LAW & COURTS NEWSLETTER

NEWSLETTER OF THE LAW & COURTS SECTION
AMERICAN POLITICAL SCIENCE ASSOCIATION
VOLUME 33, NUMBER 2, FALL 2023

Note from Section Chair

Pamela Corley, Southern Methodist University

I feel privileged to address the esteemed members of the Law and Courts section. A heartfelt thank you to all those who graciously accepted committee roles; the smooth coordination was largely due to the overwhelming willingness of those approached. Let's express gratitude for the dedicated efforts of the committees, and I encourage you to actively participate by submitting nominations for various section awards.

I would like to convey my appreciation to Lisa Holmes, our former chair, for actively involving me in emails and discussions pertaining to section business. She not only included me in these communications but also generously addressed any questions I had throughout the year. This support was immensely valuable in providing me with a comprehensive understanding of the responsibilities associated with the role of chair.

In addition to expressing my gratitude to Lisa, I extend my appreciation to several dedicated members who have tirelessly contributed to the section's activities throughout the year. Special thanks go to Michael Nelson and Susan Johnson for their exemplary service as secretary and treasurer, respectively. I also want to acknowledge the valuable contributions of Jolly Emrey and Monica Lineberger, who have served as editors for the *Law & Politics Book Review*, and Daniel Lempert, the editor of the *Newsletter*. The webmaster team (Shane Gleason, David Hughes, and Allison Trochesset) deserves recognition for their efforts in engaging and promoting the section, as do the listserv moderators (Todd Curry, Michael Fix, Gbemende Johnson, and Michael Romano) for ensuring the smooth functioning of our listserv. I commend Tom Clark for his outstanding work as the editor of the *Journal of Law and Courts* and appreciate his willingness to continue in this role. Gratitude is also extended to the executive committee members (Todd Collins, Michael Fix, Taneisha Means, Whitney Taylor, Rich Vining) and Renée Cramer as Chair-Elect. Additionally, the members of the Committee on Recruitment, Retention, and Equality (Gbemende Johnson, Shane Gleason, Sivaram Cheruvu, Angelique Davis, Alison Gash, T.J. Kimel, Rachael Houston, and Susan Achury) deserve recognition for all of the hard work they have been doing over the last few years. Lastly, I want to thank Jennifer Bowie and Alyx Mark (Law & Courts section chairs), and Jason Pierceson and Joanna Wuest (Constitutional Law & Jurisprudence section chairs), who will be orchestrating the panels for the upcoming annual meeting in Philadelphia.

Several positions are currently available, and I strongly encourage you to apply by February 15th to become more actively involved in the section. David Hughes is leaving the webmaster team and we are currently accepting applications for his replacement. This position is primarily responsible for running our existing social media platforms (Twitter (X) and Facebook), although the team would welcome expanding into other platforms (e.g. Instagram, Bluesky,

etc). This position will work closely with the rest of the webmaster team to coordinate events such as virtual brownbags or other interactive online events.

Additionally, we invite you to apply and/or recommend colleagues for the important position of listserv moderator. A Listserv moderator plays a crucial role in managing the email-based communication platform for the Law and Courts section, ensuring a positive and rule-abiding environment for its members. The primary responsibilities of a Listserv moderator encompass several key areas, including membership management, post approval, rule enforcement and conflict resolution. Moderators are expected to be actively engaged in both approving posts from members and ensuring that posts follow the rules that were approved by the Executive Committee. When a submitted post is found to be out of line with the approved rules, moderators are expected to work with the posting author to resolve any issues, or justify why the post will not be approved to the author. Other duties that moderators may become involved in include the creation or modification of new rules to govern post submissions (with the aid and approval of the Executive Committee), as well as determining when a suspension of the rules may be in order under extreme situations (such as when the listserv rules were suspended to allow members to openly discuss strategies for dealing with teaching during the early COVID-19 pandemic).

Finally, Daniel Lempert is resigning from the position of editor of the *Newsletter*. Since the *Newsletter* was established in 1983, the Section has typically published 2-3 issues annually. The central duties of the editor include soliciting and evaluating submissions to the *Newsletter* with the help of the editorial board, and proofreading/typesetting the *Newsletter*. The editor also communicates with the Section to ensure that the Books to Watch For, Section Awards, and other announcements are included in the *Newsletter*, and maintains the Newsletter's data repository on Dataverse. The successful person (or team) will work to increase the presence of our scholarship, promote the wide range of our members' work, professional activities, and build a more diverse, inclusive, and engaging intellectual community.

In conclusion, I want to express my enduring appreciation for the remarkable scholars and educators within this section. Throughout my many years as a member, I have consistently marveled at the exceptional individuals who contribute to our community. Your impactful work is undeniably crucial, and I am continually impressed by the welcoming and supportive atmosphere fostered within this section. I vividly recall bringing a fellow graduate student from a different field to our panels and events during my graduate studies. She remarked on the friendliness and warmth she experienced, a stark contrast to her previous encounters. Thank you for your openness, generosity, and commitment to inclusivity, especially in mentoring and supporting graduate students and assistant professors. I look forward to seeing many of you at APSA in Philadelphia!

Note from Editor

Daniel Lempert, SUNY Potsdam

I am happy to present Volume 33, Issue 2 of *Law & Courts Newsletter*. This issue features the introduction of a new dataset constructed by Rich Vining and Teena Wilhelm. The State of the Judiciary Archive is a searchable database of reports issued by state chief justices about the status of their respective court systems. The collected texts, which date back as far as 1961, make a corpus that provides opportunity for novel analyses, both qualitative and quantitative. The issue also includes Ryan Black's interviews, with Deborah Beim and Maya Sen, which are thought-provoking as usual. Please also note the list of Section award committee members—nominations for awards are due by March 1—and the intriguing crop recently-released and forthcoming books authored and edited by Section members.

As Pam Corley notes above, and as readers may have seen on the listserv, a number of Section positions will be opening up shortly, including the editorship of this *Newsletter*. Editing the *Newsletter* has been rewarding in a number of ways, perhaps most particularly because of the opportunity it has given me to work with so many members of our section. I personally encourage interested members to apply to fill the vacancy, and I look forward to working with the new editor(s) on the transition. In the meantime, I will edit one more issue after this one, so anyone who has been holding off on sending a submission to me: now is the time!

I hope that readers will enjoy the issue, and wish everyone the best in the new year.

Introducing the State of the Judiciary Archive

RICHARD L. VINING, JR., UNIVERSITY OF GEORGIA
TEENA WILHELM, UNIVERSITY OF GEORGIA

After a long period of American history in which state judiciaries often fell into decline due to legislative neglect and a lack of centralized leadership, stewardship of the judicial branch gradually became a core responsibility of most chief justices and/or their supreme court colleagues (assisted by professional court administrators). Chief justices were tasked with identifying problems in the judiciary, developing reform programs, and using their formal powers and informal clout to improve justice systems. These duties, often overlooked by political scientists, occupy a substantial proportion of a chief justice's time and effort (Smith and Feldman 2001) and require chiefs to engage in political communication and strategic advocacy to promote their preferred reforms (Wilhelm, et al. 2019; Wilhelm, et al. 2020).

One challenge when evaluating extrajudicial leadership activities of chief justices is identifying a data source to facilitate observation of them. In addition, it is desirable to compare these activities across space and time. Fortunately, it has become a common practice for most state chief justices to deliver State of the Judiciary messages to state legislators, bar meetings, judicial conferences, or other audiences (Wilhelm, et al. 2019). The content of these messages provides a snapshot of a state judicial system's well-being in a given year. They typically provide a summary of recent accomplishments and an agenda for the year ahead. In this sense they function similar to a State of the Union message or a governor's State of the State speech. State of the Judiciary reports allow scholars to observe the behavior of court leaders acting without the constraints of precedent and intracourt dynamics that limit the topics and content of judicial opinions.

Our recently launched website, the State of the Judiciary Archive (SOJA; www.stateofthejudiciary.com), includes a searchable database of State of the Judiciary reports (or equivalent) delivered by state supreme court chief justices from the 1960s through the present day. The SOJA database facilitates the study of chief justices' leadership activities that have become very important in the past 50 years. We gathered these reports as part of the data collection effort for our recent book, *Administering Justice: Placing the Chief Justice in American State Politics* (2023, University of Michigan Press), as well as several published and forthcoming articles. At present, the archive includes over 1,000 reports ($N = 1,035$) from 49 states. It is our hope that the online release of these materials will foster additional studies of courts, judicial politics, chief justices, and interbranch relations in the American states. Beyond this, we encourage scholars to consider using these reports for pedagogical purposes, as we have done in our own classrooms. This archive will facilitate political science research and teaching, as well as provide an online home for primary sources that are useful to scholars, journalists, court administrators, and members of the legal community.

Document Search:
Search our database of 1,000+ judiciary reports.

> Search by keywords

Refine Your Results:

By State - Select all that apply

> Select a State

By Year - 1961 to Present

> From Year

> To Year

By Justice - Select all that apply

> Chief Justice

By Venue - Select all that apply

> Venue

Search Reports   **Clear Filters**

Search Tips:

Begin with a Keyword Search (put quotes around phrases), then use the filters for State, Years, Justice, or Venue to refine your results.

If no keywords are selected, then results will show all relevant reports based on your query.

We collected the original versions of these State of the Judiciary reports from numerous sources and have reformatted them, creating machine-readable PDF documents with a consistent format. Notably, these materials are well suited to textual analysis using LIWC or similar software. The search engine on the SOJA website allows visitors to search for reports using several criteria. These include the state, year, name of the chief justice, venue, or a keyword/phrase specified by the user. After searching, users are provided a list of relevant reports which can then be read online or downloaded. Users who wish to download multiple reports can do so in a compressed (.zip) format.

It is important to note that our database does not include the full universe of State of the Judiciary reports, as many have been discarded or remain beyond our grasp despite nearly a decade of efforts to collect them. We suspect that many of these materials have simply fallen down the memory hole, though we would love to be proven wrong. Reports we have not located tend to be

older and/or delivered to audiences other than legislators. Still, we believe that our archive provides a representative sample of the population.

Because we created the State of the Judiciary Archive with both research and pedagogy in mind, the website also includes background information and research prompts for students. These prompts require student engagement with the reports in the database in order to answer questions related to states' justice systems. These exercises facilitate learning about justice systems, policy agendas, and institutional development in the states. Dr. Vining used these prompts for instructional purposes recently and found that students responded well to them. Many chose to learn more about the justice systems of their home states. Several other students focused on the history and treatment of a policy issue. These students were exposed to information about chief justices and state courts that they were unlikely to learn in most circumstances, especially given the usual focus on federal courts on course syllabi. We welcome the use of the educational prompts in other instructors' courses and appreciate feedback regarding their usefulness. We hope the State of the Judiciary Archive proves to be a useful resource to teach students about state courts, judges, and the development of justice systems.

On a final note, we encourage colleagues who may have access to additional State of the Judiciary reports to contact us with any leads. While we have been in contact with numerous law librarians, court administrators, and former judges, we expect that members of the Law & Courts community may also have useful contacts. We intend to continue updating the SOJA as additional reports are located.

We hope this database is useful as a springboard for additional studies of state courts and the judges who lead them. Please feel free to contact us with any questions or comments regarding the website or these materials.

References

Smith, Christopher E., and Heidi Feldman. 2001. "Burdens of the Bench: State Supreme Courts' Non-judicial Tasks." *Judicature* 84(6): 304–9.

Vining, Richard L., Jr., and Teena Wilhelm. 2023. *Administering Justice: Placing the Chief Justice in State Politics*. Ann Arbor: University of Michigan Press.

Vining, Richard L., Jr., and Teena Wilhelm. 2023. "State of the Judiciary Archive." www.stateofthejudiciary.com (accessed October 15, 2023).

Wilhelm, Teena, Richard L. Vining Jr., Ethan D. Boldt, and Bryan M. Black. 2020. "Judicial Reform in the American States: The Chief Justice as Political Advocate." *State Politics and Policy Quarterly* 20(2): 135–56.

Wilhelm, Teena, Richard L. Vining Jr., Ethan D. Boldt, and Allison Trochesset. 2019. "Examining State of the Judiciary Addresses: A Research Note." *Justice System Journal* 40(2): 158–69.

Better Get to Know: Deborah Beim

Interviewed by: Ryan Black, Michigan State

Deborah Beim (website) is Assistant Professor of Political Science at the University of Michigan. She earned her PhD in Politics from Princeton University in 2013.

Tell me a little about your background and how you got to where you are today.

I grew up outside Cleveland, Ohio. My best friend's parents were lawyers—one an attorney focused on complex litigation and one a judge—and I loved it when they would talk with me about their work. And, my favorite subject was math. From there I went to Columbia University for college. Upon my arrival I was delighted to discover that some people used math to study law and judging. I was hooked. I got my PhD at Princeton, focusing on judicial politics, where I was ridiculously lucky to have a great team of advisors—including Chuck Cameron, John Kastellec, Brandice Canes-Wrone, Adam Meirowitz, and Lewis Kornhauser at NYU. After grad school I went to teach at Yale for several years, and in 2020 I moved to Ann Arbor to teach at the University of Michigan where I am today. Go Blue!

If you weren't a political scientist, what would you be instead?

I think I would have gone to law school, gone into big law, and quit in 2020 to be a stay-at-home mom. Is that too depressing? I'll say I would have been the co-founder of the cigar bar Kevin McGuire mentioned in his Get to Know a Law and Courter (Spring 2019). That sounds fun.

What are you working on now?

I'm working on a game-theoretic model of the influence of dissenting opinions from the Supreme Court, and I'm wrapping up a long project with Kelly Rader on intercircuit splits (which means that very soon, our data will be publicly available—and I hope broadly used! In the meantime, you can read what we've got in the September 2019 *Journal of Empirical Legal Studies* and newer work on my website.)

Best book on your office shelves people may be surprised by?

In college I had to take a couple of years of great books classes, and I kept all my books. As a result, I have Saint Augustine's *Confessions* on my bookshelf, which is really not what you'd expect to see in the office of a Jew who does quantitative research on American courts. But it's a good book!

What's some good work other than your own that you've read recently and would recommend?

I have been very interested in litigation and trial courts lately, so I've been enjoying work by David and Nora Freeman Engstrom, Ryan Hubert and Ryan Copus, and Christy Boyd. And I'm still fascinated by intercircuit splits, so I have enjoyed seeing what Tejas Narechania, Anthony Taboni, Josh Strayhorn, and Scott Baker are up to in that line of work.

What's your workspace setup like?

I do all my work at my office on campus, where I have a desktop computer; a printer; a picture of my family; a big whiteboard for collaboration, teaching, and scratchwork; and a beloved poster from the Chicago public library, that reads:

a
is the first letter of the alphabet
there are twenty-five more
the chicago public library has all of them
in some very interesting combinations

What apps, software, or tools can't you live without?

Can't *live* without? Electricity to heat my home and cook my food. Work-wise, I need a whiteboard and marker for modeling, Excel and R for data management and statistical analysis, Overleaf for writing, and Google Calendar for managing my commitments. You know what apps I can't work *with*? Two-factor authentication apps on my phone. "Hey, Deborah, logging on to do some work? How about you check your notifications first?" Give me a hardware token on a keychain and lock my phone in a dungeon when I am trying to work!

What do you listen to while you work?

No music! I find it too distracting. I like to hear ambient workplace chats, and I'm lucky to have an office that overlooks the Diag—our quad—so I also listen to students doing their thing outside.

Favorite research and teaching hacks?

For teaching, I think people undervalue the importance of scheduling lecture, discussion section, office hours, and due dates. When a course's weekly schedule offers students an obvious rhythm for when reading and homework should happen, students learn more, feel better, and need less from me. Also, up-front investment in organizing the course page on Canvas or Blackboard—that too makes a huge difference in student success.

I have no research hacks. Are there research hacks out there? Is hacked research really a good idea?

How do you recharge? What do you do when you want to forget about work?

I spend my free time hanging with my husband and our young son. Playing trains or blocks instantly makes me forget about work. To recharge, I like to go for long walks or visit new places, ideally with a good friend.

What everyday thing are you better at than everyone else? What's your secret?

I have extremely neat handwriting. I went to the American School in Rio de Janeiro for preschool, which is a Montessori school, and I think they really emphasized fine motor and life skills. I am so thankful for my handwriting, because I hate teaching game theory from slides and so just use the board—if

I had bad hand writing I don't know what I would do.

What's your biggest struggle in being a faculty member? How do you try to address it?

I love teaching, advising, and even (sometimes) service—and I often let those urgent, collegial tasks crowd out research time. The best solution so far has been to co-author with students and advisees, which makes it feel more collaborative and holds me accountable.

What's the best advice you ever received?

I *love* advice. I cannot pick just one. Here are three picks.

On giving a talk: Nobody will mind if you end early.

On careers, from a terrific essay by Toni Morrison (in the June 5 & 12, 2017, issue of the *New Yorker*):

1. Whatever the work is, do it well—not for the boss but for yourself.

2. You make the job; it doesn't make you.

3. Your real life is with us, your family.

4. You are not the work you do; you are the person you are.

And finally, on work: Justice Sotomayor once gave a graduation speech in which she explained that all jobs are boring, even hers—you have to accept that work is going to be boring much of the time. The most uplifting pessimism I've heard.

What's the greatest idea you've had that you don't want to do yourself?

So many of us who study judicial behavior rely on borrowed theories of representation—like distinguishing between substantive and descriptive racial representation in judicial composition. But judging is a distinct task, with profound philosophical foundations about what the relationship between a judge and disputants should be. I think we need a deep theory with practical implications that we can use to better study identity and judging. It's not that I don't want to develop that theory myself, but I certainly don't feel qualified to do so alone.

Which junior and senior persons would you like to see answer these same questions?

Amna Salam, Maya Sen (Ed. note: See below!), and Tom Clark—all of whom do terrific work and have a steady focus on questions with real import.

Better Get to Know: Maya Sen

Interviewed by: Ryan Black, Michigan State

Maya Sen (website) is Professor of Government and Director of the Stone Program in Wealth Distribution, Inequality and Social Policy, both at Harvard University. She earned her PhD in Government from Harvard University in 2012.

Tell me a little about your background and how you got to where you are today.

I left undergrad being very interested in civil rights and 20th century American history, so law school was a natural fit.

But once I was in law school, I realized pretty quickly that the practice of law wasn't for me. Although I remained really interested in the substance of the law, I wasn't as interested in (or good at) the minutiae of legal practice. "Big law" seemed brutal, and I didn't love the idea of someone else having control of my time. At some point along the way, basically, I realized I wasn't going to be a very good lawyer.

That's when I started thinking more seriously about graduate school, which was always in the back of my mind. I applied to graduate school during my clerkship year and never looked back after that. It was the best decision I ever made. Now I get to combine my interests in law, politics, and society, but also I get to study them from a social science perspective. I (mostly) maintain control over my time and get to explore what I'm interested in. It's truly been the best of both worlds.

If you weren't a political scientist, what would you be instead?

I would be a lawyer, unfortunately, and not a very good one at that!

What are you working on now?

Most recently, I was working on getting through a tough teaching semester. Research-wise, I am finishing up a couple of papers while also working on a new book project with Neil Malhotra and Stephen Jessee looking at the relationship between public opinion and the politics of the U.S. Supreme Court.

Best book on your office shelves people may be surprised by?

I tend not to hold onto many books or papers, so probably people would be surprised by how empty my shelves are! I basically only have the basics—a few stats and econ textbooks, some old law school casebooks, etc. I do have a few books that I'd consider to be classics in my various fields—Alexander Bickel's *The Least Dangerous Branch*, Michelle Alexander's *The New Jim Crow*, Segal and Spaeth's *Attitudinal Model*, Epstein and Knight's *The Choices Justices Make*, etc.

What's some good work other than your own that you've read recently and would recommend?

I really like the recent paper by Shana Gadarian and Logan Strother on how people are more likely to view the Court as acting "politically" the more

ideologically distant they are from it. I've been telling people all about their findings.

What's your workspace setup like? What apps, software, or tools can't you live without?

I keep my workspace pretty minimal, so I just have my computer, some paper to take notes on, a coffee mug, pictures of my family, and some snack remnants. Just generic office clutter. I have a nice conference table in my office, which is good for meeting with students and collaborators.

To the annoyance of my university's IT group, I don't use Microsoft Office products, so my go-tos are Google products (Gmail and Google Drive). I also don't write in Word if I can avoid it, so I use a lot of LaTex (TexShop and Overleaf). I also code in R.

I messed up one of my wrists using my laptop at home during the pandemic, so I dictate a fair amount when I can. (I am partially dictating this at a kids' soccer game!) Google Docs (plus an iPhone) is a pretty decent option for dictation.

That's basically all I need: some sort of web browser, Gmail, R, and a Tex editor. And my iPhone.

What do you listen to while you work?

I need a lot of background distraction while I work, so I always have something low-key going on in the background. Sometimes I have YouTube on, depending on what I'm interested in at the moment. Right now I am listening to a couple of interesting podcasts (including the SmartLess podcast, which is super fun), and a couple of audiobooks. I have on occasion streamed a movie or TV show in the background while I work. I'm surprisingly good at tuning it out.

Favorite research and teaching hacks?

In generating research ideas, I think it's important to engage with the outside world to keep up to date with what practitioners in your field of study are saying. I get a lot of ideas from interacting with people on social media and "listening" to journalists and law professors talk about (i.e., complain about) the Supreme Court. It's not a hack per se, but if I encounter a good idea or a potential research topic, I make a point of quickly writing it down so I don't forget.

But in general, I think good research is time-consuming and takes a lot of creative energy. I don't think there are many shortcuts to it.

Teaching is also one of those things where I don't think you can take shortcuts. One thing I find useful is to connect the material that you're teaching to current events. I think students really appreciate seeing applications of more esoteric political science theories to the world around them.

How do you recharge? What do you do when you want to forget about work?

In the last seven or eight years, I've kept fairly strict business hours and

taken evenings and weekends off. (I realize not everyone has this luxury!) I also go to the gym or for a run every day. Right now I'm training for a 10K, but I often just do the elliptical and read or watch a TV show while I do it. If I run outside, I listen to audiobooks. I've been doing 45-50 minutes of exercise daily for about 20 years, so you could say it's a little bit of a habit at this point.

Recently my family has gotten me into video games on our Nintendo Switch. Right now I'm about halfway through The Legend of Zelda: Breath of the Wild. I also finished Super Paper Mario, Super Mario Odyssey, Super Mario 3D World, and Hades. Playing video games forces me to completely disengage for at least an hour every night, so it's great.

What everyday thing are you better at than everyone else? What's your secret?

I do pretty good funny accents when I read to my kids at night. (I'm working on my Australian accent right now.) No secret, just practice.

What's your biggest struggle in being a faculty member? How do you try to address it?

One thing you don't anticipate as a graduate student is how many directions you'll be pulled in as a faculty member. It sometimes feels that everybody wants a piece of your time, and it sometimes seems impossible to fit everything in without sacrificing your well-being.

I don't really have a solution for balancing at all, but I think it's important to prioritize what's important to you. Each person is different. For me, going to the gym in the mornings and spending time with my family in the evenings and weekends are non-negotiable, and I turn down (optional) requests that are in conflict. I've found that people are incredibly understanding and even respond positively when you say something like "This event sounds really cool, and thanks so much for thinking of me. I actually have family obligations at home that I can't be away for, so I have a rule that I leave the office at 5pm every day. If I could make a suggestion, I think person XYZ would be great for this."

What's the best advice you ever received?

When I was a new assistant professor, a more advanced assistant professor (who shall remain nameless but is very wise) told me about the "expanding gas" theory of teaching – which is that teaching is one of these things that will expand to take up whatever amount of time you devote to it (sometimes with limited returns). It wasn't advice per se, but I think about that a lot, and it definitely informs how I approach the time I devote to, say, new lecture prep.

What's the greatest idea you've had that you don't want to do yourself?

Certainly not my idea, but something that's badly needed is a better, free tool/s to track cases across tiers of the judicial hierarchy and to connect case text to data on the judges who wrote them.

Which junior and senior persons would you like to see answer these same questions?

I'd love to see Andrew Stone and Chris Warshaw answer these same questions.

Books To Watch For

Christina L. Boyd, Paul M. Collins, Jr., and Lori A. Ringhand. **Supreme Bias: Gender and Race in U.S. Supreme Court Confirmation Hearings.** Stanford University Press, 2023. (website).

In *Supreme Bias*, Christina L. Boyd, Paul M. Collins, Jr., and Lori A. Ringhand present for the first time a comprehensive analysis of the dynamics of race and gender at the Supreme Court confirmation hearings held before the Senate Judiciary Committee. Drawing on their deep knowledge of the confirmation hearings, as well as rich new qualitative and quantitative evidence, the authors highlight how the women and people of color who have sat before the Committee have faced a significantly different confirmation process than their white male colleagues. Despite being among the most qualified and well-credentialed lawyers of their respective generations, female nominees and nominees of color face more skepticism of their professional competence, are subjected to stereotype-based questioning, are more frequently interrupted, and are described in less-positive terms by senators. In addition to revealing the disturbing extent to which race and gender bias exist even at the highest echelon of U.S. legal power, this book also provides concrete suggestions for how that bias can be reduced in the future.

James L. Gibson. **Democracy's Destruction? The 2020 Election, Trump's Insurrection, and the Strength of America's Political Institutions.** Russell Sage Foundation, May 2024. (website).

Did Trump and his MAGAites inflict damage on American political institutions via election denialism and the assault on the U.S. Capitol? While most pundits and many scholars find this a question easy to answer—in the affirmative, of course—little rigorous evidence has been adduced on Trump's institutional consequences. Until now.

That Trump and his allies failed in their attempt to subvert American democracy is the main conclusion of Gibson's recently completed book. Based on surveys of representative samples of the American people in July 2020, December 2020, March 2021, and June 2021, this analysis investigates in great detail whether American political institutions lost some of their legitimacy over this 18-month period, and whether any such loss is associated with acceptance of the "Big Lie" about the election and its aftermath or with perceptions and assessments of the January 6, 2021, attack on the U.S. Capitol. Gibson's highly contrarian conclusion is simple: try as they might (and did), Trump and his Republicans did not in fact succeed in undermining American national political institutions. The empirical evidence indicates that institutions seem to be more resilient than many have imagined, just as legitimacy theory would predict.

The empirical basis of *Democracy's Destruction?*'s conclusions is telling. Focusing on the legitimacy of the U.S. Supreme Court, the presidency, the U.S. Senate, and on American political institutions in general, the analysis

reveals that how one assessed the election, the insurrection, and even the second Trump impeachment is not much connected to willingness to extend legitimacy of American political institutions. Instead, legitimacy is grounded in more general commitments to democratic values, and support for the rule of law in particular. On most issues of institutional legitimacy, those who embraced the election lies and the insurrection fables were no more or less likely to be alienated from political institutions and therefore to withhold legitimacy from them.

Because there are many good reasons for expecting that Black people responded differently to the events of the 2020 election and its aftermath, *Democracy's Destruction?* invested heavily in African American oversamples in the surveys. Hypothesizing that Black people and White people reacted differently to the 2020 presidential election and its happenings turned out to be prescient. Not only did Gibson discover that African Americans extend less support to America's democratic institutions, but he also made some progress in understanding why. Black people are far more likely than others to have directly experienced unfair treatment by legal authorities—and even those who have not perceive that Black people as a group are typically treated unfairly. In addition, because Black people tend to support basic democratic values (such as reverence for the rule of law) less strongly than others, and, when coupling that with enhanced intergroup threat perceptions, their withdrawal of support for democratic institutions is an understandable consequence. So, while *Democracy's Destruction?* concludes that the events of the 2020 election and insurrection canards had few consequences for Americans as a whole, the effect on Black Americans was more substantial and more worrisome. When allegiance to democracy in America polarizes—as it has not by partisanship or ideology, but, rather, may well have by race and ethnicity—highly unwelcome consequences can emerge.

Did Trump and his allies undermine America's democratic institutions? *Democracy's Destruction?*'s answer is succinct:

Not yet!

While Trump's assault on American democracy is not yet over, to date, it seems to have failed miserably.

Robert M. Howard, Kirk A. Randazzo, and Rebecca A. Reid, eds. **Research Handbook on Law and Political Systems.** Edward Elgar Publishing, 2023. (website).

This Research Handbook is a multi-faceted, comparative analysis of how law and political systems interact around the world. Chapters include analyses of judicial deference, congressional support, democratic representation, politicization of courts, public support, and judicialization across multiple jurisdictions in the United States and abroad. Chapters also investigate transnational courts and the linkages between international and domestic law and politics.

Addressing these relationships from a comparative perspective, the Research Handbook illustrates how different political contexts lead to different

uses of law and how courts respond to divergent political environments. An impressive array of contributors, and the editors, examine law and political systems on a global scale through either country-specific analyses, comparative analyses, or the examination of transnational institutions.

Scholars interested in law and courts, judicial politics, the rule of law, and governance will find this Research Handbook to be a valuable resource. It will provide a helpful foundation for advanced students of both political science and law and will be a useful reference tool for judges and those operating in a judicial or political sphere.

Herbert M. Kritzer. **Litigating Judicial Selection.** Cambridge University Press, March 2024. ISBN: 9781009425476. (website).

The trope of the "litigious American" is well known, both at home and abroad. It reflects the significant political role played by law and courts noted prominently by Alexis de Tocqueville in his 1835 book *Democracy in America*, "scarcely any political question arises in the United States that is not resolved sooner or later into a judicial question." A prominent pair of political questions throughout American history is who should serve as judges and how those judges should be selected. As with other important political questions, issues concerning judicial selection have frequently become judicial questions to be decided in court. What is arguably the most famous U.S. Supreme Court case, Marbury v. Madison (1803), was in substance about the appointment process of federal judges. Since 1990 SCOTUS has issued nine decisions concerning state judicial selection and eight decisions concerning the appointment of federal judges other than those serving on Article III courts.

Litigating Judicial Selection is a comprehensive examination of judicial selection litigation throughout the history of the United States. Chapter 2 discusses over 50 cases concerning litigation over federal judicial selection Chapter 3 presents statistical patterns in over 2,000 cases concerning state judicial selection, including the temporal pattern, types of issues, court where litigated, court(s) affected, and selection system involved. Chapters 3–9 examine cases raising specific types of issues (e.g., challenges to existing system, qualifications for office, nomination of candidates, election administration, campaign finance, etc.). A relatively small proportion of cases raise issues of concern beyond the litigants involved, but a subset has wide ranging implications. The concluding chapter returns to the litigious American issue to assess the degree to which litigation over judicial selection reflects American exceptionalism. To answer this, the chapter briefly surveys similar litigation in other countries. The conclusion is that while such litigation is not unique to the United States, the volume and type of issues are unique reflecting in significant part the use of popular elections in most states to select and/or retain judges.

Stuart Streichler. **Presidential Accountability in Wartime: President Bush, the Treatment of Detainees, and the Laws of War.** University of Michigan Press, November 2023. (website).

The American presidency has long tested the capacity of the system of checks and balances to constrain executive power, especially in times of war. While scholars have examined presidents starting military conflicts without congressional authorization or infringing on civil liberties in the name of national security, Stuart Streichler focuses on the conduct of hostilities. Using the treatment of war-on-terror detainees under President George W. Bush as a case study, he integrates international humanitarian law into a constitutional analysis of the repercussions of presidential war powers for human rights around the world.

Putting President Bush's actions in a wider context, *Presidential Accountability in Wartime* begins with a historical survey of the laws of war, with particular emphasis on the 1949 Geneva Conventions and the Nuremberg Tribunal. Streichler then reconstructs the decision-making process that led to the president's approval of interrogation methods that violated Geneva's mandate to treat wartime captives humanely. While taking note of various accountability options—from within the executive branch to the International Criminal Court—the book illustrates the challenge in holding presidents personally responsible for violating the laws of war through an in-depth analysis of the actions taken by Congress, the Supreme Court, and the public in response. In doing so, this book not only raises questions about whether international humanitarian law can moderate wartime presidential behavior but also about the character of the presidency and the American constitutional system of government.

Call for Award Nominations

The Section invites nominations for its annual awards. Please submit nominations to the committee members listed below by March 1.

Best Graduate Student Paper Award Committee

Name	Affiliation	Email Address
Matthew Montgomery (Chair)	Texas Christian University	m.d.montgomery@tcu.edu
Jennifer Jacobson	Kutztown University	jacobson@kutztown.edu
Abigail Matthews	University of Buffalo	aamatthe@buffalo.edu
Alison Merrill	Susquehanna University	merrill@susqu.edu
Nicholas Waterbury	University of Illinois Springfield	nwate3@uis.edu

Best Journal Article Award Committee

Name	Affiliation	Email Address
Rachael Hinkle (Chair)	University at Buffalo, SUNY	rkhinkle@buffalo.edu
Susan Achury	Lycoming College	achury@lycoming.edu
Francesca Parente	Christopher Newport University	francesca.parente@cnu.edu
Joshua Boston	Bowling Green State University	jboston@bgsu.edu
Kira Tait	University of California Santa Cruz	kitait@ucsc.edu

Lasting Contribution Award Committee

Name	Affiliation	Email Address
Ryan Black (Chair)	Michigan State University	rcblack@msu.edu
Rebecca Gill	University of Nevada, Las Vegas	rebecca.gill@unlv.edu
Kayla Canelo	University of Texas at Arlington	kayla.canelo@uta.edu
Timothy Johnson	University of Minnesota	trj@umn.edu
Tao Dumas	The College of New Jersey	dumast@tcnj.edu

Best Conference Paper Award Committee

Name	Affiliation	Email Address
Brandon Bartels (Chair)	The George Washington University	bartels@gwu.edu
Bailey Fairbanks	University of Central Arkansas	bfairbanks@uca.edu
Elizabeth Lane	North Carolina State University	elane3@ncsu.edu
Allyson Yankle	Radford University	ayankle@radford.edu

Teaching and Mentoring Award Committee

Name	Affiliation	Email Address
Laura Moyer (Chair)	University of Louisville	laura.moyer@louisville.edu
Adam Nye	Pennsylvania State University	awn10@psu.edu
Sahar Abi-Hassan	Northeastern University	s.abi-hassan@northeastern.edu
Jonathan King	West Virginia University	jonathan.king@mail.wvu.edu
Christopher Krewson	Brigham Young University	chris_krewson@byu.edu

C. Herman Pritchett Award Committee

Name	Affiliation	Email Address
Ali Masood (Chair)	Oberlin College	amasood@oberlin.edu
Amanda Driscoll	Florida State University	adriscoll@fsu.edu
Jay Krehbiel	West Virginia University	jay.krehbiel@mail.wvu.edu
Natalie Rogol	Rhode Island College	nrogol_4540@ric.edu
Elisha Savchak-Trogdon	Elon University	esavchaktrogdon@elon.edu

Service Award Committee

Name	Affiliation	Email Address
Monica Lineberger (Chair)	University of Wisconsin-Whitewater	lineberm@uww.edu
Sivaram Cheruvu	University of Texas at Dallas	Sivaram.Cheruvu@UTDallas.edu
Amy Steigerwalt	Georgia State University	asteigerwalt@gsu.edu
Rachael Houston	Texas Christian University	r.houston@tcu.edu
Jessica Schoenherr	University of South Carolina	js122@mailbox.sc.edu

Lifetime Achievement Award Committee

Name	Affiliation	Email Address
Rorie Solberg (Chair)	Oregon State University	rorie.spillsolberg@oregonstate.edu
Jeffrey Staton	Emory University	jkstato@emory.edu
Christina Boyd	University of Georgia	cLboyd@uga.edu
Paul M. Collins, Jr.	University of Massachusetts Amherst	pmcollins@legal.umass.edu

Call for Submissions

Law and Courts Newsletter publishes articles, research notes, features, commentaries, and announcements of interest to members of APSA's Law and Courts Section. The various substantive topics falling under the umbrella of "law & courts" are welcome, as are methodological approaches from across the discipline of political science. I am particularly interested in receiving the following types of submissions:

Descriptions of Datasets. Creators of publicly-available datasets potentially useful for Section members' research or teaching may submit descriptions of their datasets. Although the datasets should be relatively new, it is acceptable for the data to have been used and described in previously published research. Submissions should describe (and link to) the dataset, give practical advice about viewing and analyzing the data, and explain how the data might be used in Section members' research or teaching (including for undergraduate student research). Submissions describing relevant software or other tools are also encouraged.

Research Notes. These submissions should be approximately 2,000 words in length (a target, not a limit), and may be theory-focused or empirics-focused. The former should present theoretical arguments relevant to law & courts literature, but need not involve concurrent empirical testing. The latter should present empirical results—including adequately powered "null results"—with only the most necessary literature review and theoretical discussion included directly. Replications and extensions are also welcome. I hope that these notes will inspire research ideas for readers, spur collaboration among Section members on projects greater in scope, and prevent duplication of effort caused by the file drawer problem (i.e., the systematic non-publication of null results).

Reviews of Recent Developments in the Literature. These submissions should be literature reviews of approximately 4,000 words focused on recent developments in active areas of law & courts research. A review should summarize and analyze recent developments in a line of research, and suggest open questions and opportunities for further research. Authors should aim their reviews at readers who research and teach in law & courts, but are not necessarily specialists in the area of research discussed. I seek such submissions particularly from graduate students, whose prospectuses, dissertation chapters, etc., may form the basis for such reviews. I hope that these reviews will provide Section members with a convenient means of keeping up with the literature across the law & courts field.

In addition, the *Newsletter* solicits research articles (including research about the Section), commentaries about the profession, proposals for symposia, and announcements (including of newly-published books) that are of interest to Section members.

Instructions for Authors

Submissions are accepted on a rolling basis. Scholarly submissions will typically be reviewed by the editor and one editorial board member. Submissions and questions about possible submissions should be emailed to lcnapsa@gmail.com. Initial submissions should be sent in PDF format and may be written in Word (LibreOffice, etc.) or TeX. Authors should follow *APSR* formatting, as described in the *APSA Style Manual*. Submissions need not be blinded. Please avoid footnotes and endnotes unless absolutely necessary, and aim for concision. Appendices are encouraged for information that is relevant but not of primary importance. Upon publication, I ask that authors consider posting replication data and code for articles involving statistical analysis.

Section members who have written books they would like to see featured should email basic information about the book, including a 1-2 paragraph description, to lcnapsa@gmail.com.

–Daniel Lempert, Editor

Newsletter and Section Information

LAW AND COURTS NEWSLETTER

Editor
Daniel Lempert, SUNY Potsdam

Editorial Board
Nancy Arrington, Cal Poly SLO
Onur Bakiner, Seattle
Ryan Black, Michigan State
Eileen Braman, Indiana
Shenita Brazelton, Georgia State
Jeffrey Budziak, Western Kentucky
Cyril Ghosh, Clark (MA) U.
Martha Ginn, Augusta U.
David Glick, Boston U.
Matthew P. Hitt, Colorado State
Ben Johnson, Florida
Chris Kromphardt, Iowa
Pedro Magalhães, U. of Lisbon
Alyx Mark, Wesleyan
Amanda Savage, Loyola-Chicago
Udi Sommer, Tel Aviv U.
Sarah Staszak, Princeton
Logan Strother, Purdue
Lydia Tiede, Houston
Sophia Wilson, SIU-Edwardsville
Claire Wofford, College of Charleston
Emily Zackin, Johns Hopkins

LAW AND COURTS SECTION

Chair
Pamela Corley, Southern Methodist

Chair-Elect
Renée Cramer, Dickinson

Secretary
Michael Nelson, Penn State

Treasurer
Susan Johnson, UNC-Greensboro

Executive Committee
Todd Collins, Western Carolina
Michael Fix, Georgia State
Taneisha Means, Vassar
Whitney Taylor, San Francisco State
Richard Vining, Georgia