

Pol Sci 3510
Topics in American Politics: The Supreme Court

Fall 2011

TTh 4:00p.m.–5:30p.m., Seigle Hall L002

Instructor

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Office Hours

TWTTh 10:00a.m.–11:30a.m.
and by appointment

Course Description

This course is designed to familiarize the student with the organization of U.S. American courts (both state and federal), their role in our society, the criminal, civil, and appellate procedures, and the impact of courts on politics. In addition to the textbook, students will be assigned primary sources and book chapters or essays representing varied viewpoints. The reading will provide the background for in-class discussions in which students will learn to distinguish between the reality of how judges and courts function and society's myths and expectations. Students will learn to analyze judges as political players who have a profound impact on the development and implementation of public policy. In addition, the course will provide an introduction to how political scientists research courts and the behavior of judges.

Course Objectives

Upon completion of the course students should be able to:

- Illustrate the structure of the U.S. American judiciary system
- Identify the actors in the judiciary and describe their goals and interests
- Outline the U.S. American criminal, civil, and appellate process
- Evaluate the U.S. American criminal justice system
- Assess the role of the judiciary as policy maker
- Identify and classify different theories of judicial decisionmaking

Required Texts

Baum, Lawrence. 2008. *American Courts: Process and Policy* (6th ed.). Belmont: Wadsworth Publishing. ISBN-13: 978-0-618-52284-2

Other assigned readings will be made available through *telesis* and are indicated as **(T)** on the syllabus.

Special Needs

Any student with special needs should inform the professor as soon as possible, so that appropriate accommodations can be made.

Course Requirements

1. **Grades** will be based on the number of “points” you receive from a variety of options. Thus, the better you do on the tests and participate in class, the fewer extra options you will have to pursue. Conversely, there are several opportunities for students who do not do as well as they had hoped on their tests to achieve a good grade in the course by working harder to complete more of the optional opportunities.

	<i>Percentage</i>	<i>Points</i>
Test 1	20%	200
Test 2	20%	200
Test 3	20%	200
Research Paper	40%	400

The final grade will be determined by the cumulative points of all tests and exams, class participation as well as all extra credits as follows:

A	901–1000
B	801–900
C	701–800
D	601–700
F	0–600

2. **Participation.** Much of the lecture material will supplement (rather than repeat) the assigned readings. Since tests will cover all material presented in class (e.g., lectures, audio visuals, student presentations) as well as all assigned readings, you are advised to attend class regularly. Also, in order to receive extra credit for the simulation scheduled in the semester, students have to actively participate (see Extra Credit). Similarly, only students who are present for the entire length of the in class will receive extra credit on the dates indicated in the table under Extra Credit. Students will be held accountable for knowing the details of any changes in the nature or timing of assignments that are announced in class.

I take attendance and will deduct a half letter grade of each student that misses more than three classes. In other words, you are free to miss three classes—whether due to an illness, your grandfather’s birthday, or because you just did not feel like coming in. Remember, though: you are responsible for the material covered in all classes, regardless of whether you attended them or not.

3. **Tests.** There will be three tests in this course. The tests will not be cumulative and all will be in form of an essay question. Before the first test, I will provide you with a set of example questions. You are responsible for all material from assigned readings, lectures, and other material presented in class (e.g., videos, discussions) on tests.

Unexcused missed tests receive a failing grade. If you are unable to take the test at the scheduled time, your absence must be excused far enough in advance to enable you to take the make-up before the regularly scheduled exam. If you miss a test due to a for sudden, unforeseen medical emergency, you must contact me as soon as it is practical to do so—do not wait until you return to class. If you are absent on a test day for any other reason or you fail to make timely arrangements for your make-up test, you should expect to receive a zero on the test.

4. **Final Paper.** The paper (about 15 pages long) will be written over the course of the semester, with deadlines as indicated in table below:

	Deadline	Task
Choice of topic	Sep. 22	Get my approval (office hours or appointment)
Outline	Oct. 11	Get my approval (office hours or appointment)
Submit complete draft (optional)	Nov. 22	Turn in hard copy at beginning of class
Submit paper for grade	Dec. 8	Turn in hard copy at beginning of class

You will receive feedback from me on each of these segments. If you would like to receive feedback on a first (complete!) draft, please submit your paper at the beginning of class on Nov. 22nd. I will return the draft with my comments to you on Nov. 29th, giving you a week to address the comments. You are strongly encouraged to take my feedback into account as you progress on your paper.

- (a) All assignments must be handed in as hard copies. *No assignments will be accepted via email.* A letter grade will be deducted for each beginning day an assignment is late. You will receive a failing grade if your paper is more than two days late.
- (b) Formatting requirements are:
- 1" margins
 - size 11 or 12 font in standard font styles (i.e. Ariel or Times New Roman)
 - doublespaced
- (c) Wikipedia, Yahoo! Answers, infoplease.com, etc. are *NOT* a valid source of information for any academic assignment. If you are unsure about valid sources, please come and see me during office hours.
5. **Extra Credit.** A series of opportunities to collect extra credit will be offered throughout the semester (please note that you will have to be present for the entire length of the in-class activity to receive extra credit. The Mock Trial simulation will only be offered if enough students are willing to participate):

Activity	Est. Time	Deadline	Points
Plea Bargaining simulation:			
Lawyer	1 h	In class: Sep. 20	5-10
Defendant	1 h	In class: Sep. 20	5-10
Mocktrial simulation:			
Attorneys	15 h	In class: Nov. 8-10	Pass = 25 Honors = 30
Witness	10 h	In class: Nov. 8-10	Pass = 20 Honors = 25
Jurors	2.5 h	In class: Nov. 8-10	5
Short exam on book*			
“One L: The Turbulent True Story of a First Year at Harvard Law School”	12 h	Oct. 25	Pass = 20 Honors = 25
“How Courts Govern America”	12 h	Dec. 1	Pass = 20 Honors = 25

*(NOT in class, come to see me if you want to pursue this option):

Books for Extra Credit:

- (a) Turow, Scott. 1988. *One L: The Turbulent True Story of a First Year at Harvard Law School.* Farrar, Straus and Giroux Publishing.
- (b) Neely, Richard. 1983. *How Courts Govern America.* Yale University Press.

Academic Integrity & Plagiarism

Cheating, plagiarism and academic misconduct will not be tolerated. If you are unfamiliar with standards regarding plagiarism, learn them. A good place to start is: <http://www.wustl.edu/policies/undergraduate-academic-integrity.html> & <http://www.plagiarism.org/>. I reserve the right to use anti-plagiarism software to test turned in assignments.

Expectations for Classroom Behavior

We may discuss controversial issues and positions in this class. I expect all students to be respectful towards the views of their classmates. I furthermore will not tolerate disruptive behavior in class. That includes the use of cell phones (all cell phones are to be turned off or silenced during class). Students are also asked to refrain from behavior that might be distracting to those around them, such as surfing the web, sending text messages or IMs, or reading the newspaper.

Course Schedule

The course syllabus provides a general plan for the course; deviations may be necessary and will be announced in class or by email.

Course Outline

1. Tuesday, Aug. 30: Introduction to the Class
2. Thursday, Sep. 1: **No Class: APSA Conference**
3. Tuesday, Sep. 6: Courts and Law—An overview
 - Reading: Baum Ch. 1, The Federalist No. 78 (**T**), Blackstone (**T**), Tocqueville (**T**)
4. Thursday, Sep. 8: Lawyers
 - Reading: Baum Ch. 3, Turow (**T**)
5. Tuesday, Sept. 13: The Organization of the American Court System
 - Reading: Baum Ch. 2
6. Thursday, Sept. 15: The Criminal Process
 - Reading: Baum Ch. 6, Karlan (**T**)
7. Tuesday, Sept. 20: The Criminal Process, continued
 - Reading: Porto Ch. 5 (**T**)
8. Thursday, Sept. 22: Plea Bargaining & Adversarial System
 - Activity: Plea Bargaining Simulation
9. Tuesday, Sept. 27: Plea Bargaining & Adversarial System, continued
 - **Final Paper: Deadline for approval of topic**
 - Reading: Bogira (**T**)
10. Thursday, Sept. 29: The Criminal Process, wrap-up & Test Review
 - Reading: Bailey (**T**), Norman (**T**)
 - Activity: Watch clips from “Gideon’s Trumpet”
11. Tuesday, Oct. 4: **Test #1**
12. Thursday, Oct. 6: The Civil Process
 - Reading: Baum Ch. 7
13. Tuesday, Oct. 11: The Civil Process, continued
 - **Final Paper: Deadline for approval of outline**
 - Reading: Porto Ch. 6 (**T**)
14. Thursday, Oct. 13: The Civil Process, continued
 - Reading: Rules of Evidence (**T**)
 - Activity: Start movie “A Civil Action”
15. Tuesday, Oct. 18: The Civil Process, wrap-up
 - Activity: Finish movie “A Civil Action”
16. Thursday, Oct. 20: The Appellate Process
 - Reading: Baum pp. 243-265, Porto Ch. 7 (**T**)

17. Tuesday, Oct. 25: The Selection of Judges
 - Reading: Baum Ch. 4
18. Thursday, Oct. 27: Judges
 - Reading: Baum Ch. 5
19. Tuesday, Nov. 1: Catch-Up & Test Review
20. Thursday, Nov. 3: **Test #2**
21. Tuesday, Nov. 8: A Mock Trial Simulation
22. Thursday, Nov. 10: A Mock Trial Simulation
23. Tuesday, Nov. 15: Judicial Power
 - Reading: Carter Ch. 1 & 2, Marbury v. Madison (**T**)
24. Thursday, Nov. 17: Decision Making on the Courts
 - Reading: Baum pp. 265-294
25. Tuesday, Nov. 22: U.S. Supreme Court Process
 - **Final Paper: Deadline submission of first complete draft (optional)**
 - “Reading”: Listen to Supreme Court oral argument on <http://www.oyez.org>
 - Suggested cases:
 - *Roe v. Wade* (410 U.S. 113 (1973))
 - *Grutter v. Bollinger* (539 U.S. 306 (2003))
 - *Morse v. Frederick* (551 U.S. ___ (2007))
 - *District of Columbia v. Heller* (554 U.S. ___ (2008))
26. Thursday, Nov. 24: **No Class: Thanksgiving Break**
27. Tuesday, Nov. 29: Supreme Court Policymaking
 - Reading: Baum pp. 294-313
28. Thursday, Dec. 1: Supreme Court Decision Making
 - Reading: Smith v. United States (**T**)
 - Activity: Tim Russert interview with Supreme Court Justices
29. Tuesday, Dec. 6: Catch-Up & Test Review
 - **Complete “Which U.S. Supreme Court Justice Are You?” questionnaire**
 - **Final Papers due at beginning of class**
30. Thursday, Dec. 8: **Test #3**