POLS 538: JUDICIAL PROCESS AND POLICY-MAKING  
SPRING 2016  
FANER HALL 3173  
TUESDAY, 5:00 – 7:30 P.M.

PROFESSOR: Scott Comparato  
PHONE: 453-1154  
OFFICE: Faner 3142  
EMAIL: scompara@siu.edu  
OFFICE HOURS: TR 8:00 – 11:00 a.m.

COURSE DESCRIPTION/PURPOSE

The purpose of this course is to introduce students to the field of judicial process and policy-making. Rather than focusing on judicial decision making, this course is more broadly constructed to include research on the stages of the legal process and the various actors in the system. We will devote a substantial amount of attention on understanding the institutional structure of the American court system, including state trial and appellate courts, as well as district and circuit courts at the federal level, in addition to the Supreme Court. Substantial attention will be given to the actors most heavily involved in the system such as litigants, lawyers, and interest groups. The course also includes content on the impact of judicial decisions and the role of courts in the policy-making process.

Aside from the substantive content of the course, my goals are to: (1) introduce graduate students to the literature in judicial process and policy-making and, in so doing, discuss some of the most important debates (both past and present) in the sub-field; and (2) underscore the importance of sound theoretical arguments, careful research designs, and compelling empirical results. We will focus on the scientific study of the judiciary, analyzing the substantive, theoretical, and methodological developments in the field.

REQUIRED READING/TEXTS

Most of the readings for this course will come from political science journals and law reviews. The majority of these articles will be made available to you on D2L.

The books listed below are required for this course. I do reserve the right to make changes to the readings throughout the semester, and there may be additional books required. I will provide you adequate notice of any changes in the reading schedule, or if any additional texts are required.


I do not assume prior knowledge of the judicial process, though it is certainly helpful. For those who are unfamiliar with the basic operations of the courts may wish to consult sources on the subject. Some of the following texts may be helpful to you: Walker and Epstein's The Supreme Court of the United States: An Introduction or Lawrence Baum's The Supreme Court for general information on the Supreme Court. For information on lower courts, I suggest Judicial Process in America, by Robert Carp and Ronald Stidham, or Lawrence Baum’s American Courts. Students seeking to conduct dissertation work in the field of law and courts should consider purchasing The Supreme Court Compendium, 4th ed. (2007) by Lee Epstein, et. al. It contains valuable data and information on the Supreme Court and its environment. At some point in the semester, we will spend some time discussing other sources from which you can obtain data on the courts, including the ICPSR, and directly from other scholars in the field.
**Grades**

Your grades will be based on seminar participation (20%), a critical analysis paper (20%), weekly analysis papers (20%), and a research paper (40%). There will be no incompletes given in this class except in cases of emergency or where university policy applies.

**Grading**

<table>
<thead>
<tr>
<th>Class Participation</th>
<th>100 points (20%)</th>
<th>Critical Analysis Paper</th>
<th>100 points (20%)</th>
<th>Weekly Papers</th>
<th>100 points (20%)</th>
<th>Research Paper</th>
<th>200 points (40%)</th>
<th>Total</th>
<th>500 points</th>
</tr>
</thead>
</table>

**Grading Scale (Percentages)**

- **A** 90 – 100
- **B** 80 – 89
- **C** 70 – 79
- **D** 60 – 69
- **F** 59 – Below

**Course Requirements**

**Class Participation (20%)**

I expect you to attend seminar meetings and to be prepared for each session. By prepared, I mean that you should have read the assigned materials and considered how they complement and contrast each other. Each week, one student will act as a discussion leader for the assigned readings. I will always want to provide an introduction to the material for that week, and highlight some of the issues brought up in your analysis papers. At that point, the discussion leader will take over. As discussion leader, you are responsible for emphasizing key themes and bringing to light controversies, and posing questions to direct our discussion. Each student will be responsible for leading discussion at least twice during the semester. The actual number will be dictated by the number of students in the class, but you will not be required to lead discussion on two consecutive weeks. You will meet with me the Monday preceding the class for which you will serve as the discussion leader to review the material and discuss your plans for that week.

On the weeks that you are a discussion leader, you must submit no fewer than five discussion questions that will guide our discussion for that week. These questions are to be emailed to everyone in the class via Blackboard no later than 8:00 a.m. on the day of class. All students should review those questions and prepare to engage the discussion leaders on those issues during class.

You should also come to each class prepared to answer the following questions for each of the assigned readings:

- What do you see as the major themes of the reading generally?
- What questions of clarification do you have?
- What is the theoretical motivation of the author and into what larger theoretical perspective does it fall?
- What are the hypotheses offered by the author?
- What data are used? How are those data collected and analyzed? What conclusions does the author draw from that analysis?
- What does the reading contribute to our understanding of court structure, the various actors, or the role of the courts in the political system?
- What criticisms do you have of the reading: Is there a theory? Do the hypotheses follow from the theory? Are the data appropriate to answer the question posed or should alternative or supplementary data be collected? Is the analysis of the data sound? Do the conclusions follow from the theory and data?
The success of this class depends, in large part, on the regular and robust participation of students. Failure to attend and participate consistently will have an adverse impact on the learning experience of everyone in the class. If you must miss class for some reason, you may receive an excused absence if you contact the instructor in advance, although I reserve the right to decide what constitutes a reasonable excuse. Each unexcused absence will result in a ten point reduction in your overall grade.

**Critical Analysis Paper (20%)**

Each student will choose one of the topics on the syllabus for in-depth analysis. I will assign a book or set of articles on that topic for you to read and write a critical analysis paper of approximately five pages. The purpose of these papers is to help develop your ability to read and critique the work of other scholars. In these papers, I expect you to address the theoretical motivation of the work, the data marshaled in support of the authors’ argument and the soundness of the conclusions. The papers are due on the day that topic is scheduled for discussion in class. All students must make their choices by **February 5th**, and I will not allow multiple students to write on the same topic, so choose early.

**Weekly Analysis Papers (20%)**

Each week, you are responsible for writing a one page, single-spaced, analysis paper focusing on the issues and themes in the reading. You should include questions, comments, and analysis that you have about the concepts, theory, and methods encountered in the reading. These analysis papers will supplement the material that I intend to cover in class, and help to motivate our discussion. These do not need to be polished products, but I want you to demonstrate that you are thinking critically about the work, the issues brought out by the authors, and the implications of the findings. Papers are due in my mailbox by 8:00 a.m. every Monday morning.

**Research Paper (40%)**

Each student is required to write a 15 – 20 page paper on a topic related to judicial process. Your paper should take the form of an article length manuscript, suitable for publication in a political science, or similar social science journal. I will provide you with more guidance on the proper style, format, and construction as the semester progresses, but generally your paper must contain the following sections:

- **Introduction**: This should include your primary question, or problem that you intend to address, and a discussion of the significance of this issue and why it is worthy of study.
- **Theory**: In this section you should develop the theoretical motivation for your work, and demonstrate considerable familiarity with the relevant literature on the topic.
- **Expectations/Hypotheses**: Here you should discuss the specific hypotheses derived from your theory and the model you plan to employ to test these hypotheses.
- **Measurement/Data**: Explain how you plan to evaluate whether you have answered the questions that you propose and the data sources you use to answer those questions.
- **Analysis/Results**: Explain your results in detail, tying them back into your theory, and clearly discuss how they support (or do not support) your hypotheses.
- **Conclusion**: In this section, you should summarize your findings, how you have contributed to our current understanding of the issue, as well as speculating on future directions of research in this area.

Much of the material that we will cover in this class will make use of advanced formal and statistical methods. You should not feel that writing an empirically driven paper requires you to employ such methods, but you should make use of the multitude of data sources that are available (or collect your own) in completing your paper. As soon as possible, look through the syllabus and begin identifying topics that might be of interest to you. You must identify a topic and clear it with me by **February 19th** so that you have enough time to identify the relevant literature, obtain and analyze the data, and write the paper.
COURSE WEB PAGE

This course will be managed using D2L. Detailed instructions to assist you in creating an account and adding this course can be accessed from the Morris Library main page. You will have access to all course information, including the syllabus, course schedule, reading assignments, resources for your papers, discussion boards, and an email system to contact me or other students in the class. I will regularly post messages regarding the reading, schedule, assignments, and grades to the course page. Therefore, you should make a habit of checking the course page on a daily basis to keep up with reading assignments and other course related announcements. There are numerous computer labs on campus, so access to D2L should not be a problem.

ACADEMIC INTEGRITY

To paraphrase the immortal George Clinton: “Don’t fake the funk.” Put simply, you are responsible for your own work. It is considered cheating to submit someone else’s work as your own. Using information from another source (book, article, internet site, another student, etc.) without properly crediting the author is plagiarism. Direct quotations, paraphrased information, and the general use of another person’s idea must be properly referenced in your work. During exams, you are not allowed external aids (notes, books, etc.). The penalty for violations such as plagiarism, cheating, or other misconduct will result in a failing grade in the course, and may result in a formal charge of misconduct as outlined in the University Student Conduct Code, possibly leading to further sanctions, including suspension or expulsion from the graduate program and the University. As graduate students, you are expected to conduct yourselves in a professional manner, and failure to follow these guidelines

Specific actions (though not exhaustive) that constitute academic misconduct:
- Unauthorized group work
- Submitting work from other courses without authorization
- Representing the work, writing, or ideas of another person as your own

If you have any questions about what constitutes academic dishonesty, contact the Southern Illinois University office of Student Rights and Responsibilities or reference the Conduct Code directly.

DISABILITIES

Students with disabilities who require individualized testing or other accommodations should identify themselves to me immediately. Every effort will be made to accommodate your needs. Disabilities Support Services can assist you with testing, note-taking, and accessibility issues.

CONTACTING ME

You are always welcome to stop by my office during office hours to discuss questions/issues related to the course or other academic matters. I am happy to make appointments outside of my office hours if you are unable to stop by during those times. You may also contact me by phone or email via Blackboard.

EMERGENCY PROCEDURES

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on the BERT website at www.bert.siu.edu, Department of Public Safety's website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.
COURSE OUTLINE/READINGS

I. LAWYERS (JANUARY 26TH)

II. THE DECISION TO LITIGATE (FEBRUARY 2ND)

III. INTEREST GROUPS IN LITIGATION (FEBRUARY 9TH)

IV. WINNERS AND LOSERS (FEBRUARY 16TH)

V. JUDICIAL SELECTION (FEBRUARY 23RD)

VI. FEDERAL DISTRICT COURTS (MARCH 1ST)

VII. U.S. COURTS OF APPEALS (MARCH 8TH)

VIII. STATE SUPREME COURTS (MARCH 22ND)

IX. INTER-COURT RELATIONS (MARCH 29TH)

X. INTER-INSTITUTIONAL RELATIONS PART I: COURT/CONGRESS (APRIL 5TH)

XI. INTER-INSTITUTIONAL RELATIONS PART II: COURT/EXECUTIVE (APRIL 12TH)

XII. INTER-INSTITUTIONAL RELATIONS PART III: COURT/ADMINISTRATIVE AGENCIES (APRIL 19TH)

XIII. PUBLIC OPINION AND JUDICIAL IMPACT (APRIL 26TH)

XIV. COMPARATIVE COURTS (MAY 3RD)

IMPORTANT DATES

Research Paper Proposal: February 19th (Week 5)
Research Paper: Friday, May 6th

CLASS WILL NOT MEET:

March 15th (Spring Break)

---

1 I reserve the right to make changes to the reading assignments and the dates that material will be covered as necessary.
Syllabus Attachment
Spring 2016
http://pwsa.siu.edu/

SAFEY AWARENESS FACTS AND EDUCATION
Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: http://safe.siu.edu

SALUKI CARES
The purpose of Saluki Care is to identify, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Care: (618) 433-5714, or salukicare@siu.edu, http://saluki.cares.siu.edu/index.html

EMERGENCY PROCEDURES
Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. We ask that you become familiar with the SIU Emergency Response Plan and Building Emergency Response Team (BERT) programs. Please reference the Building Emergency Response Protocols for Syllabus attachments on the following pages. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.

INCLUSIVE EXCELLENCE
SIU contains people from all walks of life, from many different cultures and sub-cultures, and representing all strata of society, nationalities, ethnicities, lifestyles, and affiliations. Learning from and working with people who differ is an important part of education as well an essential preparation for any career. For more information please visit: http://www.inclusiveexcellence.siu.edu

LEARNING AND SUPPORT SERVICES
Help is within reach. Learning support services offers free tutoring on campus and math labs. To find more information please visit the Center for Learning and Support Services website: Tutoring: http://tutoring.siu.edu/; Math Labs: http://tutoring.siu.edu/math_tutoring/index.html

WRITING CENTER
The Writing Center offers free tutoring services to all SIU students and faculty. To find a Center or Schedule an appointment please visit: http://write.siu.edu/

AFFIRMATIVE ACTION & EQUAL OPPORTUNITY
Our office’s main focus is to ensure that the university complies with federal and state equity policies and handles reporting and investigating of discrimination cases. For more information visit: http://diversity.siu.edu/af

Additional Resources Available:
SAFETYNET: https://safetynet.siu.edu/en/home/displayicians
ADVISEMENT: http://advisement.siu.edu/
SIU ONLINE: http://online.siu.edu/

Spring 2016 RO’rousle