
Washington University in St. Louis
Department of Political Science

Pol Sci 338. Topics in Politics: Judicial Decisionmaking

Spring 2014 Semester

Instructor

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Friedrich (bfriedrich@law.wustl.edu) to
schedule]

Class Schedule

MW 10:00-11:30 AM
McDonnell 361

Course Description

An understanding of how judges decide cases is of fundamental importance for those seeking to explain how law evolves over time and how it is applied in particular instances. The purpose of this course is to highlight important normative debates about the appropriate role of judges and to survey the social scientific literature on how judges make decisions. Topics include: theories of decisionmaking; judicial selection; constraints under which judges operate; the agenda and litigation process; collegial courts; intercourt relations; the separation of powers; and, the public.

The main reading material for the course will come from a book titled *Judicial Decisionmaking* that Professor Martin is writing with Professors Tom Clark (Emory, Political Science), Barry Friedman (NYU, Law), Maggie Lemos (Duke, Law), and Ted Ruger (Penn, Law). We will also read some original research throughout the course of the semester. All course materials will be made available on Blackboard (<http://bb.wustl.edu>).

Requirements and Evaluation

Class meetings will be conducted as a mix between discussion and lecture. Students are expected to come to class fully prepared to discuss the merits—or lack thereof—of the assigned readings. This means reading all of the assigned material ahead of time and thinking critically about how the various arguments might fit together. Class attendance is mandatory.

Please consult with me *in advance* if you cannot attend a class meeting for any reason.

Class evaluation will come from two group projects, a midterm examination, a final examination, and class participation. Here are the particulars:

- **In-Class Debate.** In our meeting on January 22, 2014, you will be assigned a partner to participate in an in-class debate on an normative issue raised in one of our readings. At that time you'll receive your assigned date, the topic of the debate, your partner, and a memorandum from me that provides details. You and your partner will be responsible for producing a five-page paper that makes the strongest arguments for or against the proposition, which you will then present to the class. You will be expected to verbally rebut the arguments made by the other side of the debate. These will take place in regular intervals throughout the semester. The written work and presentation will be graded and will constitute fifteen percent (15%) of your final grade.
- **Supreme Court Case Study.** In early February I will assign the most significant work for the semester: a written case study of a Supreme Court case. I will write a memorandum to the class for discussion that will describe the parameters of the project. Each case study will be no longer than 25 pages in length. You will choose which case to study from a list of those amenable to the type of analysis I'm looking for. You can choose to do this assignment in groups of up to four students. The graduate teaching assistant for this course and I will be available to read rough drafts of written work. Each case study will be graded, and will constitute thirty percent (30%) of your final grade. I will elicit peer evaluations and will alter grades of individual students on a particular project up or down appropriately. These studies will be due the last day of class.
- **Mid-Term Exam.** We will have an in-class mid-term examination on Wednesday, February 26. The exam will constitute twenty percent (20%) of your the final course grade.
- **Final Exam.** We will have a final examination at the time prescribed by the College: Monday, May 5, from 10:30 AM to 12:30 PM. This exam will constitute twenty-five percent (25%) of your final course grade.
- **Class Participation.** Each student will also be evaluated on class participation. Class participation will constitute the remaining ten percent (10%) of each students' final course grade.

Grades will be assigned as follows: 90%-100% A, 80%-90% B, 70%-80% C, 60%-70% D, 0%-60% F. Plusses or minuses will be given for scores within two points of a cutoff, and by discretion of Professor Martin. Late assignments will not be accepted, and no incompletes will be assigned, but for extreme circumstances. Failure to meet the requirements of the course will result in a failing grade. If a student needs to miss an examination or requires special accommodations, prior arrangements should be made with Professor Martin.

Teaching Assistant

There is one graduate teaching assistant assigned to this course:

Mr. Jay Krehbiel
Email: jkrehbiel@wustl.edu
Office Hours: TBD, Seigle Hall 254

Integrity and Accommodations

Students are bound by the University's academic integrity policy (<http://academicintegrity.wustl.edu/policy>). Please do not hesitate to contact me if you have any questions regarding this policy, or have questions about how it applies to this course.

Washington University is committed to providing accommodations and/or services to students with documented disabilities. Students who are seeking support for a disability, or a suspected disability, should contact Disability Resources at 935-4153. Disability Resources is responsible for approving all disability-related accommodations for WU students, and students are responsible for providing faculty members with formal documentation of their approved accommodations at least two weeks prior to using those accommodations. I will accept Disability Resources VISA forms by email and personal delivery. If you have already been approved for accommodations, I request that you provide me with a copy of your VISA within the first two weeks of the semester.

Course Evaluation

Course evaluation will take place online at <http://evals.wustl.edu> in late April. All students who complete the course evaluation and the evaluation for the Teaching Assistant will receive one percentage point of extra credit toward the final course grade. These evaluations are an extremely important tool we use to make this course better.

Course Topics and Schedule

Given the experimental nature of this course, this schedule should be viewed as a rough outline subject to change. I also have some travel commitments as the Vice Dean of the School of Law that will require me to cancel class. In our first class meeting I plan to schedule a handful of make-up sessions to account for those missed classes. That time also might be devoted to preparing for the major class project. Please consult Blackboard to view the most up-to-date schedule of readings and events.

Judicial Decisionmaking Course Schedule

Professor Andrew D. Martin

Spring 2014

Date	Topic	Reading	Note
13-Jan	Introduction		
15-Jan	Introduction	Understanding the Federal Courts (all)	
22-Jan	Chapter 1	Chapter 1 (Brown), pp. 1-46	
27-Jan	Chapter 1	Chapter 1 (Brown). pp. 47-75	
29-Jan	TBD	TBD	
3-Feb	Chapter 2	Chapter 2 (Law)	
5-Feb	Chapter 2	Chapter 2 (Law)	
10-Feb	Chapter 3	Chapter 3 (Ideology)	
12-Feb	Chapter 3	Chapter 3 (Ideology)	
17-Feb	Chapter 3	Chapter 3 (Ideology)	Debate (2)
19-Feb	CLASS CANCELLED		
21-Feb	TBD [Optional Make-Up]		
24-Feb	Midterm Review		
26-Feb	Midterm Exam		
3-Mar	Chapter 4	Chapter 4 (Selection)	
5-Mar	Chapter 4	Chapter 4 (Selection)	
17-Mar	Chapter 4	Chapter 4 (Selection)	Debate (2)
19-Mar	TBD		
21-Mar	TBD [Optional Make-Up]		
24-Mar	Chapter 5	Chapter 5 (Agenda Setting)	
26-Mar	Chapter 5	Chapter 5 (Agenda Setting)	
31-Mar	Chapter 5	Chapter 5 (Agenda Setting)	Debate (1)
2-Apr	Collegial Courts	Kornhauser & Sager 1986; Boyd, et al. 2010	
7-Apr	Judicial Hierarchy	TBD	
9-Apr	Judicial Hierarchy	TBD	Debate (1)
14-Apr	Separation of Powers	TBD	
16-Apr	Separation of Powers	TBD	
21-Apr	Public Opinion	Chapter 10 (Public Opinion)	
23-Apr	Public Opinion	Chapter 10 (Public Opinion)	
5-May	Final Exam		

Last Updated: 12-Jan-14