POLS 8140: Judicial Process & Policy Making

Fall 2023
Georgia State University
Department of Political Science

Instructor: Dr. Michael P. Fix  E-mail: mfix@gsu.edu
Class Location: Langdale 1081  Meeting Time: Th 12:45–3:15p.m.
My Office: Langdale 1007  Office Hours: T/Th 9:30–10:45 or by appt here

Course Objectives
This course, along with POLS 8145, is designed to provide a broad overview of the field of public law. Whereas 8145 focuses more on the Law & Society part of the field, this seminar will focus more on what is generally referred to as Judicial Politics. Historically, the public law field has partitioned itself into these two broad groups. This artificial dichotomy—often reflecting the same methodological divisions that plagued other subfields of political science—has damaged our ability to move forward as it has led knowledge and research to become pigeonholed. Luckily, the field is moving away from this and the old guard [insert standard mental image] is having to pass the baton to a new generation of scholars who understand the importance of working with and learning from scholars interested in diverse questions, who use a variety of methodological approaches. Much like physicists still use outdated theories of Newtonian physics for pedagogical reasons, the outdated dichotomization of the field of public law into these two groups does provide a useful way to divide our introductory seminars. However, this should NOT lead you to think this two approaches are separate and mutually exclusive. The best of the next generation of public law scholars will be those that build bridges between Judicial Politics and Law & Society Scholarship.

Given the above disclaimer, we can proceed to what this course will cover. The goal of this seminar is to provide a broad overview of the scholarship on Judicial Politics (along with extensive weekly lists of additional readings for students desiring a depth of study on a specific topic for their course paper, prepping for qualifying exams, or for future research projects). Judicial Politics research traditionally is more interested in questions related to the goals and motivations of judges, the determinants of judicial decision making, the relationship between courts and other branches of government, courts and public opinion, judges’ use strategic behavior, among others. We will discuss these topics and more in this seminar. Additionally, we will focus on specific judicial institutions including the U.S. Supreme Court, lower federal courts, and state courts to understand how and why scholars of each of these institutions differ in the questions they ask, the theories they apply, and the methodological tools that they use.

Required Texts


Recommended Texts

- Segal, Jeffrey A., and Harold J. Spaeth. 2002. *The Supreme Court and the attitudinal model revisited*. Cambridge University Press. [This is a good book to read prior to the start of the semester to give you a good grounding in judicial politics.]

Course Requirements

Final grades for this course will be comprised of two (2) components:

- Participation 25%
- Research Paper 75%

Final grades will be calculated using the following scale:

A 89.5-100%
B 79.5-89.49%
C 69.5-79.49%
D 59.5-69.49%
F 0-59.49%

1. **Participation** → As this is a graduate level course, participation in discussion is an essential component of the learning process. Each week should be a conversation about the readings, both individually and in terms of their contribution to the broader topic(s) on the week’s agenda. The minimum expectation here is that each student will come to class each week having completed the readings and prepared to contribute to the week’s discussion.

2. **Research Paper** → Students will complete an empirical research paper suitable for presentation at a professional political science conference. This paper should be an original and complete piece of empirical research (qualitative, quantitative, or mixed methods are all acceptable). The substantive topic of the paper is relatively open as long as it connects to one of the broader themes of the course. *(Note: For first year students or MA students, only a research design is required.)* The research paper will be due in stages as outlined below:

   - **Proposal:** On Sept. 14, each student must submit a 1 page research proposal that includes a detailed research question describing the analysis, and a description of the research design (including methodology) employed to analyze the question. This is worth 5% of the paper grade.

   - **Draft 1:** A relatively polished draft will be due on November 9. This will need to be submitted via email as two separate pdf files. One of the files will need to be blinded and the other should have your name. Timely submission of the draft is worth 5% of the paper grade.

   - **Reviews:** Each student will be assigned one paper to review. The reviews will be due on November 16. These will need to mirror the reviews one would write as a referee for a journal manuscript in substance and style. This is worth 5% of the paper grade.

   - **Presentation:** On November 30, students will do a conference style presentation of their papers. This is worth 20% of the paper grade.

   - **Final Draft:** The final draft of your paper is due on December 7 via email. The paper should be submitted as a single pdf file attached to the email. You will be expected to
have revised your manuscript in light of the comments you received during the review process. This is worth 60% of the paper grade.

- **Memo**: Along with the final draft, you will submit a memo discussing the edits you made in light of the reviews. This should mirror the memo one would submit along with their revised manuscript after an R&R. This is worth 5% of the paper grade.

**Grading Policies**

1. **Late Work**: When you miss class, you miss important information. If you are absent, you are responsible for learning material covered in class. If you are absent when an assignment is due, you must have submitted the assignment prior to the due date to receive credit. Late assignments will *not* be accepted unless accompanied by valid, *written documentation that the absence conforms to University policy on excused absences*. Students are advised to consult the Undergraduate Studies Bulletin for information on University attendance policy.

2. **Written Assignments**: All written assignments are due at the beginning of the class period on the assigned due date. All assignments must be typed or printed according to the following guidelines. If these are not followed points will be deducted:
   
   (a) Type your name and the title of your paper on the top of the first sheet of paper.
   (b) Use standard letter (8½ x 11”) paper.
   (c) Use with 1” margins.
   (d) Use size 11 or 12-point font.
   (e) Use only Times New Roman or Cambria fonts (if using MS Word).
   (f) Type your name and the title of your paper on the top of the first sheet of paper.
   (g) Print on unlined white paper which does not have hole punches or tears.
   (h) The paper you use must not have any material on the reverse side.
   (i) Print only on one side of the paper.
   (j) Print in black ink.
   (k) Double space.
   (l) Fasten your work with a single staple placed in the upper-left corner of the page. (Note: No points will be deducted for this item, but your assignment will not be accepted until you correct the problem.)
   (m) Fasten the pages in their proper order.
   (n) Do not, for any reason, write on your typed work with a pen or pencil or any other writing instrument.
   (o) *No assignments will be accepted via e-mail.*
   (p) (Note: If using \LaTeX, I will be happy to provide a template that conforms to all these requirements upon request.)

**Communication Policy**

E-mail is the preferable method for contacting me for any reason, and the only way to guarantee that I have received a message. You should not assume that I have received an e-mail unless, and until, you get a reply from me. If you do not receive a reply to an e-mail within 24 hours (weekends excluded), you should resend the e-mail. If I do not receive an e-mail from you, it is equivalent to you having never sent one.
Expectations for Classroom Behavior

It is the expectation of the instructor that students will behave in a professional manner in this class. Many of the issues discussed are ones that many of us have strong personally and emotional feelings about. However, we must understand that the purpose of this class is to discuss the foundations of legal doctrine on these issues not our own personal views or biases. Moreover, on the occasions when personal views are discuss in a manner relevant to the course, it is expected that all students will be respectful of each others views.

Further, it is expected that all students will refrain from engaging in activities disruptive to the learning process. As such, all cell phones and pagers are to be turned off or silenced during class (not set to vibrate), and all cell phones are to be put away out of view during class. Reading the newspaper, sending text messages or DMs, web browsing, etc. will not be tolerated during class. However, as long as it is not prohibited in the classroom due to University policies, quite snacks and beverages will be permitted. Failure to adhere to these classroom rules may result in your being dismissed from class and/or an academic penalty.

Diversity, Inclusivity, and Respect Statement

It is my intent that students from all diverse backgrounds and perspectives be well served by this course, that students’ learning needs be addressed both in and out of class, and that the diversity that students bring to this class be viewed as a resource, strength and benefit. It is my intent to present materials and activities that are respectful of all diversity including gender, sexuality, disability, age, socioeconomic status, ethnicity, race, and culture. Your comments (in the discussion posts and in person) related to the class and content will be encouraged and appreciated. Please let me know ways to improve the effectiveness of the course for you personally or for other students or student groups.

FERPA Statement

In keeping with USG and university policy, this course website will make every effort to maintain the privacy and accuracy of your personal information. Specifically, unless otherwise noted, it will not actively share personal information gathered from the site with anyone except university employees whose responsibilities require access to said records. However, some information collected from the site may be subject to the Georgia Open Records Act. This means that while we do not actively share information, in some cases we may be compelled by law to release information gathered from the site. Also, the site will be managed in compliance with the Family Educational Rights and Privacy Act (FERPA), which prohibits the release of education records without student permission. For more details on FERPA, click here.

Academic Honesty

Georgia State University has clearly articulated its policies governing academic integrity and students are encouraged to carefully review the Policy on Academic Honesty available through the Dean of Students Office. Any deviation from these expectations will result in academic penalties, and the potential for disciplinary action. At a minimum, any violation will result in a grade of zero (0) on the specific assignment involved. The area of greatest potential risk for intentional and inadvertent academic dishonesty is plagiarism. Plagiarism includes, but is not limited to, paraphrasing or directly quoting the published or unpublished work of another individual without
full and clear acknowledgment in the form of a citation. The University’s Policy on Academic Honesty is available here.

**Prohibition on Posting Instructor-Generated Materials**

The selling, sharing, publishing, presenting, or distributing of instructor-prepared course lecture notes, videos, audio recordings, or any other instructor-produced materials from any course for any commercial purpose is strictly prohibited unless explicit written permission is granted in advance by the course instructor. This includes posting any materials on websites such as Chegg, Course Hero, OneClass, Stuvia, StuDocu and other similar sites. Unauthorized sale or commercial distribution of such material is a violation of the instructor’s intellectual property and the privacy rights of students attending the class, and is prohibited.

**Special Needs**

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. Students who wish to request accommodation for a disability may do so via the Access and Accommodations Center (AACE) at [https://access.gsu.edu/](https://access.gsu.edu/). Students may only be accommodated upon issuance of a signed Accommodation Plan by the AACE Center (see here for more information) and are responsible for providing a copy of that plan to instructors of all classes in which accommodations are sought.

**Basic Needs Statement**

Any student who faces challenges securing their food or housing and believes this may affect their performance in the course is urged to contact the Dean of Students for support. Furthermore, please notify the professor if you are comfortable in doing so. This will enable us to provide resources that we may possess. The Embark program at GSU provides resources for students facing homelessness and Panther’s Pantry provides resources for students facing food insecurity.

**Sexual Harassment**

In instances of sexual misconduct, the present instructor(s) and teaching assistants, are designated as Responsible Employees who are required to share with administrative officials all reports of sexual misconduct for university review. If you wish to disclose an incident of sexual misconduct confidentially, there are options on campus for you do so. For more information on this policy, please refer to the Sexual Misconduct Policy which is included in the Georgia State University Student Code of Conduct.

**End of Course Evaluations**

Your constructive assessment of this course plays an indispensable role in shaping education at Georgia State. Upon completing the course, please take time to fill out the online course evaluation.

**Disclaimer**

The course syllabus provides a general plan for the course; deviations may be necessary.
Course Outline

  
  – Required Readings:
    
  – Recommended Readings:
  
  – Assignments:
    * None

• Week 2 (Aug. 31): Ideology and Other Attributes
  
  – Required Readings:
  
  – Recommended Readings:

– Assignments:

* None

**Week 3 (Sept. 7): Legal Influences on Supreme Court Decision Making**

– Required Readings:


  · **SKIM:** Responses to Segal and Spaeth by Brisbin and Songer and Lindquist in that special issue of the *AJPS*

– Recommended Readings:


– Assignments:

  * None

• **Week 4 (Sept. 14): Other Influences on Supreme Court Decision Making**

  – Required Readings:


  – Recommended Readings:

  * Separation-of-Powers


* Other Considerations


- Assignments:
  * Proposal Due

- **Week 5 (Sept. 21): Agenda Setting on the Supreme Court**

  - Required Readings:

  - Recommended Readings:

Assignments:
• Proposal Due

• Week 6 (Sept. 28): Decision Making on Lower Federal Courts

  Required Readings:

Recommended Readings:
• US Courts of Appeals
  • Bowie, Jennifer Barnes, Donald R. Songer, and John Szmer. 2014. The view from the bench and chambers: Examining judicial process and decision making on the US Courts of Appeals. University of Virginia Press.


* US District Courts


- Assignments:
  - None

**Week 7 (Oct. 5): Judicial Selection 1: Federal Courts**

- Required Readings:

- Recommended Readings:
  - Steigerwalt, Amy. 2010. *Battle over the bench: Senators, interest groups, and lower court confirmations.* University of Virginia Press.
  - Farganis, Dion, and Justin Wedeking. 2014. *Supreme Court confirmation hearings in the US Senate: Reconsidering the charade.* University of Michigan Press.


– Assignments:

* None

**Week 8 (Oct. 12): Decision Making on State Courts**

– Required Readings:


– Recommended Readings:


– Assignments:

* None

• **Week 9 (Oct. 19): Judicial Section 2: State Courts**

– Required Readings:


– Recommended Readings:


--

**Assignments:**

* None

**Week 10 (Oct. 26): Strategic Behavior**

--

**Required Readings:**


--

**Recommended Readings:**


– Assignments:
  * None

• Week 11 (Nov. 2): Courts and Public Opinion

  – Required Readings:


  – Recommended Readings:


    * Caldeira, Gregory A. 1986. “Neither the purse nor the sword: Dynamics of public confidence in the Supreme Court.” American Political Science Review 80(4): 1209-1226


Assignments:

* None

**Week 12 (Nov. 9): Do Judges Consider Their Audiences?**

Required Readings:


Recommended Readings:

* Staton, Jeffrey K. 2010. *Judicial power and strategic communication in Mexico*. Cambridge University Press.


Assignments:

* Paper Draft Due

**Week 13 (Nov. 16): Judicial Hierarchies**

Required Readings:

* Fix, Michael P., and Benjamin J. Kassow. 2020 *US Supreme Court Doctrine in the State High Courts.* Cambridge University Press. [Chapters 3 & 5 only, will be provided]

Recommended Readings:


– Assignments:
* Peer Reviews Due

- **Week 14 (Nov. 23): NO CLASS—Thanksgiving Break**

- **Week 15 (Nov. 30): Student Presentations**
  - Required Readings:
    * N/A
  - Recommended Readings:
    * N/A
  - Assignments:
    * N/A

- **Week 16 (Dec. 7): Final Paper Due (NO CLASS)**
  - Required Readings:
    * N/A
  - Recommended Readings:
    * N/A
  - Assignments:
    * Final Paper Due via email as a single pdf file attachment.