POLS 5320 – SEMINAR IN PUBLIC LAW

Wednesdays: 6:00 – 8:50am in BEND Room 205

INSTRUCTOR: Dr. Rebecca Reid
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OFFICE: 307 Benedict Hall
OFFICE HOURS: MW 1:00 pm-5:30 pm, or by appointment

COURSE DESCRIPTION

This course provides graduate students a survey of the literature in judicial politics. The class will focus on judge decision-making, the role of institutions, strategic behavior, the implementation and impact of judicial policies, the relationship between the judiciary and other institutions, and comparative judicial politics. As such, this course will survey the U.S. Supreme Court, lower federal courts, state supreme courts, and domestic judiciaries in other countries. This class is reading intensive and formatted as a seminar to enable students to explore and analyze judicial institutions and behavior through discussion and dialogue.

This is not a course on constitutional law, and the focus will not be on the development of legal doctrines or close readings of important cases. Instead, we will evaluate law and courts as political institutions and judges as political actors and policy-makers.

LEARNING OUTCOMES

Over the course of the semester students will have:

• An understanding of the key elements of judicial institutions and legal systems as well as understand how institutions shape behavior of judges and the legal community.
• Developed a comprehensive understanding of the fundamental theories related to judicial behavior and decision making.
• Developed critical and analytical thinking skills necessary to adapt and apply theoretical arguments to specific institutional and environmental contexts.
• Demonstrated the ability to synthesize and evaluate specific arguments into cogent arguments and explanations.
• Design an appropriate research design paper related to judicial politics.

REQUIRED READING


• Bowie, Jennifer Barnes, Donald R. Songer, and John Szmer. 2014. *The View from the Bench and Chambers.* The University of Virginia Press.


or


Required articles and other readings can be accessed from JSTOR, the UTEP library, or Heinonline (among other sources). Access is free on UTEP campus or at home via proxy.

**COURSE REQUIREMENTS AND GRADING**

Evaluation in this course will be based on the following components:

- Participation in Class 25%
- Critical Evaluations 25%
- Research Design Paper 50%

The grading scale is as follows:

90-100 A
80-89 B
70-79 C
60-69 D
59 and below F

**Participation**: Since this is a graduate level seminar, attendance and participation are essential. Students are responsible for offering their thoughts, opinions, and questions without solicitation from the instructor. Needless to say, these thoughts should have merit and be based upon the readings. Additionally, students will be responsible to lead discussion on a specific number of days (which will be determined during the first week of class). Both components are evaluated to determine the participation grade.
**Critical Evaluations:** Each week for the eight selected weeks*, students are responsible to turn in a critical evaluation essay that must critique the readings due that week. These papers should address the strengths and weaknesses of the readings, discuss common and disparate themes, how the scholarship is advanced (or not) by these readings, the limitations of the readings, how the research can be improved, etc. **This is not a summary of the readings.** Rather, the essay is an assessment of the readings, addressing the theoretical and methodological issues. These papers should be 3-5 pages long, typed, and are due at 5 pm Tuesdays (the day before class each week). References and citations are mandatory, and the works cited pages do not count toward the page limitations.

*Students will select 8 weeks for which they will write these critical evaluation papers. Hence, there will be a total of 8 papers due for each student. Students are responsible for successfully completing and submitting each paper and staying on schedule. Students are under no circumstances able to make up these papers, and I do not accept late work.

**Research paper:** Students must complete a research design paper that offers conference-level work in synthesis of the relevant literature, research question and justification, research design, appropriate operationalization, and data sources. Students are not required to complete the empirical analysis, but the research design must address an appropriate empirical research question with an appropriate research design. Early in the semester, each student must submit a 1-2 page research proposal that includes a detailed research question (s). The goal of the research paper is to explore a topic in judicial politics beyond that covered in assigned readings and class discussion. All topics must be approved by me; hence, I recommend brainstorming research ideas early in the semester as it is rare to find a viable idea on the first try.

The final research design paper is due the last day of class and should be approximately 10-15 pages long. Students must submit their paper both in hard copy format during class and via SafeAssign on Blackboard. Students are encouraged to meet with me periodically throughout the semester for feedback and discuss their progress. I will not give incompletes for the class (except in the gravest of circumstances) and late papers will not be accepted.

**Special Accommodations**

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to cass@utep.edu, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. **CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.**

**Academic Dishonesty**

**Absolutely no form of academic dishonesty will be tolerated.** The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are
expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards.

Any student who commits an act of scholastic dishonesty is subject to discipline. Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts. Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at www.utep.edu/dos, may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

**GENERAL EXPECTATIONS**

I expect all students to behave professionally in this class. You will be held responsible for all material covered in the textbooks, articles, and the class discussions. If you miss a class, you are still responsible for the content of that day’s information. I will not tolerate disruptive behavior. Additionally, I expect all students to attend class prepared and to show up on time. It is disrespectful to the instructor and the other students when individuals show up late or are not prepared to participate in the class discussion. I allow the use of laptops for class purposes only; however, should laptop usage become disruptive, I reserve the right to prohibit laptops and other electronic devices.

This class is designed to challenge students with new, sometimes controversial, ideas and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. This class is designed to initiate an open discussion based upon the required readings, encourage critical thinking and application to current events, and enable students to digest difficult material through these discussions. This class DOES NOT give you knowledge—i.e. knowledge and understanding is not transfused to students by simply sitting in class. Learning is an interactive process and one that is the primary responsibility of each student.

**Late assignments will receive no credit.**

All grades are earned and reflect your reflect the mastery of material through the adequate completion of assignments by their deadline. As such, they do not reflect level of effort, interest, or intention. **I will not change final grades for the course under any circumstances**, with the single exception of cases where an error occurred on my end.
**COURSE SCHEDULE**

The following is a list of topics to be covered at each class meeting, and the readings which should be completed in order to fully participate in class that day. I *require* you to read the material prior to the class since you will be expected to participate in the discussion. Finally, while I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. (As a general rule the course will follow this order of topics, regardless of date changes, unless otherwise announced.)

**WEEK 1: INTRODUCTION, COURTS, INSTITUTIONS, DECISION MAKING**

*Readings due:*


**WEEK 2: AGENDA SETTING**

*Readings due:*


*Supplemental:*


WEEK 3: U.S. SUPREME COURT: ATTITUDINAL MODEL

Readings:


Supplemental:


WEEK 4: U.S. SUPREME COURT: LEGAL MODEL

Readings:


Supplemental:


**WEEK 5: U.S. SUPREME COURT: STRATEGIC MODELS AND SOP**

*Readings due:*


*Supplemental:*


**WEEK 6: OPINION ASSIGNMENT AND CONSENSUS**  
Readings due:


**RESEARCH TOPIC PROPOSAL DUE**

**WEEK 7: U.S. SUPREME COURT: OTHER INFLUENCES**  
Readings due:


**WEEK 8: U.S. COURTS OF APPEALS**

*Readings due:*


**WEEK 9: U.S. DISTRICT COURTS**

*Readings due:*


**WEEK 10: HIERARCHICAL INFLUENCES ON FEDERAL COURTS**

*Readings due:


**WEEK 11: U.S. STATE COURTS**

*Readings due:


*Supplemental:


**WEEK 12: DIVERSITY, IDENTITY, AND DECISION MAKING**

*Readings due:*


**WEEK 13: JUDICIAL INDEPENDENCE**

*Readings due:*


**WEEK 14: COURTS IN A COMPARATIVE PERSPECTIVE**

*Readings:*


Choose one of the following:


Choose 3 of the following:


**WEEK 15: CONCLUSIONS**

**RESEARCH DESIGN PAPER DUE**