

POLI4023: Judicial Politics

Fall 2022

TTH 10:30-11:50 a.m., 234 Coates Hall

Dr. Anna Gunderson

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Office: 235 Stubbs Hall

Office Hours: TTH, 1:00-2:00 p.m. or by appointment (<https://calendly.com/agunderson/30min>)

Course Description

Are judges affected by institutions around them and if so, how much? This class acts as an introduction to judicial politics and behavior in all types of courts: from the Supreme Court to other appellate courts, civil courts, trial courts, and state courts. To what degree are judges constrained by other institutions, like the legislature or executive branch, or the public? Additionally, how do these institutional constraints interact with personal characteristics of judges to produce variation in judicial outcomes?

This class engages directly with theoretical and empirical material to answer the above questions, meaning that we will often read academic articles and books. This material can be difficult to get through, but it will provide a thorough analysis of how the judiciary is shaped and shapes a variety of other institutions. I expect you to thoroughly read and engage with that week's readings and you will need to do so to succeed in this course.

Required Materials

The assigned book in this class is *Judicial Decision-Making: A Coursebook* (abbreviated JDM below) by Barry Friedman, Andrew Martin, Margaret Lemos, Tom Clark, Alison Larson, and Anna Harvey.

Grading Policy

Weekly Quizzes	20% (80 points)
Paper Reflections	25% (100 points)
Midterm Exam	25% (100 points)
Final Exam	30% (120 points)

Total: 100% (400 points)

20% of your grade is determined by completion and success on **weekly quizzes**. Throughout the semester, we will have a quiz about once a week (see dates on syllabus below). These quizzes will each be worth 10 points and will be available **either** in-class (dates noted) or on Moodle, open from the **end of the previous class period to the next class period**. Once you begin, you have 10 minutes to complete the quiz. You will automatically receive 5 points (50%) if you complete the quiz. In total, there will be 10 quizzes and I will drop the two lowest grades. There are no make-ups.

25% of your grade is determined from two graded **paper reflections**. Over the course of the semester, there are five journal articles listed that relate to that week's readings. You may choose any two of these articles to write a thoughtful paper reflection that is approximately 3-5 double-spaced pages (rubric posted on Moodle). You must

write one BEFORE Tuesday, October 18¹ and one AFTER Tuesday, October 18.² In this reflection, you will be expected to include a few things: a) a summary of the readings (what did they seek to study, why, what did they find); b) implications of the readings (what do we know now that we didn't know before, and how does it inform what we have already read or discussed); c) new questions that arise out of these readings (what should be studied next); d) any remaining questions you have and critiques you have for the article's argument or research design (did they study what they set out to? Are you convinced of their argument, from their theory and research design? Why or why not? What would make the paper better?); and e) how the paper relates to our class topics thus far in the course. These reflections will be due to me via Moodle or email, by the start of class that the article is assigned to. I will go over the articles briefly in class (in preparation for the final exam; see below) and those who completed the assignment for that week are expected to participate in a discussion about the paper.

25% of your grade is determined by a **midterm exam** on Tuesday, October 18. This exam will contain multiple choice, short answer, true-or-false, matching, and essay questions.

30% of your grade is determined by a **final exam** on Wednesday, December 7 from 5:30 to 7:30 p.m. This exam will contain both multiple choice and short answer questions, as well as questions on any of the five journal articles assigned throughout the course of the semester. It is **not** cumulative.

Grade Scales

At the end of the semester, I will consider “bump-ups” for students who are within 1% of the next highest final grade. In determining whether to grant a “bump-up”, I will consider demonstrated effort throughout the semester, improvement throughout the semester, engagement in the course (as demonstrated through attendance, attentiveness, and participation), communication with the instructor, and responsiveness to feedback. **There is no guaranteed rounding in this course.**

The final grades will be allocated according to the table below.

A+	97-100%
A	93-96.99%
A-	90-92.99%
B+	87-89.99%
B	83-86.99%
B-	80-82.99%
C+	77-79.99%
C	73-76.99%
C-	70-72.99%
D+	67-69.99%
D	63-66.99%
D-	60-62.99%
F	0-59.99%

¹ This means you either need to write a reflection on either Glynn and Sen (2015) or Baird (2004).

² This means you need to write a reflection on either Beim and Rader (2019); Carrubba, Friedman, Martin, and Vanberg (2012); or Caldarone, Canes-Wrone, and Clark (2009).

Grading Disputes and Questions

I will follow the 24-hour rule when it comes to the return of graded assignments. Students must wait a minimum of 24 hours after receiving a graded assignment before contacting me regarding their grade.

If a student disputes their grade, they must do so in writing within one week of the date that grades are made available to the class. When requesting reconsideration of a grade, you should provide a clear explanation as to why a different grade is in order. You should also indicate what grade you believe is appropriate for your work. When work is reviewed for a grade dispute, the grade may be left unchanged, raised, or lowered. All grade disputes are due in hard copy within one week of the date that grades are returned in class. Grade disputes will not be considered if submitted past the one-week statute of limitations.

COVID-19 Policies and Concerns

COVID-19 has changed all our lives, and university life is no exception. I pledge to communicate promptly about any potential move to online education and any other changes that may be necessary as we move through the semester. If you need accommodations because of COVID-19, please let me know and I will work with you to ensure you are able to complete the course. For instance, if you are required to self-quarantine, please do so and let me know so we can establish a plan to complete the work necessary for the course. While I have no current plans to record my lectures, I will post the lecture slides and will aid you in finding a classmate to share notes with you. You may schedule a meeting with me anytime to go over any class material you have missed. For LSU policies on COVID-19, see: <https://lsu.edu/roadmap/>. ***LSU has mandated that students receive the vaccine or formally opt out. As much as possible, we will social distance and use other precautionary steps to prevent the spread of COVID-19. For information on the COVID-19 vaccine and its benefits, see: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>***

Mental Health and Other Services

We are all living through a traumatic, stressful, and isolating time. For many of us, the pandemic has created a wide range of mental health challenges or has worsened existing challenges. Sometimes it is difficult to even understand or fully realize when we are struggling with mental health challenges that are negatively impacting our lives. Please know that I am here to support you and I care about your well-being. If you need support, I highly encourage you to contact Mental Health Services (MHS) at LSU (<https://www.lsu.edu/shc/mental-health/mhshome.php>) and if you need accommodation, encouragement, or support, please let me know and I will help in any way possible.

Other services that you may need:

1. *If you need to talk to someone*, call or text 225-924-5781, ThePhone. ThePhone is a 24– hour crisis counseling and support line serving the students of LSU. Callers to the LSU line are connected to volunteer paraprofessional counselors trained in crisis intervention and suicide prevention.
2. *If you are experiencing a personal crisis*, contact MHS. MHS is located on the second floor of the LSU Student Health Center. LSU students may call MHS at 225-578-8774 to either set an appointment or to speak with the crisis counselor about their situation. Students experiencing a mental health crisis, may also come to MHS during office hours to meet face-to-face with a crisis counselor.
3. *If you are concerned about a friend at LSU*, contact LSU CARES. LSU CARES is a university initiative dedicated to the well-being of students and promotion of a community that cares about each of its members. To learn more or to report a student of concern, please see information at: <https://www.lsu.edu/saa/lsu-cares/>.

4. *If you have experienced sexual violence, assault, harassment, or stalking*, see the Lighthouse Program at LSU (<https://www.lsu.edu/shc/wellness/the-lighthouse-program/index.php>) or the Office of Civil Rights and Title IX (<https://lsu.edu/support/>).

Contacting Me

I am available by email Monday through Friday, 8 a.m. to 5 p.m. You are welcome to stop by my office, 235 Stubbs Hall, if I am available, but an appointment is preferred. You can make an appointment via Calendly online here: <https://calendly.com/agunderson/30min>. You can also visit during my office hours, Tuesday/Thursday from 1 to 2 p.m. There is no guarantee I will respond to emails either in the evenings or on the weekends, so plan accordingly. A note on etiquette: please sign your emails with your name and include an appropriate salutation. (Hint: you can't go wrong with, "Hi, Dr. Gunderson.")

During Class

I will begin the semester giving students the benefit of the doubt and allow laptops. However, I reserve the right to ban laptops at any point, should they prove to be a distraction or to disrupt to the operation of the course. Students should only use laptops to access course readings and take course notes. No phones are permitted. *Thank you for reading the syllabus! If you see this note before the start of our first class, please send me an email with your favorite .gif (appropriate ones only, please) for two extra credit points. Note that your .gif may be shared in the first class.*

American politics centers on topics and issues about which people hold strong opinions. Opinions are more than ideas; they are deeply rooted in a person's values, beliefs, life experiences, and interests. We'll work together and hold each other accountable in respecting perspectives that differ from our own. I will be here to support you as you challenge your pre-existing opinions and beliefs about the world. It is critical that we maintain a socially, emotionally, and psychologically safe environment. While classroom debates will be something we fully embrace, disrespectful behavior and attitudes or personal attacks cannot be tolerated.

Time Requirements

Please keep in mind the university's definition of work required for each credit hour: "not less than one hour (50 minutes) of lecture/classroom or direct faculty instruction and a minimum of two hours out-of-class student work across 15 weeks for one semester." Given that this is a 3-hour course, this means that students are expected to devote a total of 9 hours of work each week: 3 hours in the classroom and an additional 6 hours of course related work outside the classroom.

Graduate Credit or Honors Credit

For students taking this course for graduate credit or for those who wish to receive special Honors credit, it is the student's responsibility to contact me during the first week of classes to make appropriate arrangements.

Filming and Recording

You may not film or record this class without permission.

Course Materials

All course materials are protected by U.S. copyright law and by university policy. I am the exclusive owner of the copyright in those materials I create. You may take notes and make copies of course materials for your own use. You may also share those materials with another student who is registered and enrolled in this course. You may not reproduce, distribute or display (post/upload) course materials without my express written consent. You also may not allow others to do so.

Policies on Incomplete Grades and Late Assignments

You will be penalized for late assignments or missed exams unless the absence/delay is excused (whether due to illness, serious family emergency, participation in university events, religious holidays, etc., but must be cleared with me). The penalty for unexcused late assignments five ten percentage points per day *BUT I am flexible if you talk to me ahead of time*. Extensions may be made on a case-by-case basis to accommodate unexpected difficulties.

Academic Integrity and Honesty

Plagiarism is not tolerated and will result in disciplinary action. The LSU Code of Student conduct defines plagiarism as “the unacknowledged inclusion, in work submitted for credit, of someone else’s words, ideas, or data.” Please review the University’s guidelines on plagiarism here: https://www.lsu.edu/hss/english/university_writing/faculty_resources/policies_and_procedures/plagiarism.php and the guidelines on academic integrity here: <https://www.lsu.edu/saa/students/academicintegrity/index.php>. Examples of academic dishonesty include, but are not limited to cheating on exams, plagiarizing, buying or selling assignments, altering grades, intentional deception, and collaborating with others without permission. I reserve the right to investigate when I suspect a violation of any of these policies. All violations of the university’s academic conduct policies are turned over to the Dean of Students.

Accommodations for Disabilities

The Americans with Disabilities Act requires that reasonable accommodations be provided for students with physical, cognitive, systemic, learning, and psychiatric disabilities. Please contact me at the beginning of the semester to discuss any such accommodations for this course. To have any accommodations met, you must be registered with the LSU Office of Disability Services, located in 124 Johnston Hall and can be reached at 225-578-5919. More information on registering and accommodation is available on the ODS website here: <https://www.lsu.edu/disability/>.

Weekly Schedule

The schedule is tentative and subject to change. Always check Moodle for the most recent version.

Tuesday, August 23, 2021	Syllabus Day
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Thursday, August 25, 2021	Introduction to Judicial Politics - JDM Chapter 1
Tuesday, August 30, 2021	Introduction to Research Design - Green, Amelia Hoover. "How To Read Political Science: A Guide in Four Steps." <i>Available on Moodle</i> . - Giles, Michael W., and Thomas G. Walker. "Judicial Policy-making and Southern School Segregation." <i>The Journal of Politics</i> 37, no. 4 (1975): 917-936.
Thursday, September 1, 2021	The Limits of Law - JDM, Chapter 2 Quiz 1 on Moodle until next class period
Tuesday, September 6, 2021	The Identity of the Judge and Testing the Attitudinal Model - JDM, Chapter 3, pages 95-133
Thursday, September 8, 2021	Modeling and Measuring Judicial Preferences - JDM, Chapter 3, pages 133-166 Quiz 2 on Moodle until next class period
Tuesday, September 13, 2021	Non-Ideological Judicial Characteristics and Where to Go From Here - JDM, Chapter 3, pages 166-197 Journal Article I: Glynn, Adam N., and Maya Sen. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" <i>American Journal of Political Science</i> 59, no. 1 (2015): 37-54.
Thursday, September 15, 2021	<i>No class – Dr. Gunderson at a conference</i>
Tuesday, September 20, 2021	Setting the Judicial Agenda: Case Sequence - JDM, Chapter 4, pages 199-224 Quiz 3 on Moodle until next class period

Thursday, September 22, 2021	Setting the Judicial Agenda: Litigants and Attorneys - JDM, Chapter 4, pages 224-284
Tuesday, September 27, 2021	Setting the Judicial Agenda: Legislative and Judicial Control - JDM, Chapter 4, pages 284-321 Journal Article II: Baird, Vanessa A. "The Effect of Politically Salient Decisions on the U.S. Supreme Court's Agenda." <i>The Journal of Politics</i> 66, no. 3 (2004): 755-772. Quiz 4 on Moodle until next class period
Thursday, September 29, 2021	Institutional and Structural Constraints on Judging I - JDM, Chapter 5, pages 323-364
Tuesday, October 4, 2021	<i>No class – Dr. Gunderson giving a talk at another university</i>
Thursday, October 6, 2021	Institutional and Structural Constraints on Judging II - JDM, chapter 5, pages 364-424 Quiz 5 on Moodle until next class period
Tuesday, October 11, 2021	<i>Midterm Exam Review</i>
Thursday, October 13, 2021	<i>No class! Fall break</i>
Tuesday, October 18, 2021	MIDTERM EXAM Note: You must have completed one paper reflection by this point.
Thursday, October 20, 2021	Judicial Hierarchies I - JDM, Chapter 6, pages 425-489

Tuesday, October 25, 2021	<p>Judicial Hierarchies II</p> <ul style="list-style-type: none"> - JDM, Chapter 6, pages 489-523 <p>Journal Article III: Beim, Deborah, and Kelly Rader. "Legal Uniformity in American Courts." <i>Journal of Empirical Legal Studies</i> 16, no. 3 (2019): 448-478.</p> <p>Quiz 6 on Moodle until next class period</p>
Thursday, October 27, 2021	<p>Judging on a Collegial Court I</p> <ul style="list-style-type: none"> - JDM, Chapter 7, pages 525-561
Tuesday, November 1, 2021	<p>Judging on a Collegial Court II</p> <ul style="list-style-type: none"> - JDM, Chapter 7, pages 561-584 <p>Quiz 7 on Moodle until next class period (November 3)</p>
Thursday, November 3, 2021	<p><i>No class – Dr. Gunderson giving a talk at another university</i></p>
Tuesday, November 8, 2021	<p>Judging on a Collegial Court III</p> <ul style="list-style-type: none"> - JDM, Chapter 7, pages 584-618 <p>Journal Article IV: Carrubba, Cliff, Barry Friedman, Andrew D. Martin, and Georg Vanberg. "Who Controls the Content of Supreme Court Opinions?" <i>American Journal of Political Science</i> 56, no. 2 (2012): 400-412.</p>
Thursday, November 10, 2021	<p>Judging on a Collegial Court IV</p> <ul style="list-style-type: none"> - JDM, Chapter 7, pages 618-650 <p>Quiz 8 on Moodle until next class period</p>
Tuesday, November 15, 2021	<p>Judging in a System of Separated Powers I</p> <ul style="list-style-type: none"> - JDM, Chapter 8, pages 651-697
Thursday, November 17, 2021	<p>Judging in a System of Separated Powers II</p> <ul style="list-style-type: none"> - JDM, Chapter 8, pages 697-733 <p>Quiz 9 on Moodle until next class period</p>

Tuesday, November 22, 2021	<p>State Courts and Judicial Selection - JDM, Chapter 9</p> <p>Journal Article V: Caldarone, Richard P., Brandice Canes-Wrone, and Tom S. Clark. "Partisan Labels and Democratic Accountability: An Analysis of State Supreme Court Abortion Decisions." <i>The Journal of Politics</i> 71, no. 2 (2009): 560-573.</p> <p>Note: You must have completed the second paper reflection by this point.</p>
Thursday, November 24, 2021	<i>No Class! Gobble gobble</i>
Tuesday, November 29, 2021	<p>Public Opinion and Judging - JDM, Chapter 10</p> <p>Quiz 10 on Moodle until next class period</p>
Thursday, December 1, 2021	<i>Final exam review</i>

Your final exam will be from 5:30 to 7:30 p.m. on Wednesday, December 7!