

# Political Science 3100

## Judicial Politics

McGannon 122

Mondays, Wednesdays, and Friday 1:10 - 2:00 pm

### Instructor Information

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Office Hours: Tuesday, 10:30 to 11:30; Thursday, 2:00 to 3:00; or by appointment.

### Course Description

#### Catalog Description

Organization and procedures of American federal and state courts. Factors affecting judges' rulings and interpretation of law. Topics may include: politics of judicial selection, case studies of major decisions or social issues, and scope of judicial authority to implement social change.

#### Additional Description

How do American courts work? What is the function of law and courts in the greater political system? How do varying features of courts influence outcomes? These questions will help focus our exploration of legal systems in the United States, include federal and state systems. We will consider what factors, including law, politics, and ideology, influence the decisions that judges make. We will also delve into the scope of judicial power. The class will be focused on mastering a deeper knowledge regarding law and legal systems, engaging critical concepts regarding judicial politics, and developing independent research.

This course is part of the Saint Louis University Core, an integrated intellectual experience completed by all baccalaureate students, regardless of major, program, college, school or campus. The Core offers all SLU students the same unified approach to Jesuit education guided by SLU's institutional mission and identity and our nine undergraduate Student Learning Outcomes (SLOs).

This course is a Public Law Elective in the Political Science Public Law Concentration.

## Learning Outcomes & Course Objectives

This course is designed to help students broaden their knowledge, skills, and values so that will be able to:

- SLO 2: Integrate knowledge from multiple disciplines to address complex questions regarding judicial politics.
  - { Master major concepts and approaches in considering:
    - the key features of judicial systems in the United States.
    - the role of judicial hierarchy.
    - the impact of judicial selection mechanisms on judicial outcomes.
    - American courts in the context of the other branches and the public.
    - the influence of law, ideology, and politics in judicial systems.
  - { Distinguish among the diversity of traditions in approaches to judicial politics.
    - Critique and assess scholarly theories and evidence.
    - Understand various methodological approaches used by social scientists to study judicial politics.
    - Identify major challenges in studying courts and law and strategies to avoid such pitfalls.
  - { Assess the effect of various social, legal, and political structures and determine which are more likely to promote equality, justice, freedom or other values important to them.
    - Assess how policy and institutional choices regarding legal systems affect individuals, organizations, and society.
    - Evaluate the ethical consequences of institutional features of a legal system.
- SLO 3: Assess evidence and draw reasoned conclusions.
  - { Read carefully and evaluate and construct analytical arguments in clear and logical prose.

Think, speak, and write critically about human behavior and community in the context of judicial politics.

Discuss and defend ideas orally, as part of discussion and presentations.

Engage in meaningful and productive dialogue with others.

## Course Materials

- Cameron, Charles and Jonathan Kstellec. 2021. "Conservatives May Control the Supreme Court until the 2050s." *The Washington Post*. (Cameron)
- Carp, Robert, Kenneth Manning, and Lisa Homes. 2022. *Judicial Process in America, 12th Edition*. CQ Press. (JPA)
- Coyle, Marcia. August 18, 2023. "State Courts, Voters Increasingly Turning to State Constitutions to Protect Rights." *The Constitution Center*. (Coyle)
- Drutman, Lee. September 16, 2015. "Public Financing of Judicial Elections Worked. Too Bad North Carolina Ditched the System." *Vox*. (Drutman)
- Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Congressional Quarterly, Inc. (CJM)
- Hinkle, Rachael, Morgan Hazelton, and Michael Nelson. May 26, 2017. "Legal Scholarship Highlight: Getting to Know You - The Unifying Effects of Membership Stability." *SCOTUSBlog*. (Hinkle)
- Liebell, Susan. 2023. "Podcast: *Persuading the Supreme Court*." *New Books Network*. (Liebell)
- Kozel, Randy J. September 9, 2015. "'Stare Decisis' and the Separation of Power." *The Federalist Society*. (Kozel)
- Mancuso, Sterling. April 14, 2023. "Questioning Precedent: A Critique of Constitutional Stare Decisis at the Supreme Court of Canada." *Forum Conveniens*. (Mancuso)
- McGuire, Kevin. Ed. 2012. *New Directions in Judicial Politics*. Routledge. (NDJP)
- Pew Charitable Trust. September 2023. *Report: How to Make Civil Courts more Open, Effective, and Equitable*. (Pew)
- Rameswaram, Sean. July 16, 2016. "Podcast: Object Anyway." *More Perfect*. (Rameswaram)
- Re, Richard M. October 18, 2016. "Legal Scholarship Highlight: When Lower Courts Don't Follow Supreme Court Precedent." *SCOTUSBlog*.(Re).
- Tai, Thomas. September 27, 2022. "The (Not-So) Absolute Power of the Supreme Court *League of Women Voters*." (Tai)



## Assignments and Papers

There is one major paper assignment for this class. Your paper should explore some topic pertaining to judicial politics, which could include some aspect of judicial decisionmaking, legal institutional features, or interbranch relations. The specific topic of the paper will be of your choosing (with my prior approval). You will need to conduct independent research on the topic and cite sources appropriately. Papers should be between 13-15 pages in length excluding the bibliography.

To help you produce the highest quality work, various drafts of the paper will be due throughout the semester, including the topic, outline, rough draft, and final draft. You will also present your paper to the class in 4-minute long presentations with slides and a question-and-answer period) Additional information regarding this assignment will be handed out in

| Type                             | Item                        | Grade Value |
|----------------------------------|-----------------------------|-------------|
| <i>Verbal</i>                    | Class Participation         | 10%         |
|                                  | On Call Days                | 10%         |
|                                  | Paper Presentation          | 5%          |
| <i>Written</i>                   | Paper Topic & Topic Meeting | 5%          |
|                                  | Paper Outline               | 5%          |
|                                  | Paper Draft                 | 10%         |
|                                  | Final Paper                 | 15%         |
| <i>Examination<br/>(Written)</i> | Pop Quizzes                 | 5%          |
|                                  | Midterm Exam                | 15%         |
|                                  | Final Exam                  | 20%         |

Barring unusual circumstances, I will provide feedback and grades to you on assignments, on-call days, and exams approximately one week of you completing the items. If for some reason I need longer, I will let you know that is the case and when you can expect the feedback and grades. Regarding Class Engagement, I will provide you with feedback and a grade every three weeks (excluding the midterm week).

Grades will be assigned by the following scale:

| Percent of Pts | Letter Grade |
|----------------|--------------|
| 93             | A            |
| 90             | A-           |
| 87             | B+           |
| 83             | B            |
| 80             | B-           |
| 77             | C+           |
| 73             | C            |
| 70             | C-           |
| 60             | D            |
| < 60           | F            |

The above scale represents the highest requirements for a particular letter grade. That is, I may, at my discretion, alter the grading scale to require fewer percentage points to obtain a particular letter grade. If you are taking the course on a pass/fail basis, please see me to discuss the requirements for a passing grade. Students auditing the course are expected to attend class and participate in our discussions. Grades of "Incomplete" will only be given after extensive consultation with a student and only in the most exceptional of circumstances.

# Important Matters

## Academic Integrity and Honesty

*Academic integrity is honest, truthful and responsible conduct in all academic endeavors.* The mission of Saint Louis University is "the pursuit of truth for the greater glory of God and for the service of humanity." Accordingly, all acts of falsehood demean and compromise the corporate endeavors of teaching, research, health care, and community service via which SLU embodies its mission. The University strives to prepare students for lives of personal and professional integrity, and therefore regards all breaches of academic integrity as matters of serious concern. The full University-level Academic Integrity Policy can be found on the Provost's Office website at: <https://www.slu.edu/provost/policies/academic-and-course/academic-integrity-policy.pdf>.

Additionally, each SLU College, School, and Center has its own academic integrity policies, available on their respective websites.

## Disability Services Academic Accommodations

Students with a documented disability who wish to request academic accommodations must formally register their disability with the University. Once successfully registered, students also must notify their course instructor that they wish to use their approved accommodations in the course.

Please contact the Center for Accessibility and Disability Resources (CADR) to schedule an appointment to discuss accommodation requests and eligibility requirements. Most students on the St. Louis campus will contact CADR, located in the Student Success Center and available by email at [accessibility\\_disability@slu.edu](mailto:accessibility_disability@slu.edu) or by phone at 314.977.3484. Once approved, information about a student's eligibility for academic accommodations will be shared with course instructors by email from CADR and within the instructor's official course roster. Students who do not have a documented disability but who think they may have one also are encouraged to contact CADR. Confidentiality will be observed in all inquiries.

## Title IX

Saint Louis University and its faculty are committed to supporting our students and seeking an environment that is free of bias, discrimination, and harassment. If you have encountered any form of sexual harassment, including sexual assault, stalking, domestic or dating violence, we encourage you to report this to the University. If you speak with a faculty member about an incident that involves a Title IX matter, that faculty member must notify SLU's Title IX Coordinator that you shared an experience relating to Title IX. This is true even if you ask the faculty member not to disclose the incident. The Title IX Coordinator will then be available to assist you in understanding all of your options and in connecting you with all possible resources on and off campus.

Anna Kratky is the Title IX Coordinator at Saint Louis University (DuBourg Hall, room 36; [anna.kratky@slu.edu](mailto:anna.kratky@slu.edu); 314-977-3886). If you wish to speak with a confidential source, you may contact the counselors at the University Counseling Center at 314-977-TALK or make an anonymous report through SLU's Integrity Hotline by calling 1-877-525-5669 or online at <http://www.lighthouse-services.com/slu>. To view SLU's policies, and for resources, please visit the following web addresses: <https://www.slu.edu/about/safety/sexual-assault-resources/index.php>.

## **Student Success Center**

The Student Success Center (SSC) supports students in reaching their goals in and out of the classroom. Providing a variety of resources, the Student Success Center houses both the Center for Accessibility and Disability Resources (CADR) and Academic Support, which includes Tutoring, Supplemental Instruction, University Writing Services, and Student Success Coaching. The Student Success Center is located in the Busch Student Center, Suite 331, and students can make an appointment with any SSC resource via EAB Navigate. To learn more about the Student Success Center and its resources, please visit: <https://www.slu.edu/life-at-slu/student-success-center/index.php>.

## **University Writing Services**

University Writing Services offers one-on-one consultations with trained writing consultants who help with everything from brainstorming, outlining, and proposing research questions to documenting sources, revising, and implementing feedback. These consultations can take place in-person, asynchronously, or via Zoom and can be scheduled through EAB Navigate { Student. Getting feedback benefits writers at all skill levels on different writing projects (including but not limited to class assignments, conference papers, cover letters, dissertations, group projects, multimedia assignments, personal statements, senior capstone projects, short answer questions on applications, speeches, and theses). For additional information, visit <https://www.slu.edu/life-at-slu/student-success-center/academic-support/university-writing-services/index.php> or send an email to [writing@slu.edu](mailto:writing@slu.edu).

## **University Counseling Center Syllabus Statement**

The University Counseling Center (UCC) offers free, short-term, solution-focused counseling to Saint Louis University undergraduate and graduate students. UCC counselors are highly trained clinicians who can assist with a variety of issues, such as adjustment to college life, troubling changes in mood, and chronic psychological conditions. To make an appointment, call 314-977-8255 (TALK), or visit the clinic on the second floor of Wuller Hall. For after hours needs, please press #9 after dialing the clinic number.



## Wellness

All students experience stressors and challenges at some point, and seeking support is beneficial. Such challenges may be the result of academic concerns (such as those related to particular assignments or content in a course), or they may be more personal in nature (such as concerns related to relationships, mental health, loss, identities, alcohol or drugs, housing or food security, or finances, among other things). If you experience these or other difficulties, please consider seeking support from the resources available to you.

- For concerns related to this course, please contact me. I am invested in your success and will support your success in the ways I can.
- Additionally, you have access to the many resources SLU provides in support of your personal wellness. You will find a list of available resources on the Well-being page of the SLU website.

If you or someone you know is experiencing a crisis: please consult the Crisis Support and Warning Signs on the University Counseling Center website.

In the spirit of *cura personalis*, the University sees your academic success as connected to your health and well-being and provides resources to support your holistic wellness.

## Basic Needs Security

Students experiencing food insecurity, housing insecurity, and any other challenges that are impacting their personal and/or academic wellbeing are encouraged to contact the Dean of Students Office for support. Students can submit an intake form, email [deanofstudents@slu.edu](mailto:deanofstudents@slu.edu), or call 314-977-9378 to connect with their office. Students may also communicate directly with their instructors about any challenges they are experiencing to receive support and resource referrals.

## Course Schedule

What follows is a *tentative* outline of the topics to be covered and when we will cover them. I may modify this schedule as necessary based on the dynamics of this particular class. If the schedule is modified, I will provide you with appropriate notice.

| Week   | Dates   | Topic                     | Assignments                                  |
|--------|---------|---------------------------|--|
| Week 1 | Jan. 17 | Syllabus                  |  |
|        | Jan. 19 | Introduction              | JPA Ch. 1                                    |
| Week 2 | Jan. 22 | Introduction              | JPA Ch. 1 & 2                                |
|        | Jan. 24 | Federal Judicial System   | JPA Ch. 2<br>Regression Cheat Sheet          |
|        | Jan. 26 | Federal Judicial System   | NDJP Ch. 7<br>Paper Assignment Handout       |
| Week 3 | Jan. 29 | State Judicial System     | <i>Topic Meetings</i><br>JPA Ch. 3           |
|        | Jan. 31 | State Judicial System     | JPA Ch. 3<br>NDJP Ch. 6                      |
|        | Feb. 2  | State Judicial System     | NDJP Ch. 6<br>Coyle (Link)                   |
| Week 4 | Feb. 5  | Jurisdiction & Boundaries | JPA Ch. 4                                    |
|        | Feb. 7  | Precedent                 | NDJP Ch. 9<br>Kozel (Link)<br>Mancuso (Link) |
|        | Feb. 9  | Wellness Day              | No School                                    |

| <b>Week</b> | <b>Dates</b> | <b>Topic</b>                         | <b>Assignments</b>                         |
|-------------|--------------|--------------------------------------|--|
| Week 5      | Feb. 12      | State Judges                         | JPA Ch. 5                                  |
|             | Feb. 14      | State Judges                         | JPA Ch. 5<br>NDJP Ch. 3<br>Paper Topic Due |
|             | Feb. 16      | State Judges                         | NDJP Ch. 3<br>Drutman (Link)               |
| Week 6      | Feb. 19      | Federal Judges                       | JPA Ch. 6                                  |
|             | Feb. 21      | Federal Judges (Asynchronous Online) | NDJP Ch. 1<br>Cameron (Link)               |
|             | Feb. 23      | Federal Judges (Asynchronous Online) | NDJP Ch. 2                                 |
| Week 7      | Feb. 26      | Federal Judges                       | NDJP Ch. 8                                 |
|             | Feb. 28      | Supreme Court                        | CJM Chs. 1-2                               |
|             | Mar. 1       | Supreme Court                        | CJM Chs. 3-4                               |
| Week 8      | Mar. 4       | Supreme Court                        | CJM Chs. 5-6                               |
|             | Mar. 6       | Midterm                              | Midterm Review                             |
|             | Mar. 8       | Midterm                              | Midterm Exam                               |
| Week 9      | Mar. 11      | Spring Break                         | No Class                                   |
|             | Mar. 13      | Spring Break                         | No Class                                   |
|             | Mar. 15      | Spring Break                         | No Class                                   |

| <b>Week</b> | <b>Dates</b> | <b>Topic</b>                         | <b>Assignments</b>                             |
|-------------|--------------|--------------------------------------|--|
| Week 10     | Mar. 18      | Policy Links                         | JPA Ch. 7                                      |
|             | Mar. 20      | Policy Links                         | NDJP Ch. 11<br>Tai (Link)<br>Paper Outline Due |
|             | Mar. 22      | Policy Links                         | NDJP Ch. 13                                    |
| Week 11     | Mar. 25      | Lawyers, Litigants & Interest Groups | JPA Ch. 8                                      |
|             | Mar. 27      | Lawyers, Litigants & Interest Groups | NDJP Ch. 5                                     |
|             | Mar. 29      | Easter Break                         | No Class                                       |
| Week 12     | Apr. 1       | Easter Break                         | No Class                                       |
|             | Apr. 3       | Lawyers, Litigants & Interest Groups | NDJP Ch. 12<br>Liebell (Link)                  |
|             | Apr. 5       | Criminal (Asynchronous Online)       | JPA Ch. 9<br>Rameswaram (Link)                 |
| Week 13     | Apr. 8       | Criminal                             | JPA Ch. 10                                     |
|             | Apr. 10      | Criminal                             | NDJP Ch. 4<br>Paper Draft Due                  |
|             | Apr. 12      | Civil                                | JPA Ch. 11<br>Pew (Link)                       |

| Week    | Dates   | Topic              | Assignments                                  |
|---------|---------|--------------------|--|
| Week 14 | Apr. 15 | Trial              | JPA Ch. 12                                   |
|         | Apr. 17 | Collegial Courts   | JPA Ch. 13<br>Hinkle (Link)                  |
|         | Apr. 19 | Collegial Courts   | NDJP Ch. 10                                  |
| Week 15 | Apr. 22 | Impact             | JPA Ch. 14                                   |
|         | Apr. 24 | Impact             | NDJP Ch. 14<br>Re (Link)                     |
|         | Apr. 26 | Impact & Synthesis | JPA Ch. 15<br>NDJP Ch. 15<br>Final Draft Due |
| Week 16 | Apr. 29 | Presentations      |  |
|         | May 1   | Presentations      |  |
|         | May 3   | Presentations      |  |
| Week 17 | May 6   | Review             | Review Session                               |
| Week 18 | May 13  | Final              | Final Exam - 12:00 - 1:50                    |