

## POLI 4023: Judicial Politics – Fall 2011

Professor Laura Moyer  
Classroom: 220 Coates  
Class: T/Th 1:40 – 3:00

Office: 208B Stubbs Hall  
Office hours: Mon. 1:30-2:30, Thurs. 4-5  
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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 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: in-class discussion and writing*

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, unless they are required by Disability Services.

In-class discussion will be worth a maximum of 3 points, and in-class writing will be worth a maximum of 7 points. To earn all of 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 conscientious, responsible, and respectful.

### ***Exams***

In-class discussions 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.

### ***Research Analysis Paper***

A major component of the course will be a **10-page** (Times New Roman, double-spaced, one inch margins) **empirical research paper**. 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 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 sources that relate to your question. **A hard copy of the proposal is due in class on Tuesday September 20.** A rough draft is due in hard copy on **November 1** for peer review. Failure to bring in a rough draft for peer review will result in a **ONE LETTER GRADE** deduction on the paper. **The final version is due in hard copy in class on November 17.**

### ***Reading quizzes***

There will also be daily 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 two missed quizzes without penalty, but subsequent missed quizzes will result in a grade of zero, unless the missed quiz is because of a university excused absence. (University excused absences – death in the family, family emergency, illness, participation in university-approved events – must be documented.) 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>. 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 & Grading Policy (100 points total)**

In-class discussion & writing: 10 points	Exam 1: 20 points	Research analysis: 15 points
Reading quizzes: 15 points	Exam 2: 25 points	
	Final exam: 15 points	

The course is on a 100-point scale. There is no extra credit available for any student. Borderline grades at the end of the course will be decided based on the quality of participation. **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.

A (90 & above)	D (60-69)
B (80-89)	F (59 & below)
C (70-79)	

### Required texts

- Carp, Stidham, and Manning. 7<sup>th</sup> ed. *Judicial Process in America*. [Denoted as **CSM** on schedule]
- Bach, *Ordinary Injustice: How America Holds Court*.
- Additional readings posted on Moodle [Denoted as **M** on schedule]

### Fall 2011: Important dates

- Drop period ends: / Last day to add: Aug. 29/August 31
- Last day to withdraw: Nov. 4
- **Final exam: Tuesday, Dec. 6 (10-noon)**

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

Tuesday, Aug. 23	Introduction to course
Thursday, Aug. 25	<b>I. Foundations of Law and the American judicial system</b> Chapter 1, “Foundations of Law” in <b>CSM</b> (pp. 1-22) “Legal Systems” (on <b>M</b> )
Tuesday, Aug. 30	Chapter 2, “The Federal Judicial System” in <b>CSM</b> (pp. 24-50) <b>CSM</b> pp. 72-78
Thursday, Sept. 1	Chapter 4, “Jurisdiction & Policy Making Boundaries” in <b>CSM</b> (pp. 78-94) <i>Roe v. Wade</i> compared with <i>DeFunis v. Odegaard</i> <b>on M</b>  In-class exercise: judges and umpires
Tuesday, Sept. 6	Chapter 3, “State Judicial Systems” in <b>CSM</b> (pp. 52-69) “Veterans’ courts” on <b>M</b>
Thursday, Sept. 8	<b>II. Judicial selection in federal and state courts</b> Chapter 5, “State Judges” in <b>CSM</b> (pp. 98-111) Compare LA to two other states at <a href="http://www.judicialselection.us/">http://www.judicialselection.us/</a>
Tuesday, Sept. 13	<i>Republican Party of Minnesota v. White</i> (2002) on <b>M</b> “In Defense of Judicial Elections” on <b>M</b> In-class: <i>Caperton v. Massey</i>
Thursday, Sept. 15	Chapter 6, “Federal Judges” in <b>CSM</b> (pp. 112-152) U.S. Constitution, Article II, section 2, and Article III, section 1 (in <b>CSM</b> pp. 433, 435)
Tuesday, Sept. 20	<b>Paper proposals DUE at the beginning of class</b> Chapter 7, “Policy Links Between the Citizenry, the President, and the Federal Judiciary” in <b>CSM</b> (pp. 153-175)  [End of material for midterm]
Thursday, Sept. 22	Catch up/review for exam
Tuesday, Sept. 27	<b>**MID-TERM EXAM 1**</b>
Thursday, Sept. 29	<b>III. Litigants &amp; Lawyers</b> Chapter 8, “Lawyers, Litigants, and Interest Groups” in <b>CSM</b> (pp. 180-197)

	“Is Law School a Losing Game?” on <b>M</b>
Tuesday, Oct. 4	<i>Ordinary Injustice</i> , excerpts from Ch. 1 (pp. 11-64)
Thursday, Oct. 6	<i>Ordinary Injustice</i> , excerpts from Ch. 3 (pp. 130-157)
Tuesday, Oct. 11	<b>IV. Dispute Resolution in Courts</b> Chapter 9, “Crime & Procedures Prior to Criminal Trial” in <b>CSM</b> (pp. 202-233)
Thursday, Oct. 13	<b>**NO CLASS: FALL BREAK**</b>
Tuesday, Oct. 18	“Under Suspicion: The Fugitive Science of Criminal Justice” on <b>M</b> “The Capital Jury: Is it Tilted Toward Death?” on <b>M</b> (pp. 252-255)
Thursday, Oct. 20	Chapter 10, “The Criminal Trial and its Aftermath” in <b>CSM</b> (pp. 234-262)
Tuesday, Oct. 25	Chapter 11, “Civil Court Process” in <b>CSM</b> (pp. 263-287)
Thursday, Oct. 27	“Why the ‘Haves’ Come Out Ahead” on <b>M</b> “Java Jive” on <b>M</b>
Tuesday, Nov. 1	<b>**ROUGH DRAFT OF PAPER DUE IN CLASS FOR PEER REVIEW</b> <b>V. Judicial Decision Making</b> Chapter 12, “Decision Making by Trial Court Judges” in <b>CSM</b> (pp. 288-327)
Thursday, Nov. 3	Chapter 13, “Decision Making in Collegial Courts” in <b>CSM</b> (pp. 334-365) The influence of law clerks (on <b>M</b> )  [end of material for mid-term exam 2]
Tuesday, Nov. 8	Catch-up and review for exam
Thursday, Nov. 10	<b>**MID-TERM EXAM 2</b>
Tuesday, Nov. 15	<b>VI. Implementation and Impact of Courts’ Decisions</b> Chapter 14, “Implementation and Impact of Judicial Policies” in <b>CSM</b> (pp. 372-393) “Responses to Judicial Policies” on <b>M</b> “The Supreme Court and Implementation of abortion” on <b>M</b>
Thursday, Nov. 17	<b>Research Analysis Papers DUE IN CLASS</b> In-class participation assignment
Tuesday, Nov. 22	<b>VII. Courts, Media, and Public Opinion</b> “Understanding Public Confidence in American Courts” on <b>M</b> “Should We Blame Judge Judy?” on <b>M</b> “Bait and Switch? The Press and the Pledge Case” on <b>M</b>

Thursday, Nov. 24    **\*\*NO CLASS: THANKSGIVING BREAK\*\***

Tuesday, Nov. 29    **Case study: Prosecutorial immunity**

*Connick v. Thompson* [M]

Op-ed by John Thompson [M]

In class: oral arguments from *Connick v. Thompson*

Thursday, Dec. 1    Course wrap-up and review for final exam

Tuesday, Dec. 6    **\*\*FINAL EXAM\*\***

**10:00 – noon**

**Be on time!!**