

PLS 320 – Judicial Politics  
Three Credits  
Fall 2020

## INSTRUCTOR INFORMATION AND ACCESSIBILITY

Instructor: Jonathan King, Ph.D. Candidate in Political Science

Email: kingjon2@msu.edu

Office: 226 South Kedzie Hall

Office Hours: Tuesdays, 1 PM to 3 PM (online) or by appointment

## COURSE DESCRIPTION AND OBJECTIVES

In *Federalist 78* Alexander Hamilton famously called the judiciary "the weakest of the three departments of power" because it "has no influence over the sword or the purse; no direction either of the strength or of the wealth of the society; and it can take no active resolution whatever." Yet in modern times, the U.S. federal courts are a major political player. People care about who gets put on the bench, who leaves the bench, who writes the opinions, and what those opinions say. The federal courts are not just legal decision-makers, but political ones as well.

This class will discuss the American federal judicial process. We will emphasize particularly the U.S. Courts of Appeals and the United States Supreme Court, and how their processes influence politics and policy. Throughout the semester, we will discuss the questions that plague the judiciary, such as:

- How were the courts created? How have they evolved since their inception?
- How do judges or justices get on the court? How do they decide to retire? How do presidents decide who to pick, and how does the confirmation process work?
- What are the main theories of judicial decision making? How have social scientists studied judges?
- How do justices decide a case? Why does one justice write the opinion and not another? Who gets to right the "good" cases and who gets stuck with the "dogs"?
- How does a case make it to the Supreme Court? How do the justices decide to take the case, and how do attorneys make their arguments to the Court once the justices agree to hear it?
- How do the courts interact with external institutions (Congress, the president, the people, interest groups)? What is their impact on the courts, and what are the courts' impact on them?

## COURSE MATERIALS

Please obtain a copy of the following book for this class (either digital, physical copy, or audiobook is fine, but if you use the digital copy/ audiobook, it is your responsibility to locate the corresponding page numbers).

- Kaplan, David A. 2018. *The Most Dangerous Branch: Inside the Supreme Court's Assault on the Constitution*. New York: Crown.

All other course material will be placed on Desire2Learn (D2L). Please ensure you have access to D2L at the beginning of the semester; if you do not, please email me during the first week of class.

## COURSE REQUIREMENTS

Your grade will be determined using the following weights:

Area	Weight
Module Quizzes	40%
Written Assignments	40%
Final	15%
Pre/Post Quiz	5%
<b>Total</b>	<b>100%</b>

### Module Quizzes (40%):

Over the course of the class, you will be taking six quizzes following the completion of each module. Each quiz will have between 10 and 15 multiple choice questions and 2-3 short answer questions (3-5 sentences of writing) per quiz. Quizzes will be timed with approximately 1 minute per question (i.e., a 15-question quiz will be 15 minutes long). These quizzes are not cumulative. The first quiz will cover the material from the first module. Each subsequent quiz will cover the material examined since the last quiz, meaning each quiz will cover about two weeks' worth of material.

The quiz schedule is included at the end of the syllabus. Quizzes will be open-note and open-book. Quizzes may be taken any time during the specified module but must be completed by the due date. Quizzes completed after the listed due date will be subject to late penalties. Exceptions to the late penalties will be made in extreme circumstances including, but not limited to: 1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; or (4) observance of a religious holiday. All claims must, when possible, be made prior to the quiz that you will miss. But, because life happens, I will drop your lowest quiz score (meaning your final quiz grade will be from your five best quizzes). That means you can miss one quiz without incurring a penalty. Quizzes must be completed by 11.59 PM East Lansing time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

### Written Assignments (40%):

Alongside the course material, you will also be reading *The Most Dangerous Branch* by David A. Kaplan. This book uses interviews with justices and law clerks to give a behind-the-scenes look at the current court.

At two different points this semester, you will be completing a short writing assignment (no more than two pages, double spaced) in which you answer questions (two questions per writing assignment) that connect the text to course concepts. These assignments give you the opportunity to work on your analytical skills while also showing your comprehension of course topics.

Your reading assignments are as follows:

Due Date	Chapters
9/6	Introduction-Chapter 1 (38 pages)
9/13	Chapters 2-4 (60 pages)
9/20	Chapters 5 & 6 (45 pages)
9/27	Chapters 7 & 8 (31 pages) Writing Assignment #1 Due at 11:59 PM
10/4	Chapters 9 & 10 (50 pages)
10/11	Chapters 11 & 12 (56 pages)
10/18	Chapters 13 & 14 (44 pages)
10/25	Chapter 15 (33 pages) Epilogue (optional) Writing Assignment #2 Due at 11:59 PM

Each written assignment should be submitted on D2L (Assessments > Assignments > Written Assignment #). They should be completed in Times New Roman 12 pt. font, double spaced, with 1" margins. All written assignments must be submitted as a PDF. Written assignments must be completed by 11.59 PM East Lansing time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

I will provide more details about these assignments, including the grading rubric, in a separate document that will be posted on D2L in the first two weeks of the semester.

#### Final (15%):

To evaluate all that you learned throughout the semester, there will be a final for the class. This final will be cumulative, timed, and will consist of 50 multiple-choice questions and one essay question. 40 of the multiple-choice questions will come from previous in-class quizzes, while 10 will be new questions from over the semester. Like quizzes, the final will be open-book and open-note.

All exams must be taken during the period in which they are scheduled. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; (4) observance of a religious holiday; or (5) three or more exams are scheduled for the same day during finals week. All claims must, when possible, be made at least two weeks prior to when the exam is scheduled. Failure to follow these guidelines will result in a grade of "0" being awarded for the final. I reserve the right to have the makeup exam be of a different format than the exam that is given during class.

#### Pre/Post Quiz (5%):

One of the aims of this course is to increase your knowledge of the judiciary, the judicial process, and judicial behavior. We will have a pre- and post-course quiz to gauge changes in knowledge of the judiciary. Prior to the start of course content, you will take the pre-course quiz. Your last assignment in this course will be a post-course quiz. These quizzes will only be graded on completion and not on the accuracy of your responses. These two quizzes are closed-note and closed-book.

## GRADING SCALE

I will use the following scale to assign course grades:

Percentage	Grade
90-100%	4.0
87-89%	3.5
80-86%	3.0
77-79%	2.5
70-76%	2.0
67-69%	1.5
60-66%	1.0
59% or less	0.0

Percentages greater than or equal to 0.5 will be rounded up to the next highest whole percentage (Example: 86.5% will round up to an 87%).

## AVAILABILITY OF COURSE PERSONNEL

Email is the best way to contact me. My email address is [kingjon2@msu.edu](mailto:kingjon2@msu.edu). If you email me, include "PLS 320" in the subject line to make sure the email does not get missed. Please allow 24 hours for a response during the week (Monday-Thursday) and 36 hours during the weekend (Friday-Sunday). If you do not get a response in that time, please resend your email, as I probably missed it.

I will have office hours every Tuesday from 1 to 3 PM. If you are interested in office hours for that week, please email me and request a zoom meeting. I set aside this time for you to ask questions about course material outside of class, so please utilize it. If you cannot make it to office hours, I am also available by appointment if you have anything you would like to discuss.

## HONORS OPTION

If you are interested in completing an Honors Option in this class, please contact me by Friday, September 4<sup>th</sup>, 2020 for further discussion.

## COURSE PROCEDURES

### Course Communications

All course communication will go through D2L, including occasional updates and notes. Those emails will go to your MSU email address. If you use an alternative email address, it is your responsibility to ensure the MSU emails forward to the correct address.

Classroom Content Recording and Sharing:

As members of a learning community, students are expected to respect the intellectual property of course instructors. All course materials presented to students are the copyrighted property of the course instructor and are subject to the following conditions of use:

- Students may record lectures or any other classroom activity and use the recordings only for their own course-related purposes.
- Students may share the recordings with other students enrolled in the class. Sharing is limited to using the recordings only for their own course-related purposes.
- Students may not post the recordings or other course materials online or distribute them to anyone not enrolled in the class without the advance written permission of the course instructor and, if applicable, any students whose voice or image is included in the recordings.

Any student violating the conditions described above may face academic disciplinary actions.

Grade Appeals:

If you receive a grade and see that it contains an arithmetic error (i.e., I mis-calculated your grade), please inform me of the issue. If you have a question or concern about your performance on any course work, please contact me as soon as possible. All concerns must be stated in writing (email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

**COURSE POLICIES**General Statement:

I take academic integrity seriously. As a student, you are responsible for familiarizing yourself with all relevant university policies governing your conduct in this course. This includes plagiarism, academic integrity, and accommodations for students with documented disabilities.

You can find the relevant university policies at the following link:

<https://ombud.msu.edu/university-policies-guidelines>

Academic Integrity and Honesty:

The [Spartan Code of Honor](#) states, "As a Spartan, I will strive to uphold values of the highest ethical standard. I will practice honesty in my work, foster honesty in my peers, and take pride in knowing that honor is worth more than grades. I will carry these values beyond my time as a student at Michigan State University, continuing the endeavor to build personal integrity in all that I do." In addition, Article 2.III.B.2 of the Student Rights and Responsibilities (SRR) states that "The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards." The (insert name of unit offering course) adheres to the policies on academic honesty as specified in General Student Regulations 1.0, Protection of Scholarship and Grades; the all-University Policy on Integrity of Scholarship and Grades; and Ordinance 17.00, Examinations (see [Spartan Life: Student Handbook and Resource Guide](#) and/or the MSU Web site: [www.msu.edu](http://www.msu.edu).)

Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. You are

expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Also, you are not authorized to use the [www.allmsu.com](http://www.allmsu.com) Web site to complete any course work in this course. Students who violate MSU academic integrity rules may receive a penalty grade, including a failing grade on the assignment or in the course. Contact your instructor if you are unsure about the appropriateness of your course work (see also the [Academic Integrity](#) webpage).

#### Grief Absence Policy:

MSU is committed to accommodating the bereavement process of a student who has lost a family member or who is experiencing emotional distress from a similar tragedy so that the student is not academically disadvantaged in their classes or other academic work (e.g. research).

According to the MSU Grief Absence Policy (adopted Spring 2015 as part of the [Classroom Policies and Attendance Policies](#)):

"For undergraduate and master's (Plan B) students without research responsibilities, **it is the responsibility of the student to:** a) notify the Associate Dean or designee of their college of the need for a grief absence in a timely manner, but no later than one week from the student's initial knowledge of the situation, b) provide appropriate verification of the grief absence as specified by the Associate Dean, and c) complete all missed work as determined in consultation with the instructor. **It is the responsibility of the Associate Dean or designee to:** a) determine with the student the expected period of absence - it is expected that some bereavement processes may be more extensive than others depending on individual circumstances, b) notify the faculty that the student will be absent, and c) receive verification of the authenticity of a grief absence request upon the student's return. **It is the responsibility of the instructor to** work with the student to make reasonable accommodations and to include appropriate language describing such accommodations in their course syllabus, so that the student is not penalized due to a verified grief absence."

Students seeking a grief absence should complete the Grief Absence Request Form found on the RO home page (<https://reg.msu.edu/>) under "Student Services - Grief Absence Request Form." Once completed, the information is routed to the Associate Dean of the student's college and must be received prior to the student leaving campus. The student will receive a confidential message confirming the submission and reminding them that supporting documentation must be provided and who to send it to. If approved, instructors will be notified by the appropriate dean's office of the period of absence.

#### TurnItIn Policy:

Consistent with MSU's efforts to enhance student learning, foster honesty, and maintain integrity in our academic processes, I have chosen to use a tool called Turnitin to compare your papers with multiple sources. The tool will compare each paper you submit to an extensive database of prior publications and papers, providing links to possible matches and a 'similarity score.' The tool does not determine whether plagiarism has occurred or not. Instead, I will make a complete assessment and judge the originality of your work. All submissions to this course may be checked using this tool.

You should submit papers to Turnitin Dropboxes without identifying information included in the paper (e.g., name or student number), the Desire2Learn system will automatically show this information to me when I view the submission, but the information will not be retained by Turnitin. If you forget and submit your paper with your identifying information on it, it will be retained in the Turnitin repository.

## COURSE OUTLINE AND DUE DATES

This course will be at “your own pace.” Modules may be completed at any time after they are posted. Quizzes may be taken at any time before the assigned due date. Written assignments may be turned in at any time before the assigned due date. Note: once submitted to D2L, quizzes and written assignments are considered “final” and may be graded before the due date. Quizzes and written assignments must be completed by 11.59 PM East Lansing time on the due date; late submissions will be penalized as follows:

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: -100% of grade

Module	Subject(s)	Assignment
0	Syllabus / Course Introduction	<ul style="list-style-type: none"> <li>• Pre-course quiz (Due 9/4 by 11:59PM)</li> </ul>
PRE-COURSE QUIZ DUE FRIDAY, SEPTEMBER 4TH BY 11:59PM		
1	History of the courts	<ul style="list-style-type: none"> <li>• Watch: C-SPAN’s Supreme Court Documentary, <a href="https://www.c-span.org/series/?theSupremeCourt">https://www.c-span.org/series/?theSupremeCourt</a></li> <li>• Read Article III of U.S. Constitution</li> </ul>
QUIZ 1 ON SUNDAY, SEPTEMBER 13TH		
2	Staffing the courts	<ul style="list-style-type: none"> <li>• Epstein <i>et al.</i>, 2006 (D2L)</li> <li>• Yoon, 2006 (D2L)</li> <li>• Kastellac <i>et al.</i>, 2015 (D2L)</li> </ul>
CHAPTERS 1-8 OF KAPLAN & WRITTEN ASSIGNMENT 1 DUE ON SUNDAY, SEPTEMBER 27TH		
QUIZ 2 ON SUNDAY, OCTOBER 4TH		
3	Theories of Judicial Decision-Making	<ul style="list-style-type: none"> <li>• Segal and Spaeth, 1996 (D2L)</li> <li>• Chapter 1 &amp; 2, Black <i>et al.</i>, 2020 (D2L)</li> </ul>
QUIZ 3 ON SUNDAY, OCTOBER 18TH		
CHAPTERS 9-15 & WRITTEN ASSIGNMENT 2 DUE ON SUNDAY, OCTOBER 25TH		
4	Mechanics of Judicial Decision-Making	<ul style="list-style-type: none"> <li>• Chapter 8, Perry, 1991 (D2L)</li> <li>• Wohlfarth, 2009 (D2L)</li> <li>• Corley, 2008 (D2L)</li> </ul>
QUIZ 4 ON TUESDAY, NOVEMBER 8TH		

5	Judicial Opinions	<ul style="list-style-type: none"> <li>• Maltzman and Wahlbeck, 1996 (D2L)</li> <li>• Wahlbeck <i>et al.</i>, 1999 (D2L)</li> </ul>
QUIZ 5 ON TUESDAY, NOVEMBER 22ND		
6	Courts and their Environments	<ul style="list-style-type: none"> <li>• Collins, 2007 (D2L)</li> <li>• Wedeking and Zilis, 2018 (D2L)</li> <li>• Harvey and Friedman, 2009 (D2L)</li> <li>• Post-Course Quiz (Due 12/12 by 11:59 PM)</li> </ul>
QUIZ 6 ON TUESDAY, DECEMBER 11TH		
FINAL EXAM DUE BY DECEMBER 17TH		

Please Note: I reserve the right to modify this syllabus at any point in the course to suit the needs of the class. All changes will be noted in D2L and sent to students via email in advance of class.