

Instructor

DR. BETHANY BLACKSTONE
CONTACT VIA SLACK

Class Meetings

TUESDAYS & THURSDAYS
3:30 TO 4:50 PM
BLB 250

Office Hours

TUESDAYS & THURSDAYS, 2:15-3:15 PM IN
WOOTEN 154 AND 4:50-5:20 PM IN BLB LOBBY
PLEASE RESERVE APPOINTMENT SLOTS IN
CANVAS

THE U.S. SUPREME COURT

Course Overview

The United States Supreme Court plays an important role in American democracy. As the highest court in the federal judiciary, its decisions do more than resolve disputes between litigants; they announce important public policies that govern relationships among citizens and governments. The Supreme Court plays an important role in determining and the scope of freedoms enjoyed in the United States and its decisions frequently alter the balance of power between political actors and institutions, including citizens, the president, Congress, the states, and the Court itself.

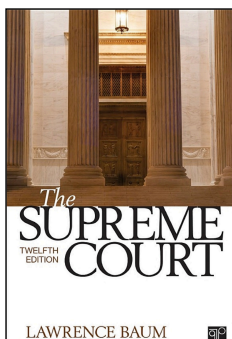
In this course, we will explore the Supreme Court as a political and policymaking institution. We will consider the processes by which cases are decided and the factors that influence Supreme Court justices' decisions. We will also consider the relationships between the Supreme Court and other actors, including the elected branches of government, interest groups, and the public.

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish.

TEXTBOOK

Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks, CA: CQ Press.

ISBN: 9781483376110



From \$26.00 at the UNT Bookstore.

SLACK

We will use Slack for all class-related



communication. Slack can be used for full class, small group, and one-on-one conversations.

Please use Slack rather than email to communicate with Dr. Blackstone. Join using your UNT email using the link in Canvas. Access the site at psci3210.slack.com.

CANVAS

UNT is in the process of switching from Blackboard to Canvas. Our course site is on the Canvas platform. Some assignments will be submitted in Canvas and student grades will be posted in Canvas. Access the site at unt.instructure.com



What You'll Do in PSCI 3210

1

TEAM-BASED LEARNING & READINESS ASSURANCE TESTS (RATS)

This course uses a team-based learning approach that emphasizes your ability to apply course concepts and to solve problems. Course requirements are designed to ensure that individuals are prepared for team work and minimize the likelihood of typical “group work” problems (individuals shirking their responsibilities, individuals dominating the group, or the division of labor to avoid group interaction).

Course grades will be based on work from individuals and teams. You will be assigned to a team during the first day of class.

At the beginning of each course unit, you will take an **individual Readiness Assurance Test (iRAT)**. You will then take the same **Readiness Assurance Test as a team (a tRAT)**. After the RATs, we will explore the unit’s topic through short lectures and team application exercises.

Missed RATs can not be made up. If you will miss RATs for a university-excused absence, make plans to take the RAT *prior to* your absence.

2

LITIGATION STRATEGY PROJECT

Working individually or with a partner, you will formulate a litigation strategy designed to get the Supreme Court to overturn a decision that is currently good law (i.e that is still valid). This project will require that you articulate a cogent legal argument and that you conduct research on (1) the establishment and subsequent treatment of your chosen precedent, (2) individual justices’ decision-making in related cases, and (3) the political context from the time the precedent was announced to today.

Your final paper will be due Friday, May 4. Intermediate assignments related to the paper will be due throughout the semester.

3

PEER EVALUATIONS

You will complete peer evaluations at multiple points during the semester. You will be evaluated on both the quality of feedback you provide about your teammates’ performances and on how your teammates evaluate your performance.

4

FINAL EXAM

There will be one exam in the course. The exam will be administered during the course’s scheduled final exam period (Tuesday, May 8 at 1:30 pm) in our regular classroom.



PLAN AHEAD

All readings for a unit are due on the first day of the unit. You will read fewer pages per unit than you would in a traditional course, but your reading assignments will be concentrated to facilitate team-based learning activities.

ATTENDANCE

You are expected to attend class and to actively participate. Failure to do so will affect your peer evaluation scores. Attendance may be taken into account in responding to special requests and in deciding borderline grades.

Grading Policies

Your grade will be based on the components described on the previous page—individual Readiness Assurance Tests (iRATs), team performance (team RATs and in-class activities), peer evaluations, a final exam, and assignments related to your litigation strategy project.

The class will have a role in determining how these assignments are weighted. I have set the assignments weights for team-related course components and set minimum weights for individual work. The class will choose how to allocate the remaining 25% points across the individual course components during our first class meeting.

Course assignments will be weighted according to the weights chosen on the first day of class. Scores will be rounded to the nearest whole number and then letter grades will be assigned according to the scale below.

90-100% = A
80-89%=B
70-79=C
60-69%=D
<60=F

Late assignments will be penalized 10 points (1 letter grade) for each 24 hour period they are late.

There are no opportunities for extra credit. Plan accordingly.

Assignment Weights

Component	Minimum Weight	Class Points Allocated	Assignment Weight
Team Performance	15	.	15
Peer Evaluations	10	.	10
iRATs	20	5	25
Final Exam	10	10	20
Litigation Strategy Project	20	10	30
	75	25	100

Need Help? ASK!

If you need help, contact me via Slack or see me during office hours. I want you to succeed in this course and to enjoy learning about the Supreme Court. If you are having difficulty with the material, let me know so we can ensure that you get the most out of the time and effort you put into the course! If an emergency arises that prevents you from meeting course-related expectations, let me know. I will do my best to direct you to available campus resources and, where necessary, to make reasonable accommodations.

Semester-at-a-Glance

Tuesday, January 23: Unit 1 RATs
Tuesday, February 13: Unit 2 RATs
Friday, February 23: Plagiarism Recognition Assignment Due
Tuesday, March 6: Unit 3 RATs
Friday, March 9: Peer Evaluations Due
Friday, March 23: Paper Proposal Due

Tuesday, April 3: Unit 4 RATs
Thursday, April 19: Unit 5 RATs
Friday, April 13: Preliminary Research Assignment Due
Friday, May 4: Litigation Strategy Papers Due by 11:59 pm
Tuesday, May 8 @ 1:30 pm: Final Exam
Tuesday, May 8: Peer Evaluations Due

Relevant University Policies

Academic Integrity

Academic integrity is defined in the UNT Policy on Student Standards for Academic Integrity. Any suspected case of academic dishonesty will be handled in accordance with the University Policy and procedures. Possible academic penalties range from a verbal or written admonition to a grade of F in the course. Further sanctions may apply to incidents involving major violations. You will find the policy and procedures at <http://faculty.success.unt.edu/academic-integrity>.

Americans with Disabilities Act Compliance

The University of North Texas makes reasonable academic accommodation for students with disabilities. Students seeking reasonable accommodation must first register with the Office of Disability Accommodation (ODA) to verify their eligibility. If a disability is verified, the ODA will provide you with a reasonable accommodation letter to be delivered to faculty to begin a private discussion regarding your specific needs in a course. You may request reasonable accommodation at any time, however ODA notices of reasonable accommodation should be provided as early as possible in the semester to avoid any delay in implementation. Note that students must obtain a new letter of reasonable accommodation for every semester and must meet with each faculty member prior to implementation in each class. Students are strongly encouraged to deliver letters of reasonable accommodation during faculty office hours or by appointment. Faculty members have the authority to ask students to discuss letters during their designated office hours to protect the privacy of the student. For additional information see the ODA website at <http://www.unt.edu/oda>. You may also contact them by phone at 940.565.4323.

Classroom Conduct

Student behavior that interferes with an instructor's ability to conduct a class or other students' opportunity to learn is unacceptable and disruptive and will not be tolerated in any instructional forum at UNT. Students engaging in unacceptable behavior will be directed to leave the classroom and the instructor may refer the student to the Center for Student Rights and Responsibilities to consider whether the student's conduct violated the Code of Student Conduct. The university's expectations for student conduct apply to all instructional forums, including university and electronic classrooms, labs, discussion groups, field trips, etc. The Code of Student Conduct can be found at <https://deanofstudents.unt.edu/conduct>.

Sexual Discrimination, Harassment, and Assault

UNT is committed to providing an environment free of all forms of discrimination and sexual harassment, including sexual assault, domestic violence, dating violence, and stalking. If you (or someone you know) has experienced or experiences any of these acts of aggression, please know that you are not alone. The federal Title IX law makes it clear that violence and harassment based on sex and gender are civil rights offenses. UNT has staff members trained to support you in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, helping with legal protective orders, and more.

UNT's Dean of Students website offers a range of on-campus and off-campus resources to help support survivors, depending on their unique needs: http://deanofstudents.unt.edu/resources_o. Renee LeClaire McNamara is UNT's Student Advocate and she can be reached through e-mail at SurvivorAdvocate@unt.edu or by calling the Dean of Students' office at 940-565-2648. You are not alone. We are here to help.

Emergency Notification & Procedures

UNT uses a system called Eagle Alert to quickly notify you with critical information in an event of emergency (i.e., severe weather, campus closing, and health and public safety emergencies like chemical spills, fires, or violence). The system sends voice messages (and text messages upon permission) to the phones of all active faculty staff, and students. Please make certain to update your phone numbers at www.my.unt.edu. Some helpful emergency preparedness actions include: 1) ensuring you know the evacuation routes and severe weather shelter areas, determining how you will contact family and friends if phones are temporarily unavailable, and identifying where you will go if you need to evacuate the Denton area suddenly. In the event of a university closure, your instructor will communicate with you through Blackboard regarding assignments, exams, field trips, and other items that may be impacted by the closure.

COURSE SCHEDULE

Getting Started

Tuesday, January 16: Introduction to the Course

Read the syllabus.

Access the course Canvas site at <http://unt.instructure.com>

Join the PSCI 3210 Slack workspace. <https://psci3210.slack.com>

Thursday, January 18: Introduction to the Supreme Court

Unit 1: The U.S. Supreme Court as a Political Institution. Are courts different?

RATs: Tuesday, January 23

Team Activities:

Thursday, January 25

Tuesday, January 30

Tuesday, February 6

Thursday, February 8

* We will not meet on Thursday, February 1.

Readings (complete all by January 23)

1. Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks: CA: CQ Press.
Chapter 1, "The Court," pages 1-27
Chapter 5, "Policy Outputs," pages 152-182
2. James L. Gibson and Michael J. Nelson. 2014. "The Legitimacy of the U.S. Supreme Court: Conventional Wisdoms and Recent Challenges Thereto." *Annual Review of Law and Social Science* 10: 201-219.
3. Douglas M. Ghibler and Kirk A. Randazzo. 2017. "Can the Courts Protect Democracy? Yes, But They Need These Three Supports." *WashingtonPost.com Monkey Cage*. February 17. https://www.washingtonpost.com/news/monkey-cage/wp/2017/02/17/can-the-courts-protect-democracy-yes-but-they-need-these-three-supports/?utm_term=.8c7e75ecf30b (Accessed December 15, 2017).
4. Jeffrey Segal. 2016. "Why We Have the Most Polarized Supreme Court in History." *The Conversation*. March 14. <https://theconversation.com/why-we-have-the-most-polarized-supreme-court-in-history-55015> (Accessed December 15, 2017).
5. Amanda Hollis-Brusky. 2014. "How Supreme Court Justices 'Benchslapped' Each Other in the *Hobby Lobby* Case." *WashingtonPost.com Monkey Cage*. July 1. https://www.washingtonpost.com/news/monkey-cage/wp/2014/07/01/how-supreme-court-justices-benchslapped-each-other-in-the-hobby-lobby-case/?utm_term=.a05c4423e0e3 (Accessed December 15, 2017).



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Unit 2: Supreme Court Policymaking

RATs: Tuesday, February 13

Team Activities:

Thursday, February 15
 Tuesday, February 20
 Tuesday, February 27
 Thursday, March 1

* *We will not meet on Thursday, February 22.** *Plagiarism Detection Assignment due Friday, February 23.**Readings* (complete all by February 13)

1. Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks: CA: CQ Press. Chapter 6, "The Court's Impact," pages 183-223
2. G. Alan Tarr. 2012. *Judicial Process and Policymaking*. Boston: Cengage. Chapter 9, "Judicial Policymaking: An Introduction"
3. Lief H. Carter. 1977. "When Courts Should Make Policy: An Institutional Approach" in John A. Gardiner, ed. *Public Law and Public Policy*. Santa Barbara: Praeger Publishers Inc.
4. Gerald Rosenberg. 2002. "The Hollow Hope: Can Courts Generate Social Change?" in Walter F. Murphy, C. Herman Pritchett, and Lee Epstein, eds. *Courts, Judges, and Politics: An Introduction to the Judicial Process*. New York: McGraw Hill: 714-728.
5. Matthew E.K. Hall. 2011. *The Nature of Supreme Court Power*. New York: Cambridge University Press. Chapter 1, "Neither Force Nor Will," pages 1-5. Chapter 2, "When Courts Command," pages 6-18.

Unit 3: Supreme Court Processes

RATs: Tuesday, March 6

Litigation Strategy Project Overview: Thursday, March 8*Team Activities:*

Tuesday, March 20 Thursday, March 22
 Tuesday, March 27 Thursday, March 29

* *Peer Evaluations due Friday, March 9.** *We will not meet the week of March 12 (Spring Break).** *Paper Proposals due Friday, March 23.**Readings* (complete all by March 6)

1. Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks: CA: CQ Press. Chapter 3, "The Cases," pages 67-103
 Chapter 4, "Decision Making," pages 104-113 (Stop at "Influences on Decisions: Introduction.")
2. Kenneth W. Moffett, Charles Shipan, and Forrest Maltzman. 2016. "The Supreme Court is Taking Far Fewer Cases Than Usual. Here's Why." *WashingtonPost.com Monkey Cage*. June 2. https://www.washingtonpost.com/news/monkey-cage/wp/2016/06/02/the-supreme-court-is-taking-far-fewer-cases-than-usual-heres-why/?utm_term=.5aeb886c335b (Accessed December 15, 2017).
3. William H. Rehnquist. 2001. *The Supreme Court*. New York: Vintage Books. Chapter 13, "How the Court Does Its Work: Oral Argument," pages 239-251.
4. Paul J. Wahlbeck, James F. Spriggs II, and Forrest Maltzman. 2006. "Marshaling the Court: Bargaining and Accommodation on the United States Supreme Court" in *Courts, Judges, and Politics*, ed. Walter F. Murphy, C. Herman Pritchett, Lee Epstein, and Jack Knight. Boston: McGraw-Hill, pages 684-690.

Unit 4: Decision Making

RATs: Tuesday, April 3

Team Activities:

Thursday, April 5

Tuesday, April 10

Thursday, April 12

Tuesday, April 17

* *Preliminary Research Assignment due Friday, April 13.**Readings* (complete all by April 3)

1. Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks: CA: CQ Press. Chapter 4, "Decision Making," pages 113-151 (From "Influences on Decisions: Introduction" to end of chapter.)
2. Lawrence Baum. 2011. "Law and Policy: More and Less Than a Dichotomy" in *What's Law Got to Do with It? What Judges Do, Why They Do It, and What's at Stake*, ed. Charles Gardner Geyh. Stanford: Stanford University Press.
3. Lee Epstein, William M. Landes, and Richard A. Posner. *The Behavior of Federal Judges*. Cambridge, MA: Harvard University Press. Chapter 1, "A Realistic Theory of Judicial Behavior," pages 25-64 Chapter 3, "The Supreme Court," pages 101-152
4. Neil Devins and Will Federspiel. 2010. "The Supreme Court, Social Psychology, and Group Formation," in *The Psychology of Judicial Decision Making*, eds. David Klein and Gregory Mitchell. New York: Oxford University Press, pages 85-100.
5. Matthew E.K. Hall. Forthcoming. *What Justices Want: Goals and Personality on the U.S. Supreme Court*. New York: Cambridge University Press. Chapter 1, "Who They Are and What They Want," pages 1-13 Chapter 2, "Goals and Personality," pages 13-31 Chapter 9, "Behind the Black Robes," pages 150-156

Unit 5: Staffing the Bench

RATs: Thursday, April 19

Team Activities:

Tuesday, April 24

Thursday, April 26

Tuesday, May 1

Thursday, May 3

* *Litigation Strategy Papers due Friday, May 4.** *Final Exam Tuesday, May 8 at 1:30 pm.** *Peer Evaluations due Tuesday, May 8.**Readings* (complete all by April 19)

1. Lawrence Baum. 2016. *The Supreme Court*, 12th edition. Thousand Oaks: CA: CQ Press. Chapter 2, "The Justices," pages 28-66.
2. Paul M. Collins, Jr. and Lori A. Ringhand. 2015. "The Institutionalization of Supreme Court Confirmation Hearings." *Law & Social Inquiry* 41(1): 126-151.
3. David Cottrell and Charles Shipan. 2016. "If Obama Appoints Scalia's Successor, the Supreme Court Will Really Jump Leftward." *WashingtonPost.com Monkey Cage*. February 16. https://www.washingtonpost.com/news/monkey-cage/wp/2016/02/15/if-obama-appoints-scalias-successor-the-supreme-court-will-really-jump-leftward/?utm_term=.802deb249829 (Accessed December 15, 2017).
4. Richard Pildes. 2017. "Neil Gorsuch's Confirmation Shattered Political Conventions. Here is Why." *WashingtonPost.com Monkey Cage*. April 10. https://www.washingtonpost.com/news/monkey-cage/wp/2017/04/10/neil-gorsuchs-confirmation-shattered-political-conventions-here-is-why/?utm_term=.dfbca9993256 (Accessed December 15, 2017).
5. Lee Drutman. 2017. "The Case for Supreme Court Term Limits Has Never Been Stronger." *Vox.com*. January 31. <https://www.vox.com/policy-and-politics/2017/1/31/14463724/case-for-supreme-court-term-limits> (Accessed December 15, 2017).
6. David Harsanyi. 2017. "Vox is Wrong. The Case for Supreme Court Term Limits Has Never Been Weaker." *The Federalist*. February 1. <http://thefederalist.com/2017/02/01/case-for-supreme-court-term-limits-has-ever-been-weaker/> (Accessed December 15, 2017).