federalist 78 on M

Mon., Sept. 8 “Judicial Independence in Comparative Perspective” in DI (pp. 32-35)
“Judicial Independence through the Lens of Bush v. Gore” in DI (pp. 11-15)

Wed., Sept. 10 Chapter 3, “State Judicial Systems” in CSM (pp. 52-69)

Fri., Sept. 12 Louisiana & the Napoleonic Code on M
Louisiana court structure on M
History of the Louisiana Supreme Court on M

Mon., Sept. 15 Chapter 4, “Jurisdiction & Policy Making Boundaries” in CSM (pp. 78-94)
Roe v. Wade compared with DeFunis v. Odegaard on M

Wed., Sept. 17 II. Judicial selection in federal and state courts
Chapter 5, “State Judges” in CSM (pp. 98-111)
Compare LA to two other states at http://www.judicialselection.us/

Fri., Sept. 19 Republican Party of Minnesota v. White (2002) in DI (pp. 149-155)
“Judicial Campaign Codes after Republican Party of Minnesota v. White” on M (pp. 202-233)

Mon., Sept. 22 “Rendering Justice With One Eye on Re-Election” on M
**Paper proposal DUE** (hand in hard copy at beginning of class)
Wed., Sept. 24  Chapter 6, “Federal Judges” in CSM (pp. 112-152)
U.S. Constitution, Article II, section 2, and Article III, section 1 (in CSM pp. 433, 435)

Fri., Sept. 26  Chapter 7, “Policy Links Between the Citizenry, the President, and the Federal Judiciary” in CSM (pp. 153-175)
“Unpicking Pickering in 2002” in DI (pp. 141-148)

Mon., Sept. 29  **III. Litigants & Lawyers**
Chapter 8, “Lawyers, Litigants, and Interest Groups” in CSM (pp. 176-200)
“Brief of the Cato Institute as Amicus Curiae, Grutter v. Bollinger” in DI (pp. 257-263)

Wed., Oct. 1  “Contingency Fee Lawyers as Gatekeepers” on M
“So Help Me God: A Comparative Study of Religious Interest Group Litigation” in DI (pp. 264-270)

Fri., Oct. 3  **IV. Dispute Resolution in Courts**
Chapter 9, “Crime & Procedures Prior to Criminal Trial” in CSM (pp. 202-233)
“Under Suspicion: The Fugitive Science of Criminal Justice” in DI (pp. 291-295)

Mon., Oct. 6  Chapter 10, “The Criminal Trial and its Aftermath” in CSM (pp. 234-262)

Wed., Oct. 8  “Reviving the Criminal Jury in Japan” in DI (pp. 305-313)
“The Federal Sentencing Guidelines” in DI (pp. 295-300)

Fri., Oct. 10  **NO CLASS—FALL BREAK**

Mon., Oct. 13  Catch up day/review for mid-term exam

Wed., Oct. 15  ****MID-TERM EXAM**

Fri., Oct. 17  Law school and graduate school discussion

Mon., Oct. 20  Chapter 11, “Civil Court Process” in CSM (pp. 263-287)
“Why the ‘Haves’ Come Out Ahead” in DI (pp. 316-321)

Wed., Oct. 22  “Java Jive” on M

Fri., Oct. 24  **V. Judicial Decision Making**
Chapter 12, “Decision Making by Trial Court Judges” in CSM (pp. 288-327)

Mon. Oct. 27  Supreme Court Decisions & Opinion Writing on M
Archive of Supreme Court memos on M

Wed., Oct. 29  Chapter 13, “Decision Making in Collegial Courts” in CSM (pp. 334-365)
Fri., Oct. 31  “Speaking in a Judicial Voice” in DI (pp. 361-363)
“Judicial Decision Making and the Use of Panels in the Canadian Supreme Court and the South African Appellate Division” in DI (pp. 370-377)

Mon., Nov. 3  VI. Implementation and Impact of Courts’ Decisions
Chapter 14, “Implementation and Impact of Judicial Policies” in CSM (pp. 372-393)

Wed., Nov. 5  “Responses to Judicial Policies” in DI (pp. 447-457)
“The Dynamic and the Constrained Court” in DI (pp. 457-465)

Fri., Nov. 7  “Supreme Court Impact on Compliance and Outcomes” in DI (pp. 444-447)
“Competing Constraints: State Court Responses to Supreme Court Decisions” on M

Mon., Nov. 10  “Criminalizing Marital Rape: A Comparison of Legislative and Judicial Approaches” on M
“Benched: The Pros and Cons of Having Judges Make the Law” in DI (pp. 465-471)

Wed., Nov. 12  VII. Courts and Public Opinion
“The Court and American Life” in DI (pp. 382-390)
“The Supreme Court and Critical Elections” in DI (pp. 390-398)

Fri., Nov. 14  “Defenders of Democracy?” In DI (pp. 429-436)
“The Presidency & the Supreme Court after Bush v. Gore” in DI (pp. 399-402)

Mon., Nov. 17  “Television News and the Supreme Court” in DI (pp. 403-418)
“Should We Blame Judge Judy?” on M

Wed. Nov. 19  *BRING ROUGH DRAFT TO CLASS FOR PEER REVIEW
(Must have introduction, literature review, theory & hypotheses sections written.)

Fri. Nov. 21  VIII. Alternatives to Traditional Litigation
Cooley, “Arbitration vs. Mediation—Explaining the Differences” (on M)
“The D.C. Multi-Door Courthouse” (on M)

Mon., Nov. 24  Berman and Feinblatt, “Problem-Solving Courts” (on M)

Wed., Nov. 26  CASE STUDY of Bush v. Gore (on M)

Fri., Nov. 28  NO CLASS—THANKSGIVING BREAK

Mon., Dec. 1  CASE STUDY of Bush v. Gore (on M)
**PAPERS DUE IN CLASS**

Wed., Dec. 3  CASE STUDY of Bush v. Gore (on M)

Fri., Dec. 5  Course wrap-up and review for final exam