

POLI 4023 JUDICIAL POLITICS
Louisiana State University
Department of Political Science
Fall 2021
Tuesday and Thursday 10:30-11:50
208 Williams Hall

Professor Elizabeth Lane
Office: 205 Stubbs Hall
Student Hours: 12:00-2:00 Tuesday, or by appointment
Email: elane8@lsu.edu – please include “POLI 4023” in the subject line

PURPOSE

This course is designed to introduce students to the operation of the United States federal judicial system, which it will do with a particular focus on the United States Supreme Court. Specifically, we will examine theoretical issues regarding judicial process and politics. Unlike courses on constitutional law, which focus on legal doctrine, we will contemplate and discuss the political aspects of the legal system, with a particular emphasis on social scientific research on law and legal process. Students should leave this class with a fundamental understanding of the inter-workings of the U.S. Supreme Court, the judicial decision-making process, how both internal and external mechanisms influence this process, as well as a greater overall understanding of social scientific research.

OBJECTIVES AND LEARNING OUTCOMES

By the end of the semester, students should have a deeper understanding of the judiciary in the United States. They should understand the historical development of the federal judiciary and understand significant events that increased the influence and prominence of the Supreme Court in American politics. Students should understand the social scientific approaches to studying judicial politics and the various legal, attitudinal, and other influences that impact judicial behavior and outcomes. Importantly, students should develop and advance their ability to understand and interpret peer-reviewed social scientific research and use the skills and substantive knowledge obtained from this class to critically evaluate news media accounts of current events of the nation’s highest court. Students should also be able to answer the following questions:

1. How does the Supreme Court nomination and confirmation process shape the character of the Court?
2. What are the primary factors that influence justices’ decision making?
3. How and when do institutional factors constrain or enable a justice to pursue their policy preferences?
4. How do elected politicians (i.e., members of Congress and the president) and unelected actors (i.e., attorneys, interest groups, and the public) influence how the Court decides cases?
5. How does bargaining among Supreme Court justices impact the development of law and legal doctrine?
6. Does the Supreme Court influence public opinion and does public opinion influence the Supreme Court?

SOCIAL SCIENCES COMPETENCY STATEMENT

LSU graduates will demonstrate an understanding of the informing factors of global interdependence, including economic forces, political dynamics, and cultural and linguistic differences.

CLASS FORMAT

This class will meet in-person in accordance with LSU's current COVID policies, which only permits classes with over 100 students to meet online/hybrid format. I will do my best to remember to record lectures for those of you that are unable to make it to class due to illness or COVID protocols, but due to technical difficulties encountered throughout the semester (or operator error) I will not guarantee that 100% of the lectures will be recorded and posted online. That being said, I will post lecture slides on the course Moodle site *following* each lecture.

Student Hours

If you have a question about course material, or you just want to chat about the Supreme Court or anything else, my student hours (aka office hours) will be on Tuesday from 12:00-2:00 pm CST in 205 Stubbs Hall. If this time is inconvenient for you, or you need to meet via Zoom, please email me to arrange an alternative time/venue. After making arrangements, Zoom office hours will be held using the Zoom information below:

<https://lsu.zoom.us/j/97037287532?pwd=dUF2akZDU1BKNk1VcGhoeUE2Ky9tUT09>

Meeting ID: 970 3728 7532

Passcode: scotus

Dial Meeting: 877 853 5247 or 888 788 0099 (Both are US Toll-free)

Passcode for dial in: 586111

COURSE MATERIALS

Please obtain a copy of the following books for this class:

- Woodward, Bob and Scott Armstrong. 2005. *The Brethren: Inside the Supreme Court*. New York: Simon and Schuster. ISBN-10: 978-0743274029.
- Black, Ryan C., Ryan J. Owens, Justin Wedeking, and Patrick C. Wohlfarth. 2020. *The Conscientious Justice: How Supreme Court Justices' Personalities Influence the Law, the High Court, and the Constitution*. New York: Cambridge University Press. (ISBN-10: 978-1107168718)

Please note that the Black et al. (2020) book (henceforth BOWW) is expensive to purchase since it is only available in hardcover. Because of this I contacted the library and they obtained a [digital copy](#) of the text, which you can access through the LSU Library website.

The Woodward and Armstrong (2005) book is available at an affordable price in physical, digital, and audio versions. Please feel free to "read" the text in whatever format you prefer. Just ensure that you can properly and accurately cite your version of the book with a page number or time stamp.

All other course readings will be located on Moodle under the corresponding class period they are listed on the syllabus.

COURSE REQUIREMENTS AND GRADING

Your course grade will be graded on a points system (points earned divided by points possible). The points will consist of reading responses, four quizzes, two exams, and a pre- and post-test. A summary of the points breakdown is as follows:

Assignment	Due Date	Points
Pre-Test	Friday, September 3	50
Reading Responses	Throughout Semester	300 (100 each)
Quizzes	Throughout Semester	200 (50 each)
Midterm	Tuesday, October 19	200
Post-Test	Saturday, December 4	50
Final Exam	Wednesday, December 8	200
Total		1,000

Assignment Descriptions

Pre- & Post-Tests (100 points)

These multiple-choice, true and false, and short answer tests will be **graded for completion only**. Your grade is not based on how many questions you get right or wrong. They will be used to gauge your knowledge of the Supreme Court prior to taking the class and evaluate how much you learn/retain by the end of the semester. After the due date and time, I will go through and change all grades to 100% for those who made a full faith effort to complete the tests. Please note that these are worth the equivalent of two quiz scores and can significantly help your overall semester grade. The pre- and post-tests are **due at 11:59 pm CST** on the due date listed in the course schedule section of the syllabus.

Reading Responses (300 points)

Throughout the semester you will be reading Woodward and Armstrong's *The Brethren: Inside the Supreme Court* to provide a deeper insight into how the Supreme Court justices arrive at their decisions. Three times throughout the semester you will be given a prompt or prompts to respond to. These prompts will require you to relate your reading from *The Brethren* to concepts and theories we've discussed in class. You will receive further instruction and a rubric later in the semester. The reading responses are **due at 11:59 pm CST** to the correct folder on Moodle on the due date listed in the course schedule section of the syllabus.

Quizzes (200 points)

There will be four quizzes throughout the semester. These quizzes will serve as an assessment to ensure you are keeping up with course content between exams. Because of the unique challenges we may face this semester due to Covid-19, you will take all quizzes on Moodle. Questions will be randomized, and you **will not** be permitted to freely navigate the quiz. This means, once you select an answer and move onto the next question you cannot return to that question. All quizzes will be posted on the Wednesday prior to their due date. For example, Quiz 1 is due on Friday, September 10, and therefore it will be available to take by Wednesday evening on September 8. All quizzes are **due at 11:59 pm CST** on the due date listed in the course schedule section of the syllabus. Please note that according to the course late policy, arrangements must be made, and proper documentation must be provided **prior** to an quizzes to reschedule.

Exams (400 points)

There will be two exams throughout the semester. These exams will consist of some combination of true or false, multiple choice, matching, and short answer. The exams will be cumulative since the previous exam (i.e., the final will only cover post-midterm material). These exams are scheduled to take place in class on the dates listed in the course schedule section of the syllabus, however if conditions require, I reserve the right to move the exams to an online Moodle format. Please note that according to the course late policy, arrangements must be made, and proper documentation must be provided **prior** to an exam to reschedule.

Grade Scale

LSU uses a letter plus minus grading scale. The final **minimum** percentage needed for each grade level is as follows: A+: 98, A: 94, A-: 91, B+ 88, B: 84, B-: 80, C+: 77, C: 73, C-: 70, D+: 67, D: 63, D-: 60, F: any value below 60%. Please do not email me at the end of the semester asking me to round your final grade. To be fair, I do not accept rounding appeals to ensure that all students have the same opportunities throughout the semester to earn points towards their final grade and late semester appeals are not fair to other students.

Grade Questions and Appeals

If you receive a grade and see that it contains an arithmetic error (i.e., I mis-calculated your grade), please inform me of the problem. If you have a question or concern about your performance on any course work, please also contact me. **All** concerns must be stated in writing (paper or email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. The one-week clock starts when grades are posted on Moodle or paper exams are distributed back to the class regardless of whether you were there to collect it or not. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

Late Work

The following penalty will be assessed on late Reading Responses. All other late work will **not** be accepted. That is, you are expected to attend class for all exams and submit all quizzes on time. If extenuating circumstances make this impossible, you must notify the instructor **prior** to the assignment. The burden then falls on the student to provide documentation for the absence or excuse. If this material cannot be provided, a makeup will not be scheduled.

<u>Lateness</u>	<u>Points Penalized</u>
1-60 minutes	-7 points
61-120 minutes	-12 points
121-180 minutes	-18 points
181-360 minutes	-22 points
361-720 minutes	-27 points
> 721 minutes	Not accepted

COURSE POLICIES AND RESOURCES

You are solely responsible for your conduct in this course and informing yourself of all relevant course, departmental, college, and university policies governing your behavior. This includes, but is not limited to, policies regarding academic integrity and plagiarism, accommodations for students with documented

disabilities, religious holidays, student athlete travel, Covid-19 policies including proper mask-wearing in the classroom, and all information and policies related to this course outlined in this syllabus.

Academic Integrity

Louisiana State University adopted the Commitment to Community in 1995 to set forth guidelines for student behavior both inside and outside of the classroom. The Commitment to Community charges students to maintain high standards of academic and personal integrity. All students are expected to read and be familiar with the LSU Code of Student Conduct and Commitment to Community, found online at www.lsu.edu/saa. It is your responsibility as a student at LSU to know and understand the academic standards for our community.

Students who are suspected of violating the Code of Conduct will be referred to the office of Student Advocacy & Accountability. For undergraduate students, a first academic violation could result in a zero grade on the assignment or failing the class and disciplinary probation until graduation. For a second academic violation, the result could be suspension from LSU. For graduate students, suspension is the appropriate outcome for the first offense.

Academic Dishonesty and Plagiarism

Nearly everyone understands that copying passages verbatim from another writer's work and representing them as one's own work constitute plagiarism. Yet plagiarism involves much more. At LSU plagiarism is defined to include any use of another's work and submitting that work as one's own. This means not only copying passages of writing or direct quotations but also paraphrasing or using structure or ideas without citation. Learning how to paraphrase and when and how to cite is an essential step in maintaining academic integrity. Written assignments for this class will be subject to review by plagiarism detection software. Incidents of dishonesty may also be reported to the Department or University, which can result in further disciplinary action. On your reading responses I expect this to be in your own words and not the words of Woodward and Armstrong. I do not want to see that you can copy the book. You must demonstrate your own understanding of this material.

There is no scheduled group work in this class. All work must be completed without assistance unless explicit permission for group or partner work is given by me. This is critical so that the I can assess your performance on each assignment. If a group/partner project is assigned, you may still have individual work to complete. Read the syllabus and assignment directions carefully. You might have a project with group work and a follow up report that is independently written. When in doubt, e-mail me or ask during a class session. Seeking clarification is your responsibility as a student. Assuming group/partner work is okay without explicit permission constitutes a violation of the LSU Code of Student Conduct.

If you are ever confused about what is and is not plagiarism, I am happy to discuss it with you, especially if it avoids you accidentally plagiarizing. Additionally, Indiana University has a helpful plagiarism tutorial that I encourage you to look at if you are ever confused in this class or any other:

<https://plagiarism.iu.edu/tutorials/task2/index.html>

Course Communication

Class announcements will be sent via email on Moodle. I try to send an email at the beginning of each week with the weekly schedule to keep everyone on task, **however the syllabus is always the Holy Grail for this class**, and please make sure you are checking it regularly yourself.

If you need to schedule a meeting outside of office hours, have questions regarding course material, or other topics, please feel free email me. When emailing, please include "POLI 4023:" as the first part of the subject line

followed by your specific concern. In order for me to reply, you must also include your first and last name in the email. If you have questions regarding due dates or reading assignments **consult the syllabus or a classmate**. **Please email me via Outlook**. Moodle mail often goes to my spam folder, and I won't see it. During the week I will typically answer email within 24 hours. I do not check email as regularly on the weekend so it will usually take 48 hours.

As mentioned, you will be submitting assignments and taking quizzes and examinations via Moodle. You are responsible for giving yourself enough time to do so. **If you encounter complications with Moodle, contact them first**. If the issue remains unresolved after contacting them, then you can email me, but you must provide proof of your communication with Moodle first.

Accommodations for Students with Disabilities

Louisiana State University is committed to providing reasonable accommodations for all persons with disabilities. The syllabus is available in alternate formats upon request.

If you have already made accommodation arrangements, please inform me of your needs at **the beginning of the course**, and present me with your accommodations form. If you need to request accommodations under the Americans with Disabilities Act, you may do so by contacting Disability Services in 115 Johnston Hall. Their phone number is 225-578-5919 and website is www.lsu.edu/disability. I will honor all accommodations from when the disability is registered forward. I am unable honor retroactive accommodations.

Other Accommodations

I recognize that although all of you are students you have a life outside of the classroom and oftentimes things going on in your personal life can complicate your work as a student, particularly during these challenging times. LSU has resources like [LSU Cares](#) to help during these difficult times. If you feel like you are struggling, please let me know. I am happy to submit a form to the Cares team on your behalf to get in touch with you and connect you with different resources and assistance.

Classroom Recording and Materials

If you wish to record classroom lectures you must ask the instructor for permission prior to doing so. Lectures and course materials (including but not limited to presentations, exams, quizzes, outlines, lecture notes, reading prompts, etc.) may be protected by copyright. You are encouraged to take notes and utilize course materials for your own educational purpose; however, **you are not to reproduce or redistribute this content without my expressed permission**. This includes sharing any course-related material with online social-study sites like Course Hero, Quizlet, Koofers, and other related services. Dissemination of classroom content without permission to do so is strictly prohibited and subject to academic disciplinary actions.

Attendance

Coming to class is important. This class is meeting in person because this material is difficult to learn on your own and you should have an opportunity to ask questions to aid your learning. For the sake of your own success, I STRONGLY encourage you to come to class every meeting and be prepared with questions.

With that said, I have removed all attendance policies from my syllabi this semester due to the current environment of the COVID-19 pandemic. I understand that current protocols may prohibit you from attending class even if you are not sick or test positive.

If you cannot come to class or if you choose not to, it is still your responsibility to ensure that you understand all of the material that is covered. This includes assigned readings and any research or topics that are covered during lecture. As mentioned previously, I will try to post lectures, but I also encourage you to touch base with a classmate as well.

COURSE SCHEDULE OF TOPICS, READINGS, AND ASSIGNMENTS

I expect to follow this schedule closely. Though I do not anticipate needing to, I reserve the right to modify the syllabus and course schedule as necessary. All changes (if any) will be announced on Moodle via email. As you work your way through the schedule, please make sure to account for all readings listed for that day so that you are prepared for class.

Please note the following important dates from the registrar's office:

- Tuesday, August 31: Final drop date without a "W" grade
- Wednesday, September 1: Final add date
- Tuesday, October 19: Mid-semester grades due
- Friday, November 5: Final drop date and **final date to reschedule a final exam**

WEEK 1: INTRODUCTION & A BRIEF HISTORY

Tuesday, August 24

Course Introduction

- Syllabus
- BOWW Ch. 1
- [Federalist Papers #77-81](#)
- [C-SPAN's Supreme Court Documentary](#)

Thursday, August 26

A Brief History

- Collins and Skover Ch. 2
- BOWW Ch. 2

WEEK 2: SOCIAL SCIENCE RESEARCH

Tuesday, August 31

Social Science Research

- Epstein et al. (2013) Technical Introduction
- Epstein and Martin (2014)

Thursday, September 1

Social Science Research Continued

- [Steven Miller's Blog Post: How to Read a Regression Table](#)
- [Steven Miller's Blog Post: Taking Good Notes](#)

Friday, September 2

PRE-TEST DUE AT 11:59 PM CST

WEEK 3: IDEOLOGY AND LEAVING THE COURT

Tuesday, September 7

Measuring Ideology

- Segal and Cover (1989)

Thursday, September 9

Staffing: Departures

- Excerpts from Ward (2003)

Friday, September 10

QUIZ 1 DUE AT 11:59 PM CST

WEEK 4: STAFFING THE COURT

Tuesday, September 14

Staffing: Nominations

- Nemacheck (2008) Ch. 1
- Black and Owens (2016)

Thursday, September 16

Staffing: Hearings

- Schoenherr, Lane, and Armaly (2020)

WEEK 5: CONFIRMATION VOTING AT COURT STAFF

Tuesday, September 21

Staffing: Confirmation Voting

- [Frontline: Extreme Revenge Documentary](#)
- Cameron, Kastellec, and Park (2013)

Thursday, September 23

Staff: Law Clerks

- Peppers and Zorn (2008)

Friday, September 24

READING RESPONSE 1 DUE AT 11:59 PM CST

- Introduction, Prologue, and 1969 Term

WEEK 6: INFLUENCES ON JUDICIAL BEHAVIOR

Tuesday, September 28

Influences: Law

- Johnson, Spriggs, and Wahlbeck (2012)

Thursday, September 30 (pre-recorded lecture – no in-class meeting)

Influences: Attitudes

- Segal and Champlin (2018)

WEEK 7: INFLUENCES CONTINUED AND AGENDA SETTING

Tuesday, October 5

Influences: Life

- BOWW Ch. 3

Thursday, October 7

Deciding to Decide: Rules and Process

- [Civics 101: "How a Case Gets to the Supreme Court"](#)
- Lane and Black (2017)

Friday, October 8

QUIZ 2 DUE AT 11:59 PM CST

WEEK 8: AGENDA SETTING CONTINUED & MIDTERM REVIEW

Tuesday, October 12

Deciding to Decide: Strategy and Research

- BOWW Ch. 4

Thursday, October 14

MIDTERM EXAM REVIEW

WEEK 9: MIDTERM EXAM

Tuesday, October 19

MIDTERM EXAM

Thursday, October 21

NO CLASS – FALL BREAK

WEEK 10: LEGAL ARGUMENTS

Tuesday, October 26

Legal Arguments: Written Briefs

- Schoenherr and Black (2019)
- BOWW Ch. 5

Thursday, October 28

Legal Arguments: Oral Arguments

- [More Perfect: "Justice Interrupted"](#)
- Johnson, Wahlbeck, and Spriggs (2006)

Friday, October 29

READING RESPONSE 2 DUE AT 11:59 PM CST

- 1970, 1971, and 1972 Terms

WEEK 11: INTERNAL PROCESSES

Tuesday, November 2

Internal Process: Conference Voting

- Johnson, Spriggs, and Wahlbeck (2005)

Thursday, November 4

Internal Process: Opinion Assignment

- BOWW Ch. 7

WEEK 12: INTERNAL PROCESSES CONTINUED

Tuesday, November 2

Internal Process: Opinion Writing

- Bonneau, et al. (2007)
- Carrubba, et al. (2011)

Thursday, November 4

Internal Process: Separate Opinions

- Corley (2010) Introduction
- Ginsburg (2010)

Friday, November 5

QUIZ 3 DUE AT 11:59 PM CST

WEEK 13: EXTERNAL INFLUENCES PART 1

Tuesday, November 16

External Influences: Separation of Powers

- Lane (2021)
- Mark and Zilis (2018)

Thursday, November 18

External Influences: The Solicitor General

- [Civics 101: "What Does the Solicitor General Do?"](#)
- Black and Owens (2012) Ch. 2

WEEK 14: EXTERNAL INFLUENCES PART 2

Tuesday, November 23

External Influences: Interest Groups

- [More Perfect: "The Imperfect Plaintiffs"](#)
- Collins (2012)

Thursday, November 25

NO CLASS – HAPPY THANKSGIVING

WEEK 15: EXTERNAL INFLUENCES PART 3

Tuesday, November 30

External Influences: Public Opinion

- BOWW Ch. 11

Thursday, December 2

FINAL EXAM REVIEW

Friday, December 3

READING RESPONSE 3 DUE AT 11:59 PM CST

Sunday, December 5

QUIZ 4 DUE AT 11:59 PM CST

POST-TEST DUE AT 11:59 PM CST

WEEK 16: FINALS WEEK

Wednesday, December 8

FINAL EXAM 3:00-5:00 PM CST