

POLS 4023  
**Judicial Politics**  
Fall 2014

Professor: Dr. Matthew P. Hitt  
Classroom: 0116 Stubbs Hall  
Class Time: 3:00 – 4:20 p.m., Tuesdays and Thursdays  
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Office Hours: 1-3 Fridays, and by appointment

**COURSE DESCRIPTION:**

This course will introduce students to the judicial process within the American governmental system. Additionally, this course serves as an introduction to political science scholarship on law and courts. Students will study the organization of courts, the individuals involved in the judicial arena, and the structure of the legal system, including trial and appellate courts. The course will focus on the relationship of politics to the behavior of judges, and to the structure and functioning of courts.

**COURSE OBJECTIVES:**

Students will learn most importantly that judges are political actors and that courts are policy-making bodies. Students will gain an understanding about the structures and processes of court systems. Students will be able to critically evaluate the American judicial system and will demonstrate analytical skills through both written and spoken communication exercises.

**TEXTBOOK:**

Baum, Lawrence. 2013. *American Courts: Process and Policy*, 7th Edition. Cengage Learning.  
ISBN-13: 9780495916376.

**COURSE REQUIREMENTS:**

Students are required to read the assignments, be prepared for discussion, attend class on time and for the duration of the class and participate in class discussions. Three examinations will be given. The exams will be a combination of multiple choice and short answer. The exams will not be cumulative. Makeup examinations will be only for university excused absences or for those absences necessitated by a legitimate and documented illness. Students must adhere to the Code of Student Conduct.

**ASSIGNMENTS:**

There are three required writing assignments in this class. All papers are to be double-spaced, in 12 point Times New Roman font, with 1 inch margins. Over the course of the term, students will be required to complete three 3-5 page response papers to an article assigned in the class, uploaded in PDF format to Moodle by 11:55 p.m. on the due date. These response papers should summarize the chosen article's motivating question, the theory motivating the hypotheses, the hypotheses themselves, the data, the

method of analysis, and the conclusions of the authors. These response papers should also make reference to any unanswered questions suggested by the research that you yourself might develop into a research paper of your own.

*These papers should spend no more than about a page summarizing the article. The bulk of your response should be thinking critically about what unanswered questions are implied by the findings, along with the limitations of the research itself. It is not enough to simply toss out a criticism or question; explain why you presented that question/critique, and what you would expect to see if the authors took your point into account.*

**If Moodle crashes or fails to upload your paper, it is your responsibility to immediately email me ([mhitt2@lsu.edu](mailto:mhitt2@lsu.edu)) with your paper attached before the cutoff time of 11:55 p.m. to receive full credit.**

Papers are worth 50 points each. Papers earning 45-50 points (A) will meet all requirements, display sufficient mastery of the literature being discussed, high-quality writing and argumentation, and address thoughtfully and logically the limitations and possible future research questions implied by the work. Papers earning 40-44 points (B) will meet all minimum requirements, but contain errors in writing or interpretation of the literature discussed, but still discuss thoughtfully the limitations and possible future research questions implied by the work. Papers earning 35-39 points (C) may fail to meet the minimum requirements in one or more ways, but still demonstrate a meaningful effort to complete the assignment. These papers will still present criticisms or suggestions for future work, but these ideas will not be fully developed, or may not connect as well logically to the rest of the analysis. Papers earning 30-34 points (D) will fail to meet the minimum requirements in one or more ways, display enough errors in writing and argument to be distracting, but still represent a meaningful effort towards completing the assignment.

Late papers will be penalized 10 points for **each 24-hour (or less) period** beyond the deadline. Each paper is worth **50 points**. The three exams are worth **75 points**. Finally, there will be five one-question exams, given on randomly selected days at the end of class. Each of these exams is worth **5 points**.

**Grades** are based on the following scale:

360-400=A  
320-359=B  
280-319=C  
240-279=D  
Below 239=F

#### **EXTRA CREDIT POLICY:**

I do not offer extra credit. Because not all students feel comfortable asking for extra credit, giving extra credit to some students and not others leads to inequalities in grades unrelated to merit. Further, allowing an extra credit assignment that some students with jobs or families may not have time to complete also disadvantages some students, again leading to grade inequalities unrelated to merit.

## **ACADEMIC HONESTY:**

I expect all of the work you do in this course to be your own. No dishonest practices on the examinations or assignments or in the course will be acceptable, and any suspected cases of dishonesty will be reported to the university committee on academic misconduct and handled according to university policy. The quizzes and exams are to be taken during the allotted time period without the aid of books, notes, or other students. All assignments are to be completed independently.

## **STUDENT SUPPORT AND SUCCESS:**

I want every student in this class to succeed. My goal as your instructor is to put every student in a position to master the material and earn an excellent grade in this course. To that end, it is my aim to be as accessible as possible. Please do not hesitate to visit my office hours, or schedule an appointment to see me, if you have any questions, concerns, or difficulties regarding the course.

Further, there are excellent resources on this campus to help you succeed academically and personally. The Center for Academic Success (<http://cas.lsu.edu>) can provide academic guidance and tutoring. The LSU writing center in 151 Coates Hall (<http://sites01.lsu.edu/wp/cxc/writing/>) can aid you with the written assignments in this class. The University Career Center (<http://students.lsu.edu/careercenter>) can aid you with job and post-graduation questions. Finally, LSU CARES (<http://studentlife.lsu.edu/lsu-cares>) provides support for physical and mental health, and is a great resource for issues of anxiety and depression. These resources exist only to help you succeed at LSU and you should feel welcome to take advantage of them.

## **DISABILITY:**

If you need an accommodation based on the impact of a disability, you should contact me to arrange an appointment as soon as possible. At the appointment we can discuss the course format, anticipate your needs, and explore potential accommodations. I rely on the Office for Disability Services for assistance in verifying the need for accommodations and developing accommodation strategies. If you have not previously contacted the Office for Disability Services, I encourage you to do so.

## **TENTATIVE COURSE OUTLINE:**

January 20-22: Introduction/Overview

Required: <http://svmiller.com/blog/2014/08/reading-a-regression-table-a-guide-for-students/>

Recommended: Baum, *American Courts*, Preface and Chapter 1

January 27-29: Court Organization

Required: Miller, Banks and Brett Curry. 2013. "Experts Judging Experts: The Role of Expertise in Reviewing Agency Decision Making." *Law & Social Inquiry* 38(1): 55-71.

Recommended: Baum, *American Courts*, Chapter 2

February 3-5: Lawyers

Required: Belton, Ian K., Mary Thomson, and Mandeep K. Dhimi. 2014. "Lawyer and Nonlawyer Susceptibility to Framing Effects in Out-of-Court Civil Litigation Settlement." *Journal of Empirical Legal Studies* 11(3): 578-600.

Recommended: Baum, *American Courts*, Chapter 3;

February 5: **Paper #1 due**

February 10: Selection of Judges (Lower Federal and State Courts)

Required: Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. 2014. "Judicial Selection and Death Penalty Decisions." *American Political Science Review* 108(1): 23-39.

Recommended: Baum, *American Courts*, Chapter 4

February 12: **Exam #1**

February 17-19: **NO CLASS (Laissez Les Bon Temps Rouler)**

February 24-26: Judges

Required: Wold, John T. and Greg A. Caldeira. 1980. "Perceptions of 'Routine' Decision-Making in Five California Courts of Appeal." *Polity* 13(2): 334-347.

Recommended: Baum, *American Courts*, Chapter 5

March 3-5: Criminal Trial Courts

Required: Danziger, Shai, Jonatan Levav, and Liora Avnaim-Pesso. 2011. "Extraneous Factors in Judicial Decisions." *Proceedings of the National Academy of Sciences* 108(17): 6889-6892.

Required: Gordon, Sanford C. and Gregory A. Huber. 2007. "The Effect of Electoral Competitiveness on Incumbent Behavior." *Quarterly Journal of Political Science* 2 (2): 107-138.

Recommended: Baum, *American Courts*, Chapter 6

March 10-12: Civil Trial Courts

Required: Gross, Samuel R. and Kent D. Syverud. 1991. "Getting to No: A Study of Settlement Negotiations and the Selection of Cases for Trial." *Michigan Law Review* 90(2): 319-393.

Recommended: Baum, *American Courts*, Chapter 7

March 12: **Paper #2 Due**

March 17: Appellate Courts

Required: Law, David S. 2005. "Strategic Judicial Lawmaking: Ideology, Publication, and Asylum Law in the Ninth Circuit." *73 University of Cincinnati Law Review* 817.

Recommended: Baum, *American Courts*, Chapter 8

March 19: **Exam #2**

March 24-26: Supreme Court Appointments

Required: Johnson, Timothy R. and Jason M. Roberts. 2004. "Presidential Capital and the Supreme Court Confirmation Process." *The Journal of Politics* 66(3): 663-683.

Required: Moraski, Byron J. and Charles R. Shipan. 1999. "The Politics of Supreme Court Nominations: A Theory of Institutional Constraints and Choices." *American Journal of Political Science* 43(4): 1069-1095.

March 31-April 2: Supreme Court Case Selection

Required: Caldeira, Gregory A., John R. Wright, and Christopher J. W. Zorn. 1999. "Sophisticated Voting and Gate-Keeping in the Supreme Court." *Journal of Law, Economics, and Organization* 15(3): 549-572.

April 7-10: **NO CLASS (SPRING BREAK)**

April 14: Supreme Court Decision Making

Required: Segal, Jeffrey A. and Harold J. Spaeth. 1996. "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices." *American Journal of Political Science* 40(4): 971-1003.

April 16: **NO CLASS (Midwest Political Science Association Annual Meeting)**

April 21-23: External Influences on Supreme Court Decision Making

Required: Casillas, Christopher J., Peter K. Enns, and Patrick C. Wohlfarth. 2011. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science* 55(1): 74-88.

Required: Collins, Paul M. 2004. "Friends of the Court: Examining the Influence of Amicus Curiae Participation in U.S. Supreme Court Litigation." *Law & Society Review* 38(4): 807-832.

April 28-30: The Impact of the Supreme Court

Required: Landsberg, Brian K. 2014. "Enforcing Desegregation: A Case Study of Federal District Court Power and Social Change in Macon County Alabama." *Law & Society Review* 48(4): 867-891.

April 30: **Paper #3 due**

Wednesday, May 6: **Final Exam** – 12:30 PM