

SPRING 2014
POLITICAL SCIENCE 104D: JUDICIAL POLITICS

Visiting Professor Glenn Smith
Tuesday, 5 P.M. to 7:50 P.M. // Center Hall, Room 216

OVERALL COURSE APPROACH

This course provides an introduction to many of the major theoretical and practical issues flowing from the reality that in modern America substantial power and discretion is exercised by judicial officials whose legitimacy as policy-makers remains controversial and who are not subject to the “usual” methods of electoral and political accountability in a majoritarian democracy. The course examines the politics of judicial policy-making in both state and federal courts, and both the trial and appellate levels. The course places special emphasis on the processes and dynamics of United State Supreme Court decision-making.

The class is conducted “modified law school” style; sessions will often focus on discussion among class members – as a whole or in smaller groups -- of questions based on assigned materials. The success of the class depends to a significant degree on the willingness of prepared and interested students to participate actively in discussions. At times I will lecture, especially when background information about judicial structure and organization, and about major facets of the American legal system, needs to be sketched in. Student volunteers may at times play the roles of advocates for pre-assigned positions.

You are expected to do the assigned reading for each session and come to each class prepared to engage in a lively discussion.¹ We will have FUN.

READINGS AND SYLLABI

You are required to purchase two texts for the class:²

¹ Given the interactive nature of the course, you will get more out of it through live attendance. However, in the event that illness or other unavoidable problem prevents you from attending a particular class, class sessions will be recorded for podcast through podcast.ucsd.edu.

² I have assigned, and will use in class, the latest editions of these books. Inevitably, the question arises whether recent previous editions can be used. The answer, as with many legal questions is “it depends”. Namely, it depends on whether it will be worth your while to work with a book whose pages may not be the same as those I reference in class and which you will

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1. Carp, Stidham & Manning, JUDICIAL PROCESS IN AMERICA (2014 9th Ed. CQ Press)
2. Baum, THE SUPREME COURT (2013 11th Ed. CQ Press)*

I will make additional assigned readings, discussion questions, and past-exam questions available in class and/or through the class webpage (see below). In particular, THE ASSIGNED MATERIALS FOR THE LAST THREE CLASSES WILL CONSIST ENTIRELY OR SUBSTANTIALLY OF SEVERAL DOZENS OF PAGES OF CASE EXCERPTS I HAVE PREPARED. You will be able to download these excerpts for free from the class webpage; however, if you wish to use them during the final exam, you will need to download them onto paper pages (because you will not be able to access laptops during the final exam).

Please bring the appropriate text(s) to each class.

There will be two Assignment Syllabi for this course. The first Syllabus is discussed in class the first day, and available from the class webpage. A second syllabus will be distributed separately.

EXAMINATIONS

There will be an **in-class midterm** (that is, an exam longer and worth more than the final exam, see below), covering the materials studied in the first six class sessions, during the regular class time in the seventh week. The exam will be the only class activity that night, **and will begin promptly at 5 PM and continue for two-plus hours.**

You will also take an **final examination**, emphasizing materials covered in the last three classes, at the designated exam time for the course: the evening of **Thursday, June 12th**. **The exam will begin promptly at 7 P.M. and will complete an hour-plus later.**

IMPORTANT: (1) PLEASE LOOK AT YOUR SCHEDULE IMMEDIATELY, and ensure that you are able to take both the in-class midterm and the final exam at their scheduled times. [Please note that, if you are taking California Politics, P Sc 103A, the professor for that class (Professor Fletcher) has graciously agreed to offer 104D students an alternative final-exam time to avoid a conflict between our finals. If you have any other conflict, please first try to resolve that with the

occasionally need to supplement with new materials. (Generally, however, the text of the previous editions is substantially similar to the text of these newest editions.)

professor of the conflicting course...]

Both examinations will pose short-answer essay questions, in the format illustrated through past exam questions posted on the Class webpage. Both exams will be open book / open note. The midterm is worth 60% of total course points; the final is worth 30%. (The remaining 10% of credit will be based on completion of the “short memorandum” explained immediately below.)

More details on examination coverage and format will be provided via separate handouts, elaborated on through in-class announcements.

SHORT MEMORANDUM

The remaining 10% of your course grade will be based on your completion – **no later than the 9th class session (Tuesday, May 27th)** -- of a short (2-3 page) memorandum, as explained in a separate handout to be distributed soon. You will base this memorandum on a news story, which you locate in a periodical or internet website, and which implicates one or more themes we explore in the course relating to “judicial politics.” Under a standard template, you will explain the “judicial politics” issues illustrated by the news story and briefly analyze how the story confirms or questions what the course materials said about these issues.

This memorandum will be graded on a Check-Plus / Check / Check-Minus / Zero (for non-completion) basis.

INFORMAL WRITTEN RESPONSES

You will be assigned to write “informal written responses” to questions about the materials studied in one or more class weeks. Performance on these responses will be one of several potential bases for being “bumped up” to the higher of two grade categories if you are “close to the line” between two categories.

CLASS WEBPAGE ACCESS INSTRUCTIONS

Visit the webpage on which CWSL law-school professors post class-related materials (the link to this general page is as follows: http://www.cwsl.edu/main/default.asp?nav=faculty.asp&body=faculty/class_pages.asp#gsmith.)

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In particular, this link should take you directly to the 104D postings:
<http://www.cwsl.edu/content/gsmith/psc104d.asp>

INFORMATION ON MY AVAILABILITY

***For “virtual office hours,” or to arrange office hours at a mutually convenient time other than regular office hours, email me at [“gsmith@cwsl.edu”](mailto:gsmith@cwsl.edu). [WHEN YOU EMAIL ME, please INCLUDE A REFERENCE TO “P SC 104D” in the subject line, so that I will know your message is not spam.]

***For UCSD office hours: *Tuesdays, 2 P.M. to 4:30 P.M.*, in SSB 444.

***Additionally, you will be welcome to meet with me, call me on my law-school office phone (619-525-1495), or email me during my law-school office hours (held in my law-school office, Room 314, 225 Cedar St., San Diego, CA 92101). My office hours (through the week of April 14-18) are:

--Mondays, 12:30 P.M. to 2:30 P.M.

--Wednesdays, 2:30 P.M. to 5:30 P.M.

[NOTE: I do my best to always be in my office during these hours. But things, including impromptu meetings, come up. Before making a trip downtown, it is always a good idea to confirm that I will be available as planned.]

***For law-school-planning questions and recommendations: Past experience indicates that a number of the students taking this course are planning to attend (or thinking about attending) law school. As a full-time law professor guest teaching this course, I am happy to be a resource to such students by providing general counseling about law school and legal careers, arranging visits to law school classes taught by others at my home institution, and writing letters of recommendation in appropriate cases. (Please note that I am not recruiting students to law school in general or my law school in particular. In fairness, I simply wish to make sure all potentially interested students know in advance of my policy on being a law-school resource. Please also note that the one area in which I am NOT a useful resource is in answering questions about the specific procedures and current realities of law-school *admission*).

***In appropriate cases I am also willing to write recommendation letters for graduate study, internships (e.g., AIP or UCDC), foreign study, or other related opportunities.

Do not hesitate to contact me if I can be of any assistance to you!