



**POL 235 – Judicial Processes and Politics (Section 03 [35914])**

Fall 2026 – Date & Time: Mon & Wed 4:30 pm – 5:45 pm

Location: New Building Room 1.114

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Anson Cheuk-Hin Chung

[achung@jjay.cuny.edu](mailto:achung@jjay.cuny.edu)

Office Hours: Wednesday 2:00 pm – 4:00 pm, or by appointment

Location: New Building, Room 09.65.35, or via Zoom

**Course Description**

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This course examines courts as political institutions and the various actors and conditions that influence judicial decisions. Readings will focus on the relationship between the courts and other branches of government, the politics of judicial selection at the state and federal levels, theories of judicial decision-making developed in political science, and the impact and implementation of judicial decisions.

The first part of the course will focus on the basic understanding of the judicial processes in the United States. How are the courts in the United States structured? How are judges appointed in the federal and state systems? What is the relationship between the federal and state courts? This part aims to set the foundational understanding of how the court system works in the United States, and will occasionally bring in comparative examples around the world on relevant topics.

The second part of the course will focus on what political scientists call judicial politics. How do judges decide on the merits and logic of the case? Do judges compromise? What factors are taken into account when judges make their decisions? What role does ideology play in light of decision-making by the judges? This part of the course will not just focus on the United States, but on judicial decisions around the world. What lesson do we learn from judges from democratic-backsliding states? Do judges in an authoritarian state have judicial power?

**Learning Objectives**

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This class is designed to:

- Understand the Judicial Process system in America, both locally and federally.
- Understand what influences the judicial decision-making process.
- Understand judicial processes and politics in the United States and the World, and contemporary problems surrounding it.

**Learning Outcomes**

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After completing this course, you will be able to:

- Be able to identify how the judicial process and decision-making processes work.
- Be able to identify theories of judicial politics.
- Be able to know some significant cases in United States case law.

**Grade Due Dates, Summary, and Breakdown**

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| Assignments                | Percentage | Due Date |
|----------------------------|------------|----------|
| Attendance & Participation | 10%        | Ongoing  |
| Case Briefs (2 in Total)   |            |          |
| Section 1 Brief            | 15%        | Oct 11   |
| Section 2 Brief            | 15%        | Nov 22   |
| Exams                      |            |          |
| Section 1 Exam             | 30%        | Oct 21   |
| Section 2 Exam             | 30%        | Dec 16   |

**Grading Scale**

Your final grade will reflect the cumulative sum of the grade breakdowns above. You can check your provisional grade on Brightspace, under Grades. The Grading Scale is below.

| Letter Grade | Numerical Grade | GPA | Letter Grade | Numerical Grade | GPA |
|--------------|-----------------|-----|--------------|-----------------|-----|
| A            | 93–100%         | 4.0 | C            | 73–76.99%       | 2.0 |
| A–           | 90–92.99%       | 3.7 | C–           | 70–72.99%       | 1.7 |
| B+           | 87–89.99%       | 3.3 | D+           | 67–69.99%       | 1.3 |
| B            | 83–86.99%       | 3.0 | D            | 63–66.99%       | 1.0 |
| B–           | 80–82.99%       | 2.7 | D–           | 60–62.99%       | 0.7 |
| C+           | 77–79.99%       | 2.3 | F            | 0–59.99%        | 0.0 |

**Note:** The last day to drop a class is on **Friday, November 6th, 2026**, which is when I would have given feedback on your midterm exam and feedback on at least one assignment if you did hand in any. If you have any questions about your performance and want to drop the class, I encourage you to **talk to me** first, as it will help both me to understand your situation and you to know where you stand in the class. This is to ensure you will have a fully informed understanding before you make your decision.

**Assignment Details**

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**Participation (10%: Ongoing)**

Participation in class is the key to success in this class. Participation is supposed to help you develop critical thinking skills by participating in in-class discussion activities. Students are encouraged to participate in class to get participation points and engage in the conversation in a respectful manner. Failure to participate consistently and respectfully would see their points being deducted. You may gain participation points by participating in discussions, answering questions, or even just raising questions.

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Everyone in this class will start their participation grade at 8.5 points (which is equivalent to a B). The more you participate, the more points you will earn. For each class you participate in, you will receive 0.1 points. This means that to achieve 10 points, you will need to participate in 15 out of the 26 classes. Points can be deducted for insufficient participation and cell phone usage.

For those who are afraid to participate in class, there will be an option for you to complete this portion of the class participation. You may also go to Brightspace and submit a 150-word reaction to the class discussion. You may comment on what you thought about the class material or the discussion in class. This is due by 11:59 pm on the next day after class. This is in lieu of missing that day's participation, and if you participated that day, you are exempt from doing it.

If there is constant talking or cell phone usage during class, the instructor will reserve the right to take 0.25 points off each time such a situation is seen. I would like to emphasize that it is okay for you to use cell phones briefly to check the time or have brief conversations in class, but please keep it short and respectful to the instructors and the students next to you, and I will take points off when I find the situation is excessive.

### **Attendance and Lateness Policy**

Lateness and Attendance are accounted for within the Participation score. I expect everyone to be punctual and on time for each lecture. I will take attendance at the beginning of each class, and if you are late, please let me know when the class is over to make sure I mark you present. Lateness will result in a minor reduction of your participation points. For every two latenesses, one absence will be counted.

Each registered student should attend each and every single class. In case of absences, please notify the instructor in writing via email at least 1 hour in advance, with proof of absence such as a doctor's note or any equivalent proof. I will give each student two free unexcused absences; you do not need to submit anything, no questions asked. Beyond that, if a person misses class six times or more without prior approval from the instructor, it will result in an automatic F in the class's final grade. For each class a student misses without approval from the instructor, a 0.25 grade will be deducted from the participation grade. Each lateness will also result in a 0.1 grade being deducted from the participation grade. Note: Religious absence will be granted in accordance with John Jay College rules. Please send me an email in advance to discuss religious exemptions. If you must miss class, please get notes from a classmate (or let me know if you need assistance getting them).

### **Reading the News**

As this is a political science class, it is expected that students are reading the weekly and daily news about global politics and current events. Students are encouraged to bring these current events and incorporate them with the reading materials, and use them as examples for discussions. At the beginning of each class, I will set aside around 10 minutes of the time after attendance to talk about current events. Any views on the current situation are welcome, and I would ask that each student be respectful of one another's comments. The discussion is meant to discuss any current events that are happening and try to see how the academic understanding of politics could help to understand what is happening in the real world.

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As CUNY students, you have free access to the Wall Street Journal and the New York Times. Simply use your John Jay email to register for an account to get access to it. Instructions can be found [here](#) and [here](#). I also recommend that you look at AP News or Reuters for non-partisan reporting. GroundNews is also useful to see how each of the news organizations reports the news headlines from left to right, and you can follow their Instagram to get news outlet headlines comparison (their app requires a subscription).

### **Case Briefs (30%; 15% Each)**

As this class focuses on judicial politics and processes, one of the expected learning outcomes is to know how to brief a case. For this assignment, you will need to select **ONE** case to brief from the cases selected below.

| <b>Case Brief 1 (Due: <u>October 11th, 2026</u>)</b> | <b>Case Brief 2 (Due: <u>November 22nd, 2026</u>)</b>      |
|------------------------------------------------------|------------------------------------------------------------|
| <i>Marbury v. Madison</i> (1803)                     | <i>U.S. v. Nixon</i> (1974)                                |
| <i>McCulloch v. Maryland</i> (1819)                  | <i>Trump v. U.S.</i> (2024)                                |
| <i>Gibbons v. Ogden</i> (1824)                       | <i>Trump v. Slaughter</i> (2026)                           |
| <i>Ex parte McCordle</i> (1869)                      | <i>Loper Bright Enterprises v. Raimondo</i> (2024)         |
| <i>Miranda v. Arizona</i> (1966)                     | <i>Dobbs v. Jackson Women's Health Organization</i> (2022) |
| <i>Trump v. CASA</i> (2025)                          | <i>Baker v. Carr</i> (1966)                                |
|                                                      | <i>District of Columbia v. Heller</i> (2008)               |
|                                                      | <i>Obergefell v. Hodges</i> (2015)                         |
|                                                      | <i>Brown v. Board of Education</i> (1954)                  |

The case briefs are expected to be **around 2 – 4 pages** long each. For the case brief, I am expecting to see the following components (for details, see the assignment "How to Brief a Case" document on Brightspace):

|                         |                                 |
|-------------------------|---------------------------------|
| • Case Name and Caption | • Rule                          |
| • Procedural History    | • Majority Reasoning            |
| • Facts                 | • Concurring Reasoning (if any) |
| • Issue/Question        | • Dissenting Reasoning (if any) |
| • Holding               |                                 |

Your first case brief is due on **Sunday, October 18th, 2026, at 11:59 pm**, while your second case brief is due on **Sunday, November 22nd, 2026, at 11:59 pm**. All case briefs must be submitted through Brightspace using the Turnitin plagiarism detection software.

### **In-Class Exams (50%: 25% Each)**

There will be two in-class exams for you, each testing your knowledge on the first and second sessions of the course materials. The exam will be administered in a combination of multiple-choice, true-or-false, identification, and essay formats. Each test is not cumulative, meaning I only test your knowledge of that section's reading.

For the first portion of the exam, there will be 20 multiple-choice, true-or-false, or identification matching questions. Each will be worth 0.5 points towards your overall course grade (10% total each towards your final grade, which means 20% in total, counting both exams). All of them are multiple-choice questions, and around 10 questions will be multiple-choice, 5 True or False, and 5 identification (subject to change).

The second portion of your grade consists of an essay. You will be given two choices, and you must respond to **one** of the questions. The essay response shall be in essay format and with citations to class materials (authors and slides). The more you cite and use the class materials, the better I can evaluate your grade. **You must cite at least two reading sources in your essay.** **No outside sources are allowed.** A good essay should contain an introduction paragraph with the argument clearly stated, readings and examples that support your claim, and a conclusion summarizing your argument and how the evidence supports your claim. Each essay is worth 20% of your overall grade.

For this exam format, you are allowed to have a **letter-sized (8.5 \* 11 inch) note sheet** on which you can write notes on both sides of the note sheet. This note sheet is designed to help you as a tool for reminding you of authors' arguments and term definitions. ***Your note sheet shall be turned in to me after the exam is completed.*** Please proceed with caution when you prepare notes and try to avoid relying on AI, as it will create hallucinations that will result in your paper citing the wrong materials. **Plagiarism is also strictly prohibited; you must cite everything.**

### **Extra Credit Opportunities**

Throughout the semester, I will sometimes offer extra credit opportunities. Be sure to check your Brightspace and your John Jay Email regularly so you don't miss the extra credit opportunities.

### **Course Policy**

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#### **Assignment Policy**

For assignments, I will offer a 2-day grace period for every student. Each student will have a 2-day grace period that is used for **all assignments**. You may use the 2-day grace period on whatever assignment you want, but not on the in-class portion of the exam or the presentation. The grace period will be counted by days, so even if you just used one hour, it will be counted as a day. Please note: this is not a grace period for all assignments. For example, if you used up the two-day grace period for the take-home portion of the midterm exam, you may not use it on the final paper. However, you may spread it into two one-day grace periods and apply it to each assignment. For every day of the 2-day grace period not used by the end of the semester, a 1-point extra credit to the overall grade will be applied. For this class, **you MUST complete all assignments**; failure to do so will result in an **automatic F**.

After the 2-day grace period has been applied, for every day the assignment is late, 2.5% of the grade for the assignment (which is equivalent to half a letter grade) will be taken off every day. Again, even just one hour will count as one day. **I will not accept papers that are over one week late after the deadline, including the grace period.** This will result in an F for the assignment grade.

For extending beyond the 2-day grace period, or missing the in-class portion of the midterm or your presentation, you must have a doctor's note or an acceptable explanation with documentation that you are unable to complete the assignment on time during the designated time period. These documents must be received by the instructor **by the deadline of the exam or assignment**, and failure to do so will result in the late policy being applied. Failure to hand in any submission will result in that portion of the grade **becoming 0.** **Note:** Religious absence will be granted in accordance with state law and John Jay College rules. Please send me an email in advance to discuss religious exemptions.

If you are struggling with personal difficulties that hinder you from completing any assignments on time, **please reach out to me**, and I will try my best to accommodate.

### **The use of AI in class materials**

With the rise of AI, I know that many of the courses have strived to ban AI usage by either moving to an in-person exam modality or considering AI usage once and for all as plagiarism. This class is also moving towards in-class exams. I cannot control whether you are using generative AI at home or not. *If you are caught using AI to generate your answers for your assignments without citations (or fake citations), it will be considered **academic dishonesty** and will be **REPORTED** to John Jay College for further investigation.* In other words, while I do not completely ban the use of generative AI, you are **discouraged** from using it in any form. Please limit the use of AI for brainstorming and planning only, not as an answer generation tool. For additional information on AI usage, please see John Jay's AI use guidelines [here](#).

### **Citation and Academic Integrity**

[Academic dishonesty is prohibited in CUNY](#). It includes, among other things: cheating (e.g., submitting the same paper for more than one course; unauthorized use of electronic, artificial intelligence or other materials during an academic exercise, like an assignment or exam); obtaining unfair advantage (e.g., circulating or gaining advance access to exam materials); and plagiarism (presenting someone else's ideas, words, or artistic, scientific, or technical work as your own creation, including information from the Internet). Using the ideas or work of another is permissible only when the original source is identified. Plagiarism may be intentional or unintentional, but lack of dishonest intent does not absolve a student of responsibility for plagiarism.

It is the student's responsibility to recognize the difference between statements that are common knowledge (which do not require documentation) and restatements of the ideas of others. Paraphrase, summary, and direct quotation are acceptable forms of restatement, as long as the source is cited. If in doubt, it is better to include a citation.

To avoid plagiarism, please cite everything that is not your original idea, ideally using the **Chicago (author-date) format or APA format**. If you have never used the Chicago format, the reference menu

is [here](#). For exams, the use of the Chicago format would be expected only as an in-text citation, i.e., (Author Year, Page-Number).

Students who are unsure how and when to provide documentation should consult with the instructor. The Library has free guides designed to help students with problems of documentation at: [http://guides.lib.jjay.cuny.edu/citing\\_sources](http://guides.lib.jjay.cuny.edu/citing_sources). For this class, **Turnitin will be used to detect plagiarism**. All papers must be submitted through Brightspace via the Turnitin portal.

### **Student Behavior**

Students are expected to maintain a tone of respect and professionalism at all times. It is important that this class provides a stimulating learning environment in which everyone feels comfortable contributing and is respectful of diverse perspectives. Use clear and professional language when communicating with each other, listen and ask questions with curiosity, and take time to reflect on the perspectives and contributions of others before you respond.

The above represents the guidelines for our class. Failure to comply with the above guidelines will first result in a verbal warning. If the disruptive behavior continues in the same class session, you will be asked to leave the classroom for the remainder of the class session. The behavior may be reported to Student Affairs for further disciplinary action.

### **Brightspace**

We will use Brightspace in this course. Brightspace can be accessed from this page: <https://new.jjay.cuny.edu/learning-management-system>. It is a webbased learning management system that creates a password-protected site for the course. I will post course materials (lectures slides, readings, etc.) and your grades on Brightspace. I will use Brightspace to send announcements to the class so please check your John Jay email often – and make sure you are receiving these emails. If not, please update your email address (Brightspace student user guide: [John Jay Brightspace Student User Guide](#)). For Brightspace help, email: [LMS.student@jjay.cuny.edu](mailto:LMS.student@jjay.cuny.edu).

### **Reading Materials**

This is a **Zero Textbook Cost** Course. All reading materials are provided and readily available on the Brightspace course page.

### **Powerpoints**

When PowerPoint presentations are available, I will post them on Brightspace for you to reference. However, this may only be a portion of the main points that will be on the PowerPoint. As such, attendance at the class is important to fully take advantage of the note-taking process.

### **Emailing Policy**

**Please use your John Jay College email address (@jjay.cuny.edu) to email me** for any inquiries you have, so that it is easier for me to identify your email and give a faster response (I will ignore emails sent from a non-CUNY email). **Please check this syllabus first before sending in any questions.** I have most likely laid out my expectations here already. I will not respond to any questions I deem answerable by the syllabus alone without clarification (i.e., when is the assignment due?). This is a professional setting. Thus, when sending emails to me, **please address me correctly and**

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**professionally**, as this is required for an academic (and future work) environment. I will ignore emails that are not drafted in a professional manner (i.e., yo professor whatsapp!).

I generally respond to emails within 48 hours after receiving them (except for delays during weekends). If you send me an email titled POL 235 Extra credit with the body saying that you have read the syllabus and send me a funny meme or reel that you saw (does not have to be political), you will receive 2.5 points (equal to half a letter grade) extra credit. This opportunity ends on September 6th, 2026 at 11:59 pm. If you have not received a response from me in 48 hours (or 72 hours for emails sent on Friday and Saturday), please send me a follow-up email. Email me if you have any inquiries, problems, or if you want to set up office hours on Zoom outside of the designated time stated above. **You are encouraged to contact me either through email or during office hours.**

### **Laptop and Cellphone Policy**

For the purpose of instruction and your personal note-taking preferences, laptops and tablets are allowed to be used in class for note-taking purposes only. Please refrain from using your cellphone in class, as the class discussion is set to help you with the quiz and exams.

### **The Alan Siegel Writing Center**

The Alan Siegel Writing Center offers, free for all current students, support and assistance to enhance your writing skills (<http://jjcweb.jjay.cuny.edu/writing/homepage.htm>) through workshops and individual instruction. Its online scheduling services are described here: <http://jjcweb.jjay.cuny.edu/writing/Writing%20Center%20Online.htm>. The Writing Center has a staff of trained tutors who work with you to help you become a more effective writer, from planning and organizing a paper to writing and then proofreading it. The Writing Center is a valuable resource, and I encourage you to use it.

I strongly suggest you use the Writing Center as a resource to improve your academic writing, especially on your final paper. If I give you a referral form to the Writing Center, you must attend to get further instruction on the specific items addressed on the form. This is not optional.

### **Recording of the Instructor**

Per the [John Jay Policy Prohibiting Recording by Students or Visitors of Class Sessions](#) – in my class, recording, photographing, or videotaping any part of our class sessions is **not permitted**. **Photos of presentation materials may be taken with my verbal consent.** Upon written request, the instructor may grant in writing permission for students to record course lectures, on the condition that these recordings are only used as a study aid by the individual making the recording.

Students with approved accommodations may be permitted to record or receive alternative materials through the Office of Accessibility Services (OAS). Students with approved accommodations from the Office of Accessibility Services (OAS) permitting the recording of class meetings must present the accommodation letter to the instructor in advance of recording. On any days when classes will be recorded, the instructor will notify all students in advance. Distribution of recordings without the written permission of the instructor violates educational law.

Any authorized recordings or materials are for personal use only and may not be shared or distributed, except as allowed by the policy. Please review the full policy [here](#), including exceptions and violations.

In cases of online class is required during the semester, the instructor reserves the right to **require** the turning on of a web-camera for the class.

### **Incomplete Grade Policy**

Current undergraduate INC policy found here (might need to copy/paste link):

<http://jjay.smartcatalogiq.com/current/undergraduate-bulletin/academic-standards-and-policies/grades/>.

### **Communication: Gender Pronouns and Students' Preferred Names**

All members of the classroom community are expected to address one another by their preferred names and pronouns. Please help us know your pronouns and the proper pronunciation of your preferred name. You can update your preferred name yourself in CUNYFirst.

### **Additional College Support**

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#### **Americans with Disabilities Act (ADA) – CUNY Accommodations Policy**

Students who need an accommodation due to a disability are encouraged to contact the Office of Accessibility Services (OAS) within the first week of class or as soon as possible thereafter. Requests for Accommodations can only be approved by the OAS. Students with disabilities are entitled to confidentiality over disability-related status or details. Students are not required to disclose their specific disability to their instructors or anyone else. All OAS-approved accommodations will be honored and implemented in my course.

Contact OAS: L.66 New Building; Phone: 212.237.8031;

Email: [accessibilityservices@jjay.cuny.edu](mailto:accessibilityservices@jjay.cuny.edu).

#### **Policy on Religious Accommodations**

Students requesting religious accommodations should contact the Office of the Dean of Students at [deanofstudents@jjay.cuny.edu](mailto:deanofstudents@jjay.cuny.edu). The Dean's office will work with you and the instructor to find an acceptable accommodation. Reasonable accommodations may include, but are not limited to, permission to make up a test or lecture, time and/or space to pray, or an accommodation relating to appearance or dress. See here for the [CUNY Policy on Religious Accommodations](#).

#### **Wellness and Student Resources**

Students experiencing any personal, medical, financial, or familial distress, which may impede their ability to fulfill the requirements of this course, are encouraged to visit the Wellness Center (L.65 NB). Available resources include Counseling Services, Health Services, Food Bank, and emergency funding support. See <https://new.jjay.cuny.edu/student-life/wellness-center>.

Visit the Students' Academic Resources & Services website for a list of student academic support resources: <https://new.jjay.cuny.edu/academics/academic-resources-services>. They include:

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- **Academic Advisement Center:**  
<https://new.jjay.cuny.edu/academics/academic-resources-services/academic-advisement-center>
- **Career Learning Lab:**  
<https://www.jjay.cuny.edu/student-life/career-building-job-search/career-learning-lab>
- **JJ Children's Center:**  
<https://www.jjay.cuny.edu/student-life/welcome-john-jay-childrens-center>
- **Housing:** <https://new.jjay.cuny.edu/admissions/housing-resources>
- **Military and veteran services:**  
<https://new.jjay.cuny.edu/student-life/military-veteran-services>
- **Women's Center for Gender Justice:**  
<https://new.jjay.cuny.edu/student-life/womens-center-gender-justice>
- **LGBTQ+ Resource Center:** <https://new.jjay.cuny.edu/student-life/lgbtq-resource-center>
- **Jay Express Services:** <https://new.jjay.cuny.edu/student-life/jay-express>
- **The Immigrant Student Success Center:**  
<https://new.jjay.cuny.edu/student-life/immigrant-student-success-center>

### **Resources for Reporting Discrimination, Sexual Harassment, Sexual Assault, Stalking, or Domestic and Dating/Intimate Partner Violence – or Sex-Based Misconduct**

The individuals below are available to discuss your rights and the resources available to you, as well as help you explore your options for reporting sexual misconduct, harassment, or discrimination of any kind. You may report incidents that occur on or off campus, including incidents that occur online, or on messaging and social media platforms, to:

1. Title IX Coordinator, [CDO@jjay.cuny.edu](mailto:CDO@jjay.cuny.edu)
2. Diego Redondo, Director of Public Safety & Risk Management, 212-237-8524, [dredondo@jjay.cuny.edu](mailto:dredondo@jjay.cuny.edu)
3. Dominic Stellini, Dean of Students, 212-237-8211, [deanofstudents@jjay.cuny.edu](mailto:deanofstudents@jjay.cuny.edu)

To speak confidentially, you may contact the Women's Center Counselor and Gender-Based Violence Prevention and Response Advocate, Jessica Greenfield, [jgreenfield@jjay.cuny.edu](mailto:jgreenfield@jjay.cuny.edu). For more information or resources, please see [CUNY's Policy on Sex-Based Misconduct](#), CUNY's [Equal Opportunity and Non-Discrimination Policy](#), or see [here for resources](#) or see [here to make a report](#).

### **Academic Advising in the Political Science Department**

Advising in the Law & Society and Political Science majors, as well as the Political Science and Human Rights minors: Advisors are available to meet with students to discuss degree requirements, academic planning, graduate study, and careers after graduation. Advising, resources, student opportunities, and other information can be found at the Political Science Department [homepage](#). You can also schedule appointments with academic advisors using [Navigate](#); be sure to select "Department of Political Science" to see available appointments with the Department's faculty and academic advisors. Advising questions should be sent to the following emails:

Political Science: [poladvising@jjay.cuny.edu](mailto:poladvising@jjay.cuny.edu)

Law and Society: [lwsadvising@jjay.cuny.edu](mailto:lwsadvising@jjay.cuny.edu)

Human Rights Studies: [cwalker-said@jjay.cuny.edu](mailto:cwalker-said@jjay.cuny.edu)

## Outline of the Course

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### Section I: Judicial System, Process, and Its Design: The United States

Week 1: Introduction to the class

Week 2: Judicial Structure & Appointing Judges to the Bench (I) CUNY Holiday

Week 3: Appointing Judges (II): Senate Hearing and Electing Judges

Week 4: Trial Judges and Their Decision-Making, CUNY Holiday

Week 5: Criminal Courts, Civil Courts, and Appellate Courts

Week 6: "Immigration Court" and The Supreme Court and Other Branches (I): Congress

Week 7: The Supreme Court and Other Branches (II): President & Bureaucracies CUNY Holiday,

Monday Schedule, Case Brief 1 Due

Week 8: The Supreme Court and the Public & Midterm Exam

### Section II: Judicial Politics and Decision Making: The United States and Beyond

Week 9: The Court as a Political Branch

Week 10: Judicial Philosophy & Theories of Judicial Behavior (I)

Week 11: Theories of Judicial Behavior (II)

Week 12: Court-caused Social Change? & The Legal Profession (I) Case Brief 2 Due

Week 13: The Legal Profession (II) CUNY Holiday

Week 14: Authoritarian Judicial Politics (I)

Week 15: Authoritarian Judicial Politics (II)

Week 16: Wrapping Up

Week 17: Final Exam

## Weekly Schedule

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Readings are subject to change; **All Readings are available on Brightspace**  
I recommend going to [Oyez.org](https://www.oyez.org) to get a summary of the holding of the case.

### Section 1: The United States Judicial System and Structure

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This session of the course focuses on the American Judicial Process. How is the Judicial system built? How does it work? What is its relationship with the other branches of government? How are judges being chosen at both the federal and local levels?

#### Week 1: Introduction to the class

##### #1 – 8/31 M – Introduction to the class! (4 Pages)

- This Syllabus!
- Green, Amelia Hoover. (2013). "How to Read Political Science: A Guide in Four Steps."  
[https://calgara.github.io/Pol157\\_Spring2019/howtoread.pdf](https://calgara.github.io/Pol157_Spring2019/howtoread.pdf).

##### #2 – 9/2 W – How is the judicial system constructed historically?

- The U.S. Constitution & Amendments
- Hamilton, Alexander, "The Judiciary Department" (*Federalist* 78)
- Brutus XI
- Case: *Marbury v. Madison* (1803)

#### Week 2: Judicial Structure

9/7 M:

**NO CLASS – Labor Day**

##### #3 – 9/9 W – How is the Judicial System Constructed Nowadays?

- Posner, Richard A. 1996. "The Organization of the Federal Courts." In *The Federal Courts. Challenge and Reform*, Revised Edition. Harvard University Press.
- Roberts, John G., Jr. 2025. "2025 Year-End Report on the Federal Judiciary."

#### Week 3: Appointing Judges: Senate Hearing and Electing Judges

##### #4 – 9/14 M – Appointing Federal Judges: Presidential Appointment and Senate Hearings

- Cameron, Charles M., and Jonathan P. Kastellec. 2023. *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press. Chapter 3.
- Steigerwalt, Amy, and Morgan Smith. 2024. "Lower Federal Court Confirmations." In the *Research Handbook on Judicial Politics*. Edward Elgar Publishing.
- **Recommended (Not Required):**
  - o Baker, Matthew E., Christina L. Boyd, Aidan N. González, and Karson A. Pennington. 2024. "Race and Gender in Judicial Selection in the United States." In the *Research Handbook on Judicial Politics*. Edward Elgar Publishing.
  - o Basinger, Scott, and Maxwell Mak. 2010. "The Changing Politics of Federal Judicial Nominations." *Congress & the Presidency* 37 (2): 157–75.
  - o Cameron, Charles M., and Jonathan P. Kastellec. 2023. *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press. Chapters 4 & 8.

Syllabus content are subject to change

- o Brashear Tiede, Lydia. 2024. "Selecting Judges." In *The Oxford Handbook of Comparative Judicial Behaviour*, edited by Lee Epstein, Gunnar Grendstad, Urška Šadl, and Keren Weinshall. Oxford University Press.

#### #5 – 9/16 W – Electing Judges

- Nelson, Michael J., and Michael Burnham. 2024. "Judicial Elections and Judicial Behaviour." In *The Oxford Handbook of Comparative Judicial Behaviour*, edited by Lee Epstein, Gunnar Grendstad, Urška Šadl, and Keren Weinshall. Oxford University Press.
- Velasco-Rivera, Mariana. 2025. "'New Constitutionalism' Undone: The Judicial Overhaul in Mexico 2024." *Comparative Constitutional Studies* 3 (1): 4–15.

#### **Week 4: Trial Judges and their Decision-Making**

9/21 M:

**NO CLASS – CUNY Holiday**

#### #6 – 9/23 W – Trial Judges and the Adversarial Process

- Frankel, Marvin E. 1975. "The Adversary Judge." *Texas Law Review* 54 (3): 465–87.
- Kozinski, Alex. 1992. "What I Ate for Breakfast and Other Mysteries of Judicial Decision Making Symposium on the California Judiciary." *Loyola of Los Angeles Law Review* 26 (4): 993–1000.

#### **Week 5: Criminal Courts, Civil Courts, and Appellate Courts**

##### #7 – 9/28 M – Criminal Courts and Civil Courts

- Dumas, Tao. 2024. "How Much Is a Leg Worth?," October 1. <https://open.oregonstate.education/ojp3e-vol1/chapter/leg-worth/>.
- Feinman, Jay M. 2018. "Protecting the Innocent, Freeing the Guilty: Criminal Procedure." In *Law 101: Everything You Need to Know About the American Legal System*. New York: Oxford University Press. Pages 301-345.
- Case: *Miranda v. Arizona* (1966)

##### #8 – 9/30 W – Appellate Courts

- Comparato, Scott A., Scott D. McClurg, and Shane A. Gleason. 2012. "Patterns of Policy Making Across State Supreme Courts." In *New Directions in Judicial Politics*. Routledge.
- Hettinger, Virginia A., and Stefanie A. Lindquist. 2012. "Decision Making in the U.S. Courts of Appeals: The Determinants of Reversal on Appeal." In *New Directions in Judicial Politics*. Routledge.
- Case: *Trump v. CASA* (2025)

#### **Week 6: "Immigration Court" and The Supreme Court and Other Branches (I): Congress**

##### #9 – 10/5 M – "Immigration Courts"

- Asad, Asad L. 2019. "Deportation Decisions: Judicial Decision-Making in an American Immigration Court." *American Behavioral Scientist* 63 (9): 1221–49.
- Musalo, Karen. 2026. "Contributor: Immigration Judges Should Be Real Judges, Not Political Pawns." Opinion Voices. *Los Angeles Times*, January 25. <https://www.latimes.com/opinion/story/2026-01-25/immigration-judges-deportations-military-lawyers>.

Syllabus content are subject to change

- **Recommended (Optional):**

- Miller, Banks P., Jennifer S. Holmes, and Linda Camp Keith. 2015. *Immigration Judges and U.S. Asylum Policy*. Pennsylvania Studies in Human Rights. University of Pennsylvania Press. Chapter 1.

#### #10 – 10/7 W – The Supreme Court and Congress

- Bailey, Michael A., and Forrest Maltzman. 2012. “Goldilocks and the Supreme Court: Understanding the Relationship between the Supreme Court, the President, and the Congress.” In *New Directions in Judicial Politics*. Routledge.
- Segal, Jeffrey A., Chad Westerland, and Stefanie A. Lindquist. 2011. “Congress, the Supreme Court, and Judicial Review: Testing a Constitutional Separation of Powers Model.” *American Journal of Political Science* 55 (1): 89–104.
- Case: *McCulloch v. Maryland* (1819)
- Case: *Gibbons v. Ogden* (1824)
- Case: *Ex parte McCordle* (1869)
- **Case Brief 1 Due, Sunday, October 11th, 2026, 11:59 pm**

#### Week 7: The Supreme Court and Other Branches (II): President & Bureaucracies

10/12 M:

**NO CLASS – CUNY Holiday**

#### #11 – 10/13 T (**Monday Schedule**) – The Supreme Court and the President

- Dahl, Robert A. 1957. “Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker.” *Journal of Public Law* 6 (2): 279–95.
- Baumgardner, Paul, and Calvin TerBeek. 2022. “The U.S. Supreme Court Is Not a Dahlian Court.” *Studies in American Political Development* 36 (2): 148–50.
- Case: *Humphrey’s Executor v. United States* (1935)
- Case: *U.S. v. Nixon* (1974)
- Case: *Trump v. U.S.* (2024)
- Case: *Trump v. Slaughter* (2026)

#### #12 – 10/14 W – The Supreme Court and the Bureaucracies

- Hickey, Jennifer, Gbemende E. Johnson, and Jaylin Small. 2024. “Delegation and Deference: Federal Judicial Decision-Making and Administrative Agencies.” In the *Research Handbook on Judicial Politics*. Edward Elgar Publishing.
- Watch: Justice Scalia on Judicial Review. 2009.  
<https://www.c-span.org/program/public-affairs-event/justice-scalia-on-judicial-review/204701>.
- Case: *Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.* (1984)
- Case: *Loper Bright Enterprises v. Raimondo* (2024)

#### Week 8: The Supreme Court and the Public

#### #13 – 10/19 M – The Supreme Court and the Public

- Conway, Nicholas D., Alison Higgins Merrill, and Joseph Daniel Ura. 2024. “The Effect of Supreme Court Decisions on Public Opinion.” In the *Research Handbook on Judicial Politics*. Edward Elgar Publishing.

Syllabus content are subject to change

- Mayo-Adam, Erin. 2024. "Law and Social Movements." In the *Research Handbook on Judicial Politics*. Edward Elgar Publishing.
- Case: *Roe v. Wade* (1973)
- Case: *Dobbs v. Jackson Women's Health Organization* (2022)

#### #14 – 10/21 W – Midterm Exam

- **Midterm Exam**

### Section 2: Judicial Politics and Decision Making: The United States and Beyond

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This session looks at the judicial politics literature and examines the court as a political branch. Readings focus on the judicial decision-making that judges are making, and how these theories and strategies can be seen in both democratic and autocratic countries.

#### **Week 9: The Court as a Political Branch**

##### #15 – 10/26 M – Political Question and Stare Decisis

- Barak, Aharon. 2009. "Non-Justiciability, or 'Political Questions.'" In *The Judge in a Democracy*. Princeton University Press.
- Knight, Jack, and Lee Epstein. 1996. "The Norm of Stare Decisis." *American Journal of Political Science* 40 (4): 1018.
- Case: *Baker v. Carr* (1966)
- **Recommended (Optional):**
  - Segal, Jeffrey A., and Harold J. Spaeth. 1996. "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices." *American Journal of Political Science* 40 (4): 971.

##### #16 – 10/28 W – Why more Political Questions on Courts?

- Hirschl, Ran. 2011. "The Judicialization of Politics." In *The Oxford Handbook of Political Science*, edited by Robert E. Goodin. Oxford University Press.
- Abebe, Daniel, and Tom Ginsburg. 2019. "The Dejudicialization of International Politics?" *International Studies Quarterly* 63 (3): 521–30.

#### **Week 10: Judicial Philosophy & Theories of Judicial Behavior (I)**

##### #17 – 11/2 M – Originalism vs Living Constitutionalism

- Terbeek, Calvin. 2021. "'Clocks Must Always Be Turned Back': Brown v. Board of Education and the Racial Origins of Constitutional Originalism." *American Political Science Review* 115 (3): 821–34.
- **Watch:** Original Intent and a Living Constitution. 2010.  
<https://www.c-span.org/program/public-affairs-event/original-intent-and-a-living-constitution/221473>.
- Case: *District of Columbia v. Heller* (2008)
- Case: *Obergefell v. Hodges* (2015)
- **Recommended (Not Required):**
  - Scalia, Antonin. 1988. "Originalism: The Lesser Evil Essay." *University of Cincinnati Law Review* 57 (3): 849–66.

Syllabus content are subject to change

- o Marshall, Thurgood. 1987. "The Constitution: A Living Document." *Howard Law Journal* 30 (4): 915–20.

#### #18 – 11/4 W – The Attitudinal Model

- Spaeth, Harold J., and Jeffrey A. Segal. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press. Chapter 3.
- Glynn, Adam N., and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?: Identifying Judicial Empathy." *American Journal of Political Science* 59 (1): 37–54.

### **Week 11: Theories of Judicial Behaviors (II)**

#### #19 – 11/9 M – Critiques of the Attitudinal Model

- Bailey, Michael A., and Forrest Maltzman. 2011. *The Constrained Court: Law, Politics, and the Decisions Justices Make*. Princeton University Press. Chapter 1.
- Baum, Lawrence. 2008. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press. Chapter 1.

#### #20 – 11/11 W – The Strategic Model

- Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. CQ Press. Chapter 1.
- Helmke, Gretchen. 2002. "The Logic of Strategic Defection: Court–Executive Relations in Argentina Under Dictatorship and Democracy." *American Political Science Review* 96 (02): 291–303.
- Stiansen, Øyvind. 2022. "(Non)Renewable Terms and Judicial Independence in the European Court of Human Rights." *The Journal of Politics* 84 (2): 992–1006.
- Case: *Craig v. Boren* (1976) (For those who chose this case for Case Briefs only.)
- **Recommended (Not Required)**
  - o Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. CQ Press. Chapter 5.

### **Week 12: Court-caused Social Change? & The Legal Profession (I)**

#### #21 – 11/16 M – Does the Court Cause Social Change?

- Rosenberg, Gerald. 2004. "Substituting Symbol for Substance: What Did Brown Really Accomplish?" *PS: Political Science & Politics* 37 (2): 205–9.
- McCann, Michael. 1996. "Causal versus Constitutive Explanations (or, on the Difficulty of Being so Positive...)." *Law & Social Inquiry* 21 (2): 457–82.
- Case: *Plessy v. Ferguson* (1896)
- Case: *Brown v. Board of Education* (1954)

#### #22 – 11/18 W – The Legal Profession

- Corley, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. "Thinking Like a Lawyer: Legal Education and Law School." In *American Judicial Process: Myth and Reality in Law and Courts*. New York: Routledge.
- Hofer, Scott, and Susan Achury. 2024. Examining Diversity, Inclusion, and Equity in the Legal Profession. October 1.  
<https://open.oregonstate.edu/ojp3e-vol1/chapter/examining-dei/>.
- **Case Brief 2 Due, Sunday, November 22nd, 2026, 11:59 pm**

- **Recommended (Not Required)**

- Corley, Pamela C., Artemus Ward, and Wendy L. Martinek. 2016. "The Legal Profession: Lawyers and the Practice of Law." In *American Judicial Process: Myth and Reality in Law and Courts*. New York: Routledge.

**Week 13: The Legal Profession (II)**

**#23 – 11/23 W – Solicitor General and Lawyer's Contribution to the Judicial Decision-Making Process**

- McAtee, Andrea, and Kevin T. McGuire. 2007. "Lawyers, Justices, and Issue Salience: When and How Do Legal Arguments Affect the U.S. Supreme Court?" *Law & Society Review* 41 (2): 259–78.
- Pavone, Tommaso. 2024. "Agendas, Decisions, and Autonomy: How Government Lawyers Shape Judicial Behaviour." In *The Oxford Handbook of Comparative Judicial Behaviour*, edited by Lee Epstein, Gunnar Grendstad, Urška Šadl, and Keren Weinshall. Oxford University Press.

11/25 M:

**NO CLASS – Thanksgiving**

**Week 14: Authoritarian Judicial Politics (I)**

**#24 – 11/30 M – Autocratic Legalism**

- Shen-Bayh, Fiona. 2024. "Autocratic Legalism." In *The Oxford Handbook of Authoritarian Politics*, edited by Anne Wolf. Oxford University Press.
- Huq, Aziz Z. 2022. "The Supreme Court and the Dynamics of Democratic Backsliding." *The ANNALS of the American Academy of Political and Social Science* 699 (1): 50–65.

**#25 – 12/2 W – Rule of Law vs Rule by Law**

- Ginsburg, Tom, and Tamir Moustafa. 2008. "Introduction: The Functions of Courts in Authoritarian Politics." In *Rule by Law: The Politics of Courts in Authoritarian Regimes*, edited by Tom Ginsburg and Tamir Moustafa. Cambridge University Press.
- Shen-Bayh, Fiona Feiang. 2022. "A Theory of Judicial Repression." In *Undue Process: Persecution and Punishment in Autocratic Courts*. Cambridge Studies in Law and Society. Cambridge University Press.
- **Recommended (Not Required)**
  - Tushnet, Mark. 2014. "Rule by Law or Rule of Law?" *Asia Pacific Law Review* 22 (2): 79–92.
  - Silverstein, Gordon. 2008. "Singapore: The Exception That Proves Rules Matter." In *Rule by Law: The Politics of Courts in Authoritarian Regimes*, edited by Tamir Moustafa and Tom Ginsburg. Cambridge University Press.

**Week 15: Authoritarian Judicial Politics (II)**

**#26 – 12/7 M – Autocratic Legality in China**

- Chen, Albert H.Y. 2016. "China's Long March towards Rule of Law or China's Turn against Law?" *The Chinese Journal of Comparative Law* 4 (1): 1–35.

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Fall 26 - POL 235 - Judicial Processes and Politics 18

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- Liu, Sida, and Terence C. Halliday. 2011. "Political Liberalism and Political Embeddedness: Understanding Politics in the Work of Chinese Criminal Defense Lawyers." *Law & Society Review* 45 (4): 831–65.
- **Recommended (Former Reading)**
  - Whiting, Susan H. 2017. "Authoritarian 'Rule of Law' and Regime Legitimacy." *Comparative Political Studies* 50 (14): 1907–40.

**#27 – 12/9 W – Strategic Judicial Decision Making under Autocratic Courts**

- Yam, Julius. 2024. "Judging Under Authoritarianism." *The Modern Law Review* 87 (4): 894–925.
- Liu, Howard, Ching-Hsuan Su, and Yi-Ting Wang. 2025. "The Law or the Career? Autocratic Judiciaries, Strategic Sentencing, and Political Repression." *Comparative Political Studies* 58 (10): 2296–328.
- **Recommended**
  - Hilbink, Lisa. 2024. "Judicial Populism: A Conceptual and Normative Inquiry." *Law & Social Inquiry*, November 29, 1–33.
  - Scheppele, Kim Lane. 2025. "Rights into Structures: Judging in a Time of Democratic Backsliding." *German Law Journal* 26 (2): 255–73.

**Week 16: Wrapping Up: The Future of Law and Judicial Politics**

**#28 – 12/14 M – Wrapping Up: The Future of Law and Judicial Politics**

- **TBD**

**Week 17: Final Exam**

- **Final Exam, Wednesday, December 16th, 2026, 3:30 – 5:30 pm**