Welcome to week 4 of the online portion of this course. We’re half-way through the online third of this semester!

This week will be a bit stitched together with two, or even three, topics. First, we’ll continue our discussion board regarding the writ of certiorari. Second, we’ll start an investigation of different theories of Supreme Court decision-making: There are lectures on the legal model, the attitudinal model, and on societal influences on the Court. Third, we’ll start looking at the appointment of justices and judges.

I know this mixes things up a bit, but there are two reasons. First, some of you noted that you’d like more “regular” class meetings to help you structure your learning. I’ll be happy to do this with you. Second, there’s an opportunity that’s come along, which I think you might find exciting:

I am helping Professor Pete Giesen run his online class. Pete is an amazing person, one of the few JMU profs with an extensive Wikipedia page. He’s now, I think, 87 years old, and he was a member of the Virginia state legislature for more than 30 years. He is now retired, but has been teaching State and Local Government for JMU for ten years or so. But he is clearly an off-line person, and he needed some assistance now that we’ve been forcibly moved online.

One person who gave assistance was former Virginia Lt. Gov. Bill Bolling, who is teaching a course at George Mason University. He let us use some of his online lectures, one of which is on the judicial system. I’ll post it, besides my own lectures, for your viewing pleasure. But what’s more important: On Wednesday, during our class-time, Pete will host a Q&A session with his class that you’ll be able to join, and the focus of the conversation will be judicial appointments.

What does Pete know about judicial appointments? Well, Virginia is the only state where judicial appointments are made by the state legislature. Other states use the following appointment procedures: In some states, the governor appoints judges, often with a confirmation vote in the state Senate. Other states employ elections: in some, those are partisan elections, where the parties nominate judicial candidates, which are then voted on in the general election. In other states, the elections are non-partisan. Voters may know the party identification of a person who wants to be elected as a judge, but the parties do not nominate those persons. Other states, still, use a merit system. This typically works like this: A committee of lawyers and other persons, partly appointed by the governor, propose a number of candidates, one of which the governor appoints. After being in office for a while, the voters then can vote on retaining the judge or not. If not, the whole process starts.

Only in Virginia, judges are selected by the legislature. This process was more common in the founding era, when the revolutionary states were suspicious of governors (who had been agents of the English king until recently). Now, Pete can talk about his experience appointing judges as a legislator. There will be lots of anecdotes and stories.

So, Wednesday at 2:30. Watch for it on Canvas.

Stay tuned! There will be more updates as the week unfolds.