The primary purpose of this course is to introduce you to the function and organization of the judicial system in the United States, with an emphasis on the decision-making of judges at both the state and federal level – the justices of the Supreme Court in particular. Judges play an integral role in the political process. While some believe that the courts have become too involved in the policy process, few would dispute that courts are far more involved in the policy process than ever before. In recent years, the Supreme Court has rendered decisions on issues such as legislative reapportionment, the application of the death penalty, the ability of Congress to regulate content on the Internet, affirmative action, the Constitutionality of the Affordable Health Care Act, and the incorporation of the 2nd Amendment to the states. In addition, lower state and federal courts are intimately involved in the policy process as well, making the study of these institutions vital to our understanding of the American political process.

In this course, we will focus on the courts as both legal and political institutions, with an emphasis on the political nature of judicial decision making, and the relationship between the courts and the other branches of government. While much of our time will be dedicated to the study of the Supreme Court, we will also address the role and function of trial and appellate courts, at the state and federal levels.

COURSE OBJECTIVES

The goals of this course are to improve your critical reading, writing, and organizational skills. Toward that end, the written assignments will focus on improving proficiency in those areas. Through the prediction paper, you will cultivate the ability to conduct independent research, construct and support an argument with various types of evidence, and improve your ability to convey complex ideas and information clearly. In addition, emphasis is placed on classroom participation and critical discussion of the readings.

REQUIRED TEXTS


Additional readings will be available via D2L throughout the semester.
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. If my office hours conflict with your schedule, you may also contact me by phone or via D2L. I will do my best to return your call within 24 hours. If you would like a more immediate response, I check my email frequently, and will return messages as promptly as possible. This is a difficult class, and I expect that many of you will encounter problems in completing some of the assignments. Please take advantage of the opportunity to discuss the course material with me outside of class, particularly if you are having trouble, or would like additional clarification.

When contact me via email, please use appropriate greetings “Dr. Comparato, Mr. Comparato, Professor, etc.” Use appropriate grammar and spelling, and maintain a professional tone. You should also close your message with your name.

COURSE WEB PAGE

This course will be managed using D2L. You will have access to all course information, including the syllabus, course schedule, reading assignments, and resources for your papers. 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. You MUST create an account by the second day of class.

COURSE REQUIREMENTS

One of the primary purposes of this course is to help you develop your analytical and writing skills. As a result, there are no exams for this class. Your grade will be based on two short papers, one prediction paper, an in-class presentation, quizzes, and class participation. All assignments are to be submitted on the date they are due. Ten points will be deducted for each day that they are late.

SHORT PAPERS (15% EACH)

The main assignment for this course is a research paper in which you will predict the outcome of a case that is currently before the Supreme Court. In order to help you prepare the prediction paper, you will also be required to write two short (5–7 pages) papers on topics that we will discuss in detail in class. To write the prediction paper, you will need to understand the primary theories of judicial decision making, how the Supreme Court functions, and how to conduct legal research. Each of the short papers will help you to develop a basic understanding of these issues and skills, which will aid you in completing the prediction paper.

PREDICTION PAPER (30%)

The prediction paper is the central requirement for this course. Each of you will choose a case that has been accepted by the Supreme Court for oral argument this term, and will make a prediction about how three of the justices (one each from the liberal, moderate, and conservative blocs) will decide the case. I will provide you with a list of cases, along with basic information about the subject matter in the case, early in the semester. You will then be free to choose a case from that list, though no two students may write on the same case, so you may not get your first choice of cases. In the paper, you will make predictions about the positions that each justice will take, based on your understanding of judicial decision-making, the political environment, and the personal ideology of the justices. You will
include information about who wins the case, and what doctrine your justices support. By necessity, you will need to know a great deal about the issues and facts surrounding the case itself, that justice’s past voting record in similar cases and their political ideology, gleaned from their own writings, and political and scholarly commentary on that justice.

I understand that a number of these cases will be decided by the time your paper is due, but do not count on your case being one of them. I am most interested in seeing how effectively you are able to conduct research and make an argument to support your predictions, and less interested in seeing that you correctly predicted the outcome.

**PRESENTATION (15%)**

During the last three weeks of class, you will present your findings and predictions to the class. You do not need to have the entire prediction paper completed at the time of your presentation, but you do need to prepare a 15 – 20 minute presentation, in which you outline the case you have chosen, the justices you are analyzing, present your predictions, and provide justification with reference to the research you have conducted on the justices.

**QUIZZES (15%)**

Throughout the semester, I will post quizzes on D2L to ensure that you stay current with the course readings. The quizzes will be posted randomly throughout the semester, and will not be announced in class. You must regularly check D2L to learn of upcoming quizzes. You are responsible for answering the questions on that week’s reading and submitting your quiz via D2L. You will be allowed to use your notes and the books, but there will be a time limit on the quiz, so if you have not done the reading prior to the quiz, it will be extremely difficult to complete it in the allotted time. You are not allowed to work with other students on the quizzes.

**PARTICIPATION (10%)**

You must be an active member of the class. In order to receive credit for this portion of your grade you must show a willingness to engage the material.

I begin class promptly at the scheduled time. We will make full use of the entire time we are allotted for class. I do not tolerate tardiness. If you have circumstances that dictate chronic absence or tardiness, I strongly suggest that you reevaluate your decision to take this class.

**STUDENT CONDUCT**

Students should behave in a professional and courteous manner at all times. Students are expected to turn off all cell phones and pagers when entering class. Eating is not permitted. It is essential that students feel comfortable in the classroom, and while disagreement is expected and encouraged, please remain respectful of your fellow students and the professor. Any student behaving in a manner that is in any way disruptive or inappropriate will be removed, and potentially sanctioned as outlined in the [University Student Conduct Code](#).

**ACADEMIC INTEGRITY**

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.

If you have any questions about what constitutes cheating and plagiarism, contact the Southern Illinois University office of Academic Advising, or view the University Undergraduate Catalog for more information.

**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.

**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, Department of Public Safety's website (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.

**GRADE DISTRIBUTION**

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Short Paper One</td>
<td>75 points</td>
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<tr>
<td>Short Paper Two</td>
<td>75 points</td>
<td>15%</td>
</tr>
<tr>
<td>Presentation</td>
<td>75 points</td>
<td>15%</td>
</tr>
<tr>
<td>Final Paper</td>
<td>150 points</td>
<td>30%</td>
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<tr>
<td>Quizzes</td>
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<td>15%</td>
</tr>
<tr>
<td>Participation</td>
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**Total:** 500 points

**GRADING SCALE**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points Range</th>
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<tbody>
<tr>
<td>A</td>
<td>90 – 100 (450 – 500 points)</td>
</tr>
<tr>
<td>B</td>
<td>80 – 89 (400 – 449 points)</td>
</tr>
<tr>
<td>C</td>
<td>70 – 79 (350 – 399 points)</td>
</tr>
<tr>
<td>D</td>
<td>60 – 69 (300 – 349 points)</td>
</tr>
<tr>
<td>F</td>
<td>59 – Below (≤ 299 points)</td>
</tr>
</tbody>
</table>
The schedule for the class is tentative, as circumstances may dictate that we spend more time on some subject matter, and less time on other areas. I will also deviate from the syllabus to discuss a number of resources available to you in obtaining information to prepare for the paper assignments. I reserve the right to make changes to the syllabus as necessary.

I. Introduction to Judicial Process (Weeks One – Two)

A. Courts as Legal or Political Institutions?
   - MPEK, Chapters 1 and 2
   - ES, 1 – 46

B. The Study of Judicial Politics
   - LB, Chapter 1

II. Judicial Power (Week Three)

- MPEK, 253 – 266; 276 – 284; Chapters 7, 8, and 13
- JT, Part 1

III. Court Function and Organization (Weeks Four – Six)

A. Federal Courts
   - MPEK, 77 – 90; 103 – 121
   - EPS, Chapter 1
   - ES, 402 – 459

B. State Courts
   - MPEK, 90-100; 121-140
   - ES, 579 – 609
   - Bonneau and Hall, Chapter 1 (D2L)

IV. The Actors (Weeks Seven – Nine)

A. Judges
   1.) Selection and Retention
      - MPEK, Chapter 4
      - ES, 47 – 120; 529 – 578
      - JT, Part 4
      - Bonneau and Hall, Chapters 3 and 4 (D2L)
      - EPS, Chapters 2 – 4
   2.) Judicial Characteristics
      - LB, Chapter 5
      - ES, 264 – 301

B. Juries
   - MPEK, Chapter 9
   - ES, 209 – 263

C. Lawyers
   - MPEK, Chapter 5
D. **INTEREST GROUPS**

- **MPEK**, 252 – 260; 269 – 279
- **ES**, 166 – 208

V. **JUDICIAL DECISION-MAKING** (Weeks Ten – Eleven)

A. **TRIAL COURTS**

- **LB**, Chapters 6 and 7
- **ES**, 302 – 335

B. **APPELLATE COURTS**

1.) **Agenda Setting**

- **LB**, Chapter 8
- **ES**, 336 – 401

2.) **The Decision on the Merits**

a. The Role of Law

- **MPEK**, Chapters 10 – 12
- **LB**, Chapter 2

b. The Role of Policy Preferences

- **LB**, Chapter 3

c. Strategic Interaction

- **LB**, Chapter 4

d. The Political Environment

- **EPS**, Chapters 5 and 6
- **ES**, 460 – 528

VI. **POLICY MAKING AND IMPACT** (Week Twelve)

- **MPEK**, Chapter 14
- **ES**, 634 – 674
- **JT**, Parts 2 and 3

VII. **PRESENTATIONS** (Weeks Thirteen – Fifteen)

- Presentations and Peer Evaluations

**IMPORTANT DATES**

**CASE CHOICE:** **FRIDAY, FEBRUARY 1**<sup>ST</sup>

**SHORT PAPER ONE:** **FRIDAY, MARCH 1**<sup>ST</sup>

**SHORT PAPER TWO:** **FRIDAY, MARCH 29**<sup>TH</sup>

**PRESENTATIONS:** **TUESDAY, APRIL 16**<sup>TH</sup> – **THURSDAY, MAY 2**<sup>ND</sup>

**FINAL PAPER:** **MONDAY, MAY 6**<sup>TH</sup>, 4:00 P.M.

**NO CLASS HELD:** **MARCH 12**<sup>TH</sup> – **14**<sup>TH** (SPRING BREAK)

**APRIL 11**<sup>TH</sup> **(MPSA CONFERENCE)**