

# Texas A&M University Syllabus

## Course Information

### Meeting Details

Course Number: POLS 357  
Course Title: National Judicial Politics  
Section: 500  
Semester: Fall 2024  
Time: MW 2:25 PM - 3:40 PM  
Location: ALLN 1015  
Credit Hours: 3

### Instructor Details

Instructor: Dr. Soren Jordan  
Office: ALLN 3085  
Phone:  
Email: [sorenjordan@tamu.edu](mailto:sorenjordan@tamu.edu)  
Office Hours: MW 12:30 PM - 2:00 PM; Appointment (email me; Zoom ID: 2287366424)

### Course Description

Judicial politics can mean many things. This course on *national* judicial politics will cover two broad sets of topics. The first is the history, evolution, and process of American national courts, with a particular focus on the Supreme Court. The second is the more scientific view of courts: how they make decisions, their institutional constraints, and their legitimacy in the eyes of the public. After this course, you will not be trained as a lawyer or law school applicant, and you may not point out the errors in *Law and Order* episodes with any more consistency. But you should be able to answer many “why” questions: why courts exist, why the public allows them to exist, why other branches allow them to exist, and how they contribute American politics and policy.

Official catalog description: Credits 3. 3 Lecture Hours. Political factors that influence judicial selection; decision making and policy-making roles and impact of the U.S. Supreme Court and Federal Court System.

### Course Prerequisites

Prerequisites: POLS 206, POLS 209, and junior or senior classification or approval of department head.

### Course Learning Outcomes

1. Students will identify the history and structure of national courts.
2. Students will explain the separate preferences of judicial actors (lawyers and judges in particular) and how those preferences interact on collegial courts.

3. Students will identify the judicial process of the Supreme Court of the United States in particular.
4. Students will utilize various explanations of how judges and justices use law or preferences to make legal decisions.
5. Students will explain how national courts are constrained by institutions and the public.
6. Students will define the concept of legitimacy and explain how it is maintained.

### Textbook and Resource Materials

There are no required texts. However, I'm going to ask you to read weekly articles, selections from Wikipedia, news articles, and other selections to help supplement our classroom discussion. Please do these readings. If the readings are a scholarly article or book chapter, I will post them on **Canvas**. I understand this reading is fairly technical and complex; accordingly, I'll post a reading guide with each article. You are responsible for reading the assigned reading by the *Monday* of that week of class.

### Grading Policy and Assignments

89.5-100:	A
79.5-89.49:	B
69.5-79.49:	C
59.5-69.49:	D
59.49↓:	F

I use the standard Texas A&M University grading scale. To maintain fairness, I do not change grades under any circumstances except when I make a mathematical error in computing your grade. There is no extra credit. All grades will be posted to **Canvas**.

The course is divided into the following components:

In-class quizzes	20%
In the news	10%
Policy memos	20%
Midterm examination	25%
Final examination	25%
<hr/> Total	<hr/> 100%

In order, those components are ...

**In-class quizzes:** each week, you are assigned reading. Most weeks, this will be academic (as in written by political scientists) articles. You are expected to do these readings and to contribute to the class discussion around them. As an extra incentive to do the readings, there will be unannounced quizzes at least six times through the semester. They will cover straightforward questions from the readings. They will be in a variety of styles. Only your four highest grades will

count toward your final grade (i.e. *at least* your lowest two scores will be dropped). These quizzes are also meant to be useful material to study for the exams. (Each quiz is worth 5% of your overall grade, for a total of  $5\% * 4 \text{ quizzes} = 20\%$ .)

**In the news:** one of the fun things about our class is that courts are in the news *all of the time*. I want you to connect the concepts that we are covering in class to the coverage of the courts you see in the news. For these assignments, you will identify a news story that reflects a concept about judicial politics from class. You will then write a short reflection on why you believe this news story reflects the course concept. Then, you will ask a generative AI service why *it* believes the news story reflects the judicial politics concept from class. Finally, you will critique the generative AI assessment.

More specific instructions, including length and formatting, will be available on **Canvas**. You will be required to submit the assignment in two different weeks; you can submit in more than two weeks to replace a low grade on an assignment submission.

**Policy memos:** courts have their fingerprints *all over* hot-button national political issues. This course should give you the opportunity to apply what you are learning to an issue that you care about. I am going to ask you to make this connection twice on *two different* political issues through policy memos. For each memo, you will be writing from the perspective of a single-issue interest group. You will need to outline the policy landscape, summarize popular (media) coverage of the policy, connect that coverage to the political science theories we will discuss in class, and make a recommendation. (Each memo is worth 10% of your overall grade, for a total of  $10\% * 2 \text{ memos} = 20\%$ .)

More specific instructions, including length and formatting, will be available on **Canvas**. You can (but are not required to) submit one rough draft of each memo for comments from the instructor before your final submission. If you do, it must be submitted one week before the due date.

The first memo is due on October 9, which means a rough draft (if desired) is due on October 2. The second memo is due on December 2, which means a rough draft is due on November 25.

**Midterm examination:** there is a midterm exam on October 16. Details of the midterm exam can be found under the assignment on **Canvas**.

**Final examination:** there is a final exam on December 9. See the final exam schedule at [tx.ag/finalsF24](https://tx.ag/finalsF24). Details of the final exam can be found under the assignment on **Canvas**. It is not cumulative.

I do not believe in closed-book exams, but AI has ruined online exams for now. As such, our exams will be in-person, but I'll allow you as many notes as you can fit on a single 3x5 notecard (front and back).

## Late Work Policy

Writing assignments and homework assignments must be turned in, electronically, on the day assigned. Makeup assignments/examinations will only be offered to those with a University excused absence, which can be found at [tx.ag/tamurule07](http://tx.ag/tamurule07). It is your responsibility to ensure that your absence is covered by the University, and it is your responsibility to comply with all policies. These policies require that you notify me of your absence prior to the date of absence if such notification is feasible, but within two business days from the missed class. Your makeup examination must be scheduled within 30 days of this notification (though I recommend much, much earlier). If I need additional information on your absence (doctor's notes, for instance), you must provide this additional documentation within two business days of the last date of the absence. Note that this policy also allows for makeup examinations for reasons deemed appropriate by the instructor. If you do not have a University excused absence, and you are going to miss an examination, it is much easier for me to work with you if you notify me promptly, especially if you can provide some sort of documentation.

If you turn in an assignment late, you will be penalized 10% each day that the relevant assignment is late.

Work submitted by a student as makeup work for an excused absence is not considered late work and is exempted from the late work policy (Student Rule 7: [tx.ag/tamurule07](http://tx.ag/tamurule07)).

## My Personal Classroom Expectations

College is an environment in which you learn how to manage your time and set your priorities. I do not take attendance. There is, however, a strong correlation between course attendance and performance (not to mention that a substantial portion of exam material is drawn from lectures). Part of your grade will also come exclusively from in-class quizzes. If you choose to come to class, you should do so responsibly. I fully expect that you will have done any assigned readings before coming to class. Class is much more interesting when you engage with both your instructor and the material. I also expect that you make a reasonable effort to maintain classroom decorum by refraining from reading newspapers, doing crossword puzzles, sleeping, texting, or playing on whatever social network/game/trend that I'm oblivious to. Please silence all cell phones. These ideas are formally outlined in the Texas A&M University Classroom Behavior policy: see Student Rule 21 ([tx.ag/tamurule21](http://tx.ag/tamurule21)) for more details. Consistent with Texas A&M University policy, I encourage class attendance from all students.

If you need to contact me, I'm in Allen almost every day, but especially during my listed office hours. I check my email very, very regularly. If you want to get in touch with me through email, I ask that you follow three guidelines when attempting to contact me. First: include the course number in the subject of your email. Your email will almost certainly get lost in the abyss if it missing this information. Second: wait at least 48 hours, not including weekends, to send a second email. I promise I will get to it, but it may not be immediate. Third: email me only from your Texas A&M University official email address. In the event that I need to contact you, it will almost certainly be at your [@tamu.edu](mailto:@tamu.edu) email address. You should check this email often!

## My Personal Statement on Academic Honesty and AI

Texas A&M University is a institution committed to integrity and honor. It is your job as a University citizen to uphold those values. I will not tolerate any cheating or plagiarism, broadly defined as using unauthorized aids during examinations or attempting to represent someone else's work as your own. Any writing assignments (i.e. your memos) are *especially* concerned with plagiarism, especially in the context of AI. Please also note that I am required to initiate University-level procedures in instances of academic dishonesty. Penalties are severe. For additional information visit [tx.ag/tamuhonor](https://tx.ag/tamuhonor). *When in doubt: ask before doing.*

## My Personal Statement on Mandatory Reporting

I am a sincere advocate for student mental health. If you are struggling, I encourage you to reach out and talk to someone: including me. However, I want to specifically note that I am a Mandatory Reporter (see the University Policy below), and, in some instances, I cannot guarantee the confidentiality of what you share with me. I am also not a mental health expert. I can help you seek tailored resources, but I encourage you to find the expertise you need.

## Course Schedule

### Important Dates

Please see the full academic calendar at [tx.ag/tamuACF24](https://tx.ag/tamuACF24).

- August 23. Friday. Last day for adding/dropping courses for the fall semester.
- September 2. Monday. Labor day (no class).
- September 4. Wednesday. Fall official census date.
- September 16. Monday. Undergraduate deadline to submit a request for change of curriculum.
- September 20. Friday. Last day to apply for all degrees to be awarded in December without a late fee.
- September 30. Monday. Undergraduate degree plan approval deadline. See Student Rule 1.9.
- October 7. Monday, noon. Mid-semester grades due.
- October 8. Tuesday. Fall break (no class).
- October 16. Wednesday. Midterm examination.
- October 30. Wednesday. Last day to apply online for fall 2024 graduation.
- November 13. Wednesday. Last day for all students to drop courses with no penalty (Q-drop). Last day to officially withdraw from the University. Fall 2024 Degree Candidates: Degree Requirement Verification (DRV) deadline per Student Rule 14.2.
- December 9. Monday. Final examination.

## Course Outline

### Week 1 (August 19 and 21): Syllabus and Court Fundamentals

- Friedman. 2006. “Taking Law Seriously.” DOI: 10.1017/S1537592706060178
- U.S. Constitution, Article III
- Federalist 78

### Week 2 (August 26 - 28): Evolution of the Judicial Hierarchy

- Bein and Rader. 2019. “Legal Uniformity in American Courts.” DOI: 10.1111/jels.12224

### Week 3 (September 2 - 4): Lawyers and their Preferences

- McGuire. 1995. “Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success.” DOI: 10.2307/2960277

### **September 2. Monday. Labor Day. No classes.**

### Week 4 (September 9 - 11): Judges and their Preferences

- Brace, Langer, and Hall. 2000. “Measuring the Preferences of State Supreme Court Judges.” DOI: 10.1111/0022-3816.00018
- Harris and Sen. 2019. “Bias and Judging.” DOI: 10.1146/annurev-polisci-051617-090650

### Week 5 (September 16 - 18): Collegiality

- Landa and Lax. 2009. “Legal Doctrine on Collegial Courts.” DOI: 10.1017/S0022381609090811
- Sill, Ura, and Haynie. 2010. “Strategic Passing and Opinion Assignment on the Burger Court.” DOI: 10.1080/0098261X.2010.10767963

### Week 6 (September 23 - 25): Supreme Court Process I

- Black and Owens. 2013. “A Built-In Advantage: The Office of the Solicitor General and the U.S. Supreme Court.” DOI: 10.1177/1065912912447995
- Box-Steffensmeier, Christenson, and Hitt. 2013. “Quality Over Quantity: Amici Influence and Judicial Decision Making.” DOI: 10.1017/S000305541300021X

### Week 7 (September 30 - October 2): Supreme Court Process II

- Badas, Justus, and Li. 2022. “Assessing the Influence of Supreme Court’s Shadow Docket in the Judicial Hierarchy.” DOI: 10.1080/0098261X.2022.2143304

- Johnson, Wahlbeck, and Spriggs. 2006. “The Influence of Oral Arguments on the U.S. Supreme Court.” DOI: 10.1017/S0003055406062034

**October 2. Wednesday. Rough Draft of Memo 1 due by 11:59 PM (if submitting).**

Week 8 (October 7 - 9): Lower Courts

- Benesh and Reddick. 2002. “Overruled: An Event History Analysis of Lower Court Reaction to Supreme Court Alteration of Precedent.” DOI: 10.1111/1468-2508.00138
- Dumas and Haynie. 2012. “Building an Integrated Model of Trial Court Decision-Making: Predicting Plaintiff Success and Awards across Circuits.” DOI: 10.1177/1532440011433590

**October 7. Monday. Fall break. No classes.**

**October 9. Wednesday. Memo 1 due by 11:59 PM.**

Week 9 (October 14 - 16): Catchup, Review, and Midterm

- *No assigned reading.*

**October 16. Wednesday. Midterm examination.**

Week 10 (October 21 - 23): Models of Judicial Decisionmaking

- Bailey and Maltzman. 2008. “Does Legal Doctrine Matter? Unpacking Law and Policy Preferences on the U.S. Supreme Court.” DOI: 10.1017/S0003055408080283
- George and Epstein. 1992. “On the Nature of Supreme Court Decision Making.” DOI: 10.2307/1964223

Week 11 (October 28 - 30): Models of Judicial Policymaking

- Adamany and Grossman. 1983. “Support for the Supreme Court As a National Policymaker.” DOI: 10.1111/j.1467-9930.1983.tb00307.x
- Marshall. 1989. “Policymaking and the Modern Court: When do Supreme Court Rulings Prevail?” DOI: 10.1177/106591298904200404

Week 12 (November 4 - 6): Judicial Independence

- Gibler and Randazzo. 2011. “Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding.” DOI: 10.1111/j.1540-5907.2010.00504.x
- Keck. 2024. “The U.S. Supreme Court and Democratic Backsliding.” DOI: 10.1111/lapo.12237

Week 13 (November 11 - 13): Institutional Constraints

- Canes-Wrone, Clark, and Kelly. 2014. “Judicial Selection and Death Penalty Decisions.” DOI: 10.1017/S0003055413000622

- Whittington. 2005. “Interpose Your Friendly Hand’: Political Supports for the Exercise of Judicial Review by the United States Supreme Court.” DOI: 10.1017/S0003055405051890

Week 14 (November 18 - 20): Institutional Legitimacy

- Gibson, Caldeira, and Spence. 2003. “Measuring Attitudes toward the United States Supreme Court.” DOI: 10.1111/1540-5907.00025
- Levendusky, et al. 2024. “Has the Supreme Court Become Just Another Political Branch? Public Perceptions of Court Approval and Legitimacy in a Post-*Dobbs* World.” DOI: 10.1126/sciadv.adk9590

Week 14.5 (November 25 - 27): No In-Person Lecture (Either Day)

- Work on Memo 2 and In the News assignments

**November 25. Monday. Rough Draft of Memo 2 due by 11:59 PM (if submitting).**

**November 25. Monday. Office hours by request only.**

Week 15 (December 2): Proposed Court Reforms

- Amending the Constitution. [archives.gov/federal-register/constitution](https://www.archives.gov/federal-register/constitution)

**December 2. Monday. Memo 2 due by 11:59 PM.**

**December 9. Monday. Final examination 3:30 PM - 5:30 PM.**

## University Policies

All of the following are verbatim university-level policies and procedures in a variety of areas of student life. You will find these policies in your syllabus for every course. My personal policies are denoted above.

### Attendance Policy

The university views class attendance and participation as an individual student responsibility. Students are expected to attend class and to complete all assignments.

Please refer to Student Rule 7 ([tx.ag/tamurule07](http://tx.ag/tamurule07)) in its entirety for information about excused absences, including definitions, and related documentation and timelines.

### Makeup Work Policy

Students will be excused from attending class on the day of a graded activity or when attendance contributes to a student's grade, for the reasons stated in Student Rule 7 ([tx.ag/tamurule07](http://tx.ag/tamurule07)), or other reason deemed appropriate by the instructor.

Please refer to Student Rule 7 ([tx.ag/tamurule07](http://tx.ag/tamurule07)) in its entirety for information about makeup work, including definitions, and related documentation and timelines.

Absences related to Title IX of the Education Amendments of 1972 may necessitate a period of more than 30 days for make-up work, and the timeframe for make-up work should be agreed upon by the student and instructor" (Student Rule 7, Section 7.4.1) ([tx.ag/tamurule07](http://tx.ag/tamurule07)).

The instructor is under no obligation to provide an opportunity for the student to make up work missed because of an unexcused absence (Student Rule 7, Section 7.4.2) ([tx.ag/tamurule07](http://tx.ag/tamurule07)).

Students who request an excused absence are expected to uphold the Aggie Honor Code and Student Conduct Code. (See Student Rule 24: [tx.ag/tamurule24](http://tx.ag/tamurule24).)

### Academic Integrity Statement and Policy

*"An Aggie does not lie, cheat, or steal, or tolerate those who do."*

Texas A&M University students are responsible for authenticating all work submitted to an instructor. If asked, students must be able to produce proof that the item submitted is indeed the work of that student. Students must keep appropriate records at all times. The inability to authenticate one's work, should the instructor request it, may be sufficient grounds to initiate an academic misconduct case" (Student Rule 20, Section 20.1.2.3: [tx.ag/tamuhonor](http://tx.ag/tamuhonor)).

You can learn more about the Aggie Honor System Office Rules and Procedures, academic integrity, and your rights and responsibilities at [aggiehonor.tamu.edu](http://aggiehonor.tamu.edu).

## **Americans with Disabilities Act (ADA) Policy**

Texas A&M University is committed to providing equitable access to learning opportunities for all students. If you experience barriers to your education due to a disability or think you may have a disability, please contact the Disability Resources office on your campus (resources listed below) Disabilities may include, but are not limited to attentional, learning, mental health, sensory, physical, or chronic health conditions. All students are encouraged to discuss their disability related needs with Disability Resources and their instructors as soon as possible.

Disability Resources is located in the Student Services Building or at (979) 845-1637 or visit [disability.tamu.edu](http://disability.tamu.edu).

## **Title IX and Statement on Limits to Confidentiality**

Texas A&M University is committed to fostering a learning environment that is safe and productive for all. University policies and federal and state laws prohibit gender-based discrimination and sexual harassment, including sexual assault, sexual exploitation, domestic violence, dating violence, and stalking.

With the exception of some medical and mental health providers, all university employees (including full and part-time faculty, staff, paid graduate assistants, student workers, etc.) are Mandatory Reporters and must report to the Title IX Office if the employee experiences, observes, or becomes aware of an incident that meets the following conditions (see University Rule 08.01.01.M1: [tx.ag/tamuunivrule08](http://tx.ag/tamuunivrule08)):

- The incident is reasonably believed to be discrimination or harassment.
- The incident is alleged to have been committed by or against a person who, at the time of the incident, was (1) a student enrolled at the University or (2) an employee of the University.

Mandatory Reporters must file a report regardless of how the information comes to their attention – including but not limited to face-to-face conversations, a written class assignment or paper, class discussion, email, text, or social media post. Although Mandatory Reporters must file a report, in most instances, a person who is subjected to the alleged conduct will be able to control how the report is handled, including whether or not to pursue a formal investigation. The University's goal is to make sure you are aware of the range of options available to you and to ensure access to the resources you need.

Students wishing to discuss concerns related to mental and/or physical health in a confidential setting are encouraged to make an appointment with University Health Services (<https://uhs.tamu.edu/appointments/index.html>) or download the TELUS Health Student Support app (<https://uhs.tamu.edu/mental-health/student-support.html>) for 24/7 access to professional counseling in multiple languages. Walk-in services for urgent, non-emergency needs are available during normal business hours at University Health Services locations; call 979.458.4584 for details.

Students can learn more about filing a report, accessing supportive resources, and navigating the Title IX investigation and resolution process on the University's Title IX webpage (<https://titleix.tamu.edu/>).

### **Statement on Mental Health and Wellness**

Texas A&M University recognizes that mental health and wellness are critical factors influencing a student's academic success and overall wellbeing. Students are encouraged to engage in healthy self-care practices by utilizing the resources and services available through University Health Services (<https://uhs.tamu.edu/appointments/index.html>). Students needing a listening ear can call the Texas A&M Helpline (979.845.2700) from 4:00 p.m. to 8:00 a.m. weekdays and 24 hours on weekends for mental health peer support while classes are in session. The TELUS Health Student Support app (<https://uhs.tamu.edu/mental-health/student-support.html>) provides access to professional counseling in multiple languages anytime, anywhere by phone or chat, and the 988 Suicide & Crisis Lifeline offers 24-hour emergency support at 988 or [988lifeline.org](https://988lifeline.org).

In College Station, students needing a listening ear can contact University Health Services (979.458.4584) or call the Texas A&M Helpline (979.845.2700) from 4:00 p.m. to 8:00 a.m. weekdays and 24 hours on weekends while classes are in session. 24-hour emergency help is also available through the 988 Suicide & Crisis Lifeline (988) or at [988lifeline.org](https://988lifeline.org).