

Judicial Politics

Professor Paul Wahlbeck
Classroom: 1957 E Street, Room B17
Office: Monroe 477
E-mail: wahlbeck@gwu.edu
Office Hours: Thursday 11:00-12:30

Political Science 113 (10)
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Phone: 202-994-4872
Home Page: <http://home.gwu.edu/~wahlbeck>
Class Times: Tuesday & Thursday 9:35-10:50

Course Description: The primary purpose of this course is to introduce you to judicial politics. This entails two immediate objectives. First, we will discuss the operation and work of the courts. Second, we will examine issues in judicial process and behavior. The texts for this class have been selected with these goals in mind. Baum is an introductory text in judicial politics; it will introduce you to the essential functioning of the system. Accordingly, I would recommend that you read the appropriate chapters from Baum before moving on to the other reading. The books by Maltese, Stern, and Epstein/Knight cover specifics of the topics that we will discuss, while Greenhouse provides an interesting account of the Supreme Court.

Texts: The following texts have been ordered for the course

Lawrence Baum. 2008. *American Courts: Process and Policy*. Sixth Edition. Boston, MA: Houghton Mifflin.

John Anthony Maltese. 1995. *The Selling of Supreme Court Nominees*. Baltimore: Johns Hopkins University Press.

Gerald M. Stern. 1976. *The Buffalo Creek Disaster*. New York: Random House.

Lee Epstein and Jack Knight. 1998. *The Choices Justices Make*. Washington, D.C.: CQ Press.

Linda Greenhouse. 2005. *Becoming Justice Blackmun*. New York: Times Books.

Baum, Maltese, Stern, Epstein & Knight, and Greenhouse will be available on reserve at Gelman Library in addition to the bookstore.

Learning Outcomes: As a result of completing this course, students will:

1. develop an understanding of how the legal system and process in the United States operates at the trial-court level and the appellate-court level;
2. have familiarity with the theoretical explanations offered by social scientists for judicial behavior and process, as well as their empirical support

Grading: The requirements for this course are two exams and a paper. Each of these components will have equal weight in calculating your final grade.

The Exams: I will give two exams in this course. The first exam will cover the material through Section III, Trial Courts. The second exam will cover the material beginning with Section IV, Appellate Courts and the Supreme Court, through Section V, Implementation and Impact. I strive to balance test coverage between class lectures and the readings. Thus, it is imperative that you be familiar with material covered in the class and the books. The exams will probably contain multiple-choice and other objective questions, identification, short answer, and essay questions.

The first exam will be held on October 22. The second exam is scheduled for December 17 (10:20-12:20).

The Paper: I will give you a written assignment later this semester and it will be due on Tuesday, November 12. It requires you to use Greenhouse's book to further explore one of the topics that we will cover in this course. Remember, there is an inevitable crunch at the end of the semester -- you will undoubtedly have papers due in other classes. Since Greenhouse's book is a critical component of this paper, start reading the book early in the semester. I hope that you enjoy reading this book, but this project will be much more manageable if you don't have to read the book at crunch time.

Of course, failure to complete the paper assignment or exams in a timely manner will result in a point deduction unless excused for exceptional reasons, such as a documented medical problem.

University Policies:

Religious Holidays

1. Students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance;
2. Faculty should extend to these students the courtesy of absence without penalty on such occasions, including permission to make up examinations;
3. Faculty who intend to observe a religious holiday should arrange at the beginning of the semester to reschedule missed classes or to make other provisions for their course-related activities

Academic Integrity

I personally support the GW Code of Academic Integrity. It states: "Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information." For the remainder of the code, see: <http://www.gwu.edu/~ntegrity/code.html>

Support for Students Outside the Classroom

Disability Support Services (DSS)

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Marvin Center, Suite 242, to establish eligibility and to coordinate reasonable accommodations. For additional information please refer to: <http://gwired.gwu.edu/dss/>

University Counseling Center (UCC) 202-994-5300

The University Counseling Center (UCC) offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include:

- crisis and emergency mental health consultations
- confidential assessment, counseling services (individual and small group), and referrals
<http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices>

Security

In the case of an emergency, if at all possible, the class should shelter in place. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

Class Schedule: The following course outline lists the topics that we will cover in this class and our reading assignments. Next to each major topic, I have a date -- this is a tentative schedule that I have provided to give you an idea of our schedule. Please note that I

I reserve the right to make changes to this syllabus as the semester progresses.

I. Introduction to the Courts

A. The Role of the Courts (September 1)

NO CLASS (September 3 and 8)

B. The Structure of the Courts (September 10)

Baum, Chapters 1 and 2 and Pages 284-294

B. Study of Judicial Politics (September 15)

II. The Actors

A. Judges - Maltese

· Selection of Federal Judges (September 17)
Baum, Pages 95-105

· Confirmation of Federal Judges (September 22)
Baum, Pages 95-105

· Selection of State Judges (September 24)
Baum, Pages 105-117

· Characteristics (September 29)
Baum, Pages 118-120 and Chapter 5

B. Lawyers (October 1)

Stern
Baum, Chapter 3

- C. Interest Groups (October 6)
Baum, Pages 255-260

III. Trial Courts

- A. Policy making in Trial Courts (October 8 and 13)
- B. Plea Bargaining (October 15)
Baum, Chapter 6
- C. Patterns of Litigation (October 20)
Baum, Chapter 7

FIRST EXAM (October 22)

IV. Appellate Courts & the Supreme Court

- A. Agendas & Gatekeeping – Epstein & Knight (October 27)

Baum, Pages 243-255, 260-265
Epstein & Knight, Pages 112-125
- B. Decision Making – Baum, Pages 265-271
 - The Rule of Law (October 29)
Epstein & Knight, Pages 159-177
 - The Role of Policy Preferences (November 3)
Epstein & Knight, Chapter 2
- C. Marshalling the Court
 - Power of the Chief Justice (November 5)
Epstein & Knight, Pages 125-135
 - Strategic Interaction among Justices (November 10)
Baum, Pages 271-275
Epstein & Knight, Chapter 3
- D. The Justices Speak (November 12)
This Honorable Court

E. The Political Environment

- Congress and the President (November 17)
Baum, Pages 276-278
Epstein & Knight, Pages 138-157
- The Public (November 19)

F. The Legal Environment (November 24)
Baum, Pages 275-276

V. Implementation and Impact

- Implementation and Social Impact (December 1)
Baum, Chapter 9

REVIEW SESSION (December 3)

SECOND EXAM (December 17 – 10:20-12:20)