
University of Michigan
College of Literature, Science, and the Arts

ALA 370, Section 1. The Politics of Judging

Fall 2016 Semester

Instructor

Andrew D. Martin, Ph.D.
Office: LSA, Suite 2005
Email: admart@umich.edu
Web: <http://sites.lsa.umich.edu/admart/>
Phone: (734) 764-0322
Office Hours: Tues 8:00-9:00 AM

Class Schedule

Mon 4:00-6:00 PM
Mason 3401

Course Description

Judges play a crucially important role in American governance because nearly all political issues end up in the courts. The purpose of this course is to look at how politics affect what judges do. Understanding of how judges decide cases is also of fundamental importance for those seeking to explain how law evolves over time and how it is applied in particular instances. This course highlights important normative debates about the appropriate role of judges and to survey the social scientific literature on how judges make decisions.

The main reading material for the course will come from a book titled *Judicial Decisionmaking* that Professor Martin is writing with Professors Tom Clark (Emory, Political Science), Barry Friedman (NYU, Law), Allison Orr Larsen (William & Mary, Law), and Maggie Lemos (Duke, Law). All course materials will be made available on Canvas.

Requirements and Evaluation

Class meetings will be conducted as a mix between discussion and lecture. Students are expected to come to class fully prepared to discuss the merits—or lack thereof—of the assigned readings. This means reading all of the assigned material ahead of time and thinking critically about how the various arguments might fit together. Class attendance is mandatory. Please consult with me *in advance* if you cannot attend a class meeting for any reason.

Class evaluation will come from two short essays and class participation. Here are the particulars:

- **Supreme Court Forecast.** Your first short essay (3-4 pages) will be due on November 14, 2016, in class. You will be given a list of cases that the Supreme Court will be deciding this term, and you will be asked to provide a forecast of what the Supreme Court

will do this term, drawing on the briefs in the case, media coverage, and what you've learned in the course. These essays will be graded, and you will have the opportunity to revise your essay for a re-grade before November 28, 2016. This essay will count for 40% of your final grade.

- **President Hypothetical.** Your second short essay (3-4 pages) will be due on Tuesday, December 13, 2016, by 5:00 PM. We will provide a detailed hypothetical one week after the election that will require you to make a recommendation regarding a nominee to the U.S. Supreme Court. We will spend our class time on November 21, 2016, as a workshop to brainstorm collectively about the hypothetical. These essays will be graded, and will count for 40% of your final course grade.
- **Class Participation.** Each student will also be evaluated on class participation. Class participation will constitute the remaining twenty percent (20%) of each student's final course grade.

Grades will be assigned as follows: 90%-100% A, 80%-89% B, 70%-79% C, 60-69% D, 0-59% E. Pluses or minuses will be given for scores within two points of a cutoff, and by discretion of Professor Martin. Late assignments will not be accepted, and no incompletes will be assigned, but for extreme circumstances. Failure to meet the requirements of the course will result in a failing grade.

Teaching Assistant

There is one graduate student instructor (GSI) assigned to this course:

Ms. Deeva Shah
Email: deevas@umich.edu
Office: 3209 LSA
Office Hours: Thur 12:00-3:00 PM

Students with Disabilities

If you think you need an accommodation for a disability, please let me know at your earliest convenience. Some aspects of this course, the assignments, the in-class activities, and the way the course is usually taught may be modified to facilitate your participation and progress. As soon as you make me aware of your needs, we can work with the Services for Students with Disabilities (SSD) office to help us determine appropriate academic accommodations. SSD (734-763-3000; <http://ssd.umich.edu>) typically recommends accommodations through a Verified Individualized Services and Accommodations (VISA) form. Any information you provide is private and confidential and will be treated as such.

Academic Misconduct

The LSA undergraduate academic community, like all communities, functions best when its members treat one another with honesty, fairness, respect, and trust. The College holds all

members of its community to high standards of scholarship and integrity. To accomplish its mission of providing an optimal educational environment and developing leaders of society, the College promotes the assumption of personal responsibility and integrity and prohibits all forms of academic dishonesty and misconduct. Academic dishonesty may be understood as any action or attempted action that may result in creating an unfair academic advantage for oneself or an unfair academic advantage or disadvantage for any other member or members of the academic community. Conduct, without regard to motive, that violates the academic integrity and ethical standards of the College community cannot be tolerated. The College seeks vigorously to achieve compliance with its community standards of academic integrity. Violations of the standards will not be tolerated and will result in serious consequences and disciplinary action.

Student Sexual Misconduct Policy

Title IX prohibits discrimination on the basis of sex, which includes sexual misconduct — including harassment, domestic and dating violence, sexual assault, and stalking. We understand that sexual violence can undermine students’ academic success and we encourage anyone dealing with sexual misconduct to talk to someone about their experience, so they can get the support they need. Confidential support and academic advocacy can be found with the Sexual Assault Prevention and Awareness Center (SAPAC) on their 24-hour crisis line, 734-936-3333 and at sapac.umich.edu. Alleged violations can be non-confidentially reported to the Office for Institutional Equity (OIE) at institutional.equity@umich.edu.

Course Topics and Schedule

As a mini-seminar, the number of times class meets is few. However we will cover multiple concepts in each class. Therefore, attendance in class is paramount to comprehension and to cohesiveness of your learning experience.

Date	Topic	Reading
10/24	Introduction	Understanding the Federal Courts (all)
10/31 (Halloween)	Introduction, Continued	Understanding the Federal Courts (all)
11/7	Brown v. Board of Education	Chapter 1
11/14	Law	Part I Intro, Chapter 2 *Supreme Court Forecast Due In Class
11/25	In-Class Workshop on Second Assignment	None
11/28	Ideology and the Characteristics of Judges	Chapter 3 *Supreme Court Forecast Rewrite Due In Class
12/5	Collegial Courts	Chapter 7
12/12	Special Guests: Justices from the Michigan Supreme Court	None *President Hypothetical Due December 13, 2016 by 5 PM