

# PLSC 481D: The US Federal Court System

Date and Time: TBD

Location: TBD

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Office: LNG 77

Office Hours: TBD

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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 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.

# 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 51<sup>st</sup> 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.

# Schedule

Date	Topic	Readings
January 26	<b>Constitutional Foundations</b>	Federalist No. 10 and No. 51
	<i>In the Beginning</i>	
January 31	<b>Constitutional Foundations</b>	Federalist No. 78-82
	<i>An Independent Judiciary</i>	Miller Text (p. 55-57)
February 2	<b>Constitutional Foundations</b>	US Con Art III, US Con Article I Section 8, US Con Article II Section 2, US Con 11 <sup>th</sup> 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	<b>Constitutional Foundations</b>	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. <b>Chapters 2 and 3 (p.44-114)</b> .
	<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. <b>Chapters 1-4 (p. 1-137)</b>
	<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. <b>Chapter 9 (p.125-139)</b> .
	<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 &amp; 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	<b>State Courts/DC Courts Simulation</b>	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. <b>Chapter 2 (p.10-30)</b>
April 13	<b>No Class</b>	
	<i>Friday Classes Meet</i>	
April 18	<b>No Class</b>	
	<i>Passover/Easter Break</i>	

# Schedule

Date	Topic	Readings
April 19	DC Courts Simulation	
April 20	<b>State Courts</b>	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	<b>State Courts</b>	Canes-Wrone, Brandice, Tom S. Clark, and Jee-Kwang Park. 2012. "Judicial Independence and Retention Elections." <i>Journal of Law, Economics, &amp; 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	<b>State Courts</b>	Fife, Madelyn, Greg Goelzhauser, and Stephen Loertscher. 2021. "Selecting Chief Justices by Peer Vote." <i>State Politics &amp; 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	<b>State Courts</b>	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	<b>DC Courts Simulation</b>	
May 9	<b>DC Courts Simulation</b>	
May 11	<b>DC Courts Presentation/Conclusion</b>	
May 16	<b>Final Paper Due</b>	