**TCORE 103 E—The Politics of Selecting U.S. Judges**

University of Washington, Tacoma—Autumn 2017

September 28th—December 14th

Tuesdays & Thursdays— 10:15 am to 12:20 pm

TLB 115

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Office Hours: Tuesdays & Thursdays 12:30 pm — 2:30 pm (or by appointment)

**Course Description**

This course is designed to give first-year college students a gentle introduction into a specific (and exciting!) research topic within the fields of law and political science: the selection of U.S. judges. Judges at the federal, state, and local levels of government are playing an increasingly important role in the American democracy, but most of the population pays little attention to how we select our judges. With this in mind, we will work together as a class to learn about the different methods, processes, and strategies used across the country to appoint, elect, or retain our judges.

As we work our way through the quarter, students will learn about some of the basic philosophies, theories, and research useful for anyone interested in majoring (or minoring) in law and policy, political science, criminal justice, history, philosophy, or sociology. We will do so by addressing the following questions: what role did the Framers of our Constitution intend judges to have in the American government? Should judges be independent or accountable to the public? What criteria should the President of the United States look for when choosing nominees for the federal courts? Can the election of judges by the public influence the quality of a judge’s decisions? In what ways can we increase the diversity of judges across our federal and state judicial systems?

There is no right or wrong answer for each of these questions, but after this class you will have the preliminary knowledge and critical-thinking tools to further develop your opinions on how to answer them as best you can. More importantly, you will be able to engage in a rational dialogue with others on what can be controversial matters involving judicial decision-making, politics, and the law.

The following course **Student Learning Goals** are designed for the CORE program:

* Use the written assignments and course readings to develop a sense of the “big picture” about judicial selection methods.
* Learn to break down complex normative and descriptive questions on the role of the judge in the American democracy into manageable pieces.
* Express your ideas and views on the various judicial selection methods clearly in writing and through oral presentations.
* Think outside the cultural norms and values toward the law and judicial decision-making (including your own) to engage the larger world.
* Collect and analyze qualitative (case studies) and quantitative (statistics and graphs) evidence on the pros/cons for each judicial selection method to support a logical argument.

**Instructional Method**

We will use small-group and large class discussions as the primary method to learn the course material, with the occasional instructor-led lecture to help facilitate discussions on new concepts. I believe that one of the most effective ways for students to comprehend the course material is through active learning and participation. There is a **high expectation** on students to engage and interact with the instructor and other students during class discussions and debates in a civil and respectful manner. I assume students will obtain a general familiarity with the daily reading assignments, so in-class lectures will emphasize the key points, ideas, and concepts. Most lectures will utilize Microsoft PowerPoint, and the presentations will be available for review on Canvas.

**Office Hours and E-Mail**

While I should always be available during my scheduled office hours (see above), I understand that schedules sometimes conflict. With that in mind, I will do my best to make myself available for appointments outside of scheduled office hours that are more suitable for all parties. I also check my email regularly (lucasm13@uw.edu), so do not hesitate to send any questions, comments, or concerns to me via email. **NOTE**: ALL email correspondence must be with your uw.edu email account. I WILL NOT respond to any email sent through other accounts (i.e., Gmail, yahoo, etc.).

**Required Course Readings:** All required readings will be provided by the instructor on the course’s Canvas webpage. See the course schedule at the end of the syllabus to follow the daily reading schedule.

**Evaluation & Grades**

There are **100** **points** available in the course based on four (4) short writing assignments, a judicial election T.V. advertisement analysis, a research project, and in-class participation.

**Written Assignments**: Each assignment is designed to introduce new college students on how to think critically not only about themselves, but what it means to write about U.S. judges from the perspective of a political scientist.

1. ***Get to know me essay***—Each student will write a short essay (1 to 2-pages) answering several questions provided by the instructor about themselves (background, hobbies, etc.) so everyone in the class can get to know one another.
2. ***Judges & the law essay***—Each student will write a short essay (1 to 2 pages) answering several questions provided by the instructor oriented toward their knowledge about the role judges play in the American democracy.
3. ***Guest speaker presentation summary***—On Thursday, October 26th we will have a guest speaker from the Washington State Law Library to discuss the Washington State courts and judges. Students will write a short summary (at least 2 pages) based off of the notes taken during the guest speaker presentation.

**Judicial Election T.V. Ad Analysis:** Students will learn how to review and “code” the positive, negative, and neutral messages in at least two (2) television advertisements designed to mobilize voters for (or against) candidates for a local or state judicial election. Students will have to present their findings to the entire class toward the end of the quarter. I will distribute an assignment prompt with more detailed instructions and expectations within the first three weeks of the course.

**“My Judge” Research Project:** Each student will conduct independent research and write a short paper (about 3 pages) discussing a particular judge that “represents” you according to where you live geographically. It could be a judge in the federal judicial system (U.S. District Court judge or Court of Appeals judge), or a judge in the Washington State judicial system. Students will have to meet three (3) progress checkpoints throughout the quarter to earn the maximum points available for the research project. I will distribute an assignment prompt with more detailed instructions and expectations within the first two weeks of the course.

**In-class Participation**: Even though I will not take daily attendance (you are all adults), I strongly encourage you to come to each scheduled class period having already completed the required readings for that day. Students will receive an overall participation grade that will be based primarily ontheir **active engagement** in discussions and debates. Think of it this way: each day you answer one of my questions, ask a question, or participate in a discussion it will count as one (1) point (yes, I will keep a record until a student reaches 15 participation points). 5-participation points will be devoted to completing a short Canvas quiz on the course syllabus.

***Classroom Civility Statement***: All classes and activities on the UWT campus are about learning, which often involves the exchange of ideas. However, the tone and intention behind that exchange are important. Civility, politeness, reasonableness, and willingness to listen to others are expected at all times—even when passions run high. Behaviors must support learning, understanding, and scholarship.

**Late Assignments and Make up Policy:**

If an assignment is not turned in on time, there will be a **5% point deduction** every 24-hours (1 day) it is late. For example, if an assignment is worth 20 points and it is turned in 2 days late, a 2-point deduction will be included in the final grading for that assignment.

Make up exams and quizzes will only be given in extraordinary circumstances and with prior approval from the instructor and based on his discretion alone.

Grading Breakdown:

Written Assignment #1……...……...…...5 points (5% of total grade)

Written Assignment #2...………….....….10 points (10%)

Written Assignment #3...………….....….15 points (15%)

Judicial Election T.V. Ad analysis……....15 points (15%)

“My Judge” Research project…...…...…..35 points (35%)

In-Class Participation & Syllabus quiz….20 points (20%)

**Total……………………………….……100 points (100%)**

Course Grading Scale:

|  |  |
| --- | --- |
| Percent Grade Point Letter | Percent Grade Point Letter |
| 99-100% 4.0 A+  97-98 3.9 A  95-96 3.8 A  93-94 3.7 A-  91-92 3.6 A-  89-90 3.5 B+  87-88 3.4 B+  86 3.3 B  85 3.2 B  84 3.1 B  83 3.0 B-  82 2.9 B-  81 2.8 B-  80 2.7 C+  79 2.6 C+  78 2.5 C  77 2.4 C | 76% 2.3 C  75 2.2 C  74 2.1 C-  73 2.0 C-  72 1.9 C-  71 1.8 D+  70 1.7 D+  69 1.6 D  68 1.5 D  67 1.4 D  66 1.3 D  65 1.2 D  64 1.1 D-  63 1.0 D-  62 0.9 D-  61 0.8 D-  60 0.7 D-  Below 60% = 0.0 |

**Incomplete grade—** For information on when an Incomplete ‘I’ grade is appropriate, please go to: <http://www.washington.edu/students/gencat/front/Grading_Sys.html#I>

**UW Tacoma POLICIES AND EXPECTATIONS**

**Academic Calendar** - Review course drop, withdrawal, instruction dates.  
[washington.edu/students/reg/calendar.html](http://washington.edu/students/reg/calendar.html)

**Academic Honesty** - **Cheating will not be tolerated in this class**. The University of Washington’s Student Conduct code will be strictly enforced, including the policy on plagiarism. The entire policy can be found at http://www.polisci.washington.edu/Dept\_and\_Univ\_Policies.pdf. I will strictly enforce this policy. The best way to successfully adhere to this policy is to learn the correct methods for citing other people’s work. The Political Science Writing Center is a good resource for learning these methods. For more information, please refer to:[tacoma.uw.edu/node/38211](http://tacoma.uw.edu/node/38211)

**Electronic Devices -** Electronic devices (including, but not limited to, cell phones, tablets and laptops) may only be used in the classroom with the permission of the instructor. Activities that are not relevant to the course, such as checking/ sending email, playing games and surfing the web, are considered disruptive activities when class is in session.

**Emergencies, Safety, and Evacuation Routes** - [tacoma.uw.edu/node/20236](http://www.tacoma.uw.edu/node/20236)

[Escort Service:](http://www.tacoma.uw.edu/node/38891) Safety escorts are available 24 hours a day, 7 days a week, there is no time limit. Call the main office line at 253-692-4416.

[In case of a fire alarm:](http://www.tacoma.uw.edu/node/39697) During an emergency evacuation, take your valuables ONLY if it is safe to do so. You could put yourself or someone else at risk by delaying your exit. Plan to return to class once the alarm has stopped. Do not return until you have received an all-clear from somebody "official," the web or email.

[In case of an earthquake:](http://www.tacoma.uw.edu/node/39696)DROP, COVER, and HOLD. Once the shaking stops, take your valuables and leave the building. Do not plan to return for the rest of the day. Do not return to the building until you have received an all-clear from somebody "official," the web or email.

**Safe Campus -**preventing violence is a shared responsibility in which everyone at the UW plays apart. The SafeCampus website provides information on counseling and safety resources, University policies, and violence reporting requirements help us maintain a safe personal, work and learning environment. [tacoma.uw.edu/safecampus/uwt](http://www.washington.edu/safecampus/uwt/)

**Inclement Weather** - always check the UWT Home Page [tacoma.uw.edu](http://tacoma.uw.edu).

Official campus closures or delays will be announced there first. Course Announcements and Email regarding assignments and expectations during a closure will follow once the severity of the situation is known.

**Technology Requirements** – how to be a successful digital learner: [tacoma.uw.edu](http://www.tacoma.uw.edu/online-learners/successful-online-learner)[/online/success](http://tacoma.uw.edu/online/success)

**Academic Support—**Numerous campus resources are available to support your academic success. Know your options and seek help and resources when needed.

**Disability Resources for Students** – The University of Washington Tacoma is committed to making physical facilities and instructional programs accessible to students with disabilities. Disability Support Services (DSS), located in MAT 354, functions as the focal point for coordination of services for students with disabilities. If you have a physical, emotional, or mental disability that "substantially limits one or more major life activities [including walking, seeing, hearing, speaking, breathing, learning and working]," and will require accommodation in this class, please contact DSS at [(253)692-4522](mailto:%28253%29692-4522), email at [dssuwt@uw.edu](mailto:dssuwt@uw.edu) and/or [uwtshaw@uw.edu](mailto:uwtshaw@uw.edu) or visit [www.tacoma.uw.edu/dss](http://tacoma.uw.edu/dss) for assistance.

**Library  -** Tioga Library Building / Snoqualmie Building

**Research Support** – get assistance starting a research project [tacoma.uw.edu/node/21865](http://www.tacoma.uw.edu/node/21865)

**Subject Librarians** - Make an appointment with a subject librarian to talk about library resources, research strategies, focusing a topic, evaluating information and more. [tacoma.uw.edu/library/subject-librarians](http://tacoma.uw.edu/library/subject-librarians)

**Student Success Mentoring Program** - Connect with a faculty or staff mentor [tacoma.uw.edu/ssmp](http://tacoma.uw.edu/ssmp)

**Teaching and Learning Center -** (TLC) 2nd floor of the Snoqualmie building

**Writing & Spanish support**:  writing consultations, online tutoring, workshops & support [tacoma.uw.edu/tlc](http://www.tacoma.uw.edu/tlc)

**Quantitative skills support**: peer tutoring available for math, science, statistics and more... [tacoma.uw.edu/tlc](http://www.tacoma.uw.edu/tlc)

**ESL Support**- Help for students whose first language is not English [tacoma.uw.edu/tlc](http://www.tacoma.uw.edu/tlc)

**Technology Support** - Labs, software, equipment checkout and help with Canvas, Google, email, logins, etc. [tacoma.uw.edu/it](http://www.tacoma.uw.edu/information-technology)

**Online Support for Your Course Work** - <http://www.tacoma.uw.edu/online-learners/online-support-students>

**Self and Family Support—**Everyone needs a little help sometimes. Here are a few campus resources on campus to help you get through those challenging times.

**Counseling Center (Office of Student Success)** - The Counseling Center offers short-term, problem-focused counseling to UW Tacoma students who may feel overwhelmed by the responsibilities of college, work, family, and relationships. Counselors are available to help students cope with stresses and personal issues that may interfere with their ability to perform in school. The service is provided confidentially and without additional charge to currently enrolled undergraduate and graduate students. To schedule an appointment, please call 253-692-4522, email [uwtshaw@uw.edu](mailto:uwtshaw@uw.edu), or stop by the Student Counseling Center (SCC), located in MAT 354. Additional information can also be found by visiting: [tacoma.uw.edu/counseling](http://tacoma.uw.edu/counseling).

**Student Health Center** - LBH 102; 1742 Market Street, Tacoma WA, 98402 Basic services at Student Health Services (SHS) are provided at no cost to currently enrolled UW Tacoma students. However, you may incur costs for services provided off campus, such as lab tests, and for some on-campus services, such as immunizations. The SHS staff will identify any services that you would have to pay for. <http://www.tacoma.uw.edu/studentaffairs/SHW/shs_healthservices_about.cfm.html>

**Oasis Center** - Oasis transforms the lives of queer youth by creating a safe place to learn, connect, and thrive. Oasis envisions a world in which queer youth are valued in the community as strong, creative leaders. Oasis is the only drop-in and support center dedicated to the needs of LGBTQ youth ages 14-24 in Pierce County. We are a youth-adult partnership in which youth and adults come together for shared teaching learning and action!  **Office Phone: 253-671-2838** Emergency Cell Phone: (253) 988-2108

**The Pantry** - to provide supplemental, nutritional, and culturally relevant food as well as hygiene items to all UWT students and their families. Location and information can be found by visiting: [tacoma.uw.edu/thepantry](http://www.tacoma.uw.edu/thepantry)

**Shelter for Young Adults (close to campus)** - Beacon Center - Shelter for young adults 18-24, Open daily 6:30pm – 6:30am. Doors close at 10 pm. Located at:  
Beacon Senior Center 415 South 13th Street Tacoma, WA. The shelter has 40 beds and serves young people ages 18-24. Please call 253-256-3087 for more information. <http://www.communityyouthservices.org/piercecounty.shtml>

**Short-term Loan Program** - The Office of Student Financial Aid has funds available for short-term loans to assist students with temporary cash flow problems. Additional information can also be found by visiting: [tacoma.uw.edu/uwt/admissions/financial-aid/loans](http://www.tacoma.uw.edu/uwt/admissions/financial-aid/loans)

**Course Schedule**

**NOTE**: The following schedule is and will remain flexible in terms of lecture and class discussion dates. I nevertheless expect all students to keep up with the reading on this schedule unless otherwise advised by me. Readings are to be completed by the assigned date. Additional readings not on this schedule may be assigned at my discretion.

* **Week 1:**

1. **Thursday, September 28th –-Course Introduction & personal introductions**

* **Week2: Foundations**

1. **Tuesday, October 3rd–-The study of judicial politics**

**Required Reading:**

1. The United States Constitution

**Canvas Syllabus Quiz must be completed by 11:59 pm**

1. **Thursday, October 5th –-American political thought toward the judiciary**

**Required Reading:**

1. *Federalist Paper #78*

**Written Assignment #1 Due on Canvas Saturday, October 7th by 11:59 pm.**

* **Week3: What Judges Do**

1. **Tuesday, October 10th –-Approaches to the law**

**Required Reading:**

1. Fuller, Lon L. 1949. The Case of the Speluncean Explorers. *Harvard Law Review*, 62(4): 616-645.
2. **Thursday, October 12th –-Judges in the American Democracy**

**Lecture and Class Exercise**

* **Week4: Normative Debates**

1. **Tuesday, October 17th –-Independence vs. Accountability**

**Required Reading:**

1. Hume, Robert J. 2013. Legitimacy, Yes but at what Cost. *Judicature*, 96(5): 209-212.
2. Gibson, James L. 2013. Electing Judges: Future Research and the Normative Debate about Judicial Elections. *Judicature*, 96(5): 223-231.
3. **Thursday, October 19th–-Independence vs. Accountability (continued)**

**Class Exercise**

**Written Assignment #2 Due on Canvas by 11:59 pm.**

* **Week5: Federal Judges**

1. **Tuesday, October 24th –-Roles and Jurisdiction**

**Lecture and Class Exercise**

1. **Thursday, October 26th–-Guest Speaker Presentation by Rob Mead from the Washington State Law Library (ATTENDANCE REQUIRED)**

* **Week6: Federal Judges (continued)**

1. **Tuesday, October 31st–-Presidential Nominations & Senate Confirmations**

**Required Reading:**

1. Binder, Sarah and Forrest Maltzman. 2013. New Wars of Advice and Consent: Judicial Selection in the Obama Years. *Judicature*, 97(1): 48-56.
2. **Thursday, November 2nd—Senate Confirmations (continued)**

**Class Video—Senate Confirmation hearing for Judge Robert H. Bork (1987)**

**Written Assignment #3 Due on Canvas by 11:59 pm.**

* **Week7: State & Local Judicial Elections**

1. **Tuesday, November 7th—Electing Judges**

**Lecture and Class Exercise**

**PART 1 of “My Judge” Research Project Due on Canvas by 11:59pm**

1. **Thursday, November 9th—Case Study**

**Required Reading:**

1. Wheat, Elizabeth and Mark S. Hurwitz. 2013. The Politics of Judicial Selection: The Case of the Michigan Supreme Court. *Judicature*, 96(4): 178-188.

* **Week 8: Judicial Elections (continued) & Merit Selection System**

1. **Tuesday, November 14th-Retention Elections & Changing Systems**

**Required Reading:**

1. Aspin, Larry. 2007. Judicial Retention Election Trends. *Judicature*, 90(5): 208-213.
2. Panel Discussion. 2014. Judicial Selection at the Crossroads. *Judicature*, 97(6): 266-278.
3. **Thursday, November 16th –-Money in Judicial Elections**

**Required Reading:**

1. Panel Discussion. 2014. The Policy Implications of Campaign Contributions. *Judicature*, 97(6): 279-291.

* **Week 9: Merit Selection System (continued)**

1. **Tuesday, November 21st**

**Lecture & Class Exercise**

**PART 2 of “My Judge” Research Project due on Canvas by 11:59pm**

1. **Thursday, November 23rd–-THANKSGIVING HOLIDAY (NO CLASS)**

* **Week 10: Judicial Diversity**

1. **Tuesday, November 28th –-How Diverse is our judicial system?**

**Required Reading:**

1. Hurwitz, Mark S. and Drew Noble Lanier. 2012. Judicial Diversity in Federal Courts: A Historical and Empirical Exploration. *Judicature*, 96(2): 76-84.
2. Sen, Maya. 2014. Minority Judicial Candidates Have Changed: The ABA Ratings Gap has Not. *Judicature*, 98(1): 46-56.
3. **Thursday, November 30th –-**

**Class Video—Judicial Diversity in the State of Washington (2012)**

* **Week 11: Presentations & Course wrap-up**

1. **Tuesday, December 5th –-Student presentations on judicial election T.V. ads**
2. **Thursday, December 7th—Student presentations on judicial election T.V. ads**

* **Week 12: Finals Week**

**PART 3 “My Judge” Research Project due on Canvas by Thursday, December 14th at 11:59 pm**