



**FLORIDA
ATLANTIC
UNIVERSITY**

NEW COURSE PROPOSAL Undergraduate Programs

Department Political Science

College DFSCAL

(To obtain a course number, contact erudolph@fau.edu)

UUPC Approval 3/25/24
 UFS Approval _____
 SCNS Submittal _____
 Confirmed _____
 Banner Posted _____
 Catalog _____

Prefix	POS	<small>(L = Lab Course; C = Combined Lecture/Lab; add if appropriate)</small>	Type of Course	Course Title
Number	4614	Lab Code	Lecture	The U.S. Supreme Court

Credits <small>(See Definition of a Credit Hour)</small>	3.00	Grading <small>(Select One Option)</small>	Course Description <small>(Syllabus must be attached; see Template and Guidelines)</small>
Effective Date <small>(TERM & YEAR)</small>	Fall 2024	Regular <input checked="" type="radio"/> Sat/UnSat <input type="radio"/>	Examination of the Supreme Court and its role in the American political system. Students will learn about the selection of Supreme Court justices and in turn the selection of cases that the Supreme Court chooses to hear, as well as analyze and evaluate political scientists' theories on Supreme Court behaviors.

Prerequisites, with minimum grade*	Corequisites	Registration Controls <small>(Major, College, Level)</small>

**Default minimum passing grade is D-. Prereqs., Coreqs. & Reg. Controls are enforced for all sections of course*

WAC/Gordon Rule Course <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <small>WAC/Gordon Rule criteria must be indicated in syllabus and approval attached to proposal. See WAC Guidelines.</small>	Intellectual Foundations Program (General Education) Requirement <small>(Select One Option)</small> None <small>General Education criteria must be indicated in the syllabus and approval attached to the proposal. See Intellectual Foundations Guidelines.</small>
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Minimum qualifications to teach course
 Doctoral degree in Political Science or related field

Faculty Contact/Email/Phone <small>Luzmarina Garcia/luzmarinagarcia@fau.edu/561-297-3210</small>	List/Attach comments from departments affected by new course

Approved by	Date
Department Chair <u>M. Gurses</u>	02/05/2024
College Curriculum Chair <u>E. J. Deane</u>	3/11/24
College Dean <u>[Signature]</u>	3/14/24
UUPC Chair <u>Korey Sorge</u>	3/25/24
Undergraduate Studies Dean <u>Dan McCreoff</u>	3/25/24
UFS President _____	_____
Provost _____	_____

Email this form and syllabus to mjenning@fau.edu seven business days before the UUPC meeting.



POS 4614

The U.S. Supreme Court

Fall 2024, 3 credits

T & R 2:00pm – 3:20pm

General Classroom South Room 208

Prof. Luzmarina Garcia

Virtual Office hours: T & R 4:30pm- 5:30pm

Email: luzmarinagarcia@fau.edu

Catalog Course Description

Examination of the Supreme Court and its role in the American Political system. Students will learn about the selection of Supreme Court justices and in turn the selection of cases that the Supreme Court chooses to hear, as well as analyze and evaluate political scientists' theories on Supreme Court behaviors.

Extended Course Description

This course examines how the modern U.S. Supreme Court resolves major issues in American politics. After a substantive overview of the course, this syllabus presents important information on materials for the course, course policies and computation of grades. Then, it presents a lengthier, unit-by-unit discussion of readings, on-line lectures, required discussion postings, required essays and the final examination. This course has three parts. Unit 1 begins with recognition that the U.S. Supreme Court sits at the summit of a complex legal system. Unit 1 examines the U.S. legal structure in detail in order to situate the role of the Supreme Court within the broader context of the system in which it operates. Unit 2 considers political implications of two important Supreme Court selection processes—the selection of Supreme Court justices and in turn the selection of cases that the Supreme Court chooses to hear. In what ways does the Supreme Court justice selection process impact the neutrality of selected justices? And, how does the certiorari process impact whose cases—and what type—have access to justice at the highest level? Unit 3 considers social scientific accounts of decision making by the U.S. Supreme Court. We will read different political scientists' works that attempt to answer the question of how Supreme Court justices actually make their decisions. These perspectives are the benchmarks in modern social scientific discussion about the U.S. Supreme Court.

Course Objectives

This course covers a great deal of material from the required books plus supplemental readings over fifteen weeks. By necessity, we will also leave much out. We couldn't possibly cover everything about the Supreme Court in one class! Students taking this class will: – Learn about the American legal system and the Supreme Court's position in it; – Understand complex political elements impacting the Supreme Court; – Examine how the Supreme Court impacts American society at both

micro and macro levels; – Analyze and evaluate political scientists’ theories on Supreme Court behaviors; and – Strengthen writing skills. Students should make sure that this course is one that meets their interests and aspirations.

Instructional Method

This is an in-person class with on-campus attendance requirements. We meet every Tuesday and Thursday from 2:00pm to 3:20pm in General Classroom South, room 208 in the Boca FAU campus.

Class materials will be made available on the course Canvas page. Access the site at <https://canvas.fau.edu/>. Assignments will be submitted in Canvas and student grades will be posted in Canvas. Check the site regularly to ensure you are up to date on all course-related information. Canvas cross publishes material on several sections from the left-hand menu. I strongly suggest that you use the Modules section to access materials. If you start from the assignments page, it might look like the course has no rhyme or reason!

The Modules section, however, is organized by the course parts, then the weekly topic page which has dates in the title. The first indent contains the materials for the week including required and additional materials. Next, are the assignments for that week (due dates are in parentheses). I will regularly send out announcements via Canvas.

Office Hours

If you have any questions about course policies, about the material covered in lectures or readings, or about the discipline in general, I encourage you to contact me. Office hours are available through the Zoom section on the Canvas page. If you have class or work conflicts during my virtual office hours, let me know and we can set up an appointment.

I am happy to accommodate short questions via e-mail. I also encourage you to post to the Canvas discussion board. If you have a question, others in the course may also have the same question. I want to help you do well in this course, so please do not hesitate to be in touch.

Course Expectations

This upper-level course is designed for students who have completed an introductory course on American Government. Advanced undergraduates who have not yet taken these classes may still succeed in this course with a diligent commitment to learn the material. For those students wish to refer to a primer on constitutional law for some background. ***These books are not required for the course but are merely offered as recommendations to those who would find them beneficial.***

1. Jerome A. Barron and C. Thomas Dienes, *Constitutional Law in a Nutshell*, 9th ed. (St. Paul, Minnesota: West Publishing Co., 2016).
2. John E. Nowak and Ronald D. Rotunda, *Principles of Constitutional Law*, 4th ed. (St. Paul, Minnesota: West Publishing Co., 2010).

Course Evaluation Method

You can earn a total of 102 points in this course.

Class Attendance: 15 points across semester (two absences allowed).

Three Group Assignments: 5 points each.

Three Essays: Essay I & II - 15 points.
Essay III - 20 points.

Final Exam: 20 points

Extra Credit: 2 points on overall grade. 5 points deducted overall if not completed.

Attend “Women, the Courts and Shifting Notions of Liberty” w/ Dahlia Lithwick in the Lifelong Learning Auditorium, Thursday, Sep 15, 2022 at 2:00 PM (ET) and submit ticket confirmation and reflection.

Deadlines

Extra Credit Guest Lecture confirmation and reflection due at 11:59pm on Friday, September 23rd.

Essay #1 due at 11:59pm on Friday, September 23rd.

Group assignment #1 due at 11:59pm on Friday, September 23rd.

Essay #2 due at 11:59pm on Friday, October 21st.

Group assignment #2 due at 11:59pm on Friday, October 21st.

Essay #3 due at 11:59pm on Friday, December 2nd.

Group assignment #3 due at 11:59pm on Friday, December 2nd.

Final Exam will be on Tuesday, December 13th 1:15pm – 3:45pm in General Classroom South Room 208.

Course Grading Scale

Add up all the points you have earned and convert them to a letter grade using simple math and the letter grade allocation from the student handbook, reprinted below:

97-100 = A+	77-79 = C+
93-96 = A	73-76 = C
90-92 = A-	70-72 = C-
87-89 = B+	66-69 = D
83-86 = B	00-65 = F
80-82 = B-	Approved Circumstances = I

Policy on Makeup Tests, and Late Work

You will not be penalized for participation in University-approved activities, including athletic or scholastics teams, musical and theatrical performances, and debate activities. I will allow these, and only these students to make up missed work without any reduction in the student’s final course grade. Reasonable accommodation will also be made for students participating in a religious observance. If you have extraordinary circumstances that prevent you from submitting in a timely manner, email me at luzmarinagarcia@fau.edu.

Attendance Policy

Students are expected to attend all of their scheduled University classes and to satisfy all academic objectives as outlined by the instructor. The effect of absences upon grades is determined by the instructor, and the University reserves the right to deal at any time with individual cases of non-attendance. Students are responsible for arranging to make up work missed because of legitimate class absence, such as illness, family emergencies, military obligation, court-imposed legal obligations or participation in University-approved activities. Examples of University-approved reasons for absences include participating on an athletic or scholastic team, musical and theatrical performances and debate activities. It is the student's responsibility to give the instructor notice prior to any anticipated absences and within a reasonable amount of time after an unanticipated absence, ordinarily by the next scheduled class meeting. Instructors must allow each student who is absent for a University-approved reason the opportunity to make up work missed 3 without any reduction in the student's final course grade as a direct result of such absence.

Communication Etiquette Policy

Students are sometimes tempted to relax their grammar, spelling, and/or professionalism. Please remember that you are adult students and professionals—your communication should be appropriate. For more in-depth information, please see the FAU statement on netiquette.

Disruptive behavior is defined in the FAU Student Code of Conduct as "... activities which interfere with the educational mission within classroom." Students who disrupt the educational experiences of other students and/or the instructor's course objectives in a face-to-face or online course are subject to disciplinary action. Such behavior impedes students' ability to learn or an instructor's ability to teach. Disruptive behavior may include but is not limited to non-approved use of electronic devices (including cellular telephones); cursing or shouting at others in such a way as to be disruptive; or, other violations of an instructor's expectations for classroom conduct. For more information, please see the FAU Office of Student Conduct.

Counseling and Psychological Services (CAPS) Center

Life as a university student can be challenging physically, mentally and emotionally. Students who find stress negatively affecting their ability to achieve academic or personal goals may wish to consider utilizing FAU's Counseling and Psychological Services (CAPS) Center. CAPS provides FAU students a range of services – individual counseling, support meetings, and psychiatric services, to name a few – offered to help improve and maintain emotional well-being. For more information, go to <http://www.fau.edu/counseling/>

Disability Policy

In compliance with the Americans with Disabilities Act Amendments Act (ADAAA), students who require reasonable accommodations due to a disability to properly execute coursework must register with Student Accessibility Services (SAS) and follow all SAS procedures. SAS has offices across three of FAU's campuses – Boca Raton, Davie and Jupiter – however disability services are available for students on all campuses. For more information, please visit the SAS website at www.fau.edu/sas/.

Code of Academic Integrity

Students at Florida Atlantic University are expected to maintain the highest ethical standards. Academic dishonesty is considered a serious breach of these ethical standards, because it interferes with the university mission to provide a high quality education in which no student enjoys an unfair advantage over any other. Academic dishonesty is also destructive of the university community, which is grounded in a system of mutual trust and places high value on personal integrity and individual responsibility. Harsh penalties are associated with academic dishonesty. For more information, see [University Regulation 4.001](#).

Support Services and Online Resources

- [Center for eLearning and Student Success](#)
- [Counseling and Psychological Services](#)
- [FAU Libraries](#)
- [Freshmen Academic Advising Services](#)
- [Math Learning Center](#)
- [Office of Information Technology Help desk](#)
- [Office of International Programs and Study Abroad](#)
- [Office of Undergraduate Research and Inquiry](#)
- [Student Accessibility Services](#)
- [University Center for Excellence in Writing](#)

Required Texts/Readings

The text for this course is: **Lawrence Baum, The Supreme Court, 12th ed. (Los Angeles: CQ Press, 2015).**

The following other books are required for this course:

Lee Epstein and Jack Knight, The Choices Justices Make (Washington, D.C.: CQ Press, 1998)

Robert A. Kagan, Adversarial Legalism: The American Way of Law (Boston: Harvard University Press, 2003)

Jeffrey A. Segal and Harold J. Spaeth, The Supreme Court and the Attitudinal Model Revisited (New York: Cambridge University Press, 2002)

Supplemental readings will be provided as links on our Canvas site.

Other materials that can help orient you and provide more information of class topics are the Crash Course Videos on YouTube that are quite relevant- the videos are available [here](#). SCOTUS blog is a resource providing excellent coverage of the Supreme Court. Follow the Court's activities, in real time at <http://www.scotusblog.com/>.

I urge you to read a good national news outlet, such as the New York Times, Wall Street Journal, or the Washington Post. The national news weeklies, such as Newsweek or Time also would be useful

for keeping you current on what is happening in the world of politics. This knowledge will be useful to connect class ideas and helpful for completing your assignments.

A friendly word of advice on the readings that should be taken seriously: you should complete the assigned reading before you attend class. Many of the lectures will use the readings as a point of departure, so your understanding of lecture material will be enhanced by having completed and understood the assigned reading. This course covers a lot of information on a weekly basis, and this should not be a difficult pace to maintain if you do not fall behind. If you put off reading anything until before the exams will you find yourself staring at entire books for each of the essays . . . this strategy is not recommended. It may be useful for you to try to look ahead on the next week's readings.

Course Topical Outline

Welcome and Overview (Tuesday, August 23)

Unit I: Organization and Unique Qualities of the American Legal System (Aug. 25 – Sep. 23)

The Supreme Court sits atop a highly fragmented, loosely interconnected and very formal legal system administered by a politically selected judiciary that resolves millions of cases each year advanced by advocates chosen and compensated by parties having a direct interest in the outcome of their litigation. What consequences, if any, does the institutional structure of the legal system have for the resolution of disputes – civil, criminal or administrative – that the legal system adjudicates? What is the role of the Supreme Court within the context of such a legal system?

Jurisdiction (Thursday, August 25th)

Deciding what to Decide (Tuesday, August 30th)

Reading: Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 1. The Court.

Legal Systems & Adversarial Legalism (Thursday, September 1st)

Reading: Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003). Chapter 1. Adversarial Legalism: Contours, Consequences, Causes.

Adversarial Legalism (Tuesday, September 6th)

Reading: Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003). Chapter 1. Adversarial Legalism: Contours, Consequences, Causes.

Law and the Legal System (Thursday, September 8th)

Reading: Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003). Chapter 2. Criminal Justice.

Law and the Legal System (Tuesday, September 13th)

Readings: Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003). Chapter 3. Civil Justice.

Guest Lecture (Thursday, September 15th)

Attend “Women, the Courts and Shifting Notions of Liberty” w/ Dahlia Lithwick in the Lifelong Learning Auditorium, Thursday, Sep 15, 2022 at 2:00 PM (ET)

***Note:** You must register for a free student ticket through FAU events in order to attend. Seating is limited. *** To reserve your ticket go to:**

<https://fauevents.universitytickets.com/w/event.aspx?id=5581&r=a390425e0ca04bb0b1af8ffa0240f525>

Assignments: Write a one-page reflection on the lecture. Upload the reflection and a ticket confirmation to Canvas by 11:59pm on Friday, September 23rd. You will receive **2 points extra credit to your overall grade** for attending and completing the assignment. However, if you do not attend and complete the assignment, 5 points will be taken away from your overall grade.

Lawyers (Tuesday, September 20th)

Reading: Robert A. Kagan, *Adversarial Legalism: The American Way of Law* (Boston: Harvard University Press, 2003). Chapter 4. Public Law: Social Justice and Regulation.

Summary (Thursday, September 22nd)

Assignments:

Extra Credit Guest Lecture confirmation and reflection due at 11:59pm on Friday, September 23rd.

Essay #1 due at 11:59pm on Friday, September 23rd.

Group assignment #1 due at 11:59pm on Friday, September 23rd.

Unit II: The Politics of Getting Selected to – and Heard by—the Supreme Court (Sep. 27 – Oct. 21)

The Supreme Court exerts extreme control over its own docket through the process known as certiorari. While this may be an efficient way to utilize limited Supreme Court resources, it also presents challenges to litigants’ access to justice at the highest level. What is the process of getting a case heard by the Supreme Court? What political challenges does this process present to the American people—and its system of justice—through both the resulting opinions of selected cases and the denial of hearing other cases at all? At the same time, the process of selecting Supreme Court justices—a lifelong appointment—has a significant impact on the composition of the Court in addition to its holdings. What political implications does this process have on who is selected to the Court, and in turn, how that Court represents the American people?

Decisions, Decisions (Tuesday, September 27th)

Reading: Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 4. Decision-Making.

Policymaking (Thursday, September 29th)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 1. Introduction: Supreme Court Policy Making.

Keep it Legal (Tuesday, October 4th)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 2. Models of Decision Making: The Legal Model.

The Legal Model (Thursday, October 6th)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 7. The Decision on the Merits: The Legal Model.

Court's Policies (Tuesday, October 11th)

Readings: Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 5. Policy Outputs.

Uncertain Cert (Thursday, October 13th)

Reading: Feldman, A., & Kappner, A. (2017). Finding certainty in cert: An empirical analysis of the factors involved in Supreme Court certiorari decisions from 2001-2015. *Villanova Law Review*, 61, 795-842.

Levels of Impact (Tuesday, October 18th)

Reading: Lawrence Baum. 2019. *The Supreme Court*, 13th edition. Thousand Oaks: CA: CQ Press. Chapter 6. The Court's Impact.

Summary (Thursday, October 20th)

Assignments:

Essay #2 due at 11:59pm on Friday, October 21st.

Group assignment #2 due at 11:59pm on Friday, October 21st.

Unit III: Decision-Making in the U.S. Supreme Court (Oct. 25 – Dec. 2)

How do Supreme Court justices really decide the outcomes of the cases they hear? Is their discretion unlimited, or are they constrained by institutional and societal factors? This unit examines these questions from two classic political science perspectives. This unit also takes a close look at the political implications and outcomes of judging at the Supreme Court level.

Political Science Models (Tuesday, October 25th)

Readings: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 3. Models of Decision Making: The Attitudinal and Rational Choice Models.

Political History (Thursday, October 27th)

Last day to drop the class with a “W” is October 28th.

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 4. A Political History of the Supreme Court.

Judicial Selection (Tuesday, November 1st)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 5. Staffing the Court.

Case Selection (Thursday, November 3rd)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 6. Getting into Court.

Political Science Models (Tuesday, November 8th)

Reading: Jeffrey A. Segal and Harold J. Spaeth, *The Supreme Court and the Attitudinal Model Revisited*. Chapters 8. The Decision on the Merits: The Attitudinal and Rational Choice Models.

Strategic Account (Thursday, November 10th)

Reading: Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Chapter 1. A Strategic Account of Judicial Decisions.

Policy Seekers (Tuesday, November 15th)

Readings: Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Chapter 2. Justices as Policy Seekers.

The Toolkit (Thursday, November 17th)

Readings: Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Chapter 3. Strategic Interaction.

NO CLASS (Tuesday, November 22nd)

NO CLASS (Thursday, November 24th)

Internal Institutions (Tuesday, November 29th)

Reading: Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Chapter 4. The Institutional Context I.

Broader Institutions (Thursday, December 1st)

Reading: Lee Epstein and Jack Knight, *The Choices Justices Make* (Washington, D.C.: CQ Press, 1998). Chapter 5. The Institutional Context II. Chapter 6. Implications of the Strategic Account.

Assignments:

Essay #3 due at 11:59pm on Friday, December 2nd.

Group assignment #3 due at 11:59pm on Friday, December 2nd.

Final Exam will be on Tuesday, December 13th at 1:15pm – 3:45pm in General Classroom South Room 208. The course will have a final exam asking questions that incorporate all course readings.