POLI 4023: Judicial Politics

Dr. Anna Gunderson

Fall 2019

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Office Hours: Tuesdays, 2-4 p.m. and by appointment
Office: 232 Stubbs Hall

Web: Moodle
Class Hours: Th 3-5:50 p.m.
Classroom: 103 Coates Hall

Course Description

Are judges affected by institutions around them and if so, how much? This class acts as an introduction to judicial politics and behavior in all types of courts: from the Supreme Court, to other appellate courts, civil courts, trial courts, and state courts. To what degree are judges constrained by other institutions, like the legislature or executive branch, or the public? Additionally, how do these institutional constraints interact with personal characteristics of judges to produce variation in judicial outcomes?

This class engages directly with theoretical and empirical material to answer the above questions, meaning that we will often read academic articles and books. This material can be difficult to get through, but it will provide a thorough analysis of how the judiciary is shaped and shapes a variety of other institutions. I expect you to thoroughly read and engage with that week's readings and you will need to do so in order to succeed in this course.

Required Materials

There is no assigned book for this class. We will use two primary texts: the first is Barry Friedman, Andrew Martin, Margaret Lemos, Tom Clark, Alison Larson, and Anna Harvey, *Judicial Decision Making*. The second is the *Routledge Handbook of Judicial Behavior* (abbreviated *RJHB* below), edited by Robert M. Howard and Kirk A. Randazzo. PDF versions of both of these texts are available on Moodle. Other journal articles can be accessed via LSU's library or on our class website on Moodle.

Grading Policy

Attendance and Participation	15% (30 points)
In-Class Assignments and Quizzes	25% (50 points)
Paper Reflections	20% (40 points)
Final Exam	40% (80 points)
Total	**100% (200 points)**

- *15%* of your grade is determined by *attendance and participation*. This grade has two components. First, physical *attendance* in class comprises 7.5%. An attendance sheet will be circulated each day. Each student is allowed two unexcused absences without penalty to their grade. However, things happen - illness, serious family emergency, participation in official university-sponsored events or competitions, religious holidays, etc. If this occurs, please contact me as soon as possible. Second, 7.5% of this component comes from *participation.* You can earn this 7.5% from actively participating in class discussions or answering questions I pose to the class. *If no one offers to answer a question I pose, I will randomly choose a notecard and that student will be responsible for answering.*

- *25%* of your grade is determined by completion and success on *in-class assignments and quizzes.* Throughout the semester, there will be group and individual in-class assignments for completion points, as well as a series of short pop quizzes from that week's reading material. In total, there will be 10 in-class assignments or pop quizzes and I will drop the two lowest grades (either incomplete, if you were absent, or the two numerically lowest grades).

- *20%* of your grade is determined from two graded *paper reflections.* Over the course of the semester, there will be six journal articles listed that relate to that week's readings. You may choose any two of these articles to write a thoughtful paper reflection about. In this reflection, you will be expected to include a few things: a) a summary of the readings (what did they seek to study, why, what did they find); b) implications of the readings (what do we know now that we didn't know before, and how does it inform what we have already read or discussed); c) new questions that arise out of these readings (what should be studied next); and d) any remaining questions you have and critiques you have for the article's argument or research design (did they study what they set out to? Are you convinced of their argument, from their theory and research design? Why or why not? What would make the paper better?). *These reflections will be due to me, preferably electronically, via Moodle or email, by the start of class that the article is assigned to.* I will go over the articles briefly in class (in preparation for the final exam; see below) and those who completed the assignment for that week are expected to participate in a discussion about the paper.

- *40%* of your grade is determined by a *final exam.* This exam will contain both multiple choice and short answer questions, as well as questions on *any* of the six journal articles assigned throughout the course of the semester.

Grade Scales

Grading Disputes and Questions

I will follow the 24-hour rule when it comes to the return of graded assignments. Students must wait a minimum of 24 hours after receiving a graded assignment before contacting me regarding their grade.

If a student disputes their grade, they must do so in writing within one week of the date that grades are made available to the class. When requesting reconsideration of a grade, you should

A+	97-100%	C	73-76%
A	93-96%	C-	70-72%
A-	90-92%	D+	67-69%
B+	87-89%	D	63-66%
B	83-86%	D-	60-62%
B-	80-82%	F	0-59%
C+	77-79%		

provide a clear explanation as to why a different grade is in order. You should also indicate what grade you believe is appropriate for your work. When work is reviewed for a grade dispute, the grade may be left unchanged, raised, or lowered. All grade disputes are due in hard copy within one week of the date that grades are returned in class. Grade disputes will not be considered if submitted past the one-week statute of limitations.

Course Policies

Contacting Me

I am available by email Monday through Friday, 8 a.m. to 5 p.m. You are welcome to stop by my office, 232 Stubbs Hall, if I am available, but an appointment is preferred. You can make an appointment via Calendly online. You can also visit during my office hours, Tuesdays from 2 p.m. to 4 p.m. There is no guarantee I will respond to emails either in the evenings or on the weekends, so plan accordingly. A note on etiquette: please sign your emails with your name and include an appropriate salutation. (Hint: you can't go wrong with, "Hi, Dr. Gunderson.")

During Class

I will begin the semester giving students the benefit of the doubt and allow laptops. However, I reserve the right to ban laptops at any point, should they prove to be a distraction or to disrupt to the operation of the course. Students should only use laptops to access course readings and take course notes. No phones are permitted. *Thank you for reading the syllabus! If you see this note before the start of class on August 27, please send me an email with your favorite .gif (appropriate ones only, please) for two extra credit points. Note that your .gif may be shared in the first class.*

Time Requirements

Please keep in mind the university's definition of work required for each credit hour: "not less than one hour (50 minutes) of lecture/classroom or direct faculty instruction and a minimum of two hours out-of-class student work across 15 weeks for one semester." Given that this is a 3-hour course, this means that students are expected to devote a total of 9 hours of work each week: 3 hours in the classroom and an additional 6 hours of course related work outside the classroom.

Graduate Credit or Honors Credit

For students taking this course for graduate credit or for those who wish to receive special Honors credit, it is the student's responsibility to contact me during the first week of classes to

make appropriate arrangements.

Filming and Recording

You may not film or record this class without permission.

Policies on Incomplete Grades and Late Assignments

You will be penalized for late assignments or missed exams unless the absence/delay is excused (whether due to illness, serious family emergency, participation in university events, religious holidays, etc., but must be cleared with me). The penalty for unexcused late assignments is ten percentage points per day. For example, if the quality of your work earned you a 95 on an assignment but you turned the assignment in two days late, you would receive a 75 for the assignment. Extensions *may* be made on a case-by-case basis to accommodate unexpected difficulties (Note: having assignments due for other classes at the same time is not a sufficient reason for an extension). **No late work will be accepted 72 hours after a due date.**

Academic Integrity and Honesty

Plagiarism is not tolerated and will result in disciplinary action. The LSU Code of Student conduct defines plagiarism as "the unacknowledged inclusion, in work submitted for credit, of someone else's words, ideas, or data." Please review the University's guidelines on plagiarism and the guidelines on academic integrity. Examples of academic dishonesty include, but are not limited to: cheating on exams, plagiarizing, buying or selling assignments, altering grades, intentional deception, and collaborating with others without permission. I reserve the right to investigate when I suspect a violation of any of these policies. All violations of the university's academic conduct policies are turned over to the Dean of Students.

Accommodations for Disabilities

The Americans with Disabilities Act requires that reasonable accommodations be provided for students with physical, cognitive, systemic, learning and psychiatric disabilities. Please contact me at the beginning of the semester to discuss any such accommodations for this course. In order to have any accommodations met, you must be registered with the LSU Office of Disability Services, located in 124 Johnston Hall and can be reached at 225-578-5919. More information on registering and accommodation is available on the ODS website.

Schedule and weekly learning goals

The schedule is tentative and subject to change. Always check Moodle for the most recent version.

T, August 27: Syllabus Day and Introduction

Th, August 29: Introduction to Judicial Politics

- *Judicial Decision Making*, chapter 1

- Green, Amelia Hoover. "How to Read Political Science: A Guide in Four Steps," available on Moodle.

T, September 3: The Limits of Law I

- *Judicial Decision Making*, chapter 2, pages 1-20
- *RHJB*, chapter 5

Th, September 5: The Limits of Law II

- *Judicial Decision Making*, chapter 2, pages 20-36

T, September 10: The Identity of the Judge and Testing the Attitudinal Model

- *Judicial Decision Making*, chapter 3, pages 1-38

Th, September 12: Modeling and Measuring Judicial Preferences

- *Judicial Decision Making*, chapter 3, pages 38-68

T, September 17: Non-Ideological Judicial Characteristics and Where to Go From Here

- *Judicial Decision Making*, chapter 3, pages 68-95
- **Journal Article I: Glynn, Adam N., and Maya Sen. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?." *American Journal of Political Science* 59, no. 1 (2015): 37-54.**

Th, September 19: Setting the Judicial Agenda: Case Sequence

- *Judicial Decision Making*, chapter 4, pages 1-25

T, September 24: Setting the Judicial Agenda: Litigants and Attorneys

- *Judicial Decision Making*, chapter 4, pages 25-79

Th, September 26: Setting the Judicial Agenda: Legislative and Judicial Control

- *Judicial Decision Making*, chapter 4, pages 79-114
- **Journal Article II: Baird, Vanessa A. "The Effect of Politically Salient Decisions on the U.S. Supreme Court's Agenda." *The Journal of Politics* 66, no. 3 (2004): 755-772.**

T, October 1: Institutional and Structural Constraints on Judging I

- *Judicial Decision Making*, chapter 5, pages 1-36

Th, October 3: Institutional and Structural Constraints on Judging II

- *Judicial Decision Making*, chapter 5, pages 36-87

T, October 8: Judicial Hierarchies I: How Should We Organize a System

- *Judicial Decision Making*, chapter 6, pages 1-21

Th, October 10: Judicial Hierarchies II: Team Models of Hierarchy

- *Judicial Decision Making*, chapter 6, pages 21-58

T, October 15: Judicial Hierarchies III: Principal-Agent Models of Hierarchy

- *Judicial Decision Making*, chapter 6, pages 58-88
- **Journal Article III: Songer, Donald R., Jeffrey A. Segal, and Charles M. Cameron. "The Hierarchy of Justice: Testing a Principal-Agent Model of Supreme Court-Circuit Court Interactions." *American Journal of Political Science* 38, no. 3 (1994): 673-96.**

Th, October 17: Fall Break!

T, October 22: Judging on a Collegial Court I

- *Judicial Decision Making*, chapter 7, pages 1-33

Th, October 24: Judging on a Collegial Court II

- *Judicial Decision Making*, chapter 7, pages 33-53

T, October 29: Judging on a Collegial Court III

- *Judicial Decision Making*, chapter 7, pages 53-82
- **Journal Article IV: Carrubba, Cliff, Barry Friedman, Andrew D. Martin, and Georg Vanberg. "Who Controls the Content of Supreme Court Opinions?." *American Journal of Political Science* 56, no. 2 (2012): 400-412.**

Th, October 31: Judging on a Collegial Court IV

- *Judicial Decision Making*, chapter 7, pages 82-110

T, November 5: Judging in a System of Separated Powers I

- *Judicial Decision Making*, chapter 8, pages 1-41

Th, November 7: Judging in a System of Separated Powers II

- *Judicial Decision Making*, chapter 8, pages 41-72
- **Journal Article V: Clark, Tom S. "The Separation of Powers, Court Curbing, and Judicial Legitimacy." *American Journal of Political Science* 53, no. 4 (2009): 971-989.**

T, November 12: The Court of Appeals (and an Application to Death Penalty Appeals)

- *RHJB*, chapter 14
- Beim, Deborah, Tom S. Clark, and Benjamin E. Lauderdale. "Random Assignment to Death." *Working paper; available on Moodle*.

Th, November 14: District Courts (and an Application to Prisoner Lawsuits)

- *RHJB*, chapter 15
- Schlanger, Margo. "Civil Rights Injunctions over Time: A Case Study of Jail and Prison Court Orders." *New York University Law Review* 81 (2006): 550-630.

T, November 19: State Courts and Elections

- *RHJB*, chapter 17
- A. Huber, Gregory, and Sanford C. Gordon. "Accountability and Coercion: Is Justice Blind when It Runs for Office?." *American Journal of Political Science* 48, no. 2 (2004): 247-263.
- **Journal Article VI: Caldarone, Richard P., Brandice Canes-Wrone, and Tom S. Clark. "Partisan Labels and Democratic Accountability: An Analysis of State Supreme Court Abortion Decisions." *The Journal of Politics* 71, no. 2 (2009): 560-573."**

Th, November 21: Turkey Day - gobble, gobble

T, November 26: Comparative Courts

- *RHJB*, chapters 20; 22; 23; 24

T, December 3: Public Opinion

- "2018 State of the State Courts - Survey Analysis," available on Moodle
- Casillas, Christopher J., Peter K. Enns, and Patrick C. Wohlfarth. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science* 55, no. 1 (2011): 74-88.

Th, December 5: Review of Class Material

Wednesday, December 11 from 10 a.m. to 12 p.m.: Final Exam