

PLSC 2830: Judicial Politics

Professor Sara Chatfield

Winter 2021

Class: Asynchronous + Online Discussion Wednesday from 2:30-3:30pm

Office Hours: Wednesday at 3:30pm and by appointment

Sara.Chatfield@du.edu

Course Overview and Objectives:

This course will consider the role of courts, especially the Supreme Court, in the U.S. political system. We will discuss the potential dangers and benefits of allocating significant power to unelected justices, as well as the ways in which elected officials respond to and coordinate with the court system. We will consider the importance of statutory interpretation and the dynamics of Court-Congress interaction in developing public policies. And, we will analyze the role of legal interest groups in shaping the Court's agenda and reasoning. For this latter topic, students will choose a legal interest group and issue of their choice to research and evaluate legal strategies.

By the end of this course, you will:

- Understand the role of courts in the U.S. political system, including inter-branch and interest group interactions and the dynamics of court decision-making
- Improve your critical reading and writing skills
- Be able to identify and critique arguments and evidence across a variety of documents
- Engage constructively with others as part of a learning community

Covid-19 Statement

Your health and your family's health should be your priority. If you are dealing with illness, sick family members, quarantine or isolation, a bad internet connection, increased anxiety, childcare challenges, or any other issues, please reach out and we will figure out accommodations. If some aspect of this class is not working for you, we will work together to find a solution.

It is possible that the course calendar or other aspects of the course may be adjusted due to covid-19 and other contingencies at DU. Any changes will be posted to Canvas, so you should be sure to check your announcements and Canvas messages frequently.

Office Hours and Communication

You can contact me via Canvas Messages or email at Sara.Chatfield@du.edu. I am happy to schedule virtual office hours appointments by Zoom video conference or by phone. I do my best to answer all emails sent during the work week (Monday-Friday) within 24 hours. I will post updates and other announcements via Canvas, and expect that you will check your

Canvas messages at least once per day via either the website or app. You should also ensure that all Canvas announcements are forwarded to your email account.

The study of American law and politics involves matters such as abortion, religious freedom, racism, and other potentially sensitive topics. It is my expectation that students will engage actively and respectfully with these topics and one another during our class discussions. In this class, we will work together to develop a learning community that is inclusive and respectful. The goal of inclusiveness, in a diverse community, encourages and appreciates expressions of different ideas, opinions, and beliefs, so that conversations and interactions that could potentially be divisive turn instead into opportunities for intellectual and personal enrichment. If you are concerned about a specific reading or a comment or dynamic during class, please make an appointment with me to discuss the situation.

Readings

Many of the readings for this course will be posted to Canvas. Please ensure that you have access and contact me immediately if you have any trouble accessing course readings. In addition to those readings listed on the syllabus, there is a list of supplemental/optional readings listed on Canvas which you may find useful for your legal strategy memo.

In addition to the readings posted to Canvas, we will read substantial portions of one short text that is available at the bookstore:

The Supreme Court, Lawrence Baum (13th Edition)

Online Format and Planning Your Time

This class uses a largely asynchronous format to allow you to complete work at different times during the week, depending on your time zone and other commitments. There will also be options for synchronous and even in-person discussion and collaboration if you so choose.

This is a four-credit course, which means that that standard expectation is that you would be spending about 8 hours each week “outside” of class plus 4 hours each week “in class.” Of course, these distinctions are somewhat blurred in an online environment! But, you should plan your schedule around the following and block off specific times of the day and week when you plan to devote time to this class.

Each week will include:

- Readings related to the topic of the week. Expect around 70-80 pages of reading a week. To get the most out of the reading, you should take notes and think critically about the assigned reading and questions you have before watching the mini-lectures and before our discussion time. (5-7 hours per week)

- Short “mini-lectures” available on Canvas, including lectures recorded by Professor Chatfield (and occasional guest lectures and other short videos). There will typically be 3 mini-lectures each week ranging from 10-20 minutes each that are intended to supplement (not duplicate) the reading. Most mini-lectures will include embedded quizzes to check your understanding. (about 1 hour per week)
- A required discussion component, with the ability to choose between a synchronous Zoom session, a Canvas discussion board, or meeting in-person on campus with one or more peers (1 hour per week)
- Working on other assigned work, such as a Perusall discussion (Module 2) and the legal strategy memo (Module 3). (1-2 hours per week on average, with additional time spent on the essay in Week 7, when there is no assigned reading)
- Keeping up with announcements, emails, and other small assignments throughout the week (1 hour per week)

These are just estimates – in a particular week, you might need to devote a little more or less than 12 hours depending on specific assignments, whether there is a heavy or light reading load, etc. If you are *consistently* spending *substantially* more than 12 hours per week on this course, please get in touch with Professor Chatfield to discuss time management techniques. In calculating study time, be honest with yourself – an hour of mostly scrolling Twitter while occasionally glancing at the assigned reading doesn’t count.

Grading and Assignments

Grading for the course will be based on: a legal strategy memo, a final exam, discussion and participation, weekly video quizzes, and a Perusall discussion. More detailed information on each of these assignments can be found on Canvas. **The final exam is synchronous and will take place on March 17 at 2pm. You must take the exam at this time and sign on to Zoom to begin the exam.** This class uses the standard DU grading scale (94-100% = A, 90-<94% = A-, 87-<90% = B+, etc.).

Legal Strategy Memo: 35%
Final Exam (March 17 at 2pm): 30%
Discussion and Participation: 20%
Weekly Video Quizzes: 10%
Perusall Discussion: 5%

Late Work: Please take some time now to explore the Canvas site and make a note of specific due dates. I strongly recommend sticking to due dates as much as possible, because it can be very challenging to catch up once you fall behind and work piles up. That being said, you should make the best decisions for yourself and your health (both mental and physical). *If you need an extension at any point, please simply contact me before the scheduled due date to discuss your situation and we will figure out a plan.* I do not require medical or other documentation, but you should contact me before the due date (or, in case of an emergency, as soon as possible after the due date) to receive an extension. If you do

not contact me about an extension, late work will be penalized at 5% per day. Late work may take longer to be graded and will typically receive less detailed feedback.

Accommodations: I aim to work with all students to ensure that they can be successful in my classes. If you will need any accommodation this quarter because of a disability, a religious event or holy day, or a DU-sponsored athletic event, please contact me during the first week of class so that we can all plan accordingly. For some of these accommodations (disability, DU-sponsored athletics), you will need to submit official university documentation as soon as possible. More information about the Disability Services Program is available at <http://www.du.edu/disability/dsp> or by emailing dsp@du.edu. If you have questions about the accommodation process or need an informal arrangement that falls outside of the categories listed above, please send me an email as soon as possible.

Grading Disputes: If you would like me to take a second look at an assignment, I am happy to do so. If you wish to dispute the grading of an assignment, you must do so in writing, clearly identifying each issue that you dispute and your rationale for why the grade should be reconsidered. *I never negotiate grades based on reasons such as: "I need, want, or prefer an A in this class," "I worked really hard," or "I am close to a higher grade than what I earned." This is an equity issue to ensure that students who feel more comfortable asking their professors for special favors do not receive systematically higher grades.*

Academic Honesty Policy

In fairness to students who put in an honest effort, all cases of academic dishonesty will be reported to the university and will result in penalties ranging from a reduced grade to expulsion from the university. Even though this is an unusual quarter, this is not an excuse for academic dishonesty. If you need flexibility with assignments or deadlines, you should reach out to Professor Chatfield rather than turning to plagiarism or cheating.

TurnItIn will be used for all major writing assignments, and you are responsible for ensuring that you upload the correct, non-plagiarized file to Canvas. Quizzes and the final exam are open-note/open-book, but you may not consult any other person (classmate, friend, parent, tutor, etc.) or Internet resources outside of the textbook (Google, Wikipedia, etc.) while you are completing a quiz.

Cheating includes, but is not limited to, bringing notes or written or electronic materials into an exam or quiz when not explicitly permitted, using notes or written or electronic materials during an exam or quiz when not explicitly permitted, copying off another person's exam or quiz, allowing someone to copy off of your exam or quiz, and having someone take an exam or quiz for you. Academic dishonesty also includes plagiarism, unauthorized collaboration, providing false or misleading information to receive a postponement or extension on a test or assignment, the submission of essentially the same written assignment for two different courses without prior permission of faculty members, and *any other act designed to avoid participating honestly in the learning process.*

Ignorance is not an excuse: All students are expected to know and abide by the University of Denver Honor Code. These expectations include academic integrity and honesty in your class participation and assignments. The Honor Code can be viewed in its entirety at this link: <http://www.du.edu/studentlife/ccs/index.html>. If you are in any way unclear about the rules concerning academic integrity, please contact me immediately. Severe and/or multiple cases of academic dishonesty during your academic career can result in a notation on your permanent academic record and expulsion from the university.

Land Acknowledgement

The University of Denver resides on lands that are held in stewardship by the Cheyenne and Arapaho tribes and recognizes the descendant communities of the Northern Cheyenne Tribe of Montana, the Northern Arapahoe Tribe of Wyoming, and the Southern Cheyenne and Arapaho Tribes of Oklahoma. You can learn more by exploring the resources compiled by the John Evans Study Committee: <https://portfolio.du.edu/evcomm/page/52699>

Mental Health Resources

This is a challenging time for everyone, and I encourage you to reach out for help if you need it. Regardless of your status on campus, you can reach out to the Health and Counseling Center by calling 303-871-2205 or email at info@hcc.du.edu. The central office will then connect you to resources.

Use of Course Materials

To protect privacy and intellectual property rights, course videos, student discussions, and other course materials may be used solely for the purposes of individual or group study with other students enrolled in the class in this quarter. They may not be reproduced or shared in any way with those not enrolled in the class this quarter (including electronically or posting in any web environment, such as social media or sites like Chegg and Course Hero), except with explicit permission. This includes, but is not limited to: pre-recorded and live lectures, live and asynchronous discussions, quizzes and assignments, and visual materials such as slides and handouts. Students who violate this policy will be reported to The Office of Student Rights & Responsibilities and may be subject to both legal sanctions for violations of copyright law and disciplinary action under Student Rights & Responsibilities Policies.

Online Sources

SCOTUSblog (<http://www.scotusblog.com/>) provides news and commentary on current and pending Supreme Court cases. I encourage you to check the blog and skim posts regularly.

The official Supreme Court website (<http://www.supremecourt.gov/>) is the best source for recent opinions of the court.

Oyez (<http://www.oyez.org/>) provides excellent summaries of cases along with audio files of oral arguments. Oyez also provides links to full-text opinions for historical and contemporary cases.

Slate's *Amicus* podcast (<http://www.slate.com/articles/podcasts/amicus.html>) provides updates on Supreme Court cases and other news and analysis throughout the term (typically from a more liberal perspective).

The Federalist Society hosts a variety of podcasts (<https://fedsoc.org/commentary/podcasts>), featuring legal commentary from lawyers appearing before the Supreme Court, analysis after oral arguments and decisions, book reviews, and broader analyses of legal topic areas (typically from a more conservative perspective).

SCOTUSstalk (<https://www.scotusblog.com/category/scotustalk/>) is a podcast hosted by SCOTUSblog that explores and explains topics related to the judicial system, especially the Supreme court, in plain English.

Strict Scrutiny (<https://strictscrutinypodcast.com/>) is a podcast about the Supreme Court and legal culture featuring three women law professors and often with a focus on a gender lens toward understanding the judiciary.

Course Calendar

Please consult the calendar below for a list of all readings and major assignments. On Canvas, you will find a detailed page for each week including readings, mini-lectures, and all other assignments. You should plan to complete the readings and mini-lectures for each week *before* you participate in the discussion.

This calendar is subject to change, and you should check Canvas announcements regularly to be notified of these changes.

Module 1: Getting Started and Introductions

Week 1: Introductions (week starting on January 11, required live Zoom on January 13)

Required Reading:

- Baum, Ch. 1 (25 pages)
- The US Constitution

Other To Do This Week:

- Watch mini-lectures on Canvas
- Take the syllabus quiz
- Participate in required synchronous Zoom session on Wednesday at 2:30pm (contact Prof. Chatfield ASAP if you cannot attend)
- Fill out the student survey during or after the live session on Wednesday
- Post an infographic introducing yourself to the class on Canvas
- Order a copy of the textbook if you have not already done so

Module 2: The Counter-Majoritarian Difficulty

Week 2: Judicial Power and Judicial Decision-Making (week starting on January 18, optional Zoom discussion on January 20)

Required Reading:

- Federalist 78
- Letters from Brutus, no. XI
- Letter from Thomas Jefferson to Spencer Roane
- Baum pp. 163-176 (14 pages)
- Baum Ch. 4 (42 pages)
- Harris and Sen, "Bias and Judging" (15 pages)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option
- Start Perusall discussion

Week 3: Judicial Appointments, Elections, and Polarization (week starting on January 25, optional Zoom discussion on January 27)

Required Reading:

- Baum, pp. 31-52 (21 pages)
- Selection from Corley et. al, *Choosing Judges* (18 pages)
- Hasen, “Polarization and the Judiciary” (13 pages)
- Ruiz et. al. “A Conservative Agenda Unleashed on the Federal Courts” (18 pages)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option
- Finish Perusall discussion

Module 3: Support Structures and Legal Interest Groups

Week 4: The Rights Revolution or the Hollow Hope? (week starting on February 1, optional Zoom discussion on February 3)

Required Reading:

- Baum, pp. 73-92 (20 pages)
- Epp, “Courts and the Rights Revolution” (29 pages)
- Rosenberg, “Symbol for Substance” (5 pages)
- Thomas, “Unequal: How American Courts Undermine Discrimination Law” (podcast episode, 31 minutes)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option
- Submit your proposal for the legal strategy memo. You can work individually or with one partner

Week 5: Legal Interest Groups on the Left (week starting on February 8, optional Zoom discussion on February 10)

Required Reading:

- Greenberg Interview on SCOTUSblog (podcast episode, 19 minutes)
- Francis, “The Price of Civil Rights” (32 pages)
- Zackin, “Popular Constitutionalism’s Hard” (24 pages)
- Friedler, “How Native Tribes Started Winning at the Supreme Court” (8 pages)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option
- Meet with librarian Chris Brown for help with finding appropriate sources for the legal strategy memo (optional but strongly recommended)

Week 6: Legal Interest Groups on the Right (week starting on February 15, optional Zoom discussion on February 17)

Required Reading:

- Hollis-Brusky, “Support Structures and Constitutional Change” (18 pages)
- Teles, *The Rise of the Conservative Legal Movement*, Ch. 7 (45 pages)
- Hollis-Brusky and Wilson, “Playing for the Rules” (17 pages)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option

Week 7: Legal Strategy Memo Writing Week (week starting on February 22, optional Zoom discussion on February 24)

To Do This Week:

- Watch mini-lecture on Canvas
- Write your legal strategy memo. If you are writing alone, the memo should be 4-5 pages (double-spaced). If you are writing with a co-author, the memo should be 6-7 pages (double-spaced). More details on the assignment can be found on Canvas
- Participate in an optional peer-review activity on Zoom
- Turn in your memo by February 26 at the end of the day (11:59pm) or email Prof. Chatfield in advance of the due date if you need an extension. Double check that you have submitted the correct file.

Module 4: The Supreme Court and Congress: Interbranch Interaction in the Development of Public Policy

Week 8: Statutory Interpretation and Congressional Responses (week starting on March 1, optional Zoom discussion on March 3)

Required Reading/Podcast:

- Selections from *Judges on Judging* (23 pages)
- Baum, pp. 208-230 (23 pages)
- Tushnet, “The Supreme Court and the National Political Order” (19 pages)
- Hasen, “End of the Supreme Court-Congress dialogue?”
- Frost, “Congressional Overrides of Supreme Court Decisions”
- Reid and Curry “Native Americans Won an Unusual Legal Victory” (3 pages)

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option

Week 9: Case Studies (week starting on March 8, optional Zoom discussion on March 10)

Required Reading/Podcast:

- Readings TBD – check Canvas closer to Week 9

Other To Do This Week:

- Watch mini-lectures on Canvas
- Participate in either a synchronous or asynchronous discussion option
- Start studying for the final exam
- Submit questions for the collaborative study guide

Week 10: Final Exam (week starting on March 15, required synchronous final exam on March 17)

To Do This Week:

- Complete final reflection assignment
- Participate in optional synchronous review session on Zoom, Monday at 2:30pm
- Participate in optional asynchronous review on Kahoot!
- Review the study guide, your notes, and course readings/mini-lectures to prepare for the final
- Sign on for the required synchronous final exam at **2pm on Wednesday, March 17**. The exam is open note/open book but you cannot collaborate with any other person or search for answers online (outside of course materials).

PLSC 2830: Judicial Politics
Professor Sara Chatfield
Winter 2019
Class: M/W, 10-11:50 am
Office Hours: M/W 12-1pm, Sturm Hall 473
Sara.Chatfield@du.edu

Course Overview and Objectives:

This course will consider the role of courts, especially the Supreme Court, in the U.S. political system. We will discuss the potential dangers and benefits of allocating significant power to unelected justices, as well as the ways in which elected officials respond to and coordinate with the court system. We will consider the importance of statutory interpretation and the dynamics of Court-Congress interaction in developing public policies. We then broaden the scope of judicial impact to examine the social and political effects of court rulings. Finally, we will discuss the role of legal interest groups in shaping the Court's agenda and reasoning.

By the end of this course, you will understand the role of courts in the U.S. political system, including inter-branch and interest group interaction, the dynamics of court decision-making, and the courts' impact on public policy. You will also improve your critical reading skills and be able to identify and critique arguments and evidence across a variety of documents. You will follow an issue of your choosing throughout the quarter and explore the dynamics of legal and political influences on that issue.

Office Hours and Communication

My office is Sturm Hall 473. I will be available for office hours Mondays and Wednesdays from 12-1pm, or by appointment. I encourage you to come see me early in the quarter to introduce yourself, as well as throughout the quarter with any questions you have. You do not need to wait until you receive a bad grade or are encountering a serious problem before asking for my assistance!

The study of American law and politics involves matters such as abortion, religious freedom, racism, and other potentially sensitive topics. It is my expectation that students will engage actively and respectfully with these topics and one another during our class discussions. If you are concerned about a specific reading or a comment or dynamic during class, please come see me in office hours to discuss the situation.

You can also contact me via email at Sara.Chatfield@du.edu. I do my best to answer all emails sent during the work week within 24 hours. Lengthy/substantive questions or conversations are best saved for office hours (or lecture, if they are broadly applicable to the class).

Readings

Many of the readings for this course will be posted to Canvas. Please ensure that you have access and contact me immediately if you have any trouble accessing course readings. In addition to those readings listed on the syllabus, there is a lengthy list of supplemental/optional readings listed on Canvas which you may find useful for your final research paper, depending on your chosen topic. Each student will read and present on **one** of the optional readings as part of the discussion leader assignment.

In addition to the readings posted to Canvas, we will read substantial portions of one short text that is available at the bookstore:

The Supreme Court, Lawrence Baum (13th Edition)

Grading and Assignments

Grading for the course will be based on a late midterm, a quarter-long research project on the topic of your choosing (including a final paper), class participation and attendance, and acting as a discussion leader/presenter on an assigned date. This class uses the standard DU grading scale (94-100% = A, 90-<94% = A-, 87-<90% = B+, etc.).

I invite and encourage your active participation. Always come to class prepared to discuss and comment upon course readings and ask questions. In addition to general participation in whole-class and small-group discussions, there will be some in-class informal writing assignments, Canvas discussions, and group work that will be included in your participation score. Attending office hours can also help your participation grade, though it is not required.

Because your participation is important to both your grade and the overall success of the class for all students, excessive absences will result in a lower grade. Specifically, this class involves a fair amount of group work, so your entire group will suffer if you are not in class and engaged in this work. Throughout the quarter, you'll have one "freebie" absence to use at your discretion. Additional absences may be excused for legitimate reasons (i.e. illness, religious observance, varsity sports travel, etc.). Planned absences (religious observances, sports travel, etc.) must be clearly communicated in the first week of class to be excused. Unexcused absences (in excess of the "freebie" absence) will result in losing 20% of your attendance score. **If you miss more than 5 classes (25% of the course), whether excused or unexcused, you will automatically fail the class unless you can offer official documentation (i.e. DSP accommodations, dean's letter, etc.)**

I do not require a doctor's note if you need to miss class due to an illness – please do not come to class if you are contagious! **In order to receive an excused absence, you must email Professor Chatfield in advance of the missed class and fully fill out the following Google Form within one week of the missed class:**
<https://goo.gl/forms/VHjffl3klWX9cYti1>.

Details on the research project and other assignments will be posted to Canvas. The project includes a proposal, four discussion postings, and two short papers. Please make sure that you have access to Canvas and alert me right away if there is a problem with your access.

Research Project: 50%

Midterm Exam: 25%

Class Participation: 15%

Attendance: 5%

Discussion Leader: 5%

Please check your calendar now and plan ahead for any conflicts with other classes, extracurricular activities, and personal commitments. Late assignments will be accepted for full credit only in the case of well-documented illness or tragic circumstances. Please contact me as soon as possible if you think you will need these types of accommodations.

Grading Disputes: If you would like me to take a second look at an exam or paper, I am happy to do so. That said, there is a twenty-four hour “cooling off” period for all grade disputes, meaning that you must wait one day before lodging a complaint. If you wish to dispute the grading of an assignment, you must do so in writing, clearly identifying each issue that you dispute and your rationale for why the grade should be reconsidered. (“I want/need a higher grade” is not a legitimate rationale.)

Accommodations: If you will need any accommodation this quarter because of a disability, a religious event or holy day, or a DU-sponsored athletic event, please contact me *during the first week of class* so that we can all plan accordingly. More information about the Disability Services Program is available at <http://www.du.edu/disability/dsp>.

Academic Honesty Policy

In fairness to students who put in an honest effort, all cases of academic dishonesty will be reported to the university and will result in penalties ranging from a reduced grade to expulsion from the university. Major writing assignments will be checked using VeriCite plagiarism software, and any suspected violations will be reported to Student Conduct to investigate further.

Cheating includes, but is not limited to, bringing notes or written or electronic materials into an exam or quiz, using notes or written or electronic materials during an exam or quiz, copying off another person's exam or quiz, allowing someone to copy off of your exam or quiz, and having someone take an exam or quiz for you. Academic dishonesty also includes plagiarism, unauthorized collaboration, providing false or misleading information to receive a postponement or extension on a test or assignment, the submission of essentially the same written assignment for two different courses without prior permission of faculty members, and any other act designed to avoid participating honestly in the learning process.

Ignorance is not an excuse: All students are expected to know and abide by the University of Denver Honor Code. These expectations include academic integrity and honesty in your class participation and assignments. The Honor Code can be viewed in its entirety at this link: <http://www.du.edu/studentlife/ccs/index.html>. If you are in any way unclear about the rules concerning academic integrity, please contact me immediately. Severe and/or multiple cases of academic dishonesty during your academic career can result in a notation on your permanent academic record and expulsion from the university.

Technology and Multi-Tasking in Class

We will make use of technology in this class in very intentional ways. On some days, I'll ask you to complete activities on your laptop to allow you to collaborate with others or to submit individual informal writing. Many people prefer to take notes and/or refer to digital readings on a laptop or tablet. The use of technology can enhance your learning, but I also want to note important exceptions.

Phones, etc.: This should go without saying, but let's say it anyway: You should turn off your cellphone and/or other similar devices before you enter the classroom. I understand that your phone connects you to your friends and family, but ringing phones, texting, and other phone use in class also limits your ability to fully engage. If you do have a special circumstance that requires phone use on a certain day (i.e. sick child, waiting for a phone call from a doctor or job interview, etc.), please let me know *in advance*.

Laptops/tablets: You may use a laptop or tablet computer to take notes during this class. There will also be times when we will use laptops to collaborate in groups. However, having a laptop or tablet available during class also presents a temptation that many students find irresistible. You should use your laptop only for class-directed activities. *Other activities not only distract you, they distract others who see your screen.* If you seem distracted by what is on your screen, I will ask you to put your laptop/tablet away.

The myth of multi-tasking with technology: Research suggests that you should not use your electronic devices to check Facebook, respond to email, shop online, or do anything other than take notes or participate in other course-related activities. This type of multitasking severely affects learning. According to one study in a large lecture course:

Results showed that students who used laptops in class spent considerable time multitasking and that the laptop use posed a significant distraction to both users and fellow students. Most importantly, the level of laptop use was negatively related to several measures of student learning, including self-reported understanding of material and overall course performance (Fried, 2008).

In short, technology can be a useful tool, but you need to be cognizant of your (mis)use of it. Resist the urge to do anything but class-directed work (i.e., note-taking, in-class activities) for your own sake, and more importantly for the sake of your classmates who will be

distracted by what you do. While you are an adult and can choose to pay attention (or not) in class, your classmates cannot avoid seeing your screen.

Online Sources

SCOTUSblog (<http://www.scotusblog.com/>) provides news and commentary on current and pending Supreme Court cases. I encourage you to check the blog and skim posts regularly.

The official Supreme Court website (<http://www.supremecourt.gov/>) is the best source for recent opinions of the court.

Oyez (<http://www.oyez.org/>) provides excellent summaries of recent cases along with audio files of oral arguments. *Oyez* also provides the audio of oral arguments as they become available through the *Oyez* podcast, and links to full-text opinions for historical and contemporary cases.

Slate's *Amicus* podcast (<http://www.slate.com/articles/podcasts/amicus.html>) provides updates on Supreme Court cases and other news and analysis throughout the term (typically from a more liberal perspective).

The Federalist Society hosts a variety of podcasts (<https://fedsoc.org/commentary/podcasts>), featuring legal commentary from lawyers appearing before the Supreme Court, analysis after oral arguments and decisions, book reviews, and broader analyses of legal topic areas (typically from a more conservative perspective).

Radiolab's *More Perfect* podcast (<http://www.wnyc.org/shows/radiolabmoreperfect/>) discusses the social and political impacts of court rulings from a more journalistic perspective. Their latest season includes an album full of songs featuring each of the constitutional amendments.

The *First Mondays* podcast (<http://www.firstmondays.fm/>) is hosted by a rotating cast of former SCOTUS law clerks, law professors, and lawyers, who analyze cases currently before the Court and other court-related news. The discussions are sometimes fairly technical; this podcast is probably of most interest to those planning to apply to law school.

The Ginsburg Tapes (<http://ginsburgtapes.com>) is a new podcast analyzing Ruth Bader Ginsburg's oral arguments before the Court prior to becoming a justice.

Course Calendar. Please consult the calendar below for a list of all readings and major assignments (additional smaller assignments are listed on Canvas).

All readings should be completed **before** the listed class date, and you should come to class prepared for discussion. You can find links to most of these readings on Canvas, except those from the Baum text (which you should purchase at the bookstore). On Canvas, you will also find a more detailed citation for each reading, as well as a page count – this list provided as a quick reference/overview.

Unless otherwise noted, all assignments listed in the “Assignments” column are due before the listed class, and should be posted to Canvas. Further details on completing these assignments can be located on Canvas.

Each person will also be assigned an additional reading to present to the class as part of a discussion leader group. You will sign up for these dates and readings in class. You may also wish to consult relevant supplemental readings in preparing your final paper.

Date	Topic	Reading	Assignments
January 7	Introductions		
January 9	Overview of the U.S. Judicial System	Baum, Chapter 1	Video lecture and discussion on Canvas
Unit I: The Counter-Majoritarian Difficulty			
January 14	Sources of Judicial Power and the Counter-Majoritarian Difficulty	Selected short readings and Baum, pages 163-176	Syllabus quiz
January 16	How Judges Make Decisions	Selected short readings and Baum, Chapter 4	Research proposal
January 21	MLK Day – No Class	None	
January 23	Judicial Appointments and Elections	Baum, pages 31-52, selection from Corley et. al., “Choosing Judges”, and <i>BackStory</i> podcast segment	Supreme Court case brief
January 28	Polarization and Judicial Politics	Hasen, “Polarization and the Judiciary” and Liptak, “The Polarized Court”	Discussion posting #1
Unit II: The Supreme Court and Congress: Interbranch Interaction in the Development of Public Policy			
January 30	Statutory Interpretation	Selection from <i>Judges on Judging</i> and on the Lilly Ledbetter Fair Pay Act	
February 4	Confrontation and Collaboration	Tushnet, “The Supreme Court and the National	

		Political Order” and selections from <i>SCOTUSblog</i>	
February 6	Case Study: The Voting Rights Act	Selections from Rhodes, <i>Ballot Blocked</i>	
February 11	Case Study: <i>NFIB v. Sebelius</i> and the Affordable Care Act	TBD	Discussion posting #2
Unit III: Social and Political Impacts of Supreme Court Decision-Making			
February 13	Policy Outputs	Baum, Chapter 6	
February 18	Public Opinion and the Courts	Ura and Merrill, “Supreme Court and Public Opinion”	
February 20	Case Study: Legal Mobilization and Gay Rights	Keck, “Beyond Backlash”	
February 25	Quantitative Approaches	Selections from Dahl, “Decision-Making in a Democracy” and Grossman and Swedlow, “Judicial Contributions”	Discussion posting #3
February 27	Midterm Exam (closed note/closed book, IDs and short answers)	Covers material through February 25	Midterm Exam, must bring laptop with LockDown browser
Unit IV: Support Structures, Legal Interest Groups, and Legal Mobilization			
March 4	The Rights Revolution	Baum, pages 73-89 and Epp, “Courts and the Rights Revolution”	Discuss initial final paper ideas in class
March 6	Case Studies: NAACP and ACLU	Selection on NAACP and Zackin, “Popular Constitutionalism’s Hard”	In-class final paper working session
March 11	The Hollow Hope?	Rosenberg, “Symbol for Substance,” Galanter, “Haves Come Out Ahead,” and Thomas, “Unequal” (podcast episode)	
March 13	The Conservative Response	Hollis-Brusky, “Support Structures and Constitutional Change”	Discussion posting #4, Draft thesis statement
March 18	Wrap-Up and Peer Editing		Draft of final paper
March 21	Final paper due at time of final exam (12pm)		Final paper due at 12pm

Legal Interest Group Strategy Memo

In this assignment, you will identify an issue of importance to you, as well as a legal interest group that advocates around this issue. The goal of the assignment is to apply course readings and concepts to a real-world interest group. You will be evaluating the legal strategies used by your interest group and recommending possible changes.

This assignment can be completed either individually or with one partner. If working with a partner, you should submit only *one* proposal and *one* memo with both names on the assignment. Take some time to discuss your schedules, expectations, etc. before making an agreement to work as a team.

Proposal (due end of Week 4): The proposal should contain the following four elements, each clearly labeled. You can use bold headings or a bullet point list to identify each section of the proposal.

- *Your issue.* Describe the issue you're planning to research in a few sentences, being as specific as possible. A more specific topic is likely to lead to a more interesting project (for example: "religious objections to contraceptive coverage" versus "women's rights").
- *Court case(s).* Identify a minimum of one Supreme Court case relevant to your issue from the past 5-10 years. Be sure to provide the full citation and date. Briefly (in one paragraph) summarize the key facts and outcome of the case *in your own words*. You may also wish to include a list of other relevant cases (SCOTUS, federal court, state courts).
- *Legal interest group.* Identify a legal interest group that has worked on your issue in some capacity. Describe the interest group in one paragraph.
- *Motivation/Why?* In one paragraph, let me know why you're interested in spending time on this particular topic.

Legal Strategy Memo (due end of Week 7):

In the memo, you will assess the strategies your interest group has used, placing them in the context of course readings. Then, you will make recommendations to the group about their future efforts in this issue area. Your memo should address the following set of questions:

- What types of strategies has this group used? You might consider test cases, amicus briefs, taking over cases at later stages, combining legal and grassroots strategies, trying to change the intellectual culture/legal profession, and any other strategies discussed in class.
- To what extent have these strategies been successful?

- What, if any, changes in strategy would you recommend for this group in the future? Why?

The memo must incorporate course themes, concepts, and readings as *a major component* of the analysis. The memo must also use *evidence* to support your claims. There is no specific requirement for the number of sources you need to cite, but you should incorporate at least some academic sources (such as academic-press books, peer-reviewed articles, or law review articles) into your analysis. These sources could be found on the syllabus, in the supplemental readings on Canvas, or through your own research, depending on your topic. You should also use online sources such as the website for your interest group, court cases, news articles, polls, etc. as evidence for your claims. Be sure to assess the quality and reliability of any online sources (i.e. no random blog posts or Wikipedia entries). *Chris Brown at the library is a great resource if you are having trouble identifying sources – you can find a link to sign up for a meeting with him on Canvas.*

Formatting and Length

- 5-6 pages if writing an individual paper or 7-8 pages if writing with one partner.
- Double-spaced with 1-inch margins and no extra spaces between paragraphs.
- Font should be 12-point Times New Roman.
- May choose to use a limited number of sections/section titles at your discretion.
- Limit the use of lengthy direct quotations and large block quotes – paraphrase wherever possible.
- All sources must be cited, whether direct quotations, paraphrases, or simply information that did not come from your own head. Consult the separate Citation Guide posted to Canvas for more details.
- Any images, figures, graphs, tables, maps, etc. (i.e. anything that is not the text of your paper) may be included in an Appendix located at the end of the paper. This material should also be cited if you did not create it yourself.
- References and Appendix do not count in the page limit.

Be sure to spend time editing and proofreading your paper for both clarity and typos/errors. You will also complete and submit a short self-assessment along with the memo.

Important note: I will be grading this assignment based on the criteria listed above and on the rubric posted to Canvas. Papers that do not follow these guidelines (i.e. rants about personal political opinions, papers that could have been written for any class and make little to no use of specific course concepts/readings, etc.) will not receive a passing grade! All papers will be checked using TurnItIn

plagiarism software, and I report all suspected violations of the Honor Code to Student Conduct as a matter of policy. It is your responsibility to ensure you have uploaded the correct file to Canvas by the deadline.

Discussion Leader Instructions

There will be discussion leaders for 10 of our class sessions, beginning in the third week of class. **All components of the assignment are due to me, posted to Canvas, 24 hours before the class during which you are assigned to present.** This means some assignments will be due on Sunday (prior to a Monday class) – if this applies to your group, you should discuss completing the assignment early if needed.

Being a discussion leader has 3 main components:

1. **Supplemental Reading Presentation/Handout.** As a group, select **one** of the supplemental readings to read and (briefly) present to the class. These readings are all listed on Canvas and can be downloaded in PDF form. Everyone in the group should read the chapter or article well in advance of class and work together on creating a polished presentation and handout (details below).
2. **Current Event/"In the News".** We'll have a few minutes during each class to keep up to date with what's going on in the world of law and courts. As a group, you should identify one current news item to briefly present – this could be related to the day's reading, but need not be. For example, you could update us on upcoming or recent oral arguments, a recent ruling by the Court, comments on the Court from politicians, important action in lower courts, etc. You can consult any major news source and/or SCOTUSblog. Try to aim for a news item that is no more than a couple of weeks old.
3. **Two or three thoughtful discussion questions.** Discussion questions should relate to the reading/topic of the day and should be designed to get other students engaged. Although they can touch on material in your presentation, the focus should be on the main required reading for the day. Broader questions with multiple possible answers tend to be better than specific questions with one right answer. I will edit the question(s) to use in large group discussions, small group discussions, or informal writing assignments.

Presentation/Handout Specifics:

1. Your presentation should be about 5-10 minutes, and you should coordinate as a group so that everyone has a chance to speak.
2. Your presentation should cover the following items:
 - a. Clearly identify the author's main argument(s).
 - b. Highlight the author's most important evidence, including important tables, figures, or graphics if applicable. These can be included on PowerPoint slides (optional) or copied onto your handout. If the evidence is more historical or case-based, it may be helpful to include a short outline or timeline. Think carefully how to summarize the author's evidence so that someone who has not read the chapter/article can understand it.
 - c. Conclude with a reflection on the reading. Examples include: connections to the required reading of the day, connections to readings/lectures from another day of the class, connections to current events/politics, connections to the research of someone in your group, etc. You are not limited to this list, and do not need to discuss all of these items; this is simply to help you generate ideas.

3. As a group, you should prepare a **short** handout (no more than 1-2 pages) summarizing/outlining the argument, main points, and major evidence from the supplemental reading.
4. Optionally, you may prepare a few PowerPoint slides if it's helpful to present your information. If you do so, **keep words to a minimum** and emphasize pictures, charts, tables, etc.

Keys to Success

1. Identify and get in touch with your group well ahead of the date you plan to present. Schedule a time to meet and put it on your calendar. In my experience, groups that try to complete their presentations exclusively over email or that wait until the last minute tend to submit poor work and do not make good use of their presentation time.
2. Select your supplemental reading well in advance of your meeting so that everyone has time to read and digest. I have provided brief notes on each supplemental reading to help you choose (for example, some readings are most appropriate for students who have already taken Political Inquiry or other methods classes). Remember, each group should choose only one reading, and you should make sure everyone is comfortable with the choice.
3. Complete the reading (both required and supplemental) about a week in advance so that you have plenty of time to prepare your presentation, handout, and discussion questions.
4. Practice! Talk through your presentation at least once as a group to make sure everyone understands their part, the presentation flows well, and the timing is right (5-10 minutes).
5. Let me know **early** if you have problems – if a group member isn't responding to messages or showing up to scheduled meetings, or if you're having other challenges in your group, please let me know as soon as the problem arises rather than emailing in a panic 10 minutes before class! This will allow me to reach out to the student and hopefully correct the problem.
6. If you become ill or have another type of emergency situation arise, please contact both me and your group members as soon as you possibly can explaining the situation. You will need to provide some type of documentation to me (i.e. doctor's note, letter from a mental health professional or dean, etc.) and I will provide an alternate assignment. **If you simply don't show up or don't contribute to your group, I will not offer a make-up assignment and you will receive a zero for this portion of your final grade.**

What to Submit to Canvas

24 hours before the class in which your group will present, you should submit the following items to Canvas. Only one person from your group needs to submit (there will be a group dropbox on Canvas). Make sure you have clearly identified who will submit from your group – everyone in the group will receive a late penalty if materials are submitted late.

1. Your 1-2 page handout, as a Word document or PDF.
2. A separate document containing your discussion questions and a link to your current events item. This can be submitted as a Word document or simply entered as a text entry into Canvas.
3. PowerPoint slides, if you plan to use them (this is optional).

Judicial Politics Final Paper

For your final paper, you should select one of your discussion postings from the quarter to expand upon using academic sources and more in-depth analysis.

Basic details:

The text of your paper should be at least 5 and no more than 6 pages, using 12-point Times New Roman font and 1-inch margins (double spaced). You should consult the “Citations Guide” posted to Canvas for details on how to cite sources in your paper.

Be sure to spend time editing and proofreading your paper for both clarity and typos/errors.

Key elements of the paper:

1. The paper addresses *one* of the four major themes of the class (Counter-Majoritarian Difficulty, Interbranch Interaction, Social and Political Impacts, or Support Structures). You *do not* need to follow the questions outlined in the discussion postings exactly, but it should be clear that you are addressing one of these themes. A couple of things to consider:
 - a. Note that if you want to write a paper on Support Structures, you should read ahead in the syllabus to make sure you have enough time to complete the paper.
 - b. I have had students ask in the past about combining themes. Although this is theoretically possible, my experience in grading papers is that it’s fairly challenging given the short length of the paper. While combining two themes is not prohibited, I recommend picking one theme to focus your argument on as this approach tends to lead to better papers.
2. The paper incorporates course themes, concepts, *and readings* as a major component of the analysis.
3. The paper *makes an argument*, which is clearly stated in a thesis statement. Your argument should focus on a testable claim rather than your personal opinions. For example, if your topic was religious freedom, an acceptable thesis would be: “Despite wide bipartisan support of the Religious Freedom Restoration Act at the time of its passage, this congressional override is best described as hyperpluralist due to the lack of judicial consensus in applying the law.” An example of an unacceptable thesis would be: “The Religious Freedom Restoration Act is a bad override because I disagree with the *Hobby Lobby* decision.”
4. The paper uses *evidence* to support the claim. There is no specific requirement for the number of sources you need to cite, but you should incorporate at least some academic sources (such as academic-press books, peer-reviewed articles, or law review articles) into your analysis. These sources could be found on the syllabus, in the supplemental readings on Canvas, or through your own research, depending on your topic. You are also welcome to use sources such as news articles, polls, etc. as evidence for your claim as long as they are reliable (i.e. no random blog posts or Wikipedia entries). Chris Brown at the library is a great resource if you are having trouble identifying sources.

Important note: I will be grading this assignment based on the criteria listed above and on the rubric posted to Canvas. Papers that do not follow these guidelines (i.e. rants about your personal political opinions, papers that could have been written for any class and make little to no use of specific course concepts/readings, etc.) will not receive passing grades! All papers will be checked using VeriCite plagiarism software, and I report all suspected violations of the Honor Code to Student Conduct as a matter of policy.

Final Paper Timeline:

March 4, in class: Do some thinking about your topic before class and be ready to discuss in small groups.

March 6, in class: In-class working session/Q&A (bring your laptop)

March 13, in class: Draft thesis statement due

March 18, in class and on Canvas: Draft due in class and posted to Canvas for peer review session

March 21, 12pm: Final paper due (posted to Canvas)

For this project, you will select an issue in law and politics to research over the course of the quarter. You will examine the issue through multiple lenses – both legal and political – in order to understand its development over time. You have significant freedom in selecting an issue of personal interest to you, but you must identify at least one relevant Supreme Court case within the past 10 years that deals with the issue, as well as at least one congressional or state legislative bill passed within the past 10 years addressing the issue.

The project consists of five main components due throughout the quarter:

1. Project Proposal. Fill out the proposal form posted to Canvas and submit *before* class on January 16. Be ready to briefly discuss your topic in class. Because the goal of this project is to examine *one* issue in depth over the course of the semester, switching topics will not be permitted after this date – so choose carefully! Graded on a pass/fail basis. (Not part of your calculated grade, but you must submit a passing proposal to receive credit for the remainder of the project.)
2. Supreme Court Case Brief. See separate assignment sheet posted to Canvas. 3-4 pages, graded on a letter-grade scale. (30%)
3. Discussion Responses to Canvas: Throughout the quarter, you will post four brief discussion responses to Canvas linking course topics and readings to your specific issue/case. The topics and due dates are available on Canvas. Responses will be graded out of 10 points, and late postings will receive partial credit. (5% per posting/20% total)
4. Topic Paper Draft. Full draft of your topic paper (see below). Your grade for this portion of the project is based on turning in a complete draft (minimum of 4 full pages) that demonstrates significant work and effort, as well as your participation in a peer editing workshop in class. (5%)
5. Topic Paper. Expands upon one of your discussion responses using multiple academic sources and more in-depth analysis. 5-6 pages, graded on a letter-grade basis. (45%)

Although the project is broken up into various percentages above, **you must complete all parts of the project – proposal, brief, 4 discussion postings, draft, and topic paper – in order to receive any credit for the research project.** This means that you must complete the full project in order to pass this course.

Supreme Court Case Brief

The goal of this paper is to summarize and discuss a Supreme Court case relevant to your chosen issue. Your brief should focus on the court case specified in your project proposal.

You should locate the full text of your opinion (including concurrences and dissents, if there are any) on Oyez. We will cover this process in class, but be sure to contact me if you are having trouble. Before jumping in to reading the opinion, I highly recommend reading a few news articles about the case, including both the oral arguments and the decision itself. SCOTUSblog (<http://www.scotusblog.com/category/plain-english/>), the *Washington Post*, and other major newspapers are good places to find this type of information.

The source material for your memo should consist of the text of the decision and dissents, relevant portions of the Constitution, and news articles on the background and impact of the case. While it is fine to use summaries through Oyez or other websites to double check your understanding of the case, you should also be reading the case itself, putting the main ideas into your own words, and citing the case. **Do not cite case summaries like Oyez or Wikipedia** – even if you consult these sources to aid in your understanding, you must still read the case and find your evidence in the case text.

Some of the decisions will be quite long, but when this happens they will usually be split up into sections. When reading, skim those long sections rather than skipping the other parts of the decision. Each case will have a syllabus linked to separately on Oyez, which will summarize both the background of the case and the important sections and let you know which pages they all start on. However, it will not summarize concurrences and dissents, so you must read those separately if they exist (they are listed as separate links on Oyez).

These are the ingredients of the brief. The completed brief should not exceed 4 pages:

- 1) In ½ to 1 page, write a **synopsis of the case**. This needs to be in your own words (no direct quotes, no copy-and-paste). Depending on the complexity of the case, you will have to get into more or less detail.
- 2) What were the **arguments presented on each side** by the litigants? What legal, statutory, or constitutional principles came into conflict? What other decisions were relevant to the case at hand?
- 3) What was the **Court's verdict**?
 - a. Who wrote the Court's opinion, and who joined it? Were there any concurrences? How did these differ with what was said in the main opinion? Were there any dissents? What were the main points of controversy between the majority and the dissenting justices?
 - b. Did the majority/dissenting sides break down on traditional voting lines, or were there any surprising votes? What, if any, were the points of agreement among these "strange bedfellows?"
 - c. Is the ruling in this case important going forwards? That is, does it indicate that the court will re-evaluate past cases, or that something that was previously not allowed will now be upheld as constitutional? The case itself will usually not tell you this information; you'll need to consult news articles.

The fine print: Your brief should be at least 3 pages long and no more than 4 pages long, double spaced. Use 12-point Times New Roman font and 1-inch margins. Please take the extra five minutes to ensure you have the correct formatting!

You must clearly **cite all of your sources**. Remember that anything not inside quotation marks must be in your own words. You must cite any ideas that are not your own, whether they are rewritten in your own words or not. There is a Citation Guide posted to Canvas with more details, but send an email or make an appointment to meet with me if you have any doubt about what or how you should cite. You should include a bibliography at the end of your paper listing the case itself, at a minimum, as well as any other sources used in the paper. The bibliography is not included in the page count.

Late assignments will receive a penalty of 1/3-letter grade per day except in the case of documented emergency situations. Please check your calendar **now** and note any conflicts – if you will have other assignments, exams, or commitments happening on the same day, it is advisable to complete the assignment early.

I have two examples of model “A” case briefs available to view during my office hours – feel free to stop by if you are interested. I do not release these in electronic format since students may wish to write on these same cases in future years.