Political Science 448G: The Supreme Court
Prerequisite: POLS 122 or permission of instructor
Wednesdays 6:00-8:30
Morgan Hall 316

Professor: Kimberly J. Rice, Ph.D.
Office Location: Morgan Hall 428
Office Phone: (309) 298-1242
Office Hours: Mondays and Wednesdays 12:00-1:00 and 2:00-3:00; Fridays 2:00-3:00
Email Address: KJ-Rice@wiu.edu

Course Description and Goals

This is an advanced seminar on the United State Supreme Court. We will be discussing, scrutinizing, and simulating the activities and decision making of the U.S. Supreme Court. We will be examining the Court’s process, but more importantly we will be evaluating the way in which the Court works in society and in politics. We will discuss such issues as how cases get to the Court, how oral arguments work, the role of ideology in decision making, and the possible impact the Court has on litigants and society as a whole. The first part of the class will be dedicated to the examination of the process and politics of the Court as well as an examination of academic literature on each topic. The later part of the course will allow students to put this knowledge into action by simulating the Court’s process using actual cases from the Court’s current term. Students completing this course will not only have a better grasp on the highest federal judicial institution but will have developed key analytical abilities as well as written and oral communication skills.

Required Text


In addition to this text, there will be readings from academic journals and law reviews. These will be made available on our Western Online page or can be found through JSTOR and/or LexisNexis.

Expectations

I expect all students to behave as professionals. Any student who is disruptive will be asked to leave. This includes such things as reading the newspaper, talking during lecture or being disrespectful to the instructor or other students. Students are expected to arrive on time, complete all work including readings, and ask early and often if you need additional assistance. Late work will not be accepted nor will make-up exams be given without a legitimate excuse. I reserve the right to impose grade deductions up to 15 points per day for late work if necessary. You are expected to contact me as soon as possible if you need an extension on an assignment.

Special Needs

In accordance with University values and disability law, students with disabilities may request academic accommodations where there are aspects of a course that result in barriers to inclusion or accurate assessment of achievement. To file an official request for disability-related accommodations, please contact the Disability Resource Center at 309-298-2512, disability@wiu.edu or in 143 Memorial Hall.
Please notify the instructor as soon as possible to ensure that this course is accessible to you in a timely manner.

For me to provide the proper accommodation(s) you must obtain documentation of the need for an accommodation through the Disability Resource Center and provide it to me. It is imperative that you take the initiative to bring such needs to my attention, as I am not legally permitted to inquire about such particular needs of students. Students who may require special assistance in emergency evacuations (i.e. fire, tornado, etc.) should contact me as to the most appropriate procedures to follow in such an emergency. Contact the Disability Resource Center at 298-2512 for additional services.

Course Requirements and Grading:

All assignments and exams will be graded out of 100 points and individual assignment grades will be posted on Western Online. Details for each assignment will be provided in class.

<table>
<thead>
<tr>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution Day Assignment</td>
<td>10%</td>
</tr>
<tr>
<td>Certiorari Exercise</td>
<td>20%</td>
</tr>
<tr>
<td>Oral Arguments Exercise</td>
<td>20%</td>
</tr>
<tr>
<td>Decision Making Exercise</td>
<td>20%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>15%</td>
</tr>
<tr>
<td>Participation / Discussion Leader</td>
<td>15%</td>
</tr>
<tr>
<td>Term Paper</td>
<td>---</td>
</tr>
</tbody>
</table>

Graduate Students – there will be a separate handout in the first few weeks detailing the term paper instructions and we will have individual meetings to discuss the papers.

Grading Scale – all paper and exam grades will be out of 100 and then weighted according to the percentages above.

<table>
<thead>
<tr>
<th>Undergraduate</th>
<th>Graduate</th>
</tr>
</thead>
<tbody>
<tr>
<td>100-93 A</td>
<td>87-83 B</td>
</tr>
<tr>
<td>92-90 A-</td>
<td>82-80 B-</td>
</tr>
<tr>
<td>89-88 B+</td>
<td>79-78 C+</td>
</tr>
</tbody>
</table>

Constitution Day Assignment

Constitution Day is Thursday September 17, 2015. WIU will be recognizing this with Constitution Day activities on the second floor of Malpass Library. We have been invited to participate by making Power Point posters on the U.S. Supreme Court justices. Everyone will be expected to create and present a power point in class and then to also bring a copy of that power point to post during Constitution Day. The Honors College will set up an account at DPS for you to color print your presentation to bring with and will provide boards and pins for everyone to put up their presentations. I want everyone to make every effort to be in attendance this day for the entire time, but allowances will be made for students with approved absences and those that have class during the scheduled time. Assignments as to which justice you will be researching will be given out during class as well as providing a handout and posting previous presentation examples on Western Online so that students have time to prepare. Your grade
for this assignment is worth 10% of your final grade, 5% for graduate students and will be based on the quality of your power point slides as well as your brief in class presentation the week before.

Certiorari Exercise

Throughout the semester we are going to simulate the process of the U.S. Supreme Court. The first thing that the Court must do each term is to choose which cases they will decide. Considering that thousands of petitions are submitted each year and the Court usually only hears 80-90 cases, this process is crucial to understanding Court politics and procedure. During this part of the course, we will learn about the certiorari (or agenda setting) process and prepare a cert simulation. This exercise will be mostly written, in the form of party, clerk, and interest group briefs; however, we will have a “conference vote” just as the justices would to determine which of the potential cases will be taken as each student will make a brief presentation on their side or position. The writing and participation component of this exercise is worth 20% of your final grade for undergraduates, 15% for graduate students.

Oral Argument Exercise

Once a case has been taken by the Court, or granted cert, oral arguments are held. Here, the justices will prepare questions for the attorneys and the attorneys each have half an hour to convince the justices that the outcome of the case should swing in their favor. This exercise will be both written and oral wherein the justices will participate with questions as well as preparing bench memos and the attorneys will prepare written outlines to prepare for oral argument. This exercise is worth 20% of your final grade for undergraduates, 15% for graduate students. Your grade will be weighed equally between the written and oral component of this exercise.

Decision Making Exercise

After oral arguments, the justices hold conference. This is where only the nine justices meet to discuss and vote on cases. For this exercise we will hold conference and we will assign written opinions to justices. As we will learn, justices are free actors; hence, students will be free to write concurring and/or dissenting opinions. There will, however, be more than just one majority opinion writer so that one student need not bear the entire burden of writing the majority opinion because each student will submit a written opinion. This assignment is worth 20% of your final grade for undergraduates, 15% for graduate students.

Final Exam

The final exam will be an in-class blue book essay exam. One week prior to our final exam period, I will distribute a list of possible questions. Then, on the day of the final exam I will randomly choose two questions. Students will be provided blue books and will have the entire final exam period to answer the two chosen essay questions. The questions will center on key theoretical and empirical questions that we will have discussed in class and through readings. One’s ability to reference articles from class will be a primary grading component of this exam. The final exam is worth 15% of your final grade.

Participation / Discussion Leader

In addition to attending class and participating on a regular basis, each student will be assigned to a week to be the discussion leader. For the assigned readings that week, it will be your responsibility to
prepare a three to five page discussion paper and lead discussion. The papers will be due at the beginning of class the Monday of your assigned week so be sure to bring a copy to hand in and one to refernce for the week in discussion. There may be more than one leader per week, so you should consult with your co-leaders; however, each student is required to prepare the discussion paper. Discussion papers should demonstrate that students have a grasp on the readings and list ideas for discussion questions. Discussion papers should not summarize chapter readings but should focus on the assigned articles. Papers should analyze, not just summarize, the literature. Your participation and discussion is worth 15% of your final grade: 10% for your week and 5% for your overall participation and attendance in the course.

**Academic Integrity**

I take the possession of “intellectual property” extremely seriously, as does the University. As such, no form of academic dishonesty will be tolerated. You are expected to acquaint yourself with the university’s Student Rights and Responsibilities and Academic Integrity Policies, which are available at the following URLs:

http://www.wiu.edu/provost/students/  
http://www.wiu.edu/policies/acintegrity.php

Anyone caught cheating or in violation of the academic integrity policy will be subject to punishment under the guidelines laid out by the policy.

You can also visit [http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml](http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml) for more details and an excellent discussion of what constitutes plagiarism. “I didn’t know” will not be a valid excuse. We will discuss legal research and proper citation during class, but briefly, you will be using American Political Science Association (APSA) style citation.

**Writing Center**

The University Writing Center is available to assist you with general and specific questions on writing assigned in any discipline and at any academic level. It is a great resource for students who need one–on–one assistance with writing. The University Writing Center is located in Simpkins Hall 341. Call for an appointment (298-2815).

**Course Schedule / Reading Assignments**

*I reserve the right to make changes to schedule as needed, but no additional work or reading will be assigned. Students will be informed of any changes via email and in class.*

8/26  
Introduction to Class  
Read Baum Chapter 1  
**Basic Court Structure Handouts with Instructor Notes**

9/2  
SCOTUS video  
**Constitution Day assignments made, instructions handout**

9/9  
**Constitution Day Power Point Presentations in Class**
9/16  NO CLASS – ATTEND CONSTITUTION DAY THURSDAY 9/17

9/23  SCOTUS video
Legal research handout (Citation style)
How to notate academic articles handout

9/30  The Nomination and Confirmation Process and Politics
Baum Ch. 2

Week of 10/7  Certiorari and Agenda Setting in the U.S. Supreme Court
WEEKLY DISCUSSION GROUP #1
Baum Ch. 3
Recommended Reading: H.W. Perry Deciding to Decide – available from library.
Cert Petition Handout
Amicus Petition Handout
Cert Pool Memo Handout
Cert Assignment Handout

Week of 10/14 Oral Arguments
WEEKLY DISCUSSION GROUP #2
Baum Ch. 4
Oral Argument Assignment Handout
Week of 10/21  Decision Making - The Attitudinal/Legal Controversy

**WEEKLY DISCUSSION GROUP #3**

**READ IN THIS ORDER:**


Recommended Reading: Segal and Spaeth *The Supreme Court and Attitudinal Model Revisited* – available from library.

Week of 10/28  Decision Making – Other Models and Public Opinion

**WEEKLY DISCUSSION GROUP #4**


Week of 11/4  Certiorari Simulation & Assignment Due

Week of 11/11  Opinion Writing

**WEEKLY DISCUSSION GROUP #5**


Owens, Ryan J., Justin Wedeking and Patrick C. Wolfarth. 2013. “How the Supreme Court Alters

Week of 11/18  Oral Argument Simulation and Assignment Due

Week of 11/25  NO CLASS – THANKSGIVING BREAK

Week of 12/2  Impact and Compliance
   WEEKLY DISCUSSION GROUP #6
   Will simulate conference this day too so come prepared to vote on the case

Baum Ch. 5 & Ch. 6
Excerpt from Murphy et al. (2005), Judicial Policies: Implementation and Impact, by Canon and Johnson
Recommended Reading: Gerald Rosenberg *The Hollow Hope* – available from library

Week of 12/9  Decision Making Exercise Due
   Wrap up / Final Exam Review
   Graduate Student Paper Presentations

*Final Exam: Wednesday December 16th 6:00-7:50 p.m. in our regular classroom*