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 to understand the topics and concepts related to judicial processes, to pose interesting normative, empirical, and conceptual questions about these issues, and to design research projects to answer these questions.

*Note: The syllabus represents a general plan for the course and may be subject to change, based on the discretion of the instructor.

Requirements for the Course

Participation (5%)
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.

To earn all of the five points for participation, students must be outstanding and consistent in their ability to examine the implications of assigned readings, make connections across readings, pose alternative hypotheses, and analyze alternative explanations; they must also be a conscientious and respectful student. Earning 4 points entails showing understanding of arguments and their implications, and generally being a conscientious, reliable student. Merely repeating or describing reading is worth only 3 points, though the inability to do at least that when asked will result in lower grades.

Exams (60%)
In-class lectures and the readings listed on the class schedule will serve as the basis for your exams. There will be two mid-term exams and a final exam to test your understanding of concepts as well as your ability to apply and analyze them. Students are expected to be present on all testing days. Students who miss either of the mid-term exams for any reason will simply be given a cumulative final exam that includes the missed material. (The score on the cumulative final will count twice.) It is the student’s responsibility to alert the instructor via email by December 3 that he or she will need a cumulative final exam. Make-ups for the final exam are totally at the discretion of the instructor and will be only for those absences necessitated by a documented & legitimate emergency as governed by university policy.

Empirical Research Paper (20%)
A major component of the course will be a 10-12 page empirical research paper due at the end of the semester. A list of acceptable topics related to judicial politics will be posted on Moodle for you to review, as well as a list of approved academic journals and sources. In the paper, you will (1) identify an
interesting puzzle or question related to one of the topics, (2) summarize in a table the findings of relevant academic research on your question, and (3) analyze the trends and gaps in the existing research.

You must have a **proposal for your paper** approved by me before proceeding with your research; failure to do so will result in a **ONE LETTER GRADE** deduction on your final paper. Your proposal will consist of a **single-spaced, one-page abstract** that includes (a) an empirical question or puzzle related to your chosen topic, (b) justification for why your question or puzzle is important, (c) a preliminary list of 3 academic journal articles that relate to your question. **A hard copy of the proposal is due in class on Mon., September 20.** You will bring a **rough draft** of your paper to class on **November 22** for in-class peer review. 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 in hard copy in class on Monday, November 30.** Failure to bring in a rough draft for peer review will result in a **ONE LETTER GRADE** deduction on the paper.

**Reading quizzes (15%)**
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 two lowest quiz grades.

**Special Accommodation**
*Graduate students, 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.

**Academic Honesty**
Every student is expected to be familiar with and abide by the University’s policy on academic honesty before performing any academic work. You can find these and the consequences for committing academic dishonesty at [http://www.lsu.edu/judicialaffairs](http://www.lsu.edu/judicialaffairs). 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. **All** suspected violations will be reported, and determinations of guilt or innocence will be made by the Office of Student Accountability.

**Grade Breakdown (100 points total)**
- Class participation: 5 points
- Midterm exam 1: 20 points
- Research paper: 20 points
- Reading quizzes: 15 points
- Midterm exam 2: 20 points
- Final exam: 20 points

**Grading Policy**
The course is on a 100 point scale. Borderline grades at the end of the course will be decided based on the quality of participation, **NOT extra credit. Grades will NOT be discussed over email.** for confidentiality reasons; please make an appointment with me if you have a question. **Written assignments are due at the beginning of class, in hard copy form**; work submitted later will be subject to grade penalties.

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<thead>
<tr>
<th>Grade</th>
<th>Points</th>
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<tbody>
<tr>
<td>A (90 &amp; above)</td>
<td>90</td>
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<tr>
<td>B (80-89.9)</td>
<td>80</td>
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<tr>
<td>C (70-79.9)</td>
<td>70</td>
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<tr>
<td>D (60-69.9)</td>
<td>60</td>
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<tr>
<td>F (59.9 &amp; below)</td>
<td>59.9</td>
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### Required texts
- Carp, Stidham, and Manning. 7th ed. *Judicial Process in America.* [Denoted as CSM on schedule]
- Slotnick. *Judicial Politics, Readings from Judicature.* [Denoted as S on schedule]
- Additional readings posted on Moodle [Denoted as M on schedule]

### Fall 2010: Important dates
- Drop period ends: Mon., Aug. 30/ Last day to add: Wed., September 1
- Last day to withdraw: November 5
- Last Day of Class: Fri., December 3
- Final exam: Mon., December 6 (7:30 a.m. – 9:30 a.m.)

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

<table>
<thead>
<tr>
<th>Date</th>
<th>Assignments</th>
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<tbody>
<tr>
<td>Mon., Aug. 23</td>
<td>Introduction to course</td>
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<tr>
<td></td>
<td>Chapter 1, “Foundations of Law” in CSM (pp. 1-22)</td>
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<tr>
<td>Fri., Aug. 27</td>
<td>“Legal Systems” (on M)</td>
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| Mon., Aug. 30| 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 |
| Wed., Sept. 1| In-class exercise: judges and umpires            |
| Fri., Sept. 3| Chapter 3, “State Judicial Systems” in CSM (pp. 52-69) |
| Mon., Sept. 6| NO CLASS: LABOR DAY                             |
| Wed., Sept. 8| Chapter 4, “Jurisdiction & Policy Making Boundaries” in CSM (pp. 78-94)  
|              | *Roe v. Wade* compared with *DeFunis v. Odegaard* on M |
| Fri., Sept. 10| “In Search of Judicial Activism in the Same-Sex Marriage Cases” on M |
| Mon., Sept. 13| 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/](http://www.judicialselection.us/) |
|              | “Judicial Campaign Codes after *Republican Party of Minnesota v. White*” on M (pp. 202-233) |
| Fri., Sept. 17| “In Defense of Judicial Elections” on M          |
| Mon., Sept. 20| In-class: *Caperton v. Massey*                  |
|              | **Paper proposal DUE** (hand in hard copy at beginning of class) |
| Wed., Sept. 22| 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. 24  Chapter 7, “Policy Links Between the Citizenry, the President, and the Federal Judiciary” in CSM (pp. 153-175) [End of material for midterm]

Mon., Sept. 27  Catch up day/review for MID-TERM EXAM 1

Wed., Sept. 29  **MID-TERM EXAM 1**

Fri., Oct. 1  **III. Litigants & Lawyers**
Chapter 8, “Lawyers, Litigants, and Interest Groups” in CSM (pp. 176-200)

Mon., Oct. 4  “Contingency Fee Lawyers as Gatekeepers” in S (pp. 157-164)
“Taking on Tobacco: Policy Entrepreneurship & the Tobacco Litigation” (on M)

Wed., Oct. 6  **IV. Dispute Resolution in Courts**
Chapter 9, “Crime & Procedures Prior to Criminal Trial” in CSM (pp. 202-233)

Fri., Oct. 8  “Under Suspicion: The Fugitive Science of Criminal Justice” on M
“State Politics and the Right to Counsel” on M

Mon., Oct. 11  Chapter 10, “The Criminal Trial and its Aftermath” in CSM (pp. 234-262)

“The Capital Jury: Is it Tilted Toward Death?” in S (pp. 252-255)

Fri., Oct. 15  Chapter 11, “Civil Court Process” in CSM (pp. 263-287)

Mon., Oct. 18  “Why the ‘Haves’ Come Out Ahead” on M
“When Doctors Admit Their Mistakes” on M

Wed., Oct. 20  “Java Jive” on M

Fri., Oct. 22  **NO CLASS: FALL BREAK**

Mon. Oct. 25  **V. Judicial Decision Making**
Chapter 12, “Decision Making by Trial Court Judges” in CSM (pp. 288-327)


Fri., Oct. 29  The influence of law clerks (on M)
“Nonlegal advice: amicus briefs in Webster v. Reproductive Health” in S (pp. 193-196)

Mon., Nov. 1  “Voting Behavior and Gender on the U.S. Courts of Appeals” in S (pp. 286-291)

Wed., Nov. 3  Catch up day/review for MID-TERM EXAM 2
Fri., Nov. 5  **MID-TERM EXAM 2**

Mon., Nov. 8  VI. Implementation and Impact of Courts’ Decisions
Chapter 14, “Implementation and Impact of Judicial Policies” in CSM (pp. 372-393)

Wed., Nov. 10  “Responses to Judicial Policies” on M
“The Supreme Court and Implementation of abortion” on M

Fri., Nov. 12  VII. Courts, Media, and Public Opinion
“Understanding Public Confidence in American Courts” on M
“Should We Blame Judge Judy?” in S (pp. 480-485)

Mon., Nov. 15  “Bait and Switch? The Press and the Pledge Case” on M
“The Supreme Court decided today….,” or did it?” in S (pp. 471-478)

Wed. Nov. 17  VIII. Alternatives to Traditional Litigation
Cooley, “Arbitration vs. Mediation—Explaining the Differences” in S (pp. 611-618)
Islamic courts in Britain (on M)

Fri. Nov. 19  Berman and Feinblatt, “Problem-Solving Courts” (on M)
Veterans’ courts (on M)

Mon., Nov. 22  *BRING ROUGH DRAFT TO CLASS FOR PEER REVIEW*

Wed., Nov. 24  Law school and graduate school discussion

Fri., Nov. 26  NO CLASS: THANKSGIVING BREAK

Mon., Nov. 29  CASE STUDY of Bush v. Gore (on M)
**FINAL PAPER DUE**(hard copy)

Wed., Dec. 1  CASE STUDY of Bush v. Gore (on M)

Fri., Dec. 3  Course wrap-up and review for final exam

Mon., Dec. 6  **FINAL EXAM** (7:30 – 9:30 a.m.)