

Professor Tom Hansford  
Office: Social Science & Management 304B  
Phone: 228-4037  
E-mail: thansford@ucmerced.edu

Office Hours:  
Tues. & Thurs. 9:00-10:00,  
and by appointment

## **POLI 102: Judicial Politics Fall 2013**

### **Course Description:**

This course will provide students with a broad survey of the current state of the theory, substantive knowledge, and research methods in the field of judicial politics. While the primary emphasis of this course will be on the U.S. Supreme Court, we will also spend time discussing lower federal courts and state supreme courts. Specific topics include the selection of judges, the numerous theories of judicial decision making, external political influences on the judiciary (including Congress, interest groups, and the public), and the “real world” effects of landmark Supreme Court decisions.

Throughout the course, we will take a social scientific approach to studying judges and courts. This means we will consider theories of judicial behavior and judicial institutions and then consider the ways in which these theories have and can be empirically tested.

### **Intended Student Learning Outcomes (SLOs):**

At the end of this course, students should be able to:

1. Communicate a thorough factual understanding of the structure and operation of our federal judicial system (corresponds to PLOs 1 and 4, listed below).
2. Demonstrate knowledge of the central questions, theories, approaches, and findings in the field of judicial politics (corresponds to PLO 1).
3. Comprehend and critique contemporary political science research on law and courts (corresponds to PLO 2).
4. (OPTIONAL) Conduct basic but rigorous social science research on a topic in the field of judicial politics (corresponds to PLOs 3 and 4).

### **General Program Learning Outcomes (PLOs) for Political Science:**

1. An understanding of the processes, theories, and empirical regularities of political institutions and political behavior in the student’s chosen emphasis area: American politics, comparative politics, or international relations.
2. An ability to employ critical thinking and demonstrate social scientific literacy, including basic quantitative literacy.
3. A capacity to utilize contemporary social science research methods to conduct rigorous research on political phenomena.
4. Effective written communication skills, especially the ability to convey complex concepts and information in a clear and concise manner.
5. An ability to apply abstract theory and research methods to understand contemporary political events and public policies.

**Prerequisites:**

POLI 1 and POLI 10 (or equivalent).

**Required Readings:**

Baum, Lawrence. 2013. *The Supreme Court*. 11<sup>th</sup> ed. Washington, DC: CQ Press.

Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: CQ Press.

Additional required readings are assigned below. These readings will be made available on UCMCrops.

It is very important that you keep up with the readings since they will be discussed during class and your participation is required.

**Teaching Assistant:**

Ben Siegel (bsiegel@ucmerced.edu)

**Grades:**

\*\*\*IMPORTANT\*\*\* You must select one of the two following “tracks” for this class. You must email me with your chosen track by September 10th. You CANNOT change your track after this date.

1. Article Critique Track

If you select the Article Critique Track, your grade will be based on the following assignments:

Midterm Exam:	40%
Final Exam:	40%
Article Critique:	20%

For this track, the final course grade will be assigned in the following manner:

B+	87% - 100%
B	83% - 86%
B-	80% - 86%
C+	77% - 79%
C	73% - 76%
C-	70% - 72%
D+	67% - 69%
D	63% - 66%
D-	60% - 62%
F	Below 60%

## 2. Research Paper Track

If you select the Research Paper Track, your grade will be based on the following assignments:

Midterm Exam:	30%
Final Exam:	30%
Research Paper:	35%
Paper Presentation:	5%

For this track, the final course grade will be assigned in the following manner:

A+	97% - 100%
A	93% - 96%
A-	90% - 92%
B+	87% - 89%
B	83% - 86%
B-	80% - 86%
C+	77% - 79%
C	73% - 76%
C-	70% - 72%
D+	67% - 69%
D	63% - 66%
D-	60% - 62%
F	Below 60%

*Exams* – Both the midterm and the final exams will have multiple-choice and short essay questions. The final will not be cumulative. Barring an emergency or documented illness, you must take the exams on the scheduled dates. The exams will be the same for both tracks. These exams will help assess the degree to which you attain SLOs 1, 2, and 3.

*Article Critique* – If you select the Article Critique Track, you will be required to write a 4-5 page paper in which you critique a published article on the topic of judicial politics (selected from a list of articles I will provide). Further specifics will be given during the semester. These critiques will help assess the degree to which you attain SLO 3.

*Research Paper* – If you select the Research Paper Track, you will be required to write a 15-20 page research paper. This is to be a true research paper in which you identify an interesting research question and propose a hypothesis that answers this question. It is then critical that you provide a quantitative empirical test of your hypothesis. I will provide further specifics on this assignment and we will spend some in-class time discussing your papers as they progress. You will be required to meet with me to discuss your project (by October 10<sup>th</sup>) and then turn in a paper outline by October 24<sup>th</sup>. Failure to meet either of these deadlines/requirements will lead to a letter-grade penalty on your paper. The completion of the research paper contributes to and assesses your attainment of SLOs 3 and 4.

*Paper Presentation* – If you select the Research Paper Track, you will be required to present your paper to the class at the end of the semester. Details regarding presentations will be provided later, once it is clear how many people opt into this track.

## **Policies:**

*Attendance* – I do not take attendance. However, most of the material covered in lecture is *not* contained in the readings and you will be responsible for this material on the exams. For this reason, I strongly recommend that you attend all classes. If you miss a class, it is your responsibility to get the notes from a fellow student.

*Make-up exams* – Barring an emergency or documented illness, you *must* take the exams on the scheduled dates. In cases of emergency or illness, please contact me as soon as possible so that we can arrange a time for you to take the exam.

*Academic dishonesty* – I have no tolerance for academic dishonesty. I will not hesitate to report and pursue action against anyone who plagiarizes the work of others, cheats on an exam, or otherwise engages in dishonest academic practices. Please consult the UC Merced Academic Honesty Policy.

*Late papers* – Please hand your papers in on time. Papers will be penalized one letter grade per day they are late (weekends count as one day), regardless of the reason for why they are late.

*Devices* – The use of laptops, tablets, and smart phones is strictly prohibited during lecture, except for students who need laptops due to a *documented* disability.

*Special accommodations* – If you qualify for accommodations due to a disability, please provide me with a letter from Disability Services within the first few weeks of the semester. Student Affairs determines accommodations based on documented disabilities.

## **Class Schedule:**

8/29: *No class - APSA Conference*

9/3: *Introduction to the class*

9/5: *Introduction to the judiciary*

Baum, chapter 1

9/10: *Staffing the federal courts*

Baum, chapter 2

9/12: *Staffing the federal courts, continued*

\*Abraham, “The Nixon Era: A Turbulent Case Study”

9/17: *The selection of state judges*

\*Bonneau, “The Effects of Campaign Spending in State Supreme Court Elections”

9/19: *Overview of the U.S. Supreme Court’s calendar and decision processes*

9/24: *Setting the Supreme Court's agenda*

Baum, chapter 3

\*Caldeira and Wright, "Organized Interests and Agenda Setting In the U.S. Supreme Court."

9/26: *Oral Argument*

\*Epstein, Landes, and Posner, "Inferring the Winning Party in the Supreme Court from the Pattern of Questioning at Oral Argument"

10/1: *Article critique/research paper discussion - location TBA!*

10/3: *The legal model of judicial decision making*

Baum, pp. 105-121

\*Gates and Phelps, "Intentionalism in Constitutional Opinions"

10/8: *The attitudinal model of judicial decision making*

Baum, pp. 121-131

\*Segal and Spaeth, "Models of Decision Making"

10/10: *The attitudinal model of judicial decision making, continued*

\*Segal and Cover, "Ideological Values and the Votes of U.S. Supreme Court Justices"

10/15: *The strategic model of judicial decision making*

Epstein and Knight, chapters 1-4

10/17: *The strategic model of judicial decision making, continued*

\*Wahlbeck, Spriggs, and Maltzman, "Marshalling the Court: Bargaining and Accommodation on the U.S. Supreme Court"

10/22: **Midterm exam**

10/24: *Case studies of Court-Congress interactions; flags, peyote, and legislative vetoes*

10/29: *Congress constrains the Court, **research paper outlines are due***

Epstein and Knight, pp. 138-157.

10/31: *Congress constrains the Court, continued*

\*Epstein and Walker, "The Role of the Supreme Court in American Society: Playing the Reconstruction Game."

11/5: *The Court and the presidency*

\*Deen, Ignagni, and Meernik, “The Solicitor General as amicus, 1953-2000.”

11/7: *Interest group involvement in the courts*

\*Hansford, “Information Provision, Organizational Constraints, and the Decision to Submit an Amicus Curiae Brief in a U.S. Supreme Court Case.”

11/12: *Public awareness and perceptions of law and courts*

\*Gibson, “The Legitimacy of the U.S. Supreme Court in a Polarized Polity”

11/14: *Public opinion and judicial decision making*

\*Mishler and Sheehan, “The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decision”

11/19: *Implementation and impact of court decisions*

Baum, chapter 6.

11/21: *Case study: law enforcement and crime*

11/26: *TBA*

11/28: *No class - Thanksgiving break*

12/3: *Case study: civil rights*

12/5: *Presentations*

12/10: *Presentations*

12/12: ***Final exam***

12/16: Article critiques and research papers are due by 5pm

\* Reading can be found on UCMCrops.