Course Description

This course will provide a broad overview of the public law subfield. More specifically, we will focus on gaining a general understanding of how political scientists study the judicial system, focusing on the Supreme Court, the interaction between the judicial and the other branches of government, the appointment process, the decision-making processes of judges, and external influences on the Court. In this sense, we will not be studying law as practitioners, but rather as observers, who are concerned with understanding the place of law and the judiciary within the American political system.

The reading load in this course will be heavy and it is imperative that students do not fall behind on their assignments. It is also for this reason that regular attendance will be crucial in order to remain up to date on the most recent topics being covered, as well as to help you ensure that you have understood the readings for that day.

That being said, I will not be taking attendance for the class and you are, as adults, free to attend or not attend as many of the classes as you like. However, the fact remains that it is virtually impossible to receive anything approaching a good grade for this course while consistently missing class. As well, a participation grade will be assessed for the course and, by definition; you will not do well on this if you are not present to participate. And finally, consistently missing class demonstrates a troubling lack of economic awareness on your part, given that you have paid for it.

Contacting Me

The best way of reaching me is by e-mail: jparent@albany.edu

Grading

Grades for the course will be assessed as follows:

1. 3 Quizzes - 5% each
2. 1 Short Paper – 10%
3. 1 Midterm – 25%
4. 1 Final Exam – 40%
5. Class Participation – 10%
All grades may be appealed; however, these appeals must be based on solid arguments about the quality of your work. I will not consider requests for grade changes based on undocumented personal or medical issues or the possible implications of a low grade for your financial aid. Any missed assignments will be penalized 1/3 of a letter grade for every day they are late, including weekends. Missed in-class quizzes and exams will be graded as 0 unless you have documented evidence for an excused absence. This means if you are ill, please go to the University Health Center for documentation of such, even if you would not otherwise do so. Additionally, due to the size of the class, no extra credit will be offered in order to raise your grade.

**Short Paper**

In this paper, you will be expected to address the question: “In your opinion, what factors most significantly influence judges when they make decisions about how to resolve important cases?” While I realize that at the stage of the class at which this paper is due precedes our in-depth discussion of this topic, the idea here is to get a sense of how you look at this fundamental question based on your own previous studies and the readings to date. I am therefore more concerned with your ability to make a cogent argument one way or the other, rather than a thorough examination of all of the relevant literature.

That being said, your argument must still be supported by outside, and fully sourced, work by legal and political science scholars. The main goal, however, will be for you to demonstrate your ability to put forward and defend a particular viewpoint. The paper should be around 4-5 pages and must of course include a full bibliography and citations of all outside sources. This assignment will be due at the beginning of class on October 3. Late papers will be deducted one-third of a grade point for every day they are late, including weekends.

**Midterm and Final Exams**

The midterm exam will require you to provide short answers to 3 questions and an essay-length answer to a much broader question. You will have a choice for both sections. The final exam will follow a similar format, though you will be required to answer 2 essay questions, one of which will be cumulative.

**Class Participation**

This class will more closely resemble a seminar than a lecture and your participation will greatly improve the quality of this course, not to mention your final grade. The topics we will be covering lend very well to lively debates and on more than one occasion, these discussions have led to fundamental changes in how various questions are seen in the field (ask me to tell you the Griswold/Ninth Amendment story). I can assure you that you need not at any point feel anxious about contributing to the discussion for fear of ridicule. I am certain that I have asked more dumb questions than you have even thought of, and any of
your classmates demonstrating disrespect, condescension, etc. towards any comment you make will be severely reprimanded.

**Plagiarism**

Plagiarism is the use of another's ideas, writing, etc. as one's own. It is an extremely serious offense. Students found to be in violation of these academic standards will AT THE VERY LEAST receive a grade of F on the assignment in question and will quite likely receive a failing grade for the entire course. In addition, such cases will be referred to the Dean of Undergraduate Studies with a request for further sanctions. The safest way to avoid this fate is to remember the cardinal rule of academic honesty: If in doubt, cite. Sources of information are very easy to find. Explaining to your parents, potential employers, or law school application boards why you were kicked out of school is not. And remember, if you can find it, I can find it.

**Required Texts**


All three of these are available at Mary Jane's or through Amazon. All additional readings can be found through the Electronic Reserves section of the University library's database. Ares password: 330fall2012.

**The Course**

**August 27**  
Introduction/Distribution of syllabus.

*The Study of Law in Political Science*

**August 29**  

**August 31**  
September 3

No Class – Labor Day

September 5  

September 7  

*Procedure on the Supreme Court*

September 10  
Perry, H.W. *Deciding to Decide: Agenda Setting in the United States Supreme Court* – Chapters 1-2.

September 12  
Perry, H.W. *Deciding to Decide: Agenda Setting in the United States Supreme Court* – Chapters 3-4.

September 14  
Perry, H.W. *Deciding to Decide: Agenda Setting in the United States Supreme Court* – Chapters 5-7.

September 17

No Class – Rosh Hashanah

September 19  
Perry, H.W. *Deciding to Decide: Agenda Setting in the United States Supreme Court* – Chapters 8-10.

September 21  

September 24  
Judicial Appointments

September 26

No Class – Yom Kippur

September 28

October 1

October 3

Short paper due at the beginning of class.


Separation of Powers

October 5

October 8

Judicial Decision Making

October 10

October 12
Segal, Jeffrey A.; Harold J. Spaeth. The Supreme Court and the Attitudinal Model Revisited Chapters 1-2.
October 15  
Segal, Jeffrey A.; Harold J. Spaeth. The Supreme Court and the Attitudinal Model Revisited Chapters 3-4.

October 17  
Segal, Jeffrey A.; Harold J. Spaeth. The Supreme Court and the Attitudinal Model Revisited Chapters 5-7.

October 19  
Segal, Jeffrey A.; Harold J. Spaeth. The Supreme Court and the Attitudinal Model Revisited Chapters 8-10.

October 22  

Midterm Examination

October 24  

October 26  
Maltzman, Forrest; James F. Spriggs II; Paul J. Wahlbeck. Crafting Law on the Supreme Court Court: The Collegial Game Chapters 1-2.

October 29  
Maltzman, Forrest; James F. Spriggs II; Paul J. Wahlbeck. Crafting Law on the Supreme Court Court: The Collegial Game Chapters 3-4.

October 31  
Maltzman, Forrest; James F. Spriggs II; Paul J. Wahlbeck. Crafting Law on the Supreme Court Court: The Collegial Game Chapters 5-6.

November 2  

The External Environment

November 5  
November 7

November 9

November 12

November 14

Law and Society

November 16

November 19

November 21-25
Thanksgiving Break

November 26
TBA

November 28

November 30

December 3
December 5
Antonin Scalia and Stephen Breyer Debate Video

December 7
No assigned reading. A final chance to ask questions about your term paper or anything else related to the class.