

**University of Kentucky
Department of Political Science
PS360: Politics of Law & Courts
Spring 2019, Section 002**

Instructor: Mr. Travis N. Taylor, MPS

Office Location: 1606 Patterson Office Tower

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Meeting Days & Time: Tuesdays & Thursdays, 11:00 a.m. – 12:15 p.m.

Meeting Location: 214 White Hall Classroom Building

Office Hours: Tuesdays & Thursdays 9:30 a.m. – 10:50 a.m., or by appointment. Students who cannot meet during regular office hours should e-mail the Instructor to begin the process of setting an appointment.

Disclaimer: Every effort will be made to abide by this document. However, from time to time, life happens, and changes may become necessary. I reserve the right to make necessary modification and, when/if I do, I will provide you with notification of those changes.

University Course Description

A survey of the actors in American government and society who shape the meaning of the law, focusing especially on the judiciary. The course will outline the structure of the judicial system including both state and federal courts as well as the judicial process followed within that system. Prepares students for advanced study in public law and judicial politics.

Course Prerequisites

UN2 Status.

Course Purpose

The purpose of this course is to introduce the student to the basic structures of the American judicial system, including institutional arrangements, judicial behavior, the legal profession, and various aspects of American jurisprudence. Working both individually and collaboratively, students will gain a basic understanding of the fundamentals – both theoretical and practical – of the federal and state court systems.

Course Objectives & Learning Outcomes

1. Understand the basis of law and the reasons we have law.
2. Identify the structure and hierarchy of the American courts system at both the federal and state levels.
3. Understand the processes by which judges at both the federal and state levels come to hold their seat on the bench, and the arguments for and against various nominating mechanisms.
4. Understand the processes (a) by which a legal case is introduced to the judicial system, (b) the case goes through within the system, and (c) by which a case is disposed of.
5. Comprehend and identify various theories of judicial behavior, i.e., how judges make the decisions they do.
6. Conceive of the courts as a policy-making institution and understand why people follow judicial decisions.
7. Identify various careers in the legal profession and the path to those careers.
8. Brief a legal case.

Course Structure & Methods

This course will meet twice per week in the assigned classroom unless otherwise directed by the Instructor. Students will be responsible for checking Canvas, the online learning platform for UK, on a frequent basis; checking the site daily is highly encouraged. Students will submit certain assignments, access resources such as additional readings, collaborate with classmates, check grades, and other activities using the Canvas platform.

This course follows a **team-based learning** (TBL) format that provides students the opportunity to approach and learn the course material in varying formats and to practice skills that are valuable both in academic and professional environments. The Instructor will assign students to teams early in the semester, and students will work with that team throughout the course. This learning environment is structured to ensure that individuals are prepared for team work and that the team experience avoids typical “group work” problems, such as free-riding, dominant actors, and division of labor to avoid interaction, among many others. Individuals are responsible for learning basic materials by working outside the class, while class time is spent working both individually and in teams using the material in creative and sophisticated ways. All team work is done during class time. Course grades will be based on both individual and team work. A supplemental handout on TBL will be posted on Canvas.

General Course Policies & Expectations

- Read and/or watch all assigned material.
- Although I do not require attendance, coming to class is strongly encouraged. Class attendance provides you the opportunity to demonstrate your knowledge on the content, to learn from your peers, and to apply the material. Additionally, because this course adheres to a team-based format, your peers will be evaluating your contribution to the team, which necessitates your presence. Furthermore, it is unnecessary to let me know if you will be/were absent from class unless the absence will occur on an exam day or other day when in-class activities are scheduled. For absences on those days, I follow the University policy on excused absences (found [here](#)) and require appropriate documentation. Additionally, although military (e.g., National Guard) drill and other training is not an excused absence under University policy, those absences will be excused with appropriate documentation (e.g., training orders). You should communicate absences to your teammates.
- Read and/or watch the news on a regular (preferably daily) basis.
- Learn, grow, and have fun!
- Begin to develop, or improve upon, college-level academic writing. Resources, including the Instructor, are available to students who need to improve their writing. Writing includes proofreading.
- Late work will be accepted ONLY with prior authorization from the Instructor. A student wishing to submit a late assignment must contact the Instructor to request an extension *at least* 24 hours before the assignment is due. Submitting a request does not grant the student an extension; an extension is only granted once the Instructor has given it in writing to the student. Extensions will be granted only in extenuating circumstances and work submitted under the extension will be reduced by one letter grade per day. Late work submitted without an extension will not be evaluated and will earn an automatic grade of zero.
- Making up a missed exam will be subject to the same restrictions as late work. However, if an *emergent* or *urgent* situation arises that prevents making an advance request to miss an exam, the student should contact the Instructor as soon as practical to request a make-up exam. Any request to make up a missed exam must be accompanied by appropriate documentation about the absence (e.g., physician’s note). Make up exams will not be permitted without proper documentation from the student.
- Academic dishonesty in any form will not be tolerated and could lead to any number of consequences up to and including expulsion from the university. At a minimum, you will receive a zero (0) on any assignment found to be completed by means of academic dishonesty. Please refer to the university academic integrity policy located [here](#).
- While differences of opinion are inevitable and the expression of a diversity of opinions is strongly encouraged, intolerance, derogatory remarks, and personal attacks are strictly forbidden. Remember, politics is about relationships; make them, develop them, nourish them, and cherish them.

Communication Policy

Communication with the Instructor will be primarily through e-mail. The Instructor will check his e-mail once per business day at 9:00 a.m. and respond to all student e-mails during that time. A response is not guaranteed if you have not e-mailed the Instructor prior to 9:00 a.m. Per University policy, the Instructor will respond to e-mails *only* from official UK e-mail addresses (i.e., your.name@uky.edu).

The Instructor will also be available after class each meeting, unless otherwise notified, to answer *brief* questions. Office hours listed at the head of this document will be honored; an appointment during those times is *not* necessary. If these options do not work for you, e-mail the Instructor to set up an appointment for an alternative time. The Instructor will make every effort to honor reasonable appointment requests.

Technology Policy

The use of technology during class time is strictly prohibited unless (1) the assignment requires the use of technology, in which case the Instructor will direct you to make use of a device, or (2) it is a part of an accommodation arrangement (see below). This policy applies to computers, cell phones, tablets, or pretty much any device with a screen. Penalties for violation of this policy will be progressive and proportionate to the amount of disruption caused by the use and can include verbal warnings up to removal from the course.

Accommodation Policy

In this course, I happily adhere to University policy with regards to students with disabilities. Details on University rules related to academic accommodations are available from the Disability Resource Center's website, located [here](#). With regards to a student presenting his/her letter of accommodation to me, the DRC recommends that you do so "as early in the semester as possible" to take full advantage of the accommodation. Accommodations cannot be applied to coursework, including exams, that has/have already taken place. The DRC also recommends scheduling a meeting with me "to discuss how your accommodations will be addressed during the semester." I view accommodating your needs as a collaborative process, and having a discussion about your needs and how I can best accommodate them is the best way to begin that collaborative process. I strongly encourage you to abide by these DRC recommendations.

Beyond the University's disability accommodation policy, it is my policy to support and accommodate pregnant and parenting students who continue to pursue their education while bearing or rearing children. This accommodation will be student-specific, so please let me know as early as possible that you need to take advantage of this accommodation, preferably within the first week of the semester, if you are already pregnant or parenting, or as soon as you learn you are pregnant, if the pregnancy begins during the semester. It is my goal to work with you to ensure that both your responsibilities as a student and your responsibilities as a parent are met without any additional, undue burden.

Required Readings

The following textbook is required for the class.

Carp, Robert A., Ronald Stidham, Kenneth L. Manning, and Lisa M. Holmes. 2017. *Judicial Process in America* 10th ed. Thousand Oaks: Sage.

The book is available on Amazon [here](#), and may be available through other resources, including the UK Bookstore. You will be accountable for material from the book starting in the third week of class, so you should order the book as soon as possible. The book is referenced as "CSMH" in the remainder of this syllabus.

Other readings listed on the syllabus are required and can be found on Canvas, unless otherwise noted. Additional readings may be assigned throughout the semester and will be announced in advance.

You are at a research-intensive university, taking classes with the people who do the research. You will read journals articles published by your professors. It is cutting edge. No one gets money for these publications; they are how we disseminate scientific information for the scientific community.

Assignment Grading and Evaluation

iRATs (5 x 2% ea.; I drop 2 lowest grades):	10% of final grade
tRATs: (5 x 2% ea.; I drop 2 lowest grades):	10% of final grade
Peer Assessment (2 x 5% ea.):	10% of final grade
Midterm Exam:	25% of final grade
Final Exam:	30% of final grade
Case Brief:	15% of final grade

- At the beginning of each module, you will take readiness assessment tests, or RATs, each of which is taken twice, once as an individual (iRAT) and a second time as a team (tRAT). RATs assess your comprehension of the main concepts of the course material presented to you in the readings or other before-class preparation. RATs are used to ensure readiness to proceed to the application activities.
- Application activities are real-world (or at least plausible in the real world) problems for which your team must provide a solution. The problems will make application of the material presented in that module or a previous one. Once all teams have developed a solution, all teams will simultaneously report their solution to the class. Teams will then defend their solution in a spirited (hopefully) and respectful (I will enforce this) debate.
- Participation in your teams will be evaluated by your peers. Before the first peer assessment, we – as a class – will develop a rubric, or a set of criteria, on which you will evaluate your peers and by which your peers will evaluate you. This peer evaluation will serve as a non-trivial percentage of your final grade. It also serves as an accountability device to ensure you come to class prepared and that freeloading is not tolerated by others on the team. Peer evaluations will be conducted twice – once before each exam.
- You will take one midterm exam and a final exam. The final exam will be cumulative and will be administered in-class during the time designated by the university for our class’ final exam. Your performance on exams will be evaluated based on your ability to provide comprehensive and correct answers to the questions on the exam.
- The Case Brief will evaluate your ability to distill the important details of a legal case. Lawyers and judges use case briefs throughout their careers, and writing them is a skill that will prepare you for both advanced legal studies and a legal career. The assignment will be one page and will brief the recently decided *Murphy v. NCAA*.
- Final letter grades will be assigned according to the university standard grading scale, which is as follows:

Letter Grade	Percentage
A	90-100
B	80-89.9
C	70-79.9
D	60-69.9
E	Below 60

General Assignment Regulations

- Unless otherwise noted, ALL assignments should be submitted via Canvas. You are responsible for making sure the file is uploaded properly and contains no technical or file errors.
- Assignments completed in class (e.g., tRATs) are not eligible for makeup without appropriate documentation of an excused absence.

- In order to receive a final grade for the course, ALL assignments must be completed and submitted to me, even if they are ineligible for a makeup.
- Grades will be posted on Canvas, so you will have an idea of what you have been evaluated on and your current standing in the course. If you are missing a grade in Canvas and more than 14 days have passed since the assignment was due, it means I do not have your submission for that assignment. It is your responsibility to bring this to my attention if you think I have erred.
- I have a mandatory “cooling off period” of 24 hours after an assignment is returned to you. This mandatory waiting period provides you the opportunity to process your grade, objectively examine feedback provided, and avoid saying or e-mailing something you may regret. I will not respond to grade or feedback inquiries sent during this period of time. If, after the passing of 24 hours, you still have questions regarding your grade or the feedback I provided, please e-mail me with your questions. If you wish to have the assignment regraded, you must submit to me in writing your reason for the reconsideration, using the assignment prompt as the basis for your argument. I will re-assess your work with that argument in mind, and whatever grade is assigned after this reconsideration (whether this grade is higher or lower than the original grade) will be final.

Course Calendar & Outline

What follows is a week-by-week outline for this course. While the Instructor will make every effort to abide by this guide, this outline is dynamic and subject to change based on a variety of factors. Should alterations to this plan become necessary, the Instructor will notify you of the changes.

Date	Part (Module)	Readings (to be completed BEFORE coming to class)	Activity
10 Jan	0(0): Course Overview	None	Course Introduction
15 Jan	0(0): Course Overview	None	Introduction to TBL
17 Jan	0(0): Course Overview	Ideology Quiz	Team Formation Assessment of Prior Knowledge
22 Jan	1(1): The Basis of Law	CSMH, Chapter 1	Legal Basics RAT
24 Jan	1(1): The Basis of Law	—	Legal Basics Application Activity
29 Jan	2(1): Institutions & Structure – Federal Courts	CSMH, Chs. 2, 6, 7 Toobin (2017) “The Conservative Pipeline to the Supreme Court”	Federal Courts RAT
31 Jan	2(1): Institutions & Structure – Federal Courts	—	Federal Courts Application Activity
05 Feb	2(1): Institutions & Structure – Federal Courts	—	Federal Courts Application Activity
07 Feb	2(1): Institutions & Structure – Federal Courts	—	Federal Courts Application Activity
12 Feb	2(2): Institutions & Structure – State Courts	CSMH Chs. 3, 5 Bonneau and Rice (2009)	State Courts RAT
14 Feb	2(2): Institutions & Structure – State Courts	—	State Courts Application Activity
19 Feb	2(2): Institutions & Structure – State Courts	—	State Courts Application Activity
21 Feb	2(2): Institutions & Structure – State Courts	—	State Courts Application Activity
26 Feb	2(3): Institutions & Structure – Law & Process	CSMH, Chs. 4, 9, 10, 11 Makdisi and Makdisi (2009) <i>National Institute of Family Life Advocacy v. Becerra</i>	Law & Process RAT
28 Feb	2(3): Institutions & Structure – Law & Process	—	Law & Process Application Activity

05 Mar	2(3): Institutions & Structure – Law & Process	—	Law & Process Application Activity Peer Assessment 1
07 Mar	1(1) – 2(3)	—	Midterm Exam
12 Mar	—	—	Spring Break
14 Mar	—	—	Spring Break
19 Mar	3(1): Judicial Behavior	CSMH, Chs. 12, 13 George and Epstein (1992)	Judicial Behavior RAT
21 Mar	3(1): Judicial Behavior	—	Judicial Behavior Application Activity
26 Mar	3(1): Judicial Behavior	—	Judicial Behavior Application Activity
28 Mar	3(1): Judicial Behavior	—	Judicial Behavior Application Activity
02 Apr	4(1): Implementation & Policy	CSMH, Ch. 14, 15 Brown (2018)	Implementation & Policy RAT
04 Apr	4(1): Implementation & Policy	—	Implementation & Policy Application Activity
09 Apr	4(1): Implementation & Policy	—	Implementation & Policy Application Activity
11 Apr	4(1): Implementation & Policy	—	Implementation & Policy Application Activity
16 Apr	5(1): The Legal Profession	CSMH, Chapter 8	Legal Profession RAT
18 Apr	5(1): The Legal Profession	—	Legal Profession Application Activity Peer Assessment 2
23 Apr	6(1): The Courts and Film	—	Film: TBD
25 Apr	6(1): The Courts and Film	—	Film: TBD
29 Apr	1(1) – 6(1)	<i>Murphy v. NCAA</i>	Final Exam & Case Brief