

Courts and Judicial Process
POLS 3983
3 credits
Fall 2012

PROFESSOR	Eve M. Ringsmuth
OFFICE	204 Murray Hall
OFFICE HOURS	T and Th 9:30am-12:30pm
EMAIL	eve.ringsmuth@okstate.edu
LOCATION	Classroom Building 101
TIME	T-Th 2-3:15 pm

Course Description

This course examines political aspects of the legal system, with an emphasis on the social scientific literature on law and legal process. The principal purpose of this course is to introduce you to the structure of the U.S. judicial system and the scientific study of judicial politics, with particular focus on the Supreme Court. Specifically, we will examine the judicial decision making process including how cases get to the Supreme Court and the specific procedures the Court uses to render decisions, as well as theoretical issues regarding judicial process and politics.

Expectations for Student Conduct

I expect all students to attend class prepared to participate in any class discussion. Class discussions are expected to be civil, rational, and respectful of the opinions of others. Class attendance is vital to your success in this course. You will be held responsible for all material in the textbooks and in lectures, even if you miss a class. All activities at Oklahoma State University, including this course, are governed by the OSU Student Conduct Code. Inappropriate behaviors include but are not limited to reading the newspaper, cell phones ringing, not paying attention to class activities, arriving late, and leaving early. Students who engage in behavior that disrupts the learning environment for others may be subject to disciplinary action under the Code. In addition, students responsible for such behavior may be asked to cancel their registration, or have their registration cancelled. Furthermore, OSU values the diversity of backgrounds, opinions, and values of its students and strives to promote a respectful learning environment. See the following link for more information. (<http://www.okstate.edu/ucs/SCEA/srr.htm>) Sexual harassment is strictly prohibited by Oklahoma State University and will not be tolerated. For more information about the definition of and policies regarding sexual harassment, see the following link. (<http://www.okstate.edu/ucs/SCEA/genderdiscrimination.htm>)

Required Texts

Baum, Lawrence. 2010. *The Supreme Court*. 10th Edition. Washington: CQ Press.

O'Brien, David, Editor. 2009. *Judges on Judging: Views from the Bench*. Washington: CQ Press.

* Note there will be other assigned readings available online from the course website on D2L.

Course Requirements

Midterm Exam 30% Exam will be taken in class.

MIDTERM EXAM DATE: October 16, 2012.

Final Exam 30% Exam will be taken during the University scheduled time.

FINAL EXAM DATE: December 13, 2012 (2-3:50 pm), regular classroom.

Writing Assignment 35% You will write a paper in which you will apply your knowledge of the Court and its role in the U.S. system of government. More details to follow.

PAPER DUE: November 6, 2012 at the beginning of class.

Quizzes 5% Quizzes over readings or course topics may be given at my discretion throughout the semester. You must be present in class when the quiz is administered in order to be eligible to take it. Your lowest quiz grade of the semester will be dropped. No make-ups will be given unless you have a documented excused absence.

Communication

Professor Availability

I encourage students to take advantage of my office hours. If you would like to speak with me outside of class time, you are welcome to stop by my office during regularly scheduled office hours. If you are unable to meet during office hours, we can set up an alternate appointment time via email or by talking after class. Email is the best way to reach me, and I will do my best to respond in a timely manner.

Course Announcements and Updates

I will frequently communicate with students via University email or D2L regarding assignments, schedule changes, or other course matters. Please ensure that you check your University email account and D2L regularly or that your email is forwarded to an account that you check regularly.

Policies for Assignments and Grading

“Incompletes” will only be given in this course under exceptional circumstances and are solely at the discretion of the professor. All assignments are due at the BEGINNING of class and will be counted as late if turned in any time after that. Any assignments turned in late will lose one letter grade per each school day late. Assignments turned in later than one week after the due date will not be accepted without special authorization from the professor. No extra credit will be offered. Assignments and exams may be submitted only once.

As a general rule, make-ups for exams or other course requirements will not be given. Students who must miss exams or other required deadlines because of scheduled activities of an official University student organization, a religious holiday, or a verifiable illness should contact the professor IN ADVANCE of the absence, whenever possible, so that alternative arrangements can be made. Please be prepared to provide documentation of an illness or reason for missing a quiz, assignment, or exam. The format of the make-up may, at my discretion, differ from the in-class format.

You are responsible for keeping a copy of all written assignments and exams for the course. You are also responsible for keeping copies of the assignments and exams once they are handed back. Sometimes errors do happen, and a grade may not be recorded for you. If this happens you must be able to produce the GRADED paper or exam to verify that the assignment/exam was completed and that the grade is correct.

Grading Scale

A=90-100

B=80-89.9

C=70-79.9

D=60-69.9

F=0-59.9

Grade Appeals

If you think your exam, assignment, or any class requirement has been graded improperly you may appeal the grade to the professor. However, please note that final course grades are not negotiable under any circumstances. The appeals process for exams, assignments, or any other class requirements for which you received a grade works as follows:

- All grade appeals must be in *writing* and explain in detail where you think an error was made
- Appeals cannot be submitted before 24 hours have passed from the time you receive the grade
- Appeals must be submitted before 7 days have passed from the time in which you receive the grade
- The professor reserves the right to raise, lower, or leave your grade unchanged as part of the appeal process

Academic Integrity

Academic dishonesty is broadly defined as submitting work that is not your own without attribution, and is not acceptable in this or any other academic course. This also includes copying portions or all of assignments and collaborating on assignments without the expressed permission of the professor. Any willful violations of the University's academic integrity standards will result in serious consequences such as receiving 0 for the assignment, exam, or course. In cases of violations of the academic integrity policy, I reserve the right to determine whether the case warrants a penalty on the assignment that is less severe than a 0 on the assignment. Such penalties may include, but are not limited to, a deduction of points from the assignment (up to a 0 on the

assignment), and/or the completion of an additional assignment. I will make this determination based on the extent of the academic dishonesty on a case-by-case basis. If I determine that the academic dishonesty warrants a stronger response, I will adhere to the procedures detailed in Oklahoma State University's academic integrity policy. Either when determining the extent of any academic dishonesty, any resulting penalty, or whether to follow Oklahoma State University's academic integrity policy, the initial determination is strictly my own. I will meet with the student to discuss any case of an academic integrity violation, and the student may indicate at this meeting if he or she prefers to follow the procedures detailed in Oklahoma State University's academic integrity policy. Please consult the University's standards regarding academic integrity and the resulting sanctions (at <http://academicintegrity.okstate.edu>).

Student Disabilities

Any student with a documented disability condition (e.g. physical, learning, psychiatric, systemic, vision, hearing, etc.) who needs to arrange reasonable accommodations should contact the professor and Disability Services (405-744-7116) at the beginning of the semester. More information about disabilities services can be found at the following url. (<http://sds.okstate.edu/>)

Schedule of Topics and Reading Assignments

The speed at which we get through the outlined material below will depend on the dynamics of the class, and we may therefore deviate from the outline and the information on this syllabus may be modified by the professor. Students will be notified of any changes.

Introduction and the Role of Courts

August 21: Course introduction

August 23

- OB Introduction and Chapter 1
- Baum Chapter 1, pages 1-5
- Federalist 78 (OB, pages 341-46)
- Article III (OB, pages 339-40)

August 28

- OB Chapters 2 and 29
- Howard, Robert M. and Henry F. Carey. 2004. "Is An Independent Judiciary Necessary for Democracy?" *Judicature* 87(6): 284-90.
- Liptak, Adam. 2010. "WASHINGTON MEMO; A Rare Rebuke, In Front of a Nation." *The New York Times*. January 29, 2010.

Judicial Organization

August 30

- Baum Chapter 1, pages 5-24

September 4

- OB Chapters 8 and 32

Judicial Retention and Selection

September 6

- Baum Chapter 2
- Binder, Sarah and Forrest Maltzman. 2009. "Advice and Consent During the Bush Years: The Politics of Confirming Federal Judges." *Judicature* 92(6): 320-9.

September 11

- OB Chapter 3
- Dancey, Logan, Kjersten R. Nelson, and Eve M. Ringsmuth. 2011. "'Strict Scrutiny?'" The Content of Senate Judicial Confirmation Hearings During the George W. Bush Administration." *Judicature* 95(3): 126-135.

September 13

- McGuire, Kevin T. 2005. "Are Justices Serving Too Long? An Assessment of Tenure on the U.S. Supreme Court." *Judicature* 89(1): 8-15.

Overview of Supreme Court Decision Making Process

September 18

- Epstein Handout
- OB Chapter 9
- Baum Chapter 4, pages 106-114

Decision Making

September 20

- OB Chapter 7
- Barak, Aharon. 2005. "The Role of a Judge in a Democracy." *Judicature* 88(5): 199-201.

September 25

- Baum Chapter 4, pages 114-121
- Powell, Lewis F., Jr. 1990. "Stare Decisis and Judicial Restraint." *Washington and Lee Law Review* 47(2): 281-90.

September 27

- Baum Chapter 4, pages 121-130
- Epstein, Lee and Thomas G. Walker. 2001. *Constitutional Law for a Changing America*, Fourth Edition. Washington: CQ Press. Pages 35-40.
- Baum Chapter 4, pages 131-140

October 2

- Collins, Paul M., Jr. 2007. "Lobbyists before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60(1): 55-70.
- Liptak, Adam. 2010. "A Sign of the Courts Polarization: Choice of Clerks." *The New York Times*. September 6, 2010.

The Court's Agenda

October 4, 9, and 11

- Baum Chapter 3
- Supreme Court Rule 10
- OB Chapter 11

★ October 16: Midterm Exam ★

Oral Arguments

October 18, 23, and 25

- OB Chapter 12
- McGuire, Kevin T. 1995. "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success." *Journal of Politics* 57(1): 187-96.
- Johnson, Timothy R., Paul J. Wahlbeck, and James F. Spriggs, II. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review* 100(1): 99-113.

Special Topic: Cameras in the Court

October 30

- Lithwick, Dahlia. 2011. "I Want My Court TV: Why Does the U.S. Supreme Court Still Refuse to Let in Cameras?" *The Guardian* October 12, 2011.
- Lane, Charles. 2012. "Supreme Court Should Remain Free of TV Cameras." *The Washington Post* March 19, 2012.

★ November 1: Catch Up and Faculty Consultation Day ★

Conference and Opinion Drafting

★ November 6: Paper Due ★

- OB Chapter 10
- Maltzman, Forrest and Paul J. Wahlbeck. 1996. "Strategic Policy Considerations and Voting Fluidity on the Burger Court." *American Political Science Review* 90(3): 581-92.

November 8 and 13

- Wahlbeck, Paul J., James F. Spriggs, II, and Forrest Maltzman. 1998. "Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court." *American Journal of Political Science* 42(1): 294-315.

The Political Environment

November 15

- Baum Chapter 4, pages 140-148 and Chapter 6, pages 202-215
- Epstein, Lee, Jack Knight, and Andrew Martin. 2001. "The Supreme Court as a Strategic National Policy Maker." *Emory Law Journal* 50 (2): 583-611.

November 20

- Johnson, Timothy R. 2003. "The Supreme Court, the Solicitor General, and the Separation of Powers." *American Politics Research* 31(4): 426-51.
- Maltzman, Forrest, Lee Sigelman, and Paul J. Wahlbeck. 2004. "Supreme Court Justices Really Do Follow the Election Returns." *PS: Political Science and Politics* 37(October): 839-42.

November 22: Thanksgiving [No class meeting]

Policy Outputs

November 27

- Baum Chapter 5
- Keith, Linda Camp. 2007. "The United States Supreme Court and Judicial Review of Congress, 1803-2001." *Judicature* 90(4): 166-76.
- Liptak, Adam. 2010. "Court Under Roberts Is Most Conservative in Decades." *The New York Times*. July 24, 2010.

Public Opinion and the Impact of Judicial Decisions

November 29

- Marshall, Thomas R. 2005. "American Public Opinion and the Rehnquist Court." *Judicature* 89(3): 177-80.
- Kritzer, Herbert M. 2005. "The American Public's Assessment of the Rehnquist Court." *Judicature* 89(3): 168-76.
- Liptak, Adam and Allison Kopicki. 2012. "Publics Opinion of Supreme Court Drops After Health Care Law Decision." *The New York Times*. July 18, 2012.

December 4

- Baum Chapter 6, pages 187-202 and 215-224
- Hoekstra, Valerie J. 2000. "The Supreme Court and Local Public Opinion." *American Political Science Review* 94(1): 89-100.

December 6: Catch Up and Course Wrap Up

★ December 13 (2-3:50 pm): Final Exam [regular classroom] ★