

PLSC 481D: The US Federal Court System

MW 550P-715P

Location: Classroom Wing 104

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Office: Library North Ground Room 77

Office Hours (In-Person and Zoom):

Tuesdays 1-2P (Meeting ID: 956 5688 0863)

Fridays 1030-1130A (Meeting ID: 951 5096 1286)

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Course Description

This course examines the components and mechanics of the US federal court system, including the Supreme Court of the United States, US Court of Appeals, US District Courts, and state courts. We will cover aspects of constitutional law, constitutional design of the US court system, processes and procedures of courts, court institutions, and judicial behavior. Students can expect to develop an understanding of the distinct and shared roles these courts play in the US political system and policy-making processes. The role of judicial independence and how it is fostered will be the common thread throughout this course.

Open to Seniors only (Political Science, PPL, ENVI, Dual Diploma majors). Others permitted by petition.

Course Goals

- 1) Develop and practice critical thinking skills regarding the structure and behavior of the US federal court system.
- 2) Explore the role judicial independence plays in the US political system and how institutions structure judicial independence.
- 3) Learn about the different types of courts, their institutional structures, jurisdiction, and processes and procedures.
- 4) Understand how courts interact with each other and other branches of government in the US federal political system.
- 5) Apply a social science lens to analyze past and current court actions and decisions.

Required Texts/Readings

Miller, Mark C. 2015. **Judicial Politics in the United States**. New York: Routledge.

(Hereafter referred to as Miller text. Available online through library – request access directions from instructor)

The United States Constitution (online)

The Federalist Papers (online)

Articles and book chapters listed on the schedule at the end of this syllabus.

Grading Structure

Basis of Grade Calculation

<u>Item</u>	<u>% of Overall Grade</u>
Exam #1	20%
Exam #2	20%
Quizzes/Participation	20%
Simulation Paper	25%
Simulation Presentation	15%

Grading Scale

A	94-100
A-	90-93
B+	87-89
B	83-86
B-	80-82
C+	77-79
C	73-76
C-	70-72
D	65-69
F	<65

Academic Integrity

Faculty and students have a responsibility to abide by and vigorously promote the highest standards of academic integrity.

Students are to carefully review the Student Academic Honesty Code, which can be found on-line in the 2021-22 University Bulletin.

Have questions? Ask me!!

Violations will receive a grade of 0.00 (F) for the class and likely proceedings before the Academic Honesty Committee.

Attendance and Challenges with Assignments/Grades

- Late Written Work
 - 10% grade deduction on assignment for each 24-period past the due date/time.
 - If you anticipate being late on an assignment, let me know as soon as possible AHEAD OF TIME. This may allow for (but does NOT guarantee) leniency.
- Attendance
 - Attendance is a component of your grade. Alerting me AHEAD OF CLASS that you will be absent will grant you an excused absence. Absences may result in additional assignments related to the topic of the missed class.
 - Assignments related to absences are not meant to be a punishment. Rather, they will aim to give students an opportunity to engage in the topics missed.

Attendance and Challenges with Assignments/Grades

- Grade Appeals
 - Appeals must be to the instructor (me) within 7 calendar days (one week) of the date the graded item is returned to the class.
 - Appeals from you must take the form of a one-page, single-spaced memo. These memos must provide detailed, specific, and substantively meaningful reasons tied to the rubric for the assignment in question.
- Make up Exams
 - There will be no make up exams except in truly dire circumstances as determined and approved by the instructor (me).
 - Make up exams will be administered prior to the actual exam day and take on a different format from the regularly scheduled exam.

Notes on Reading

- Give yourself plenty of time to read. Articles may be short in length, but they must pack a lot of information into those pages.
- While readings are noted under specific class days (Monday or Wednesday) each week, please complete all readings for each week prior to the Monday class of that week. This will give you a richer and deeper well of information and thoughts to draw from for the week's classes. It will also alleviate you of the stress of reading Wednesday's articles/chapters in less than 48 hours.
- Be prepared to spend more time unpacking the components of the article, particularly the broad concepts/questions/puzzle and the theory.

Notes on Reading

- Take notes while reading. Note important points, moments of clarity, confusing concepts, questions, etc.
- Identify the broad concepts, questions, and/or puzzles. Every article has at least one question/puzzle it aims to explain. Finding this question/puzzle first should frame how you read the rest of the paper.
- Don't be afraid of the math/statistics! With quantitative analysis, scholars test hypotheses with data. Ask whether the hypotheses make sense based on the article's theory and if the data offers appropriate measurements of the concepts. Some of the statistical methods used may be unfamiliar but engage with it and ask questions!

Notes on Discussion/Lectures

- To be an effective forum for learning and developing critical thinking skills, this course will rely largely on discussion from you! Through most of the course, I will act as a facilitator of information and moderator of discussion. Our discussions rely on you having engaged critically with the readings prior to class.
- To provide a solid foundation upon which our discussions reside, I will lecture as thoroughly but sparingly as possible. Most lecture classes will be toward the beginning of the course.
- Classes may begin and/or end with in-class quizzes related to the readings and discussion related to the topic of the day.

Notes on Simulation

- We will conclude the course with a simulation, taking what we have learned through this course and your prior courses.
- In the simulation, Washington DC has been admitted as the 51st state. We have been commissioned to design the new state's court system.
- The simulation contains three components:
 - 1) In class negotiations
 - 2) In class proposal presentations
 - 3) Final paper
- More information will come throughout the semester.

Students with Special Circumstances

Students who have a disability requiring accommodation (as documented by Services for Students with Disabilities) should be sure to contact me in the first week or so of classes so that we can discuss the logistics of providing any accommodation(s) to which they are entitled.

Student athletes and students who are in the military should also be sure to contact me in the first week or so of classes so that we can develop a plan (if necessary) to help students simultaneously meet their academic obligations for this class and their athletic or military responsibilities.

I am also happy to discuss any other special circumstances (family illness, childcare) that students are experiencing so that we can plan accordingly to permit students to navigate both their academic and other obligations.

Technology in the Classroom

Technology can be both a useful tool or a terrible distraction.

To maximize the former and minimize the latter, please follow these requirements:

- No photography
- No audio recording
- No video recording
- Cellphones only for emergencies
- Laptops only for notetaking (during lectures) or quick references checks approved by the instructor

Time Management and Managing the Unmanageable

Time management is one of the most important skills we should learn. Take time at the beginning of this semester and each week to schedule your priorities (not just for this course but for all aspects of life). If you have difficulty managing your time, I am happy to help you develop strategies!

As 2020 has taught us, life can be unpredictable and challenging. While I hope this course is challenging in the best way possible, I understand that other challenges may come your way during this semester. If events cause you to focus attention on other priorities (e.g., health, family, finances, etc.), please let me know so we can draft a plan to alleviate pressures. Only share the amount of information you are comfortable with sharing; I will try not to pry.

Stress and Mental Health

If you are experiencing undue personal or academic stress at any time during the semester or need to talk with someone about a personal problem or situation, I encourage you to seek support as soon as possible. I am available to talk with you about stresses related to your work in class.

I can also help you in reaching out to appropriate campus resources, including:

- Dean of Students Office: 607-777-2804
- Decker Student Health Services Center: 607-777-2221
- University Counseling Center: 607-777-2772
- Interpersonal Violence Prevention: 607-777-3062
- Harpur Academic Advising: 607-777-6305
- Office of International Students & Scholar Services: 607-777-2510
- Ombudsman: 607-777-2388 (main campus)
- Services for Students with Disabilities: 607-777-2686 (Voice, TTY)

Stress and Mental Health

In the event that you choose to write or speak about experiencing sexual violence, including sexual harassment, dating and domestic violence, sexual assault, stalking, and rape, know that federal and state laws require that your instructor notifies the Title IX Coordinator. The Title IX Coordinator will contact you and provide you with on- and off-campus resources and discuss your options with you.

If you would like to disclose your experience confidentially, you can contact the University Counseling Center, Decker Student Health Services, Harpur's Ferry, Ombudsman, or Campus Ministry. For more information, see:

- <https://www.binghamton.edu/ivp/>
- <https://www.binghamton.edu/rmac/title-ix/>

About Me!

Name: Michael Catalano

Email Address: mcatala4@binghamton.edu

Office: LNG 77

Hometown: Cortland, NY

Current Residence: Endwell, NY

Education: Gettysburg College (BS 2010), Binghamton University (MA 2019), Binghamton University (PHD EXPECTED 2023)

Favorite things: My family (Jenna, Theodore, Luca, wife Olivia), Winemaking, Delta Blues, Jazz, Gardening, Hiking

Schedule

Date	Topic	Readings
January 26	Constitutional Foundations	Federalist No. 10 and No. 51
	<i>In the Beginning</i>	
January 31	Constitutional Foundations	Federalist No. 78-82
	<i>An Independent Judiciary</i>	Miller Text (p. 55-57)
February 2	Constitutional Foundations	US Con Art III, US Con Article I Section 8, US Con Article II Section 2, US Con 11 th Amendment
	<i>Constitutional Provisions</i>	Vanberg, Georg. 2001. "Legislative-Judicial Relations: A Game Theoretic Approach to Constitutional Review." <i>American Journal of Political Science</i> 45(2): 346-361.
February 7	Constitutional Foundations	Frankel, Robert P. 2003. "Before Marbury: Hylton v. United States and the Origins of Judicial Review." <i>Journal of Supreme Court History</i> 28(1): 1-13.
	<i>Judicial Review</i>	Harvey, Anna. 2015. "The Economic Origins of Entrenched Judicial Review." <i>Studies in American Political Development</i> 29(April): 1-22.

Schedule

Date	Topic	Readings
February 9	Judicial Process and Procedure	Miller Text Chapter 1
	<i>What Is Law?</i>	
February 14	Judicial Process and Procedure	Miller Text Chapter 2
	<i>Structure of US Court System</i>	
February 16	Judicial Process and Procedure	Miller Text Chapter 7
	<i>Appellate Court Process</i>	<i>Visit from Pre-Law Society</i>
February 21	Judicial Process and Procedure	Miller Text Chapter 8
	<i>Judicial Decision-making</i>	Harris, Allison P. and Maya Sen. 2019. "Bias and Judging." <i>Annual Review of Political Science</i> 22(1): 241-259.

Schedule

Date	Topic	Readings
February 23	Exam #1	
February 28	Supreme Court of the US	Segal, Jeffrey, and Harold Spaeth. 2002. <i>The Supreme Court and the Attitudinal Model, Revisited</i> . Cambridge: Cambridge University Press. Chapters 2 and 3 (p.44-114) .
	<i>Sincere Judiciary</i>	
March 2	Supreme Court of the US	Epstein, Lee, and Jack Knight. 1998. <i>The Choices Justices Make</i> . Washington, D.C.: CQ Press. Chapters 1-4 (p. 1-137)
	<i>Strategic Judiciary</i>	
March 7	US Court of Appeals	Martinek, Wendy L. 2009. "Appellate Workhorses of the Federal Judiciary: The U.S. Courts of Appeals." in <i>Exploring Judicial Politics</i> . Mark C. Miller ed. Oxford University Press: New York. Chapter 9 (p.125-139) .
	<i>Appellate Workhorses</i>	Hinkle, Rachael K. 2015. "Legal Constraint in the U.S. Courts of Appeals." <i>Journal of Politics</i> 77(3): 721-735.

Schedule

Date	Topic	Readings
March 9	US Court of Appeals	Collins, Paul, and Wendy Martinek. 2010 "Friends of the Circuits: Interest Group Influence on Decision Making in the US Courts of Appeals." <i>Social Science Quarterly</i> 91(2): 397-414.
	<i>Amicus and Interest Groups</i>	
March 14	Spring Break	
March 16	Spring Break	
March 21	US Court of Appeals	Duck-Mayr, JBrandon, Thomas G. Hansford, and James F. Spriggs. 2021. "Agenda Setting and Attention to Precedent in the US Federal Courts" <i>Journal of Law and Courts</i> 9(2): 233-260.
	<i>Agenda Setting</i>	Giles, Michael W., Thomas G. Walker, and Christopher Zorn. 2006. Setting a Judicial Agenda: The Decision to Grant En banc Review in the U.S. Court of Appeals." <i>Journal of Politics</i> 68(4): 852-866.

Schedule

Date	Topic	Readings
March 23	US Court of Appeals	Boston, Joshua. 2020. "Strategic Opinion Language on the US Courts of Appeal." <i>Journal of Law and Courts</i> 8(1): 1-26.
March 28	US District Courts	Barnes, Jeb. 2009. "U.S. District Courts, Litigation, and the Policy-Making Process." in <i>Exploring Judicial Politics</i> . Mark C. Miller ed. Oxford University Press: New York. Chapter 7 (p.97-109)
	<i>Federal Trial Courts</i>	Randazzo, Kirk A. 2008. "Strategic Anticipation and the Hierarchy of Justice in the U.S. District Courts." <i>American Politics Research</i> 36(5): 669-693.
March 30	US District Courts	Redman, Shane. 2017. "Descriptive Gender Representation and Legitimacy in U.S. Trial Courts." <i>Justice System Journal</i> 38(4): 311-331.
	<i>Descriptive Representation</i>	Boyd, Christina L. 2016. "Representation on the Courts? The Effects of Trial Judges' Sex and Race." <i>Political Research Quarterly</i> 69: 788-799.
April 4	US District Courts	Johnson, Gbemende. 2019. "Adjudicating Executive Privilege: Federal Administrative Agencies and Deliberative Process Privilege Claims in U.S. District Courts." <i>Law & Society Review</i> 53(3): 823-850.
	<i>Courts and Executive Power</i>	Campbell, Tom, and Nathaniel Wilcox. 2020. "Younger Federal District Court Judges Favor Presidential Power." <i>Journal of Law and Economics</i> 63(February): 181-202.

Schedule

Date	Topic	Readings
April 6	Exam #2	
April 11	State Courts/DC Courts Simulation	Brace, Paul, Melinda Gann Hall, and Laura Langer. 2001. "Placing State Supreme Courts in State Politics." <i>State Politics and Policy Quarterly</i> 1 (1): 81-108.
	<i>Importance of State Courts</i>	McLeod, Aman. 2009. "Differences in State Judicial Selection." in <i>Exploring Judicial Politics</i> . Mark C. Miller ed. Oxford University Press: New York. Chapter 2 (p.10-30)
April 13	No Class	
	<i>Friday Classes Meet</i>	
April 18	No Class	
	<i>Passover/Easter Break</i>	

Schedule

Date	Topic	Readings
April 19	DC Courts Simulation	
April 20	State Courts	Arrington, Nancy. 2018. "Gender and Judicial Replacement." <i>Journal of Law and Courts</i> 6(1): 127-154
	<i>Selection Methods</i>	Hall, Melinda Gann. 1995. "Justices as Representatives." <i>American Political Quarterly</i> 23(4): 485-503.
April 25	State Courts	Canes-Wrone, Brandice, Tom S. Clark, and Jee-Kwang Park. 2012. "Judicial Independence and Retention Elections." <i>Journal of Law, Economics, & Organization</i> 28(2): 211-234.
	<i>Retention Methods</i>	Reid, Rebecca, and Todd Curry. 2021. "Explaining Indigenous Peoples' Success in State Supreme Courts: Party Capability, Judicial Selection, and Representation." <i>Journal of Law and Courts</i> 9(1): 69-87.
April 27	State Courts	Fife, Madelyn, Greg Goelzhauser, and Stephen Loertscher. 2021. "Selecting Chief Justices by Peer Vote." <i>State Politics & Policy Quarterly</i> 21(2): 165-194. April 25
	<i>Chief Justices</i>	Vining, Richard, Teena Wilhelm, and David Hughes. 2019. "The Chief Justice as Effective Administrative Leader: The Impact of Policy Scope and Interbranch Relations." <i>Social Science Quarterly</i> 100(4): 1358-1368.

Schedule

Date	Topic	Readings
May 2	State Courts	Leonard, Meghan E. 2016. "State Legislatures, State High Courts, and Judicial Independence: An Examination of Court-Curbing Legislation in the States." <i>Justice System Journal</i> 37 (1): 53-62.
	<i>Court Curbing</i>	Blackley, Keith. 2019. "Court Curbing in the State House: Why State Legislators Attack Their Courts." <i>Justice System Journal</i> 40 (4): 269-285.
May 4	DC Courts Simulation	
May 9	DC Courts Simulation	
May 11	DC Courts Presentation/Conclusion	
May 16	Final Paper Due	