

Judicial Politics
Political Science 516
277 Caldwell Laboratory
Tuesday and Thursday 3:30 – 5:18 p.m.

Instructor: Kerry M. Hodak, M.A., J.D.
hodak.2@osu.edu
2151 Derby Hall

Office Hours:
Wednesdays: 2:00p – 4:00p
Thursdays: 11:00a – 12:00p
and by appointment

Course Description

This course will examine the role of law, courts, and judges in American politics. The course will focus on the structure of the courts, judicial selection, judicial decision-making, and judicial policy-making. The course will address the similarities and differences between the state and federal courts systems as well as trial and appellate courts.

Course Objectives

The purpose of this course is to provide students with an understanding of the American judicial system. The course will provide students an opportunity to reflect on their own attitudes about the role of law and courts in society. Additionally, students will develop analytical, writing, and presentation skills using scholarly research.

Readings

The following books are required for the course and are available for purchase at the OSU Bookstore in the South Campus Gateway.

- Carp, Robert A., et al. 2004. *Judicial Process in America, 6th Edition*. CQ Press: Washington, D.C. ISBN: 1-56802-828-8 (abbreviated in schedule as CSM)
- Slotnick, Elliot E. 2005. *Judicial Politics: Reading from Judicature*. CQ Press: Washington, D.C. ISBN: 1-56802-944-6 (abbreviated in schedule as Reader)
- Stern, Gerald M. 1977. *The Buffalo Creek Disaster*. Vintage Books (Division of Random House): New York. ISBN: 0-394-72343-0

You may also purchase these books online through various outlets including Half.com, Amazon, and Barnes & Noble.

Assignments and Grading

The course grade will be based on the following:

- Pop Quizzes – 15%
There will be six unannounced reading quizzes given over the course of the quarter. The lowest scored quiz will not be calculated into the final grade. Make-up quizzes will not be given.
- Court Observation Paper – 20%
Students will attend sessions at a local court and write a 5 – 7 page analytical paper about the experience. A handout posted on Carmen during the second week of the quarter will explain the requirements and expectations of the visits and paper.
- Midterm Exam – 20%
The midterm exam will be held on Feb. 1. Make-up exams will only be given if the student provides a legitimate excuse prior to the class period in which the exam is given.
- Debates or Book Project – 20%
Debate: Each debate will have two sides with up to 5 students per side. Each side will work as a team and be graded as a team. You will be expected to have thoroughly researched your topic. Additional information will be provided during the second week of the quarter. We will have debates during the last three class sessions of the quarter. Attendance will be required at each of these class sessions.

Book Project: In lieu of participation in a debate, each student will read a book pertaining to judicial politics approved by the instructor. The student will complete a 15-20 page analysis of the book that will utilize additional sources. Students will present the analytical thesis to the class during one of the last three class sessions. Additional information will be provided during the second week of the quarter. Papers will be due on March 1.
- Final – 25%
The final will be held/ due during the regularly schedule exam period. Format of the final will be determined during the 7th week of the course. Make-up exams will only be given if the student provides a legitimate excuse prior to the class period in which the exam is given/ due.
- Late assignments will be accepted but a penalty will be assessed. For the first day late, a 10% percent penalty will be assessed. For any assignment turned in

more than one day late, a 20% penalty will be assessed. Late assignments will not be accepted after the last Friday of the quarter. Under no circumstances may assignments be turned in via email unless explicitly permitted by the instructor.

- Grading scheme:
 - 93-100%: A
 - 90-92: A-
 - 87-89: B+
 - 83-86: B
 - 80-82: B-
 - 77-79: C+
 - 73-76: C
 - 70-72: C-
 - 67-69: D+
 - 60-66: D
 - <60: F

Academic Honesty

I expect all of the work you do in this course to be your own. I will tolerate absolutely no cheating or plagiarism (using someone else's words or ideas without proper citation). I will report any cases of cheating or plagiarism to the university committee on academic misconduct, and they will be handled according to university policy.

Disability

If you need an accommodation based on the impact of a disability, you should contact me to arrange an appointment as soon as possible. At the appointment we can discuss the course format, anticipate your needs, and explore potential accommodations. I rely on the Office for Disability Services for assistance in verifying the need for accommodations and developing accommodation strategies. If you have not previously contacted the Office for Disability Services, I encourage you to do so.

Email

I will use the University provided email (name.#@osu.edu) for each student when sending announcements to the class. It is your responsibility for ensuring that your account is not over quota and/or for forwarding your OSU email to another email account. I will not resend email that is returned because your OSU email account is

over quota. Lack of notice due to failure to check your OSU email and/or failure to receive email because your account is over quota will not be an acceptable excuse for problems in the course.

Cellular Phones

Because cellular phones are very disruptive, penalties will be assessed if they ring during class. For each occurrence of your phone ringing during class, you will lose one point from your final grade. If your phone rings during an exam, you will lose two points from your final grade for each occurrence. Please avoid an unpleasant situation and turn your phone off before class.

Carmen

Students are required to regularly check Carmen for course announcements, information, office hour changes/cancellations, and other course material. Discussion topics will also be posted on Carmen. Participation in online discussions is highly encouraged. There will also be a discussion board in which you may ask questions of the instructor regarding course procedures and substantive topics.

Course Schedule

Every effort will be made to maintain the following schedule. However, the schedule depends on the extent of class discussion. At the end of each class session I will let you know where you ought to be in the readings for the following class session if there is a deviation from the schedule below. I will also let you know well in advance should the mid-term have to be postponed. This syllabus is subject to change at the instructor's discretion. Advance notice will be given should this occur.

Week 1:

Jan. 4: Handout syllabus; Discussion of Debate and Book Project

Week 2:

Jan. 9: Carmen Readings; Reader 480-486

Jan. 11: Introduction – CSM 1-20, Reader 18-29

Week 3:

Jan. 16: State Courts: CSM 57-72, 98-110, Reader 50-68

Jan. 18: Federal Courts: CSM 23-56, 73-78

Week 4:

Jan. 23: Judicial Selection (Federal): CSM 111-145, Reader 73-111

Jan. 25: Inter-branch Relations: CSM 151-170, Reader 529-543

Week 5:

Jan. 30: Lawyers and Litigants: CSM 171 - 197, Reader 179 - 208

Feb. 1: Midterm

Week 6:

Feb. 6: Criminal Proceedings: CSM 198-228, Reader 211-226, 252-263

Feb. 8: Post-conviction Proceedings: CSM 229-251, Reader 314-327

Week 7:

Feb. 13: Civil Proceedings: CSM: 256-280, Reader: 610-633

Feb. 15: The Buffalo Creek Disaster

Week 8:

Feb. 20: Judicial Decision-making: CSM 281-361

Feb. 22: Judicial Decision-making: Reader 336-355, 402-441

Week 9:

Feb. 27: Johnson, Timothy R. et al., 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review* 100: 99-113. Available through

Library Catalog; Implementation of Decisions: CSM 362-388

March 1: Debates/Book Project

Week 10:

March 6: Debates/Book Project

March 8: Debates/Book Project

Week 11:

Final Exam