

PLS 320 – AMERICAN JUDICIAL PROCESS  
Online Section  
Summer 2015

Jessica Schoenherr, Instructor

Email: schoen31@msu.edu  
Office: S209 South Kedzie Hall  
Office Hours: Online Office Hours via Skype TBD

## OVERVIEW

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 Supreme Court is a major political player. People care about who gets put on the Court, who leaves the Court, who writes the opinions, and what those opinions say. The Supreme Court is not just a legal decision-maker; it is a political one as well.

This class will discuss the American judicial process, particularly the processes within the US Supreme Court and their impact on politics and policy. Throughout the semester, we will discuss the questions that plague the judiciary, such as:

- How do justices get on the court? How do justices decide to retire? How do presidents decide who to pick, and how does the confirmation process work?
- 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?
- What is oral argument and how does it affect the outcome of a case?
- 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 the Court interact with external institutions (Congress, the president, the people, interest groups)? What is their impact on the Court, and what is the Court’s impact on them?

## COURSE MATERIALS

Please purchase the following book for this class (either digital or physical copy is fine).

- Toobin, Jeffrey. 2007. *The Nine: Inside the Secret World of the Supreme Court*. New York: Anchor Books.

All other course material will be placed on Desire2Learn (D2L) under the appropriate module heading. Please ensure you have access to D2L at the beginning of the semester; if you do not, please email me within the first two days of class.

## COURSE REQUIREMENTS

### Module Quizzes (40%):

Over the course of the class, you will be completing five different modules, each of which covers topics related to the United States Supreme Court. At the end of each module, you will complete a multiple-choice quiz covering the topics discussed in the lectures and readings for that module. All quizzes will be open book and open note, but you may *not* collaborate with anyone else in the class to complete the quizzes.

You will be able to take each quiz twice to improve your score. Each module's quiz and any retakes must be completed by 11.59 PM EDT on the due date listed below. Late quizzes will not be accepted. If you did not take advantage of your retake quiz before the deadline, your grade will remain your original grade.

I will provide an answer key for each quiz within twenty-four hours of the quiz closing for you to use for review for the final.

#### Module Write Ups (40%):

Alongside the course material, you will also be reading *The Nine* by Jeffrey Toobin over the course of the semester. This is a truly enjoyable book that discusses the Rehnquist and Roberts Courts and the important cases they decided.

For each module, I will provide a list of questions about that module's chapters. Your assignment is to pick TWO of the questions and provide a short (5-8 sentences) answer to them.

Each write up should be submitted to the digital dropbox on D2L for that module (Assignments > Dropbox > Module #). They should be completed in Times New Roman 12 pt. font with 1" margins. All write ups must be submitted as a PDF. Write ups must be completed by 11.59 PM EDT on the module due date listed below; 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: not accepted

#### Final (20%):

To evaluate all that you learned throughout the semester, there will be a final for the class. The final will open at 12 AM EDT on July 1<sup>st</sup> and will close at 11.59 PM EDT on July 2<sup>nd</sup>. The final will consist of 50 multiple-choice questions and two essay questions. The 50 multiple choice questions will come from questions on the module quizzes.

The final, like the quizzes, will be open book, open note, and you will *not* be able to collaborate with anyone else in the class on it.

### **FORMAT AND PACING**

Each module will consist of three different parts: 1) a set of lectures on that module's topic; 2) a reading assignment and/or video assignment and/or audio assignment that on the topic; 3) a set of chapters from *The Nine*. I would suggest watching the lectures first, then doing the reading/audio/video assignments, as the readings exist to enhance your understanding of the basic course material. Your quizzes will cover material from the lecture *and* the reading assignments. *The Nine* can be read at any point in the process; questions from it will not be on your quizzes as you will be answering those questions in your write ups.

Should you desire, you can complete the modules before their due date and move through the class more quickly than the schedule outlines. All modules will be up at least a week before their start date. The only thing you cannot do early is the final. That will only be open at the above listed time.

### **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%).

## COURSE POLICIES

### Computer Problems

This is a seven-week online course. The accelerated schedule requires diligence and organization on your part. It also requires a commitment by you to getting the work done on time. Because this is an online class, you are expected to have access to a working computer. "Computer problems" (from your mouse not working to your hard drive crashing) are not an excuse for not completing work. Please ensure you have alternative means to complete the work if needed and that you regularly back up your work. If you have *any* problems with anything technical in the class, I expect you to let me know as soon as possible so we can make alternative arrangements.

### Academic Integrity and Honesty

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://www.msu.edu/unit/ombud/academic-integrity/index.html>

### Course Communications

I will send occasional updates and notes via D2L. 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.

### Grade Appeals

If you have a question or concern about your performance on any course work, please submit a written statement that clearly and concisely explains why you believe you should receive a different grade. All concerns must be raised within a week of that module's end date. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

## AVAILABILITY

Email is the best way to contact me. My email address is [schoen31@msu.edu](mailto:schoen31@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 week over Skype. I will send out a poll the first week of class to determine the best time to host them. I set aside this time for you to ask me questions about course material outside of class; 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.

### COURSE OUTLINE AND DUE DATES

Module Number	Subject	Assignments	Quiz and Write Up Due Date
1	The Brethren: An Introduction to the Court and a Discussion of How it gets its Members	<ul style="list-style-type: none"> <li>• Watch:               <ul style="list-style-type: none"> <li>○ C-SPAN's Supreme Court Week Documentary, link: <a href="http://supremecourt.c-span.org/Video/TVPrograms/SC_Week_Documentary.aspx">http://supremecourt.c-span.org/Video/TVPrograms/SC_Week_Documentary.aspx</a></li> </ul> </li> <li>• Read:               <ul style="list-style-type: none"> <li>○ Artemus Ward: <i>Deciding to Leave</i>, Chapter 1 (D2L)</li> <li>○ Jeffrey Toobin: <i>The Nine</i>, Introduction, Chapters 1-6</li> </ul> </li> </ul>	May 26 <sup>th</sup>
2	Selection: How the Court Picks Cases	<ul style="list-style-type: none"> <li>• Read:               <ul style="list-style-type: none"> <li>○ HW Perry, Jr: <i>Deciding to Decide</i>, Chapters 9-10 (D2L)</li> <li>○ Jeffrey Toobin: <i>The Nine</i>, Chapters 6-11</li> </ul> </li> </ul>	June 2 <sup>nd</sup>
3	May it Please the Court: Briefs and Oral Arguments	<ul style="list-style-type: none"> <li>• Read:               <ul style="list-style-type: none"> <li>○ Barbara Perry: <i>The Michigan Affirmative Action Cases</i>, Chapter 5 (D2L)</li> <li>○ Jeremy Irons and Stephanie Guitton, ed: <i>May it Please the Court</i>, Introduction (D2L)</li> <li>○ Jeffrey Toobin: <i>The Nine</i>, Chapters 12-15</li> </ul> </li> </ul>	June 9 <sup>th</sup>
4	Please Join Me: Voting and Opinion Writing	<ul style="list-style-type: none"> <li>• Read:               <ul style="list-style-type: none"> <li>○ Linda Greenhouse: <i>Becoming Justice Blackmun</i>, Chapter 8 (D2L)</li> <li>○ Wahlbeck, Spriggs, and Maltzman: "Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court" in <i>Courts, Judges, and Politics</i> (D2L)</li> <li>○ Jeffrey Toobin: <i>The Nine</i>, Chapters 16-20</li> </ul> </li> </ul>	June 23 <sup>rd</sup>
5	The Judiciary: Influenced and Influencer	<ul style="list-style-type: none"> <li>• Read:               <ul style="list-style-type: none"> <li>○ Amy Leigh Campbell: <i>Raising the Bar</i>, Chapters 2-3 (D2L)</li> <li>○ Paul Collins: "Interest Groups and Their Influence on Judicial Policy" (D2L)</li> <li>○ Jeffrey Toobin: <i>The Nine</i>, Chapters 21-end</li> </ul> </li> </ul>	June 30 <sup>th</sup>
Final	Opens 12 AM July 1 <sup>st</sup> , Closes 11.59 PM July 2 <sup>nd</sup> .		

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 at the start of the module.