Judicial Politics

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Political Science 2213 (10)
Spring Semester 2015

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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 Biskupic provides an interesting account of the Supreme Court.

Texts: The following texts have been ordered for the course


Baum, Maltese, Stern, Epstein & Knight, and Biskupic 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; and
3. develop critical thinking skills in analyzing social and political behavior.

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 March 5. The second exam will be held during the scheduled final exam period on May 7 at 10:20 (according to the Registrar’s tentative schedule).

_The Paper:_ I will give you a written assignment later this semester and it will be due on April 9. It requires you to use Biskupic’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 Biskupic’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](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/](http://gwired.gwu.edu/dss/)
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 reserve the right to make changes to this syllabus as the semester progresses.

Course Overview (January 13)

**I. Introduction to the Courts**

A. The Role of the Courts (January 15)

B. The Structure of the Courts (January 20)

   Baum, Chapters 1 and 2 and Pages 292-297

B. Study of Judicial Politics (January 22)

**II. The Actors**

A. Judges - Maltese

   · Selection of Federal Judges (January 27)
     Baum, Pages 92-101

   · Confirmation of Federal Judges (January 29)

   · Selection of State Judges (February 3)
     Baum, Pages 101-115

   · Characteristics (February 5)
     Baum, Pages 115-119 and Chapter 5

B. Lawyers (February 10)
III. Trial Courts

A. Policy making in Trial Courts (February 17 and 19)
   Baum, Chapter 6

B. Plea Bargaining (February 24)
   Baum, Chapter 6

C. Patterns of Litigation (February 26)
   Baum, Chapter 7

REVIEW SESSION (March 3)

FIRST EXAM (March 5)

SPRING BREAK (March 10 and 12)

IV. Appellate Courts & the Supreme Court

A. Agendas & Gatekeeping – Epstein & Knight (March 17)
   Baum, Pages 245-257, 263-268
   Epstein & Knight, Pages 112-125

B. Decision Making – Baum, Pages 268-283
   · The Rule of Law (March 19)
     Epstein & Knight, Pages 159-177
   · The Role of Policy Preferences (March 24)
     Epstein & Knight, Chapter 2

C. Marshalling the Court
   · Power of the Chief Justice (March 26)
     Epstein & Knight, Pages 125-135
   · Strategic Interaction among Justices (March 31)
     Baum, Pages 275-279
     Epstein & Knight, Chapter 3
D. The Political Environment
   · Congress and the President (April 2)
     Baum, Pages 280-282
     Epstein & Knight, Pages 138-157
   · The Public (April 7)

E. The Justices Speak (April 9)
   This Honorable Court

F. The Legal Environment (April 14)
   Baum, Pages 279-280

NO CLASS – April 16

V. Implementation and Impact
   A. Implementation (April 21)
      Baum, Chapter 9
   B. Social Impact (April 21)
      Baum, Chapter 9 (Continued)

REVIEW SESSION (April 23)

SECOND EXAM (May 7, 10:20-12:20)