

PLS 320 – AMERICAN JUDICIAL PROCESS
 Tuesdays and Thursdays, 10:20 AM to 11:40 AM
 Three Credits
 108 Kresge Art Center
 Fall 2018

INSTRUCTOR INFORMATION AND ACCESSIBILITY

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COURSE DESCRIPTION AND OBJECTIVES

In *Federalist 78* Alexander Hamilton famously called the judiciary "the weakest of the three departments of power" because it "has no influence over the sword or the purse; no direction either of the strength or of the wealth of the society; and it can take no active resolution whatever." Yet in modern times, the 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, but a political one as well.

This class will discuss the American federal judicial process, particularly those of the United States Supreme Court, and how those processes influence 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 obtain a copy of the following books for this class (either digital or physical copy is fine, but if you use the digital copy, it is your responsibility to locate the corresponding page numbers).

- Baum, Lawrence. 2016. *The Supreme Court*. 12th Edition. Los Angeles: CQ Press.
- Woodward, Bob and Scott Armstrong. 1979. *The Brethren: Inside the Supreme Court*. New York: Simon and Schuster.

Please note there are several previous editions of the Baum book. I will be teaching and testing out of the 12th edition and expect you to have that version. If you use an older edition, you do so at your own risk. Any copy of the Woodward and Armstrong book is fine.

All other course material will be placed on Desire2Learn (D2L). Please ensure you have access to D2L at the beginning of the semester; if you do not, please email me during the first week of class. I will also be posting screencasts of our course lectures to help aid your studying.

COURSE REQUIREMENTS

Your grade will be determined using the following weights:

Area	Weight
In-Class Quizzes	40%
Written Assignments	30%
Attendance	15%
Final	15%
Total	100%

In-Class Quizzes (40%):

Over the course of the class, you will be taking six in-class quizzes. Each quiz will have between 10 and 15 multiple choice questions and 2-3 short answer questions (3-5 sentences of writing) per quiz. These quizzes are not cumulative. The first quiz will cover the material from the first three weeks of the class. Each subsequent quiz will cover the material examined since the last quiz, meaning each quiz will cover approximately two weeks' worth of material.

The quiz schedule is included at the end of the syllabus. Quizzes will be on Tuesdays. I will start these classes by asking if you have any questions about the recent material. After I answer all the questions, I will begin the quiz. You will have approximately 25 minutes to complete it. All quizzes will be closed-note and closed-book.

Because we will be taking these quizzes frequently, you will not be able to make them up if you miss class that day. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; or (4) observance of a religious holiday. If you miss a quiz for one of these reasons, you must provide documentation that allows me to verify your absence falls into one of these categories. All claims must, when possible, be made prior to the quiz that you will miss. Failure to follow these guidelines will result in a grade of "0" being awarded for that week's quiz.

But, because life happens, I will drop your lowest quiz score (meaning your final quiz grade will be from your five best quizzes). That means you can miss one quiz without incurring a penalty.

Written Assignments (30%):

Alongside the course material, you will also be reading *The Brethren* by Bob Woodward and Scott Armstrong. This is a fun read that covers the first seven terms of the Burger Court (October 1969 to June 1976), including discussion of the Supreme Court's decisions in cases like *Roe v. Wade* (1973) and *U.S. v. Nixon* (1974).

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

Your reading assignments are as follows:

Due Date	Chapters
9/30	Introduction, Prologue, 1969, 1970, and 1971 terms
10/28	1972 and 1973 terms
11/18	1974 and 1975 terms

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

- 1-15 minutes late: -10% of grade
- 16-60 minutes late: -20% of grade
- 60-180 minutes late: -30% of grade
- More than 180 minutes late: not accepted

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

Attendance (15%):

Coming to class is important! I will provide a sign-in sheet at the start of each class; it is your responsibility to sign it when you walk in. Students who come in late can sign in at the end of class. If you do not sign in, then I have no record of your attendance, and you will receive a "0" for attendance for that day.

Occasionally, I will ask students to turn in something at the end of class (for example, group work or a sample quiz question). These assignments are your exit tickets to get full attendance points for that class.

Attendance for each class will be worth three points. If you show up on time and do not leave early, then you get all three points. If you show up late, you lose one point. If you leave early, you lose one point. If you fail to turn in an end of class assignment, you lose one point. So, for example, if you get to class late and leave early, your attendance grade for that class will be 1/3.

I will drop your four lowest attendance grades, which means that you can miss class four times before you start losing attendance points. Exceptions will be made in the event of an emergency (medical or otherwise), religious holiday, or university-sponsored activity for which you can provide documentation (see the "In-Class Quizzes" section for details).

Final (15%):

To evaluate all that you learned throughout the semester, there will be a final for the class. This final will be cumulative and will consist of 50 multiple-choice questions and two essay questions. 40 of the multiple choice questions will come from previous in-class quizzes, while 10 will be new questions from the last two weeks of course material.

The final for this class is on Thursday, December 13th from 10 AM to 12 PM in our usual classroom (108 Kresge Art Center).

Like the quizzes, the final will be closed-book and closed-note.

All exams must be taken during the period in which they are scheduled. Exceptions will be made only in extreme circumstances, including (1) medical emergencies; (2) emergencies involving a family member that necessitate your absence from campus; (3) participation in a university-sponsored activity; (4) observance of a religious holiday; or (5) three or more exams are scheduled for the same day during finals

week. You must provide documentation that allows me to verify your absence was valid. All claims must, when possible, be made at least two weeks prior to when the exam is scheduled. Failure to follow these guidelines will result in a grade of "0" being awarded for the final. I reserve the right to have the makeup exam be of a different format than the exam that is given during class.

GRADING SCALE

I will use the following scale to assign course grades:

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

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

AVAILABILITY OF COURSE PERSONNEL

Email is the best way to contact me and the teaching assistant. My email address is schoen31@msu.edu, Ke's is xiake1@msu.edu. If you email us, 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 we probably missed it.

I will have office hours every Thursday from noon to 2 PM. My office is in South Kedzie Hall (368 Farm Lane), office 237. Ke will have office hours as well, which will be every Tuesday from noon to 2 PM in her office, which is also in South Kedzie Hall, office 214. We set aside this time for you to ask questions about course material outside of class, so please utilize it. If you cannot make it to office hours, I am also available by appointment if you have anything you would like to discuss.

HONORS OPTION

If you are interested in completing an Honors Option in this class, please contact me by Friday, September 7th, 2018 for further discussion.

COURSE PROCEDURES

Course Communications

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

Classroom Content Recording and Sharing:

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

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

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

Grade Appeals:

If you receive a grade and see that it contains an arithmetic error (i.e., we mis-calculated your grade), please go to the Teaching Assistant, Ke, and inform her of the problem. If you have a question or concern about your performance on any course work, please first contact the individual responsible for grading that assignment (myself or Ke, the teaching assistant). All concerns must be stated in writing (paper or email), beginning with a statement that concisely explains why you believe your grade should be altered.

All concerns, whether arithmetic or otherwise, must be raised within one week of that assignment/quiz's release to students. It is your responsibility to attend the class session in which materials are returned; the one-week clock starts when we make the initial attempt to distribute the exam/assignment regardless of whether or not you were there to collect it. If you do not raise your question within this one-week period, you forfeit your ability to appeal your grade.

Unclaimed Coursework Policy:

Per the MSU Code of Teaching Responsibility, I will retain any unclaimed physical materials related to the course (your quizzes and final) for one semester after the course is over. At the end of the Spring 2019 semester, I will purge my files of all coursework still in my possession.

COURSE POLICIES

General Statement:

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

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

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

Academic Integrity and Honesty:

The [Spartan Code of Honor](#) states, "As a Spartan, I will strive to uphold values of the highest ethical standard. I will practice honesty in my work, foster honesty in my peers, and take pride in knowing that honor is worth more than grades. I will carry these values beyond my time as a student at Michigan State University, continuing the endeavor to build personal integrity in all that I do." In addition, Article 2.III.B.2 of the Student Rights and Responsibilities (SRR) states that "The student shares with the faculty the responsibility for maintaining the integrity of scholarship, grades, and professional standards." The (insert name of unit offering course) adheres to the policies on academic honesty as specified in General

Student Regulations 1.0, Protection of Scholarship and Grades; the all-University Policy on Integrity of Scholarship and Grades; and Ordinance 17.00, Examinations (see [Spartan Life: Student Handbook and Resource Guide](#) and/or the MSU Web site: www.msu.edu.)

Therefore, unless authorized by your instructor, you are expected to complete all course assignments, including homework, lab work, quizzes, tests and exams, without assistance from any source. You are expected to develop original work for this course; therefore, you may not submit course work you completed for another course to satisfy the requirements for this course. Also, you are not authorized to use the www.allmsu.com Web site to complete any course work in this course. Students who violate MSU academic integrity rules may receive a penalty grade, including a failing grade on the assignment or in the course. Contact your instructor if you are unsure about the appropriateness of your course work (see also the [Academic Integrity](#) webpage).

Grief Absence Policy:

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

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

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

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

TurnItIn Policy:

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

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

COURSE OUTLINE AND DUE DATES

Please complete the assigned readings/viewings/listenings by Tuesday every week. If you wait until Thursday, you will not get as much out of class discussion.

Week	Class Dates	Subject	Assignment
1	8/30	Syllabus Day	--
2	9/4, 9/6	Introduction to the Supreme Court	<ul style="list-style-type: none"> • Read: Baum Chapter 1 • Watch: C-SPAN's Supreme Court Documentary, https://cs.pn/2JHG414
3	9/11, 9/13	Social Science Research	<ul style="list-style-type: none"> • Read: Wheelan Chapter 1 (D2L) • Read: Wheelan Chapter 11 (D2L)
QUIZ 1 ON TUESDAY, SEPTEMBER 18			
4	9/18, 9/20	Retirements, Nominations, and Confirmations	<ul style="list-style-type: none"> • Read: Baum Chapter 2 • Read: Ward Chapter 1 (D2L)
5	9/25, 9/27	Certiorari and Agenda-Setting	<ul style="list-style-type: none"> • Read: Baum Chapter 3 • Read: Lane and Black 2017 (D2L)
WRITTEN ASSIGNMENT 1 DUE ON SUNDAY, SEPTEMBER 30TH			
QUIZ 2 ON TUESDAY, OCTOBER 2ND			
6	10/2, 10/4	Briefs	<ul style="list-style-type: none"> • Read: Black, Hall, Owens, and Ringsmuth 2016 (D2L) • Listen: <i>Amicus</i>, "Goodbye General!" https://bit.ly/28Sd6tO
7	10/9, 10/11	Oral Argument	<ul style="list-style-type: none"> • Read: Black, Johnson, and Wedeking Chapter 1 (D2L) • Listen: <i>More Perfect</i>, "Justice, Interrupted," https://bit.ly/2MALjjV
QUIZ 3 ON TUESDAY, OCTOBER 16TH			
8	10/16, 10/18	Decision-Making	<ul style="list-style-type: none"> • Read: Baum Chapter 4 • Listen: <i>More Perfect</i>, "The Political Thicket," https://bit.ly/2Mxo1M0
9	10/23, 10/25	Legitimacy and Implementation	<ul style="list-style-type: none"> • Read: Baum Chapter 5 • Read: Baum Chapter 6
WRITTEN ASSIGNMENT 2 DUE ON SUNDAY, OCTOBER 28TH			
QUIZ 4 ON TUESDAY, OCTOBER 30TH			
10	10/30, 11/1	Interest Groups as Influencers	<ul style="list-style-type: none"> • Read: Collins 2012 (D2L) • Listen: <i>More Perfect</i>, "The Imperfect Plaintiffs," https://bit.ly/2OXAD0j
11	11/6, 11/8	Separation of Powers	<ul style="list-style-type: none"> • Read: Bailey and Maltzman 2012 (D2L)
QUIZ 5 ON TUESDAY, NOVEMBER 13th			
12	11/13, 11/15	Judicial Psychology	<ul style="list-style-type: none"> • Read: Bartels 2010 (D2L)
WRITTEN ASSIGNMENT 3 DUE ON SUNDAY, NOVEMBER 18TH			
13	11/20	Experiments	<ul style="list-style-type: none"> • Read: Armaly 2018, https://bit.ly/2B4M2ZI
14	11/27, 11/29	Lower Federal Courts	<ul style="list-style-type: none"> • Read: Corley, Ward, and Martinek Chapter 9 (D2L)
QUIZ 6 ON TUESDAY, DECEMBER 4TH			
15	12/4, 12/6	Final Thoughts	--
FINAL ON THURSDAY, DECEMBER 13TH FROM 10 AM TO 12 PM			

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