

**PS516- Judicial Politics**  
**Spring 2000**  
TR 3:30-5:18

Julie-Anne Seeds, Instructor Office Hours: 2:00-3:00 Tuesday,  
5:30-6:30 Thursday and by appointment  
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**Course Description**

Judges and courts make up the least visible branch of American government, but they can have a very large impact on our everyday lives. In this course, we will examine the ways in which courts operate at the state and federal levels. We will discuss concrete issues, such as how judges are selected and how judges and juries make decisions. We will also study more abstract theories about judicial activism and judicial restraint and other normative ideas about the role of the courts in American society. We will focus mainly on the role of the Supreme and federal courts.

In addition to learning about the courts, students in this course will spend time writing several analytical papers dealing with the courts. Analytical skills and writing are extremely important to successful completion of this course, as well as to later achievements in professional life. You will have the opportunity to develop these skills during this course.

**Texts**

Baum, Lawrence. *The Supreme Court*. Sixth Edition

Harr, Jonathan, 1995. *A Civil Action*. New York: Random House.

Slotnick, Elliot E. 1999. *Judicial Politics: Readings from Judicature*. Second Edition

This is a course on politics; I expect you to pay attention to what is going on in the political world several times a week. This includes both judicial politics news and "regular" political news. The Supreme Court releases many of its decisions during the spring and you will want to know what is happening. Obviously, not all newspapers are equal in terms of judicial coverage. The best source for Supreme Court news is the *New York Times*, although the *Washington Post* is often quite good. If you do not wish to purchase papers, both the *Times* and the *Post* have websites.

All texts are available at SBX on High Street.

**Course Requirements**

You must complete **both** the court paper *and* take the final exam to pass this class.

<b>Assignment</b>	<b>Percent</b>	<b>Points</b>	<b>Total</b>
<b>Reading Papers</b>	<b>20% (each)</b>	<b>80 (each)</b>	<b>160</b>
	<b>25%</b>	<b>100</b>	<b>100</b>
<b>Participation</b>	<b>10%</b>	<b>40</b>	<b>40</b>
	<b><u>25%</u></b>	<b><u>100</u></b>	<b><u>100</u></b>
<b><u>Total</u></b>	<b><u>100%</u></b>	<b><u>400</u></b>	<b><u>400</u></b>

**Papers**

Reading Papers (20% each)

You will complete two reading papers. These papers will be approximately 4-5 **full** pages,

discussing the question posed in the syllabus for a particular day. You will very briefly summarize all the relevant readings for that day (if you have more than one (1) page, you have far too much summary). The rest of the paper will be a discussion of the question posed in the syllabus. You will discuss the question and take a position. You will draw on the readings to support your position. You do not need to formally cite the articles, just write the last name of the author when you use an idea that comes from the readings. You **MUST** support your position; you are giving an opinion, but it is to be a well thought out theory based on factual information.

In addition to writing the papers, students who write papers on the readings for a particular day will be responsible for helping with the discussion during class. Be prepared to answer questions and discuss.

Papers will be due at the **beginning** of class on the day we discuss the question on which you have written. **ABSOLUTELY NO LATE PAPERS WILL BE ACCEPTED.** Due dates are variable; there will be a sign up at the beginning of the quarter for specific days. I am not your mother; you are responsible for remembering the dates for which you are supposed to write papers. If you miss your day, you must come to me in order to be assigned a new topic. Five points will be deducted from the final score of the paper if you miss your due date.

If you want to improve your grade, you may write a third paper, if you like, and I will keep the two highest paper scores.

#### Court Observation Paper (25%)

The final paper, about 7-9 pages, will require a trip to the state or federal courts downtown. All are easily accessible and on the #2 COTA bus route that goes past campus. Students will be required to watch a real court in action. You may turn this paper in at any time up to the last day of class. (1 June, 2000) I encourage you not to delay this paper until the very end due to the fact that this will require some time and organization on your part. If you do not wish to go to the courts on your own, I will be organizing a couple of different trips downtown for those people who want to go. We will discuss these further at a later date.

I will give a handout with the details of the assignment at a later date.

#### **Final Exam**

There will be a final exam for the course (25%). This exam will consist of multiple choice questions relating to the readings, lectures, and major themes of the course. While some questions will deal specifically with knowledge and facts, other questions will require the application of the knowledge you have gained throughout the course. The exam will be given at the regularly scheduled exam time.

As you will notice, this course is very reading intensive. It is in your best interests to try and keep notes relating to the individual articles you will read. You may want to keep index cards that contain the main ideas for each article or reading assignment so that you can quickly review the readings at the end of the quarter.

Absolutely no makeup exams will be given except in the condition of a very good reason. Examples include death in the family, hospitalization, or family crisis. Not so good reasons include such things as a hangover, slept through class, forgot the time, got some bad No-Doze.. you get the idea.

#### **Senior Final**

All seniors will take their final exams on **Tuesday, 30 May.**

#### **Participation**

Attendance and participation (10%) are very important to your success in this course. I expect you to be in class and participate in course discussions. Coming to class, however, is a choice; like all choices there will be consequences if you choose not to attend or participate. One of these is that you

will not do as well in this course as you would like. Obviously, if you are not in class, then you can't be participating. I reserve the right to give reading quizzes from time to time if I feel that class discussions are not well informed by the readings.

If you feel uncomfortable talking in class, coming to office hours and e-mailing questions will also be counted towards your final participation score

REMEMBER, asking good questions about things that are confusing to you is a real asset to class discussions. Chances are, if you are unsure about something, others are too.

### **Getting Help**

If you need the course materials in an alternative format, please contact Wayne DeYoung in the political science office (2140 Derby Hall; 292-2880) as soon as possible. If you need other help, please let me know within the first week of class.

I am available in my office hours to help students who have questions about the lectures or reading material. If you are confused about anything, please come to my office hours or make an appointment to see me.

### **Academic Honesty**

All the work you do in this course is expected to be your own. Absolutely no academic dishonesty or plagiarism will be permitted in this course. Plagiarism is using another's words or ideas without proper citation. Passing off someone else's paper as your own is also cheating. In addition, I consider the selling of notes to a note service to be an act of academic dishonesty. Anyone caught doing so will receive an E for the course.

If you are unsure about what constitutes plagiarism, consult with me **before** turning in an assignment.

### **Course Schedule**

#### **I. Introduction to the Courts**

**28 March:** Introduction

Read: Syllabus

**30 March:** The History and Structure of American Courts

Read: Hamilton, Federalist #78 Baum, Ch. 1

#### **II. Development of Judicial Power**

**4 April:** **Judicial Review and *Marbury V. Madison***

Read: Slotnick, pp.1-40

Question: Is judicial review a proper function of the American courts?

#### **II. Actors in the Judicial Process**

**6 April:** **Judicial Selection Systems, state and federal**

Read: Baum, pp.30-71 Slotnick, pp.41-46; 479-496

Question: To what extent, if at all, should Senators consider a nominee's ideology when deciding whether or not to confirm a judicial nominee?

**11 April:** **Judicial Selection: Representation**

Read: Slotnick, pp.60-88; 210-243

Question: To what extent should representativeness be an issue considered in judicial selection?

**13 April:** **Lawyers, Litigants, and Juries**

Read: Baum, pp.82-91 Slotnick, pp.119-139; 196-207 Harr, Ch. 1-2

Question: Should grand jury proceedings be open to the public?

**18 April** Interest Groups and the Government

Read: Baum, pp.91-105 Slotnick, pp.140-170 Harr, Ch. 3-4

Question: Should interest groups be allowed involvement in the judicial process?

### **III. Trial Court Processes**

**20 April:** Criminal Courts, I

Read: Slotnick, pp.244-268 Harr, Ch. 5-6

Question: Should plea-bargaining be abolished?

**25 April:** Criminal Courts, II

Read: Slotnick, pp.269-284 Hair, Ch. 7-8

Question: Should there be repeat offender laws for certain kinds of crime?

**27 April:** Civil Cases, I

Read: Slotnick, 285-289 Hair, 9-10

Question: Should losers be required to pay winners' legal fees?

**2 May:** Civil Cases, II: A Civil Action

Read: Harr: 11-12

Question: Do civil litigation processes give unfair advantage to wealthy individuals and groups?

### **IV. Appellate Court Processes**

**4 May:** Access and Docketing

Read: Baum, pp.105-131 Slotnick, pp.290-346

Question: Should the Supreme Court be required to accept more cases?

**9 May:** Oral Argument and Opinion Writing

Read: Slotnick, pp.352-377; 398-404

Question: Is oral argument a necessary part of the appellate court process?

**11 May:** Judicial Decision Making, I

Read: Baum, pp.132-142 Slotnick, pp.378-397

**16 May:** Judicial Decision-Making, II

Read: Baum, pp.143-173 Slotnick: pp.405-425

Question: Should judges and justices consider factors other than precedent when making decisions?

**18 May:** Public Opinion and the Media

Read: Baum, pp.174-189 Slotnick, pp.426-476

Question: To what extent should judges consider public opinion when making decisions?

**23 May:** Judicial Policy Making

Read: Baum, Ch. 5 Slotnick, pp.604-643

Question: How important is judicial independence?

**25 May:** Implementation of Decisions

Read: Baum, pp.229-245

Question: Should judges consider the reactions of the other branches when making decisions?

**30 May:** Alternatives to Litigation

Read: Slotnick, pp.552-590

Question: Should litigants be required to attempt mediation before going to trial?

### **SENIOR FINAL EXAM**

**1 June:** Impact and Conclusions

**Read: Baum, Ch. 6 COURT PAPERS DUE: LAST DAY**

**Final Exam:**