
INSTRUCTIONS FOR “SHORT MEMO” ON JUDICIAL POLITICS
May Be Turned In

- (1) In person to Professor Smith before, on a break in, or after any regularly scheduled class, up to Tuesday, June 3, OR
(2) By email¹ to Professor Smith (gsmith@cwsu.edu),
no later than Friday, June 6th at 5 PM

Selection of “Contemporary Media Report”:

1. Select one “contemporary media report” – that is, a “general-informational media report (i.e., a story in a newspaper, magazine, newsletter, online database, etc.)” – which implicates one or more questions or controversies about judicial politics. This includes but is not limited to reports discussing selection and retention of judges, powers of and limits on judicial authority, judicial “activism” or judicial “restraint,” public reaction to judicial power, or public-official attempts to control, state or federal judges.
2. The media report is “contemporary” if it is dated on or after Monday, March 31st, 2014.
3. You may otherwise select any “contemporary media report” -- except the following reports used in class on Tuesday, May 6th (or other reports that present substantially the same material):
 - The NY Times report (of April 18, 2014) about how, in response to a federal magistrate judge’s decision in Portland, sheriffs in 9 Oregon counties announced that they would no longer hold people in jail on request from federal immigration authorities
 - The NPR report (April 18, 2014) about how the U.S. State Department had postponed time for review of the Keystone XL Pipeline Project given the legal uncertainty created by a Nebraska judge’s invalidation of a 2012 law allowing part of the pipeline to run through the state
 - An NPR investigative-journalism study about how the Tuscaloosa, Ala. Public schools had become “re-segregated” sixty years after *Brown v. Board of Education*
 - An NBC/Los Angeles web story (April 24, 2014) about the effect of the California Supreme Court’s decision not to review an intermediate appellate

¹ IF YOU EMAIL YOUR MEMO, BE SURE TO “READ” THE FULL TEXT OF YOUR MEMO INTO THE BODY OF YOUR EMAIL TO ME. **DO NOT JUST ATTACH THE COMPUTER FILE.**

court's invalidation of an Orange County law restricting sex offender access to state parks and beaches

Analyzing and Writing About Your Chosen Media Report

In no longer than the indicated word maxima, answer the following questions:

A. IN NO MORE THAN 250 WORDS: Briefly describe the *essence* of the judicial-politics questions or controversies focused on in the media report. (In other words, if you had to briefly explain to a friend or family member what the controversy is essentially “about,” what would you say?)

B. IN NO MORE THAN 500 WORDS: In a clear and organized (e.g., well-sign-posted – “The first way is...” “Second, ...”) discussion, BRIEFLY and SPECIFICALLY EXPLAIN TWO WAYS in which the report you are analyzing is IN ACCORD WITH, OR CONTRADICTS, major course themes. These include, but are not limited to

- How federal and state judges are in an awkward position, in a majoritarian democracy in which policy is made by politically accountable decision-makers
- How the U.S. Constitution does and does not shape and limit judicial power
- How federal and state appellate and trial judges do and do not have significant discretion and policy making power
- How the manner in which judges are selected affects their susceptibility to political influence, adverse public opinion, etc.
- How legal factors, policy preferences, group dynamics, and extra-judicial factors affect judicial decision-making
- How law can fail or be slow to respond – including because legal doctrines or professional attitudes intrinsic to the legal profession may slow or prevent a response
- Whether elected officials, the media, and the public adequately constrain judges

Additional Questions. If you have additional questions about the assignment or how to apply the instructions to your specific proposal or controversy, don't hesitate to ask me any questions during office hours or by email (gsmith@cwsj.edu).

Have Fun!