

**POL SCI 416**  
**JUDICIAL POLITICS U/G**  
**\*\*ONLINE EDITION\*\***

**University of Wisconsin-Milwaukee (Fall 2021)**

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**Instructor: Prof. Erin B. Kaheny**

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Office Hours: MW, 1:00-2:00 pm and by appointment

E-mail Prof. K. to schedule an online TEAMS appointment.

**Teaching Assistant (TA): Aleksander Henson**

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E-mail Alek Henson to schedule an online TEAMS appointment.

**COURSE DESCRIPTION**

This course will provide students with a working knowledge of courts, the judicial process, and judicial politics in the United States. We will (broadly) review institutional features of courts at both the federal and state levels, and we will review processes and politics surrounding both trial and appellate court litigation. Finally, we will study key actors in the judicial process, including litigants, lawyers, judges, juries, and interest groups.

**REQUIRED TEXTBOOK**

Baum, Lawrence. 2013. *American Courts: Process and Policy*. Seventh Edition. Wadsworth (Cengage), Inc. ISBN-13: 978-0-495-91637-6

**COURSE PREREQUISITE**

Junior or senior status

**CLASS REQUIREMENTS AND POLICIES**

**U/G Course**

This is a U/G course. This syllabus pertains to the requirements and grade allocations for those students taking this course for undergraduate credit. If you are a graduate student taking this course for graduate-level credit, you must obtain a graduate-syllabus addendum from the instructor.

**General Class Conduct**

It is imperative that you always maintain a professional tone in all online postings and in all online sessions (if applicable). When responding to a discussion question, please keep your response in line with the question being asked. You should feel free to challenge the ideas expressed by those in the class, but discussion forums and Zoom sessions (if held) are not venues for personal attacks, non-scholarly commentary, or in which to share personal stories, experiences, commentary, etc. The purpose of any online forums or any online session/meeting in this course is to facilitate the discussion of

**scholarly content only!** Please take the time necessary to convey your ideas in a respectful and thoughtful manner and include only scholarly content in any online content you share in this course.

It is your responsibility to abide by the rules in the UWM Student Handbook. They should be followed with respect to all activities associated with this class, including online discussions, meetings, forums, phone, and e-mail correspondence.

### **Online Class Structure, Canvas, E-Mail Communication**

This is an online course, which will be administered via Canvas. The official time zone utilized to assess whether assignments, quizzes, and exams are submitted on time is the Central Time Zone. Please pay careful attention to the deadlines for the assignments and the designated time periods for course exams/quizzes.

In addition, all students in this course are expected to check our course Canvas site as well as their UWM e-mail accounts on a daily basis for important messages and updates regarding this class. This should be done until your final grade is posted on PAWS! Please note that students should use their UWM e-mail accounts for all (e-mailed) correspondence regarding this class. I will only utilize your UWM e-mail address when responding to student inquiries or when sending class announcements via e-mail.

### **Assigned Reading, Course Presentations, Other Online Content**

Our class will center on the assigned reading from the Baum text and additional assigned reading/content. As noted below, I have assigned reading for most weeks of the semester. Throughout the semester, I will post presentations to correspond to and highlight important themes, issues, and concepts in the reading that week etc. The presentations in this course will be in the form of either notes or a PowerPoint presentation and will be posted on Canvas under weekly modules.

### **Recording Notice and Consent**

While I do not plan to regularly meet with the class via Zoom at this time, any Zoom class sessions, if held, will be audio and visually recorded and stored for students who are unable to participate or observe when such sessions are scheduled. Students who participate with their camera engaged or who utilize a profile image are agreeing to have their audio/video or image recorded. Likewise, students who un-mute during class and participate orally are agreeing to have their voices recorded.

### **Discussion Essays**

In select weeks (please see schedule below), I will post a discussion question on our Canvas course page. Each student will be required to respond directly to the question that I pose during these weeks ("discussion essays").

In this process, I expect you to seriously engage the assigned reading and to develop thoughtful remarks to the questions I pose. These are essay assignments and, as such, they should be carefully crafted, well developed with a clear thesis statement, organized, and appropriately cited. Your responses should be approximately two paragraphs (single-spaced) and should clearly indicate that you have read and thought about the assigned reading.

These essays will be assigned one of four grades (0, 50, 75, or 100%). In order to receive a 100%, you must submit a thoughtful response that thoroughly answers all parts of the question, is free of major grammatical and spelling errors, is of a scholarly nature with a highly professional tone, and does not veer from the topic of the question posed. Simple bullet point posts will not suffice for this purpose.

Further, your writing should be free of any online jargon, abbreviated words, and contractions. Any reference to the assigned or outside reading must be properly cited with in-text parenthetical citations (and include quotation marks, if necessary), and you should include a works cited list. If your post contains multiple writing problems (organizational and/or grammatical), does not directly answer the question or all parts of the question, is not adequately developed, and/or does not have a scholarly tone, it will not receive more than an “average” grade (i.e., a 75). Please do not post your response as an attachment. It is your responsibility to ensure your essays are successfully posted and viewable.

Discussion essays must be posted to the applicable discussion forum no later than **Friday at 11:59 pm** of the relevant week of the discussion. For example, your response to Week 2’s discussion question must be posted no later than Friday, September 10 (by 11:59 pm). You should submit only one direct response to my discussion question for grading purposes each week (if you submit more than one, the first response will be graded). Late responses (even by one minute) to discussion questions will be assigned a grade of zero.

Please note that once you submit a post in the forum, you will not be able to edit it. Please utilize a word processing system for writing your post, proofread and edit your post, and then copy and paste it into the forum.

### **Quizzes**

In select weeks (please see schedule below), students will be required to take quizzes. These will be very short quizzes (10 questions) over the reading associated with select weeks of class (please see the schedule for material that could end up on a given quiz). The questions will be multiple choice and true/false, and the quizzes will be conducted via Canvas in a timed setting.

Once you begin a quiz, you will have to complete it within the time limit (10 minutes). Thus, it is your responsibility to ensure that you have a stable Internet connection, a functional computer, and a proper testing environment before you begin a quiz. In addition, while Canvas does include a countdown clock, all students assume responsibility to employ a separate countdown timer while taking online quizzes in this course to ensure accuracy of time remaining on the quiz. Note that Canvas quiz logs, which are viewable by the instructor, will be the governing feature to determine whether a student was given sufficient time and submitted their quiz within the time limit.

While collaboration with other students or individuals is strictly prohibited on quizzes, I will permit students to consult their notes or the book (or other assigned reading/content) when taking quizzes. Note that doing so, however, may result in your running out of time, so please prepare for these quizzes accordingly. In addition, students will be given two opportunities to take a quiz within the quiz period. I will count the higher of the two attempt scores in the calculation of student grades for that quiz. When applicable, quizzes will be available on Canvas by Wednesday evening. Students will need to finish and submit their quizzes by 11:59 pm on Friday.

### **Virtual Court Proceeding Paper**

The instructor will be locating select online court proceedings, and students will be instructed to review one of these designated online proceedings. All students will also be required to write a brief report (approximately two-to-three pages, double-spaced, one-inch margins, 12-point font). Further details on this assignment (including the eligible virtual court proceedings and information for how to electronically access them for your review) will be posted in a document (“Virtual Court

Proceeding Paper Instructions”) on our Canvas course site at least one month prior to the assignment’s due date. The paper will be due to Canvas no later than **Friday, November 12 at 11:59 pm**. Your submission must be unique to this course (i.e., you may not submit a virtual proceeding analysis submitted in a previous course).

### **Political Science Article Analysis**

Each student will also be expected to analyze a peer-reviewed, political science article among a list of articles provided by the instructor. As part of this exercise, students will need to identify the major question addressed in the piece, hypotheses tested, research methods employed, and key findings. In addition, the student will be asked to critique the study, noting both its strengths and apparent weaknesses. To assist students in constructing their analysis, a questionnaire/template will be posted on our Canvas site. It is vital that students thoroughly address all points on this questionnaire. The estimated length of this paper will be two-to-three pages (typed, double-spaced, one-inch margins, 12-point font). As this is a writing assignment, your analysis must be cited appropriately throughout the text using in-text parenthetical citations, and each student should attach a “works cited” list with full reference information. This paper will be due to Canvas no later than **Friday, December 10 at 11:59 pm**.

### **Exams**

There will be two exams in this course. Exam material will be drawn from the assigned reading, other assigned content, and any material presented, posted, linked, or referenced via our Canvas course site (including Zoom sessions, if applicable). The exams will include essay questions.

Collaboration or discussing the contents of the exams with other students or individuals is strictly prohibited on both exams in this course. The only sources you may consult in writing your exam responses are the Baum textbook, other *assigned* reading/content, and content provided/linked by the instructor on the Canvas course site. If you consult or utilize ANY other sources beyond these for the purposes of completing your exam, it will be deemed academic misconduct. In addition, if you consult any eligible sources (i.e., the textbook, instructor notes/presentations, materials posted/linked by the instructor on the Canvas site) when answering the exam questions, they must be appropriately cited in your exam responses with in-text parenthetical citations, and you will need to include a full works cited list with your exam! Note, however, that I do not want to see and will not give credit for lengthy passages that are directly quoted. In fact, direct quotations on exams should be, for the most part, non-existent or extremely limited in use! That is, while you may cite the textbook or class notes for your paraphrased ideas, there should be no reason for your exam responses to include direct quotes (i.e., verbatim language) from another source. If you do directly quote language from another source, you must provide quotation marks around that language (followed by an in-text parenthetical citation, which includes the page number on which this language can be found). However, even if you follow all proper citation practices, you will need to ensure that the vast majority of each of your exam responses is your own analysis and your own words in order to pass the exam! In addition, please note that lengthy consultation of the book, other assigned reading/content, or class notes will lead to your running out of time when taking the exams.

The midterm exam will be available online beginning **Monday, October 25 at 12:00 am until Tuesday, October 26 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (two hours) and before the test window closes.

The final exam will be available online beginning **Monday, December 20 at 12:00 am until Tuesday, December 21 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (two hours) and before the test window closes.

Once you begin an exam, you will have to complete it within the time limit. Thus, it is your responsibility to ensure that you have a stable Internet connection, a functional computer, and a proper testing environment before you begin an exam. You should not take these online exams using a mobile device. In addition, while Canvas does include a countdown clock, students assume responsibility to employ a separate countdown timer while taking online exams in this course to ensure knowledge of time remaining on the exam. I do have access to exam logs that provide an accurate accounting of time spent on a given exam. This log will be the governing feature to determine whether a student was given sufficient time and submitted their exam within the time limit.

Please note that the final exam will not be cumulative in nature. It will emphasize material covered since the midterm examination.

### **Grades (Undergraduate Students Only)**

Midterm exam	20%
Final exam	20%
Discussion essays	20%
Quizzes	20%
Virtual court proceeding paper	10%
Political science article analysis	10%

### **Point Scale**

A	93-100	C	73-76
A-	90-92	C-	70-72
B+	87-89	D+	67-69
B	83-86	D	63-66
B-	80-82	D-	60-62
C+	77-79	F	...-59

### **Extra Credit and Curving Policy**

There will be no extra credit assignments in this course. Please get assistance from the instructor and/or the TA if you are having difficulties with the course. I reserve the right to curve any components of the course and/or overall course grades, but doing so will be at my discretion. Therefore, there is no guarantee that any curves will be applied.

### **Time Allocation**

This is a three-credit hour class. Students, on average, should expect to spend nine hours a week on activities related to POL SCI 416.

### **Grading Concerns**

If you have questions or concerns regarding how an assignment or exam was graded, your first step should be to discuss the issue with the TA (if applicable) during office hours or by appointment. If you are not satisfied after consulting with the TA (i.e., if the TA graded the assignment or exam), you should meet with me in an appointment. All students who wish to appeal grading matters should do so within one week of the assignment or exam being returned to the class. You may request I re-grade any assignment or exam in this course; however, I retain the right to raise or lower grades upon review. Please allow 7-10 days for turnaround time on all assignments and exams.

### **Academic Misconduct and Collaboration Warning**

I do not tolerate acts of plagiarism or any forms of cheating. If I suspect a case of academic misconduct, I will follow the academic misconduct and reporting policies of the University of Wisconsin-Milwaukee. Collaboration with class peers or other individuals is not permitted on any assignment, quiz, or exam for this course. It will be regarded as academic misconduct. The distribution of exam or quiz questions can undermine the integrity of the online course and, thus, I consider such actions to be a form of academic misconduct as well. If you ever have questions on a quiz or exam question, you should consult with the instructor.

### **Late Policies, Extension Requests, Exam Make-Up Policy, Quiz & Discussion Essay Drops**

Quizzes, when scheduled, are designed to help keep students on track with their reading in this course and, thus, it is my general policy not to accept late quizzes for credit. However, I will drop each student's one (1) lowest quiz grade, which might be a zero. In addition, if you provide a legitimate reason (as determined by the instructor) and contact me before the quiz period expires, I will consider a due date extension (within 2-5 days of the original due date, if possible). If a student opens up a given quiz, however, a make-up opportunity cannot be provided on that quiz. Once you begin a quiz, you must complete and submit the quiz at that time.

My general policy is not to accept late discussion essays for credit, even if the submission is late by one minute! Late posts will receive a grade of zero. To avoid this scenario, do not wait until the last day to work on these assignments, and do not wait until the final minutes to upload/post your assignments. If you do wait until the final moments to do so, and Canvas time stamps it after the due date/time, it is late. However, I will drop each student's one (1) lowest discussion essay grade, which might be a zero. In addition, I will consider extensions on discussion post assignments if the student emails me before the assignment deadline, provides a legitimate reason (as determined by the instructor) for needing an extension, and states a reasonable time in which the post is to be uploaded given the student's circumstances (this should be within 2-5 days of the original due date, if possible).

Students must submit their virtual court proceeding and political science article analysis assignments by the dates noted on the syllabus. I will consider an extension without late penalty on these writing assignments if the student emails me before the assignment deadline, clearly stating why the student needs an extension (i.e., provides a legitimate reason for a late submission (per the instructor)) and providing a plan for timely completion (within 2-5 days, if possible). If students do not follow the notification protocol, I will accept late virtual court proceeding and political science article assignments for possible credit, but I will apply a ten-percentage point deduction for each day the assignments are late, including weekends.

Timely completion of course exams is essential in this class. Making sure you are ready for each exam is necessary for keeping you on track in this course, and the grade you receive on the mid-term, in

particular, is very important feedback for you as a student (as is the feedback you receive on quizzes and discussion posts). It is with this in mind, that my general policy is not to permit an opportunity for a make-up exam unless the student contacts me **before** the exam period ends with a legitimate reason (as determined by the instructor) for seeking a make-up opportunity. In addition, the make-up exam will need to be scheduled in a timely manner (within 2-5 days, if possible). If a student opens a given exam, a make-up opportunity cannot be provided on that exam. Once you begin an exam, you must complete and submit the exam at that time.

### **Technical Support**

I am not able to provide students with technical support. Please contact the UWM Help Desk at (414) 229-4040 or [helpdesk@uwm.edu](mailto:helpdesk@uwm.edu), if you run into any difficulties accessing/utilizing Canvas. Please do, however, also **immediately** notify me of any technical issues you encounter while taking this online course. Should you run into technical difficulties, you are advised to fully document your issues!

### **Student PC/Internet Responsibility & Assignment/Response Submission Responsibility**

It is the student's responsibility to ensure they have access to a functional PC and secure Internet connection for the duration of this online course. To minimize problems, students should give themselves plenty of time to submit assignments, quizzes, and exams (i.e., do not wait until the final hours or minutes to upload an assignment or take/submit a quiz or exam). Make every effort to get your work in well before the deadline, so that you can get technical support from appropriate sources, if needed! **Always electronically back up important class materials and assignments (e.g., course papers) so that you can access and submit them from a secondary device (e.g., a phone)!**

It is the student's responsibility to ensure they have successfully submitted and uploaded correct and intended assignments to the course Canvas site, and it is the student's responsibility to ensure their intended responses are successfully posted/saved to a discussion forum, quiz, or exam. If a student fails to submit an intended document or fails to properly upload/post/save text or responses in this online course, that is the student's error, and the student assumes all grade consequences that arise from it regardless of when that error is recognized.

### **Dropping the Course & Incompletes**

Each student should become familiar with all relevant drop deadlines (please see the UWM calendar for further details). An incomplete may be given to a student who is unable to complete the course requirements due to extenuating circumstances (e.g., illness, injury, family emergency, etc.).

### **Student Accommodations**

If you will need accommodations to meet any of the requirements of this course, please contact the instructor as soon as possible. Students should also contact an Accessibility Resource Center (ARC) counselor on campus at (414) 229-6287.

### **Religious Accommodations**

I will follow UWM's policy regarding the provision of religious accommodations. This policy can be found at: <https://www4.uwm.edu/secu/docs/other/S1.5.htm>

### **Military Service**

Please see the following link regarding accommodations for students who are called for military service: <http://www4.uwm.edu/academics/military.cfm>

### **Changes to the Course Syllabus**

In the event the instructor needs to modify the terms of this syllabus (not including assignments denoted in the course schedule (see below)), a syllabus addendum or an updated syllabus will be posted on the Canvas course site.

### **COURSE SCHEDULE**

**READING ASSIGNMENTS AND TOPICS ARE SUBJECT TO CHANGE, AND ADDITIONAL COURSE CONTENT MIGHT BE ASSIGNED!  
(CHANGES WILL BE POSTED ON CANVAS)**

#### **WEEK 1 (BEGINNING SEPTEMBER 2): INTRODUCTION TO THE STUDY OF JUDICIAL POLITICS**

No assigned reading in the textbook this week! Please carefully read the syllabus, review the introductory presentation posted on Canvas (Week 1), and post an introduction in the "Introductions" discussion forum!

#### **WEEK 2 (BEGINNING SEPTEMBER 6): COURT STRUCTURE & INSTITUTIONAL DESIGN I**

Read Baum, pgs. 1-18.

Discussion essay due by Friday, September 10 at 11:59 pm.

#### **WEEK 3 (BEGINNING SEPTEMBER 13): COURT STRUCTURE & INSTITUTIONAL DESIGN II**

Read Baum, pgs. 19-51.

Quiz #1 (covering reading assigned in weeks 2 and 3) to be submitted by Friday, September 17 at 11:59 pm.

#### **WEEK 4 (BEGINNING SEPTEMBER 20): THE LEGAL PROFESSION**

Read Baum, pgs. 52-91 and McGuire, Kevin T. 1995. "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success." *The Journal of Politics* 57: 187-196 (Canvas).

Discussion essay due by Friday, September 24 at 11:59 pm.

#### **WEEK 5 (BEGINNING SEPTEMBER 27): JUDGES & JUDICIAL SELECTION I**

Read Baum, pgs. 92-122.

Quiz #2 (covering reading assigned in weeks 4 and 5) to be submitted by Friday, October 1 at 11:59 pm.

#### **WEEK 6 (BEGINNING OCTOBER 4): JUDGES & JUDICIAL SELECTION II**

Read Baum, pgs. 123-149 and TBA (Canvas).

Discussion essay due by Friday, October 8 at 11:59 pm.

**WEEK 7 (BEGINNING OCTOBER 11): THE ROLE OF TRIAL COURTS AND TRIAL COURT PROCESSES I**

Read Baum, pgs. 150-200.

Quiz #3 (covering reading assigned in weeks 6 and 7) to be submitted by Friday, October 15 at 11:59 pm.

**WEEK 8 (BEGINNING OCTOBER 18): THE ROLE OF TRIAL COURTS AND TRIAL COURT PROCESSES II**

Read Baum, pgs. 201-244 and "How Cases Arise" by Tarr (2014) (Canvas).

Discussion essay due by Friday, October 22 at 11:59 pm.

**WEEK 9: MIDTERM EXAM**

The midterm exam will be available online beginning **MONDAY, OCTOBER 25 at 12:00 am until TUESDAY, OCTOBER 26 at 11:59 pm.** You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (two hours) and before the test window closes.

**WEEK 10 (BEGINNING NOVEMBER 1): A CLOSER LOOK AT JURIES**

Read Murphy, Walter F., C. Herman Pritchett, Lee Epstein, and Jack Knight. 2006. Selections From, *Courts, Judges, & Politics: An Introduction to the Judicial Process*. Sixth Edition. McGraw Hill. (Canvas), Landsman, S. and D. McCord. 2005. "12-Member Juries and Unanimous Verdicts: A Debate." *Judicature* 88(6): 300-305 (Canvas), and U.S. Courts Summaries on *Batson v. Kentucky* and *J.E.B. v. Alabama* (Canvas).

Discussion essay due by Friday, November 5 at 11:59 pm.

**WEEK 11 (BEGINNING NOVEMBER 8): APPEALS & APPELLATE COURT LITIGATION**

Read Baum, pgs. 245-268.

No quiz or discussion essay this week!

Virtual court proceeding paper due by Friday, November 12 at 11:59 pm.

**WEEK 12 (BEGINNING NOVEMBER 15): JUDICIAL DECISION MAKING**

Read Baum, pgs. 268-287 and Pacelle, Richard L., Brett W. Curry, and Bryan W. Marshall. 2011. "The Legal Model," In *Decision Making by the Modern Supreme Court*. Cambridge; New York: Cambridge University Press, pgs. 29-34 (Canvas).

Quiz #4 (Covering reading assigned in weeks 11 and 12) to be submitted by Friday, November 19 at 11:59 pm.

**WEEK 13 (BEGINNING NOVEMBER 22): INTEREST GROUPS AND THE JUDICIAL PROCESS**

Read Perkins, Jared, and Paul M. Collins, Jr., 2017. "Interest Groups and the Judiciary," in *The Oxford Handbook of U.S. Judicial Behavior*. Edited by Lee Epstein and Stefanie Lindquist. Oxford, UK: Oxford University Press (Canvas).

**\*\*No quiz or discussion essay this week \*\***

#### **WEEK 14 (BEGINNING NOVEMBER 29): THE ROLE OF LAW CLERKS**

Read Peppers, Todd, and Christopher Zorn. 2008. "Law Clerk Influence on Supreme Court Decision Making: An Empirical Assessment." *DePaul Law Review* 58: 51-78 (Canvas) and watch C-SPAN. 2013. "Two Former Clerks on the Clerk Job Generally, and Preparing Justices for Oral Argument," from the larger C-SPAN segment, "Supreme Court Law Clerks." C-SPAN – Washington Journal. October 7 (Canvas).

Discussion essay due by Friday, December 3 at 11:59 pm.

#### **WEEK 15 (DECEMBER 6): COURTS AS POLICY MAKERS**

Read Baum, pgs. 288-321 and Kapur, Sahil. 2021. "Democrats to Introduce Bill to Expand Supreme Court from 9 to 13 Justices." *NBC News*, April 14 (Canvas).

Quiz # 5 (Covering reading assigned in weeks 14 and 15) to be submitted by Friday, December 10 at 11:59 pm.

Political science article analysis due by Friday, December 10 at 11:59 pm.

#### **WEEK 16 (BEGINNING DECEMBER 13): TOPIC - TBA**

Reading TBA

**\*\*No quiz or discussion essay this week\*\***

#### **WEEK 17: FINAL EXAM**

The final exam will be available online beginning **MONDAY, DECEMBER 20 at 12:00 am until TUESDAY, DECEMBER 21 at 11:59 pm**. You may start the exam at any time within this window. Once you start the exam, however, the clock counts down, and you will need to submit your exam within the time limit (two hours) and before the test window closes.