

Clark University
Professor Mark C. Miller
Pol Sci 253: U.S. Judicial Politics
Office: 308 Jefferson Academic Center
Office Hours: M W 10:30-11:30am, Thurs 10:30-11:15

Spring 2013
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Other hours by appointment

Required Books:

Baum, Lawrence. *American Courts: Process and Policy*, 7th edition. Houghton Mifflin.
Miller, Mark C., editor. *Exploring Judicial Politics*. Oxford University Press.
Carter and Burke. *Reason in Law*, 8th edition. Longman.
Breyer, Stephen *Making our Democracy Work: a Judge's View*. Alfred A. Knopf
Cross, Decision Making in the U.S. Courts of Appeals, Stanford University Press.
Gibson and Caldeira. *Citizens, Courts, and Confirmations*. Princeton University Press.
Walker. *Eligible for Execution*. CQ Press.
Pacelle, Curry, & Marshall, *Decision Making by the Modern Supreme Court*. Cambridge.

All books are available at the university bookstore and are on closed reserve at Goddard Library.

<u>Exams and Grading:</u>	Response Paper to Special Talks	10%
	All-essay Midterm	25%
	Research paper	30%
	Two Hour Final Examination	35%

EXPECTATIONS of STUDENTS: In order to get their money's worth and have fun with this class, students should want to work hard and think hard. Thus I assume all students will always attend class and complete all reading and other assignments on time. Students must contact the professor before the due date concerning problems with exams or research papers. Leave a voicemail message if you can't reach me personally or try me via email. Class participation and attendance will weigh heavily in deciding borderline grades. Make-up exams will be given only under extraordinary circumstances. Research papers and response papers must be handed in in hard copy; emailed papers are not accepted. No electronics in class without permission, please.

Level of Course:

This is an upper level American government course which will examine various aspects of the process and politics of the judicial system in the United States. The course is also part of the Law and Society concentration. This is not a Constitutional Law course, and we will read very few actual court decisions. Instead, this is a course which examines how political scientists study judicial politics and judicial behavior. It assumes information learned in the Intro to American Government course (Pol Sci 050). While Pol Sci 050 is not a formal prerequisite, that course or other law related courses are certainly helpful background for this course. If you have any questions, please see the professor.

Reading and Other Assignments:

Introduction and the Purpose of the Courts — January 14

Baum: Chpt 1

Organization of the Courts — Jan 17

Baum: Chpt 2

Miller: Chpt 1

Legal Reasoning, the Common Law, and Judicial Activism & Judicial Restraint – Jan 24, 28

Carter and Burke: **ALL**

Miller: Chpt 14

Selection of Judges — Jan 31, Feb 4

Baum: Chpt 4

Miller: Chpts 2 and 3

Reserve Reading: Republicans Turn Judicial Power into a Campaign Issue

Reserve Reading: The Court and the Next President

Reserve Reading: Ouster of Iowa Judges Sends Signal to Bench

Reserve Reading: GOP Aims to Remake Florida Supreme Court

Reserve Reading: Election 2012: Iowans Reverse Trend, Retain Supreme Court Justice

Background of Judges — Feb 7, 11

Baum: Chpt 5

Miller: Chpts 16, 17

Reserve Reading: Supreme Court Nominations

Reserve Reading: Obama's Judiciary at Midterm

Reserve Reading: Justice in Chief

Special Talk: Thursday, Feb 7, 7:00pm Greg Stohr, journalist who has covered the U.S. Supreme Court, Higgins Lounge at Dana Commons (Response paper due on this talk, details discussed in class).

The Role of Lawyers — Feb 14, 18

Baum: Chpt 3

Miller: Chpt 4

Reserve Reading: Provide Legal Support to Those Most Vulnerable

Reserve Reading: Why do so Few Women Reach the Top of Big Law Firms?

Special Talk: Clark Alums Currently in Law School (Probably February 18 or 19) (Response paper on this talk).

Trial Courts: Civil Cases — Feb 21, 25

Baum: Chpt 7

Miller: Chpts 6, 7

Reserve Reading: The Feeblest Branch

Midterm — Thursday Feb 28 (tentative date)

Trial Courts: Criminal Cases — March 11, 14

Miller: Chpt 5 Baum: Chpt 6

Reserve Reading: A Voice from the Past

Reserve Reading: Sentencing Shift Gives New Leverage to Prosecutors

Trip to Visit the U.S. Supreme Court and other federal judicial agencies – March 18 (by application only)

Capital Punishment: Trials and Sentencing – March 21

Walker: **ALL**

Reserve Reading: After a 32 Year Journey, Justice Stevens Renounces Capital Punishment

Appellate Courts: Process — March 25, 28

Baum: Chpt 8

Miller: Chpts 8, 9

Cross: **ALL**

Reserve Reading: A Conservative's Road to Same-Sex Marriage Advocacy

Reserve Reading: When Fairness and the Law Collide, One Jurist is Troubled

Reserve Reading: Down the Memory Hole

Appellate Courts as Policy Makers — April 1, 4, 8

Baum: Chpt 9

Miller: Chpts 12, 18

Breyer: **ALL**

Reserve Reading: Justice Stevens is Off the Bench, but Not Out of Opinions

Reserve Reading: Should Justices Keep their Opinions to Themselves?

Reserve Reading: Court of the Olympics

Reserve Reading: Dissent by Scalia Is Criticized as Political

3rd Draft of Research Paper Due – Monday April 8

The Supreme Court: Process and Procedures – April 11, 15, 18

Pacelle et al: **ALL**

Miller: Chpts 10, 11

Video on Supreme Court justices, to be shown in class

Reserve Reading: Most Conservative High Court in Decades

Reserve Reading: Keep the Briefs Brief, Literary Justices Advise

Reserve Reading: In Supreme Court Term, Striking Unity on Major Cases

The Supreme Court and Public Opinion – April 22, 25

Gibson and Caldeira: **ALL**

Miller: Chpt 15

Reserve Reading: Public's Opinion of Supreme Court Drops after Health Care Law Decision

Final Draft of research paper due — Thursday April 25

The Courts and the Other Branches – April 29

Miller: Chpts 19, 20

Reserve Reading: Breyer and Scalia Testify at Senate Judiciary Hearing

Reserve Reading: Recusal of Fortune: Gaming the Bench

Reserve Reading: Congressional Attitudes toward the Courts: Governance as Dialogue

Final Examination — Monday May 6, 4:00-6:00pm