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FALL 2009

## **POLITICAL SCIENCE 104D: JUDICIAL POLITICS**

Visiting Professor Glenn Smith

Tuesdays, 5 P.M. to 7:50 P.M. // Solis Hall, Room 107

### **OVERALL COURSE APPROACH**

This course provides an introduction to the major theoretical and practical issues flowing from the reality that in modern America substantial power and discretion is exercised by judicial officials whose legitimacy as policy-makers remains controversial and who are not subject to the usual methods of electoral and political accountability in a majoritarian democracy. The course examines the politics of judicial policy-making in both state and federal courts, and both the trial and appellate levels. Special emphasis will be placed on the processes and dynamics of United State Supreme Court decision-making.

The class is conducted a modified law school style; sessions will usually focus on discussion among class members – as a whole or in smaller groups -- of questions based on assigned materials. Thus, the success of the class will depend to a significant degree on the willingness of prepared and interested students to participate actively in discussions. At times I will lecture, especially when background information about judicial structure and organization, and about major facets of the American legal system, needs to be sketched in. Student volunteers may at times play the roles of advocates for preassigned positions.

You are expected to do the assigned reading for each session and come to each class<sup>1</sup> prepared to engage in a lively discussion. We will have FUN.

### **READINGS AND SYLLABI**

You are required to purchase two texts for the class:

1. Carp, Stidham & Manning, JUDICIAL PROCESS IN AMERICA (2007 7<sup>th</sup> Ed. CQ Press).
2. Baum, THE SUPREME COURT (2009 10<sup>th</sup> Ed. CQ Press). NOTE: The 10<sup>th</sup> Edition is now being published and the publishers have promised to make it available to the

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<sup>1</sup>You will get more out of class – and contribute more to class – by attending as many of the class sessions as you can. However, to accommodate students who occasionally miss class due to illness or other important and unavoidable conflicts, I will experiment this quarter with “podcasting” class sessions.

University Book Store by Friday, October 9<sup>th</sup>. Please purchase it as soon as possible after that. Although this is less convenient for me and you, compared to having you purchase the 9<sup>th</sup> Edition, waiting a bit will ensure that you have the most up-to-date version on a subject that is constantly changing. Thanks for understanding...

I will make additional assigned readings, discussion questions, and past-exam questions available in class and/or through the class WebPage (see below).

Please bring the appropriate text(s) to each class.

There will be two Assignment Syllabi for this course. The first Syllabus is distributed in class the first day. A second syllabus will be distributed separately. Both syllabi and any other class handouts will be posted on the class WebPage.

### **EXAMINATIONS**

There will be an in-class midterm, covering the materials studied in the first four class sessions, on Tuesday, October 27<sup>th</sup>. Further details will be forthcoming about the format and coverage of the midterm.

You will also take a final examination during the designated exam period for the course: Friday, December 11<sup>th</sup>, from 7 to 10 PM.

**IMPORTANT: PLEASE LOOK AT YOUR EXAM SCHEDULE IMMEDIATELY, and ensure that you are not cross-scheduled to take two final exams at the same time or scheduled to take multiple final exams within an unreasonably tight time frame. I REGRET THAT I WILL BE UNABLE TO GIVE MAKEUP FINAL EXAMS TO ACCOMMODATE THESE PROBLEMS.<sup>2</sup>**

Both examinations will pose short-answer essay questions, in the format illustrated through past exam questions posted on the Class WebPage. Both exams will be open book / open note. The midterm is worth 40% of total course points; the final is worth 60%.

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<sup>2</sup> Exception: Friday, December 11<sup>th</sup>, at sundown is the start of the Jewish holiday of Hannukah (Chanuka). Under UCSD policies regarding the accommodation of student religious observances, affected students will be permitted to take the final exam at another time, to be worked out after consultations with affected students about their substitute-time preferences.

The final examination will be cumulative, with *emphasis* on the post-midterm materials. More details on final examination coverage and format will be provided via separate handouts, elaborated on through in-class announcements.

### **ADDITIONAL LEARNING OPPORTUNITY**

I invite you to adopt an additional practice that will significantly enhance your learning in the course: as you interact with general informational media (i.e. newspapers, magazines, newsletters, online databases, etc.) I invite you to notice media reports discussing current controversies involving the role of federal or state judges or the involvement of judges in “politics.” (Making the connection between class materials and the “real world out there” can be an important learning opportunity.)

When you identify media reports that you believe would be interesting to the class—ideally, reports will contain enough information to understand the substance of the regulatory matter and will suggest themes discussed in the class—I would very much appreciate your giving me a hard-copy version (or sending an email with the text of the media report in the body of the email) so that I can consider sharing it with the class at an appropriate time.

### **CLASS WEBPAGE ACCESS INSTRUCTIONS**

- (1) Visit the California Western Law School Website (“www.cwsl.edu”).
- (2) Click on “Meet the Faculty” (one of several categories at the top of the webpage).
- (3) On the alphabetical faculty list, click “Glenn C. Smith”.
- (4) On my WebPage – you’ll know it from the very handsome picture of me – Click on “Class WebPages” (to top right of page).
- (5) Click on “P Sc 104D (Judicial Politics)”

### **INFORMATION ON MY AVAILABILITY**

\*\*\*For UCSD office hours: *Mondays, 10:15 AM to 1:00 PM*, in SSB 363.

\*\*\*For “virtual office hours,” or to arrange office hours at a mutually convenient time other than regular office hours, email me at [gsmith@cwsl.edu](mailto:gsmith@cwsl.edu). [WHEN YOU EMAIL ME, please INCLUDE A REFERENCE TO “P SC 104DL” in the subject line, so that I will know your message is not spam.]

UCSD Law School Office, Room 104, UCSD 92044

\*\*\*Additionally, you are welcome to meet with me, call me on my law-school office phone (619-525-1495), or email me ([gsmith@cwsl.edu](mailto:gsmith@cwsl.edu)) during the following law-school office hours:

- Mondays, 4:15 PM to 5:15 PM
- Tuesdays, 11 AM to Noon
- Wednesdays, 9:30 AM to 11:30 AM
- Thursdays, 11 AM to Noon

*NOTE: It is always a good idea to verify these arrangements via email ([gsmith@cwsl.edu](mailto:gsmith@cwsl.edu)) or an advance phone call to my Law School office (619-525-1495).*

My law school office is located at 225 Cedar St., Room 314 (Directions: I-5 South; Take "Front St./Civic Center" exit; take left fork, which will exit on Cedar St. at 2<sup>nd</sup> Avenue. 225 Cedar is on the right, between 2<sup>nd</sup> and 3<sup>rd</sup> Avenues.)

\*\*\*For law-school-planning questions and recommendations: Past experience indicates that a substantial portion of the students taking this course are planning to attend (or thinking about attending) law school. As a full-time law professor guest teaching this course, I am willing to be a resource to such students by providing general counseling about law school and legal careers, arranging visits to law school classes taught by others at my home institution, and writing letters of recommendation in appropriate cases. (Please note that I am not recruiting students to law school in general or my law school in particular. In fairness, I simply wish to make sure all potentially interested students know in advance of my policy on this. Please also note that the one area in which I am NOT a useful resource is in answering questions about the specific procedures and current realities of law-school *admission*).

\*\*\*In appropriate cases I am also willing to write recommendation letters for graduate study, UCSD internships, foreign study, or other related opportunities.

Do not hesitate to contact me if I can be of any assistance to you!