

PS 305: The U.S. Supreme Court
Department of Political Science
University of Illinois at Urbana-Champaign
Summer 2019

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Introduction: What is this course about?

This course examines how the modern U.S. Supreme Court resolves major issues in American politics. After a substantive overview of the course, this syllabus presents important information on materials for the course, course policies and computation of grades. Then, it presents a lengthier, unit-by-unit discussion of readings, on-line lectures, required discussion postings, required essays and the final examination.

This course has three parts. Unit 1 begins with recognition that the U.S. Supreme Court sits at the summit of a complex legal system. Unit 1 examines the U.S. legal structure in detail in order to situate the role of the Supreme Court within the broader context of the system in which it operates.

Unit 2 considers political implications of two important Supreme Court selection processes—the selection of Supreme Court justices and in turn the selection of cases that the Supreme Court chooses to hear. In what ways does the Supreme Court justice selection process impact the neutrality of selected justices? And, how does the certiorari process impact whose cases—and what type—have access to justice at the highest level?

Unit 3 considers social scientific accounts of decision making by the U.S. Supreme Court. We will read different political scientists' works that attempt to answer the question of how Supreme Court justices actually make their decisions. These perspectives are the benchmarks in modern social scientific discussion about the U.S. Supreme Court.

What are the course goals or learning outcomes?

This course covers a great deal of material from the required books plus supplemental readings over eight weeks. By necessity, we will also leave much out. We couldn't possibly cover everything about the Supreme Court in one class! Students taking this class will:

- Learn about the American legal system and the Supreme Court's position in it;
- Understand complex political elements impacting the Supreme Court;
- Examine how the Supreme Court impacts American society at both micro and macro levels;
- Analyze and evaluate political scientists' theories on Supreme Court behaviors; and
- Strengthen writing skills.

Students should make sure that this course is one that meets their interests and aspirations.

Drop deadline reminder

Should you decide that this class is not for you, you may drop the course until the **drop deadline: July 5**.

Note: If this is the only class you registered for this summer and you choose to drop, you will need to work with your department to withdraw for the term. Contact your departmental academic advisor for assistance.

Course Materials

We will utilize the learning management system Moodle at <https://learn.illinois.edu/>. This course is taught entirely online. In addition to the assigned textbooks, readings designated with * in this syllabus will be provided on our Moodle page.

The text for this course is: Lawrence Baum, The Supreme Court, 12th ed. (Los Angeles: CQ Press, 2015).

The following other books are required for this course:

Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998)

Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003)

David M. O'Brien, Storm Center: The Supreme Court in American Politics, 11th ed. (New York: W.W. Norton, 2017)

Jeffrey A. Segal and Harold J. Spaeth, The Supreme Court and the Attitudinal Model Revisited (New York: Cambridge University Press, 2002)

Supplemental readings will be provided as links on our Moodle site.

What should you know about this course? Course Policies—PLEASE READ CAREFULLY

Prerequisites. This upper level course is designed for students who have completed an introductory course on American Government, e.g., PS 101, and a course on the role of courts in the constitutional or political system, e.g., PS 301, 302 or PS 322. Advanced undergraduates who have not yet taken these classes may still succeed in this course with a diligent commitment to learn the material. Such students may benefit from a review of a primer on constitutional law. Other students may wish to select other courses for enrollment.

Student Objectives and Accommodations. As with any other advanced course in the Department of Political Science, this class requires a substantial amount of reading and writing. Review the syllabus and the course schedule, and make sure that you will get the course that you expect and want. Students requiring special assistance or reasonable accommodations to meet course requirements should contact the course instructor as soon as possible. More information on Disability Resources and Educational Services can be found at <http://www.disability.illinois.edu/>

Weekly Announcements and Text Reminders. Each week of the course I will post reminders and announcements on our Moodle page. Students can also receive optional text reminders when assignments are nearing their due dates by subscribing for free at www.remind.com or by using the Remind app on your smartphone. Note: You will not be able to contact me through Remind; send me an email instead.

Class Attendance. The Student Code §1-501 requires class attendance of all students enrolled in courses. What “class attendance” means for an on-line course is not entirely clear. Surely, it means consistently checking the website for course announcements, viewing required lectures, completing discussion posts and submitting assignments on time. Participation is an element of the course grade which will be covered in our Unit 1 lectures.

Class and Study Time. It is true of any course but especially with online courses--students who stay engaged and set a consistent study schedule are more successful. Just as in any other course, STUDENTS NEED TO STUDY FOR CLASS. The rule of thumb for any course is that students should expect to study about two to three hours out of class for every hour of class. In a normal semester-long class, that rule implies study time of nine hours per week plus three hours of class: about 12 hours per week total. Because an entire semester's work is compressed into a 1/2 semester time frame, STUDENTS IN THIS CLASS SHOULD PLAN TO SPEND 20 TO 24 HOURS PER WEEK ON THIS COURSE.

Deadlines and Late Policy. Deadlines are an important part of this course for practical reasons. Due to the pace of this 8 week course, assignments must be promptly submitted, graded, and returned to students with feedback prior to the next assignment's due date. Therefore, deadlines and the following late policy will be strictly enforced.

Late policy for essays: All essays must be uploaded by 12:00 p.m. (noon). I will allow a 5 minute grace period for technical surprises. Papers uploaded at 12:06 p.m. or later will be considered LATE and will be reduced by one letter grade for each calendar day (including weekends) that it is late. This is not a

punishment; it is a recognition of the fact that the work was not completed in a timely way and did not meet the clearly stated expectations of the course.

Quizzes: Quizzes will only be available until the due date AND TIME. No quizzes will be accepted after the due date and time. You will have one attempt at each quiz. This means that you can only take the quiz once, but you can take up to four hours to complete it. This is much more time than most people will require, so do not rush. Do not attempt the quiz until you have completed the readings and viewed the lectures for the unit.

Group Assignments: Group assignments must be completed by 12:00 p.m. (noon). I will allow a 5 minute grace period for technical surprises. Any additions or changes after that time will not be considered. Your work as of 12:05 p.m. (noon) on the due date will be graded.

Emergencies. If a pressing emergency arises, please contact me individually (at lgarcia8@illinois.edu) for accommodations BEFORE the due date/time. I define "emergency" as an unforeseeable and sudden problem directly impacting your ability to complete the assignment by the deadline. What is¹ not an emergency? Vacation, oversleeping, and "I misread the syllabus" are not emergencies. Students needing additional time to complete course requirements should contact the Emergency Dean at 217.333.0050 to obtain documentation of their emergency circumstances. More information about that process appears at <http://www.odos.illinois.edu/emergency/> After reviewing any documentation provided by the Office of the Dean of Students, I, in consultation with the student and to the extent appropriate, will settle upon an amended schedule for completion of missed work or support a request for the student's withdrawal from the course.

Academic Courtesy and Integrity. Assignments may evoke strongly held views. PLEASE REMEMBER THAT ALL OUR ACTIVITIES IN THIS CLASS SHOULD BE CONDUCTED IN A CIVIL AND COURTEOUS MANNER. Postings, e-mail exchanges, or quick text messages should have a professional and courteous tone. Students shouldn't post, send e-mail or text when they're angry or upset. Send complete and thoughtful messages. And, allow at least 48 hours for a response. While students are free to discuss class and exchange ideas about completing course assignments freely, students are bound by university regulations in doing so. Assignments or other class work may not copy or paraphrase the work of another student (or any other person) and a student may not pass off that work as his or her own. A student's inability to discuss his or her own work intelligently, to produce drafts or notes developed in completing that work, in addition to the substance of the work, is evidence to be weighed in evaluating claims of academic dishonesty. If students 1) turn in work that was clearly created and submitted for a prior class, or 2) attempt to pass off work that is not yours as your own, you will receive an "F" on the work that you attempted, and unless you complete a remedial assignment, you will fail the course. If you have any questions about university standards on these matters, you should consult the Student Code §§ 1-201 and 1401 et seq.

Sexual Misconduct Policy and Reporting. The University of Illinois is committed to combating sexual misconduct. Faculty and staff members are required to report any instances of sexual misconduct to the University's Title IX and Disability Office. In turn, an individual with the Title IX and Disability Office will provide information about rights and options, including accommodations, support services, the campus disciplinary process, and law enforcement options.

¹ Examples of such primers include: Jerome A. Barron and C. Thomas Dienes, *Constitutional Law in a Nutshell*, 9th ed. (St. Paul, Minnesota: West Publishing Co., 2016) or John E. Nowak and Ronald D. Rotunda, *Principles of Constitutional Law*, 4th ed. (St. Paul, Minnesota: West Publishing Co., 2010).

A list of the designated University employees who, as counselors, confidential advisors, and medical professionals, do not have this reporting responsibility and can maintain confidentiality, can be found here: wecare.illinois.edu/resources/students/#confidential. Other information about resources and reporting is available here: wecare.illinois.edu.

Reservations. To meet requirements now unknown to me or posed by exigent circumstances, this syllabus and course schedule are subject, upon reasonable notice, to revision or change. The course schedule is part of the syllabus for this course.

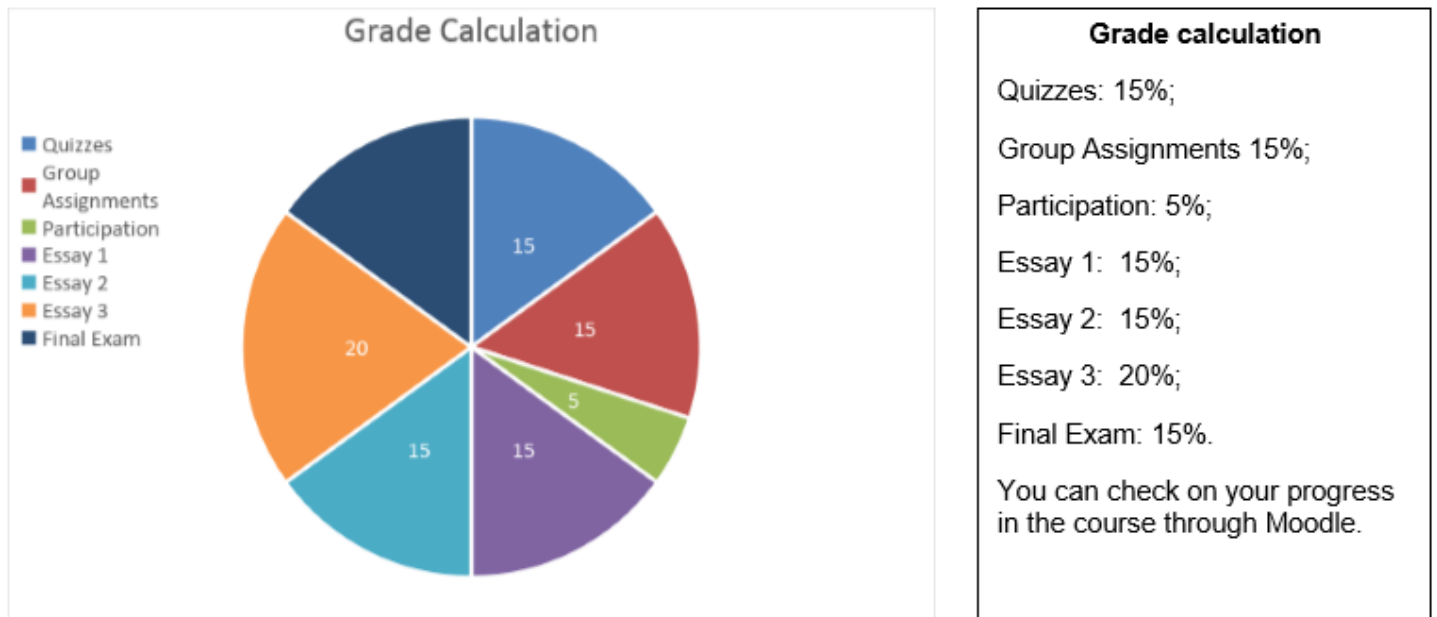
Participation

Participation is part of the course grade to recognize its importance in doing well in the course, as well as providing an incentive and acknowledgement for students to consistently engage with the class. Participation will be worth 5% of the grade total. 3% of participation—1% per unit--will be earned by watching all of the lectures and completing the "quick quizzes" associated with the lectures. (Moodle tracks this information.) The remaining 2% will be assigned at the end of the course using the Participation Rubric found on our Moodle page. The rubric provides extensive detail so that everyone understands exactly how participation will be assessed.

3 percent	Answering the “quick quizzes” in each unit’s lectures
2 percent	Overall participation using the Participation Rubric criteria in Moodle

How will you be graded? Calculation of Grades

Student grades will be computed from a weighted mean of the letter grades on scores for course work. This course employs a plus/minus grading system. Letter grades are assigned to essays, and the average is computed using the values specified in the Student Code § 3-103(a). Quiz grades are cumulated throughout the semester and converted to letter grades at the end of the semester.



Assignments—More information will be posted on our Moodle page and on the Course Calendar online. Here is a general overview of due dates and assignments.

Unit 1: Organization and Unique Qualities of the American Legal System (June 10-June 28)

The Supreme Court sits atop a highly fragmented, loosely interconnected and very formal legal system administered by a politically selected judiciary that resolves millions of cases each year advanced by advocates chosen and compensated by parties having a direct interest in the outcome of their litigation. What consequences, if any, does the institutional structure of the legal system have for the resolution of disputes – civil, criminal or administrative – that the legal system adjudicates? What is the role of the Supreme Court within the context of such a legal system?

Readings:

Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003) All

Lawrence Baum, *The Supreme Court*, 12th ed. (Los Angeles: CQ Press, 2015) Chapters 1-3

David M. O'Brien, *Storm Center: The Supreme Court in American Politics*, 11th ed. (New York: W.W. Norton, 2017) Chapters 1-4

Assignments: Students should complete the assigned readings before undertaking the assignments.

✓ View Unit 1 Lectures

✓ Optional: Submit First Draft of Essay 1 by Saturday, June 22 at 12:00 p.m. (noon)

✓ Complete Group Assignment 1 by Wednesday, June 26 at 12:00 p.m. (noon)

✓ Complete Quiz 1 by Friday, June 28 at 12:00 p.m. (noon)

✓ Submit Essay 1 by Friday, June 28 at 12:00 p.m. (noon)

Unit 2: The Politics of Getting Selected to—and Heard by--the Supreme Court (June 29-July 15)

The Supreme Court exerts extreme control over its own docket through the process known as certiorari. While this may be an efficient way to utilize limited Supreme Court resources, it also presents challenges to litigants' access to justice at the highest level. What is the process of getting a case heard by the Supreme Court? What political challenges does this process present to the American people—and its system of justice—through both the resulting opinions of selected cases and the denial of hearing other cases at all? At the same time, the process of selecting Supreme Court justices—a lifelong appointment—has a significant impact on the composition of the Court in addition to its holdings. What political implications does this process have on who is selected to the Court, and in turn, how that Court represents the American people?

Readings: (* indicates that links to the reading will be provided on our Moodle page)

Lawrence Baum, *The Supreme Court*. Chapters 4-6.

Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 1, 2, & 7,

*Babcock, H. (2015). How the Supreme Court uses the certiorari process in the Ninth Circuit to further its probusiness agenda: A strange pas de deux with an unfortunate coda. *Ecology Law Quarterly*, 41, 653-682.

*Feldman, A., & Kappner, A. (2017). Finding certainty in cert: An empirical analysis of the factors involved in Supreme Court certiorari decisions from 2001-2015. *Villanova Law Review*, 61, 795-842.

Assignments: Students should complete the assigned readings before undertaking the assigned activities.

- ✓ View Unit 2 Lectures
- ✓ Complete Group Assignment 2 by Friday, July 12 at 12:00 p.m. (noon).
- ✓ Complete Quiz 2 by Monday, July 15 at 12:00 p.m. (noon).
- ✓ Submit Essay #2 by Monday, July 15 at 12:00 p.m. (noon).

Unit 3: Decision-Making in the U.S. Supreme Court (July 15-August 1)

How do Supreme Court justices really decide the outcomes of the cases they hear? Is their discretion unlimited, or are they constrained by institutional and societal factors? This unit examines these questions from the perspectives of two classic political science perspectives. This unit also takes a close look at the political implications and outcomes of judging at the Supreme Court level.

Readings:

David M. O'Brien, Storm Center: The Supreme Court in American Politics, 11th ed. (New York: W.W. Norton, 2017). Chapters 5-6.

Lee Epstein and Jack Knight, The Choices Justices Make (Washington, D.C.: CQ Press, 1998). All.

Segal and Spaeth, The Supreme Court and the Attitudinal Model Revisited, *supra*. Chapters 3, 4, 5, 6 & 8.

Assignments: Students should complete the assigned readings before undertaking the assigned activities.

- ✓ View Unit 3 Lectures
- ✓ Submit Group Assignment 3 by Tuesday, July 30 at 12:00 p.m. (noon).
- ✓ Complete Quiz 3 by Thursday, August 1 at 12:00 p.m. (noon).
- ✓ Submit Essay 3 by Thursday, August 1 at 12:00 p.m. (noon).

Final Exam (August 2-3)

The course will have a final exam asking questions that incorporate all course readings. The exam will be available Friday, August 2 at 8:00 a.m. until Saturday, August 3 at 5:00 p.m. All exams must be received by 5:05 p.m. No exams will be accepted after such time.

E-mail:

At the top of this syllabus, I have included my e-mail address. Please do not hesitate to contact me if you have any questions. However, before you do, please check both the course syllabi and Moodle page to see if they may have the answer to your question. Unless otherwise noted, I will answer all e-mails within 24 hours.