

**University of Kentucky  
Department of Political Science  
PS360: Politics of Law & Courts  
Fall 2019, Section 002**

**Instructor:** Mr. Travis N. Taylor, MPS

**Office Location:** 1606 Patterson Office Tower

**Contact Info:** travisntaylor@uky.edu

**Meeting Days & Time:** Monday, Wednesday & Friday; 10:00 – 10:50 a.m.

**Meeting Location:** 331 White Hall Classroom Building

**Office Hours:** Wednesday, 1-3 p.m. and Friday, 9-9:50 a.m.; or by appointment. Students who cannot meet during regular office hours should e-mail the Instructor to begin the process of setting an appointment. I will not hold office hours on days marked on the course calendar as “No Class.” I will, however, announce make-up office hours for those dates the week before the cancellation.

### **University Course Description**

A survey of the actors in American government and society who shape the meaning of the law, focusing especially on the judiciary. The course will outline the structure of the judicial system including both state and federal courts as well as the judicial process followed within that system. Prepares students for advanced study in public law and judicial politics.

### **Course Prerequisites**

UN2 status, i.e., have completed 30 credits.

### **Course Purpose**

The purpose of this course is to introduce the student to the basic structures of the American judicial system, including institutional arrangements, judicial behavior, the legal profession, and various aspects of American jurisprudence. Working both individually and collaboratively, students will gain a basic understanding of the fundamentals – both theoretical and practical – of the federal and state court systems.

### **Course Objectives & Learning Outcomes**

1. Understand the basis of law and the reasons we have law.
2. Identify the structure and hierarchy of the American courts system at both the federal and state levels.
3. Understand the processes by which judges at both the federal and state levels come to hold their seat on the bench, and the arguments for and against various nominating mechanisms.
4. Understand the processes (a) by which a legal case is introduced to the judicial system, (b) the case goes through within the system, and (c) by which a case is disposed of.
5. Comprehend and identify various theories of judicial behavior, i.e., how judges make the decisions they do.
6. Conceive of the courts as a policy-making institution and understand why people follow judicial decisions.
7. Identify various careers in the legal profession and the path to those careers.
8. Brief a legal case.

### **Course Structure & Methods**

This course will meet three times per week in the assigned classroom unless otherwise directed by the Instructor. Students will be responsible for checking Canvas, the online learning platform for UK, on a frequent basis; checking the site daily is highly encouraged. Students will submit certain assignments, access resources such as additional readings, collaborate with classmates, check grades, and other activities using the Canvas platform.

This course follows a **team-based learning** (TBL) format that provides students the opportunity to approach and learn the course material in varying formats and to practice skills that are valuable both in academic and professional environments. In addition to preparing you with marketable skills, such as the ability to work in teams, think critically, and communicate effectively, scientific research has demonstrated that students in TBL classrooms enjoy their experience more, are more engaged in the classroom, and score higher on exams than non-TBL students.

**Team-based learning functions differently than the traditional class.** The Instructor will assign students to teams early in the semester, and students will work with that team throughout the course. This learning environment is structured to ensure that individuals are prepared for team work and that the team experience avoids typical “group work” problems, such as free-riding, dominant actors, and division of labor to avoid interaction, among many others. Individuals are responsible for learning basic materials by working outside the class, while class time is spent working both individually and in teams using the material in creative and sophisticated ways. All team work is done during class time. Course grades will be based on both individual and team work. **A supplemental handout on TBL will be posted on Canvas.**

### **General Course Policies & Expectations**

- Read and/or watch all assigned material prior to coming to class.
- Although I do not require attendance, coming to class is strongly encouraged. Class attendance provides you the opportunity to demonstrate your knowledge on the content, to learn from your peers, and to apply the material. Additionally, because this course adheres to a team-based format, your peers will evaluate your contribution to the team, which necessitates your presence. It is unnecessary to let me know if you will be/were absent from class unless the absence will occur on an exam day or other day when graded, in-class work is scheduled. For absences on those days, I follow the University policy on excused absences (found [here](#)) and require appropriate documentation. Additionally, although military (e.g., National Guard) drill and other training is not an excused absence under University policy, those absences will be excused with appropriate documentation (e.g., training orders). You should communicate absences to your teammates.
- Read and/or watch the news on a regular (preferably daily) basis.
- Learn, grow, and have fun!
- Begin to develop, or improve upon, college-level academic writing. Resources, including the Instructor, are available to students who need to improve their writing. Writing includes proofreading.
- Late work will be accepted ONLY with prior authorization from the Instructor. A student wishing to submit a late assignment must contact the Instructor to request an extension *at least* 24 hours before the assignment is due. Submitting a request does not grant the student an extension; an extension is only granted once the Instructor has given it in writing to the student. Extensions will be granted only in extenuating circumstances and work submitted under the extension will be reduced by one letter grade per day. Late work submitted without an extension will not be evaluated and will earn an automatic grade of zero.
- Making up a missed exam will be subject to the same restrictions as late work. However, if an *emergent* or *urgent* situation arises that prevents making an advance request to miss an exam, the student should contact the Instructor as soon as practical to request a make-up exam. Any request to make up a missed exam must be accompanied by appropriate documentation about the absence (e.g., physician's note). Make up exams will not be permitted without proper documentation from the student.
- Academic dishonesty in any form will not be tolerated and could lead to any number of consequences up to and including expulsion from the university. At a minimum, you will receive a zero (0) on any assignment found to be completed by means of academic dishonesty. Please refer to the university academic integrity policy located [here](#).

- While differences of opinion are inevitable and the expression of a diversity of opinions is strongly encouraged, intolerance, derogatory remarks, and personal attacks are strictly forbidden. Remember, politics is about relationships—make them, develop them, nourish them, and cherish them.

### **Communication Policy**

Communication with the Instructor will be primarily through e-mail. The Instructor will check his e-mail once per business day at 9:30 a.m. and respond to all student e-mails during that time. A response is not guaranteed if you have not e-mailed the Instructor prior to 9:30 a.m. **Per University policy, the Instructor will respond to e-mails *only* from official UK e-mail addresses** (i.e., [your.name@uky.edu](mailto:your.name@uky.edu)).

The Instructor will also be available after class each meeting, unless otherwise notified, to answer *brief* questions. Office hours listed at the head of this document will be honored; an appointment during those times is *not* necessary. If these options do not work for you, e-mail the Instructor to set up an appointment for an alternative time. The Instructor will make every effort to honor reasonable appointment requests.

### **Technology Policy**

The use of technology during class time is strictly prohibited unless (1) the assignment requires the use of technology, in which case the Instructor will direct you to make use of a device, or (2) it is a part of an accommodation arrangement (see below). This policy applies to computers, cell phones, tablets, or pretty much any device with a screen. This includes earbud, earphones, etc. Penalties for violation of this policy will be progressive and proportionate to the amount of disruption caused by the use and can include verbal warnings up to removal from the course.

### **Accommodation Policy**

This course adheres to University policy with regards to students with disabilities. Details on University rules related to academic accommodations are available from the Disability Resource Center's website, located [here](#). With regards to a student presenting his/her letter of accommodation to me, the DRC recommends that you do so "as early in the semester as possible" to take full advantage of the accommodation. Accommodations cannot be applied to coursework, including exams, that has/have already taken place. The DRC also recommends scheduling a meeting with me "to discuss how your accommodations will be addressed during the semester." I view accommodating your needs as a collaborative process, and having a discussion about your needs and how I can best accommodate them is the best way to begin that collaborative process. I strongly encourage you to abide by these DRC recommendations.

Beyond the University's disability accommodation policy, it is my policy to support and accommodate pregnant and parenting students who continue to pursue their education while bearing or rearing children. This accommodation will be student-specific, so please let me know as early as possible that you need this accommodation, preferably within the first week of the semester, if you are already pregnant or parenting, or as soon as you learn you are pregnant, if the pregnancy begins during the semester. It is my goal to work with you to ensure that both your responsibilities as a student and your responsibilities as a parent are met without any additional, undue burden.

### **Required Readings**

The following textbook is required for the class. Any student who sends me an e-mail with a photo of a Boxer dog before 04 September will earn an extra 10 points on their final exam for having read the syllabus.

Carp, Robert A., Ronald Stidham, Kenneth L. Manning, and Lisa M. Holmes. 2017. *Judicial Process in America* 10<sup>th</sup> ed. Thousand Oaks: Sage.

The book is available on Amazon [here](#), and may be available through other resources, including the UK Bookstore. You will be accountable for material from the book starting in the third week of class, so you

should order the book as soon as possible. The book is referenced as “CSMH” in the remainder of this syllabus.

Other readings listed on the syllabus are required and can be found on Canvas, unless otherwise noted. Additional readings may be assigned throughout the semester and will be announced in advance.

Note: You are at a research-intensive university, taking classes with the people who do the research. You may read journals articles published by your professors. It is cutting edge. No one gets money for these publications; they are how we disseminate scientific information for the scientific community.

### Assignment Grading and Evaluation

Student-Instructor Meeting (before 13 September):	5% of final grade
iRATs (4 x 3.75% each; I drop lowest earned grade):	15% of final grade
tRATs: (4 x 3.75% each; I drop lowest earned grade):	15% of final grade
Peer Assessment (2 x 5% ea.):	10% of final grade
Midterm Exam:	20% of final grade
Final Exam:	25% of final grade
Case Brief:	10% of final grade

- **STUDENT-INSTRUCTOR MEETING:** Each student will be required to meet one-on-one with me at least one time before the end of the third week of class (i.e., before 13 September). This meeting allows us to get to know one another and gives you the chance to ask any questions you might have. Expect this meeting to last between 10 and 15 minutes. This meeting can take place during office hours on a first-come, first-served basis, or you can schedule an appointment with me by sending me an e-mail with some available times.
- **iRATs and tRATs:** At the beginning of each module, you will take readiness assessment tests, or RATs, each of which is taken twice, once as an individual (iRAT) and a second time as a team (tRAT). RATs assess your comprehension of the main concepts of the course material presented to you in the readings or other before-class preparation. RATs are used to ensure readiness to proceed to the application activities. Although you will take 5 total RATs, only four (4) of them will count toward your final grade. I will drop the score for the RATs you have taken. If you have an unexcused absence during a RAT, you have two options: (1) take the missed RAT for a 0 and have it dropped, or (2) not take the RAT for a 0 and have it included in your scores. If you miss a RAT with an excused absence, you may make it up and the iRAT score will also count toward your tRAT score for that module. **Please note** that in order to earn the team score for a RAT, you must score a 50% or higher on your iRAT. If your iRAT score is below 50%, that score will also count as your tRAT score for that module.
- **APPLICATION ACTIVITIES:** Application activities are real-world (or at least plausible in the real world) problems for which your team must provide a solution. The problems will make application of the material presented in that module or a previous one. Once all teams have developed a solution, all teams will simultaneously report their solution to the class. Teams will then defend their solution in a spirited (hopefully) and respectful (I will enforce this) debate. Note that these activities are not formally graded, but are described here so you will know what they are when you see them on the course calendar.
- **PEER ASSESSMENT:** Participation in your teams will be evaluated by your peers. Before the first peer assessment, we – as a class – will develop a rubric, or a set of criteria, on which you will evaluate your peers and by which your peers will evaluate you. This peer evaluation will serve as a non-trivial percentage of your final grade. It also serves as an accountability device to ensure you come to class prepared and that freeloading is not tolerated by others on the team. Peer evaluations will be conducted twice – once before each exam.

- **EXAMS:** You will take one midterm exam and a final exam. The final exam will be cumulative and will be administered in-class during the time designated by the university for our class' final exam. Your performance on exams will be evaluated based on your ability to provide comprehensive and correct answers to the questions on the exam.
- **CASE BRIEF:** The case brief will evaluate your ability to distill the important details of a legal case. Lawyers and judges use case briefs throughout their careers, and writing them is a skill that will prepare you for both advanced legal studies and a legal career. The assignment will be one page and will brief the recently decided *Murphy v. NCAA*.

Final letter grades will be assigned according to the university standard grading scale, which is as follows:

Letter Grade	Percentage
A	90-100
B	80-89.9
C	70-79.9
D	60-69.9
E	Below 60

### General Assignment Regulations

- When an assignment is submitted via Canvas, you are responsible for making sure the file is uploaded properly and contains no technical or file errors.
- Assignments completed in class (e.g., tRATs) are not eligible for makeup without appropriate documentation of an excused absence.
- Grades will be posted on Canvas, so you will have an idea of what you have been evaluated on and your current standing in the course, but they should not be considered definitive as they are not weighted properly. If you are missing a grade in Canvas and more than 14 days have passed since the assignment was due, it means I do not have your submission for that assignment. It is your responsibility to bring this to my attention if you think I have erred. If you would like a more accurate idea of your grade in the class (i.e., one that is correctly weighted), e-mail me or come see me during office hours.
- I have a mandatory “cooling off period” of 24 hours after an assignment is returned to you. This mandatory waiting period provides you the opportunity to process your grade, objectively examine feedback provided, and avoid saying or e-mailing something you may regret. I will not respond to grade or feedback inquiries sent during this period of time. If, after the passing of 24 hours, you still have questions regarding your grade or the feedback I provided, please e-mail me with your questions. If you wish to have the assignment regraded, you must submit to me in writing your reason for the reconsideration, using the assignment prompt as the basis for your argument. I will re-assess your work with that argument in mind, and whatever grade is assigned after this reconsideration (whether this grade is higher or lower than the original grade) will be final.

## Course Calendar

What follows is a class-by-class outline for this course. While the Instructor will make every effort to abide by this guide, this outline is dynamic and subject to change based on a variety of factors. Should alterations to this plan become necessary, the Instructor will notify you of the changes.

Date	Module	Readings (to be completed <b>BEFORE</b> coming to class)	Activity
M 26 Aug	0: Course Administration	None	Course Introduction
W 28 Aug	0: Course Administration	—	Introduction to TBL
F 30 Aug	—	—	NO CLASS – APSA CONFERENCE
M 02 Sep	—	—	NO CLASS – LABOR DAY
W 04 Sep	0: Course Administration	Ideology Quiz	Team Formation
F 06 Sep	0: Course Administration	—	Assessment of Prior Knowledge
M 09 Sep	1: The Basis of Law	CSMH, Chapter 1	Legal Basics RAT
W 11 Sep	1: The Basis of Law	—	Legal Basics Application Activity
F 13 Sep	1: The Basis of Law	—	Legal Basics Application Activity
M 16 Sep	1: The Basis of Law	—	Legal Basics Application Activity
W 18 Sep	2: Institutions & Structure	CSMH, pp 67–74 CSMH, Chs. 2, 3, 5, 6, 7 Toobin (2017) Bonneau and Rice (2009)	Institutions and Structure RAT
F 20 Sep	2: Institutions & Structure	—	Institutions and Structure Application Activity
M 23 Sep	2: Institutions & Structure	—	Institutions and Structure Application Activity
W 25 Sep	2: Institutions & Structure	—	Institutions and Structure Application Activity
F 27 Sep	2: Institutions & Structure	—	Institutions and Structure Application Activity
M 30 Sep	2: Institutions & Structure	—	Institutions and Structure Application Activity
W 02 Oct	2: Institutions & Structure	—	Institutions and Structure Application Activity
F 04 Oct	0: Course Administration	—	Peer Assessment Rubric
M 07 Oct	2: Institutions & Structure	—	Institutions and Structure Application Activity
W 09 Oct	2: Institutions & Structure	—	Institutions and Structure Application Activity

F 11 Oct	2: Institutions & Structure	—	Institutions and Structure Application Activity
M 14 Oct	2: Institutions & Structure	—	Institutions and Structure Application Activity
W 16 Oct	0: Course Administration	—	Peer Assessment 1
F 18 Oct	1 & 2	—	Midterm Exam
M 21 Oct	—	—	NO CLASS – FALL BREAK
W 23 Oct	3: Law & Process – Introduction	CSMH, pp. 74–86 CSMH, Chs. 9, 10, 11 Makdisi and Makdisi (2009) <i>NIFLA v. Becerra</i>	Law & Process RAT
F 25 Oct	3: Law & Process	—	Law & Process Application Activity
M 28 Oct	3: Law & Process	—	Law & Process Application Activity
W 30 Oct	3: Law & Process	—	Law & Process Application Activity
F 01 Nov	3: Law & Process	—	Law & Process Application Activity
M 04 Nov	3: Law & Process	—	Law & Process Application Activity
W 06 Nov	3: Law & Process	—	Law & Process Application Activity
F 08 Nov	4: Judicial Behavior & Policy Implementation	CSMH, Chs. 12, 13, 14 George and Epstein (1992) Brown (2018)	Judicial Behavior & Policy Implementation RAT
M 11 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
W 13 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
F 15 Nov	—	—	NO CLASS
M 18 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
W 20 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
F 22 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
M 25 Nov	4: Judicial Behavior & Policy Implementation	—	Judicial Behavior & Policy Implementation Application Activity
W 27 Nov	—	—	NO CLASS – THANKSGIVING

F 29 Nov	—	—	NO CLASS – THANKSGIVING
M 02 Dec	5: The Legal Profession	CSMH, Chapter 8 Foster (2013) Harper (2015) Toppo (2017)	Legal Profession RAT
W 04 Dec	5: The Legal Profession	—	Legal Profession Application Activity
F 06 Dec	5: The Legal Profession	—	Legal Profession Application Activity Peer Assessment 2
M 09 Dec	6: The Courts and Film	—	Film: TBD
W 11 Dec	6: The Courts and Film	—	Film: TBD
F 13 Dec	6: The Courts and Film	—	Film: TBD
M 16 Dec 1–3 pm	1 – 6	<i>Murphy v. NCAAA</i>	Final Exam & Case Brief