



# Law and Courts Newsletter

## From the Chair: Specialized Courts: The Wave of the Future

ISAAC UNAH- UNIVERSITY OF NORTH CAROLINA - CHAPEL HILL

I am truly pleased for the opportunity to serve as Chair of the Law and Courts Section. I extend warm greetings to all our members as we close out what is, by any measure, a very turbulent and eventful year and welcome a new one. For those of you reading this who are members of the section, you know quite well that we are one of the oldest and largest sections of the American Political Science Association. This represents a strong testament of our importance to the field of political science (not that anyone harbors any doubts). In this short commentary, I want to say thank you and give a brief update on the status of specialized courts scholarship.



For the first issue of the Newsletter under my yearlong tenure as Chair, I want to take a moment to thank the extra-ordinary judicial scholars who saw the wisdom of nominating me and the magnificent selection committee, chaired by Georg Vanberg, that gave its assent for me to serve alongside a very dedicated group of scholars in the Executive Committee. APSA has confirmed that I am the first African American to serve as Chair of this great section. What an honor indeed! I know that I will not be the last.

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## Conference Notes, Transcription, and Crowd Sourcing

TIMOTHY R. JOHNSON - UNIVERSITY OF MINNESOTA

RYAN C. BLACK - MICHIGAN STATE UNIVERSITY

### Introduction

This article focuses on our NSF project: “The View from Behind the Curtain: Establishing a Database of Supreme Court Conference Note Transcriptions.” We first explain why we have decided to study the Court’s conference discussions. From there we explain how we collect our data for such an analysis. We conclude by asking you, the reader, to help us collect these data!



### Conference and Supreme Court Decision Making

Systematic scholarly accounts exist of almost every aspect of the Court’s decision making process – from agenda setting (Caldeira and Wright 1988; Perry 1991; Black and Boyd 2013), to briefing (Corley 2008; Wedeking 2010) and oral arguments (Black, Johnson, and Wedeking 2012; Johnson, Spriggs, and Wahlbeck 2006), to opinion writing and bargaining (Maltzman, Spriggs, and Wahlbeck

2000), to opinion announcements (Johnson Black and Ringsmuth 2009; Blake and Hacker 2010). The one part of the process that has been largely ignored, however, is its most secretive part – the justices’ weekly conference where they vote on agenda setting and on the merits of cases they hear.

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## Hello! From the New *Law and Courts Newsletter* Editor

AMANDA BRYAN - LOYOLA UNIVERSITY CHICAGO



I just wanted to take a moment to introduce myself. My name is Amanda Bryan and I am very excited to be taking over as the editor of the Law and Courts Newsletter. After years of laudable service, Todd Collins has stepped aside, and I think the whole section owes him a debt of gratitude. He has left a high bar for the newsletter that I can only hope this, my first issue, clears.

It took me a bit longer than I expected to get the hang of this so I hope you will forgive the slightly delayed release of this issue (you are reading a Winter issue rather than your standard Fall issue). I hope to return to the regular rotation of Spring, Summer, Fall in 2018.


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As a subfield, we must continue to embrace racial, ethnic, gender, international and orientational diversity by creating an environment that welcomes, encourages, and promotes diverse scholars and scholarship. This is essential if we are to continue growing as a vibrant subfield and prosper as an intellectual community. Like most judicial scholars, I believe that diversity is a great source of strength rather than a weakness. As such, growing our section, especially in the area of diversity, is one of my self-assigned missions as Chair. Promoting diversity will encourage adoption of new and refreshing research foci, theoretical approaches and ideas, and invariably allow us to expand our scholarship of domestic and world judicial institutions as well as substantive areas of law and policy that have heretofore been sidelined.

To that end, I would like to ask you to (1) renew your membership to the section and (2) encourage your colleagues and graduate students of law and courts to do the same. Because we all have busy schedules, a simple nudge from you to a colleague or graduate student can go a long way toward improving our membership metrics. It is through membership that we can provide a top subfield journal, the Journal of Law and Courts (edited by Kevin McGuire), the Law and Courts Listserv (moderated by Paul Collins), the Law and Courts Newsletter (edited by Amanda Bryan), among many other section-sponsored activities. We are indebted to the scholars handling these activities and I salute them for their yeoman service to our community.

One of the main jobs of the section chair is to assemble the committees of the section. I would like to thank all the dedicated colleagues who agreed to serve in the nominations and award committees for 2018. Practically every scholar I asked to serve on a committee responded positively. Thank you for your willingness to contribute our talents, experiences, and time in

service of the law and courts community. The nominations and award committees now await your nominations. We have eight award committees, ranging from the Best Graduate Student Conference Paper Award Committee to the Lifetime Achievement Award Committee. The deadline for nomination is **March 15, 2018**. The committees can be found here: 

Historically, our subfield has reflected, and has continued to reflect, the realities of political reforms that impact the study of law and courts. The study of specialized courts is a good example of this. I would like to use this opportunity to encourage greater examination of specialized courts because these courts add tremendous value and virtue to what we do as scholars.

When the reviews for my book manuscript on the role of specialized courts in U.S. trade policy implementation came in from the University of Michigan Press several years ago, I was glad the reviews were positive but I was absolutely delighted that one reviewer predicted that specialized courts are the “wave of the future”. Perhaps Larry Baum was the reviewer. After all, I was building on his pioneering work of two decades earlier on subject-matter specialization in the judiciary (Baum 1977). The reviewer encouraged the editor to publish The Courts of International Trade: Judicial Specialization, Expertise, and Bureaucratic Policymaking, subject to my agreeing to include a new chapter on the dynamics of judicial selection to specialized courts (see Unah 1998). That wave-of-the-future prediction was prescient! Approximately two decades later, I can report that the wave is echoing loudly across the ocean of judicial politics scholarship.

Judicial scholars are witnessing something of a renaissance in the development and study of specialized courts, not only in the United States but around the world.



This is all in reaction to the growing specialization of the judicial function. Here in the United States, significant new contributions are continuing to come in and I know many scholars who take special delight at that development. Witness Larry Baum's well-received major contribution of recent years, Specializing the Courts (Chicago, 2011) and the insightful and significant new book by Banks Miller, Linda Camp Keith, and Jennifer Holmes on Immigration Judges and U.S. Asylum Policy (UPenn, 2015), and a wonderful book on the United States Tax Court by Robert M. Howard entitled: Getting a Poor Return: Courts, Justice and Taxes (SUNY, 2010). There are of course numerous articles and book chapters that have been published as well as dissertations that are ongoing or have been produced on specialized courts in recent years.

In Bob Howard and Kirk Randazzo's recently published Rutledge Handbook of Judicial Behavior (2018), Ryan Williams and I contributed a chapter entitled "What is So Special about Specialized Courts?" In it, we examine the landscape of scholarship and developments surrounding specialized courts from the 1970s to the modern period in the hope of broadening our understanding of the special nature and growing functional utility of these courts. We extolled the virtues of specialized courts in our judicial system and the theoretical virtues of studying them. We included a section on the emergence of therapeutic jurisprudence in the United States, a development that some says is "by far the most exciting, most promising recent development in the law."

There are of course still many empirical questions to answer about specialized courts. In our chapter, we listed a few of these, which are excerpted here:

- Beyond fire alarms, what are the concrete mechanisms through which institutional structure makes a difference in the decisions of specialized courts? Normatively speaking, should there be greater congressional scrutiny over these courts or will this constitute a violation of separation of

powers?

- Judge Richard Posner (1983) has argued that the monotony inherent in the job of a specialized court judge will lead to overall dissatisfaction and therefore attract a lower quality of judges. We do not know if this is true. Does subject matter specialization lead to lower job satisfaction and hence lower quality of judges?
- Does therapeutic jurisprudence threaten judicial independence? In other words, does having judges work with outsiders to provide compassionate justice threaten their independence in violation of traditional sensibilities?
- Similarly, based on the analysis of Landis and Posner (1975), does the relationship between specialized courts and judicial independence lead to instability in the law because appointments, and hence decisions, reflect ideological camps?
- What are the dynamics, resources, and limitations that differentiate implementation of specialized court decisions from those of generalist courts at both the state and federal levels?" Unah and Williams (2018, 295).

Specialized courts are growing in popularity and usage and our study of them is growing right along. In that sense, it is instructive to remember the wisdom of Arthur Vanderbilt (1949) that judicial reform takes time and "is no sport for the short winded" (p. xix).

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("Conference Notes" Continued from Page 2)

While studies have focused on conference votes (Maltzman and Wahlbeck 1996; Palmer and Brenner 1995) or on discussion in small samples of cases (Knight and Epstein 1996), to date there has not been a full-scale systematic account of what transpires during these proceedings.

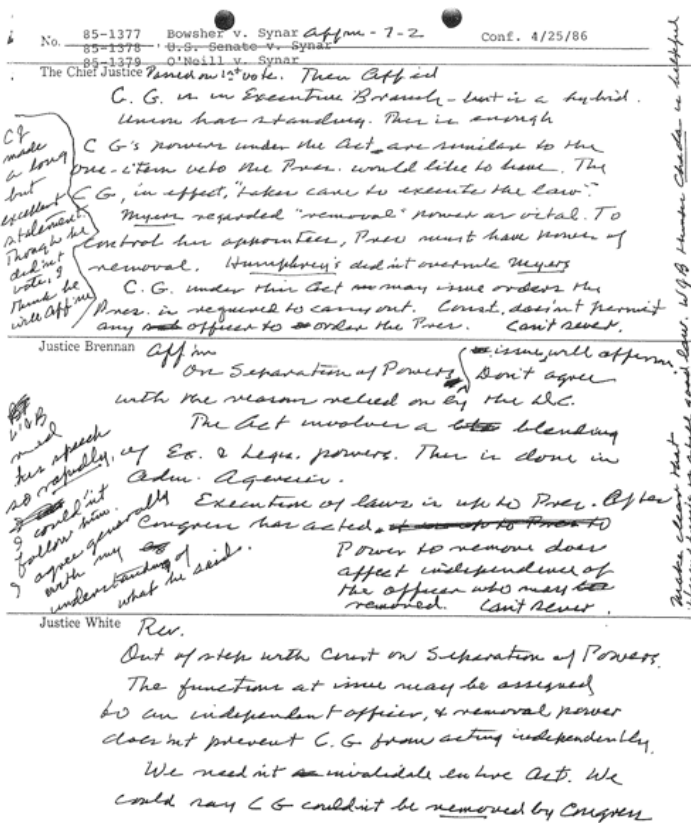
A key reason why conference has not yet received the same attention as other parts of the Court's decision making process is that only the justices take part in these meetings. Nobody else is allowed in the conference room when they discuss cases – no security, no secretaries, and no clerks. As such, at least for the contemporary Court, this means we know little about how the wheels of justice work at this stage of the process.

Despite the lacuna of available data for the current court, we can still learn much about how the Court develops law, policy, and legal standards from historical records. Indeed, many justices who retired over the past half-century left their hand-written notes of what they saw and heard transpire during conferences in which they were a participant. These notes provide insights into how the Chief Justice, who speaks first, frames the legal and policy debate, how each associate justice responds to this frame, and how the discussion about the legal and policy intricacies of a case proceeds.

Consider, for example, one of the Court's most important separation of powers cases – **Bowsher v. Synar** (1986). The first page of notes taken by Justice Lewis F. Powell reveal what transpired at the start of the meeting; we present this page in **Figure 1**.

From the notes it is clear that Chief Justice Burger presided over, and began, the deliberations. He called the case for discussion, presented his views about the issues involved, and after "passing" to

see how his colleagues would vote, he cast his vote to affirm.



**Figure 1: Powell Notes in *Bowsher v. Synar* (1986)**

From there, the remaining justices stated their views and voted in order of seniority. To wit, Justices Brennan and White spoke after Burger and each had quite a bit to say about the case – including extensive arguments about the separation of powers. They also cast their votes – Brennan to affirm the lower court and White to reverse that decision.

Of course, the level and intensity of discussion varies from case to case. In some (from the thousands of notes we have gathered), it appears the justices have very little to say – the chief presents his views and the rest simply note their agreement or disagreement with that view. In other cases, like **Bowsher**, every justice speaks about the legal issues and the ultimate decision he or she thinks the Court should make.

In general, scholars have not analyzed the downstream implications of these discussions on the Court's decision making process.

The Court's conference discussions stand out as a woefully understudied area of scholarship about how justices on the nation's highest Court makes decisions. But it is more than that they are understudied. The key is that these discussions lead to, and set up, the the opinion writing that is to come. In other words, conference is important to understand because it ultimately determines the coalitions that will form as the justices decide. Thus, we believe it is vital to understand this figurative black box in how the Court operates.

Since January, 2016, we have endeavored to accomplish this goal. Specifically, with support from the National Science Foundation (SES-1556227), we have gathered justices' notes to provide a systematic account of what transpires during the Court's conference. To date we have (with few exceptions) amassed digital copies of all notes that exist for 11 justices (almost 45,000 pages of notes). While not all of the notes provide full insights into what transpired at conference (e.g. Chief Justice Waite's notes do not have much more than votes in them) we now have ample images to begin our full transcription data collection process. Beginning in January 2018, we will commence the process of transcribing notes taken by Justices Harry A. Blackmun and William J. Brennan. While it is not the full data we possess, these papers alone provide us with almost 12,000 pages of notes spanning the 1959 to the 1993 terms and they include an estimated 3 million words of text.<sup>1</sup>

### How to Transcribe such a Large Corpus of Written Notes

The key barrier to scholars even attempting to complete this project concerns the very nature of notes justices take at conference. Indeed,

conference notes are hand-written rather than typed, which means these documents cannot simply be turned into text files using OCR technology. Bridging the gap between raw image and digital text seemed such a Herculean task. We believed it would require countless hours of human eyes and hands to decipher and transcribe the handwriting. In fact, we have actually put off this project for years (and have had multiple graduate students, including the now-editor of the Newsletter, reject it as an idea for a dissertation).

But then, almost three years ago, we happened on a group at the University of Minnesota who made us believe the task of understanding conference over time and across justices was no longer insurmountable. Since that first meeting, we have partnered with Zooniverse – an NSF-supported online citizen science organization founded in 2007. Project development at Zooniverse is overseen by a collaborative effort between the University of Minnesota, Oxford University, and Chicago's Adler Planetarium. It is the largest academic crowd-sourcing organization in operation with over 400 academic, museum, and library partners around the world. Most importantly, more than 1.3 million registered volunteers ("citizen-scientists") currently participate in dozens of projects ranging from the sciences to the humanities (see [zooniverse.org](http://zooniverse.org) to see the lineup of projects).

Workingwith Zooniverse group we created SCOTUS Notes – an interactive website that will enable the 1.3 million volunteers to transcribe and decode the conference notes data we have gathered. This platform is based on an already-existing transcription model that Zooniverse has developed for Tate Britain, in which multiple users transcribe a line of text and their responses are automatically compared using a string matrix algorithm to determine consensus.



For each transcribed line the algorithm compares users' transcriptions and, when a predetermined subset of users has produced the same transcription, the system will log this consensus as well as each user's individual transcription. There will, of course, be instances when consensus does not emerge. When this occurs, human editors, including us, our graduate students, and expert volunteers (we hope to call on some of you in the subfield), will arbitrate between various users' transcriptions and produce a final version. The purpose of the algorithm is to minimize the degree of editorial intervention, a bottleneck that is a major stumbling block to producing good data efficiently in other transcription projects. Alpha and Beta tests already confirm the viability of this process and consensus algorithm.

Fully transcribed notes will allow us to answer a variety of questions including, but not limited to, how conference discussion frames majority, dissenting, or concurring opinions, the extent to which justices discuss precedent, whether they discuss separation of powers issues, and the degree to which justices may switch votes within (during) the discussions.

Beyond our own research interests our data will be fully accessible to the scholarly community and the public. Specifically, SCOTUS Notes will allow users to see (and download) both the basic digital reproduction of the conference notes as well as the Zooniverse-generated transcriptions of them. It will also be fully searchable, both in terms of accessing a specific case (e.g., *Roe v. Wade* [1973]) or by the content of what a justice said during conference (e.g., "privacy" or "viable"). Because our data will be linked with the Supreme Court Database, users will also be able to further restrict their browsing or searching to any variable in it. For example, someone could look at all conference notes in privacy cases (issueArea= 5) or just privacy cases involving abortion rights (issue= 50020). Our ultimate

intention is that pages for each case will be linked with other available data, including case summaries, briefs, oral argument audio/transcripts, and, of course, the Court's final opinions.

We suspect the majority of users of our data will interact with them through this format. Researchers and scholars, however, are more likely to want to obtain large quantities of data that they can subsequently analyze on their own. To that end, we will also provide machine-readable text files that contain all transcribed content across the entire collection – or any user-defined subset of it.

We envision users invoking a variety of programming languages (e.g., R or Python) and computer programs (e.g., Linguistic Inquiry and Word Count [LIWC]) to parse and analyze the files using any one of a number of methods from computational linguistics (for a useful overview, see Quinn et al. 2010). These will be made available for bulk download from the SCOTUS Notes Archive. We will also generate and provide analysis-ready files that contain quantitative data about the conference data for each case (e.g., how many lines of notes were present). Users will be able to easily merge these files with other data for their specific research needs

## Conclusion

We hope to provide a resource that will allow scholars, Court watchers, and the public alike to glimpse one of the most secretive meetings that takes place in our government. It will also help fill in gaps that continued to pervade our understanding of how the nation's highest Court decides.

To do so, however, we seek help beyond the Zooniverse citizen scientist. We ask you, and your



students – undergraduates, graduates students, law students, etc. – to consider transcribing for us. We will put out calls on the listserv and in other prominent outlets as we move towards the launch of the transcription site in mid-January, 2018.

### Notes

[1] For initial transcription we only analyze notes taken on the gridded sheets provided to the justices (as in Figure 1). If they took notes on, for instance, lined legal pads, we do not include these (yet). Brennan used this latter practice until 1959.

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## C. Herman Pritchett Awardees, in Brief

ALYX M. MARK - NORTH CENTRAL COLLEGE

The tunnel vision that comes from new course preps and burrowing into my own research made Tim Johnson's email asking me to serve on the C. Herman Pritchett best book award committee all the more welcome. After all, it is not too often that we academics have the opportunity to read across our subfield in order to check in on what is happening. Working with the rest of the book committee helped me see past my slice of law and courts to a broad snapshot of all of the interesting work our community is doing.

The topics and approaches in this year's list of nominees provided a wonderful demonstration of the diversity in our subfield. As a committee, we read books on state, national, and international courts, civil and criminal justice, formal and informal legal actors, and the role of legal institutions – all across a wide range of research settings. The nominated books also utilized a wide variety of theoretical and empirical perspectives, extended theory in unique ways, asked new types of research questions, and used novel data collection and analysis strategies to answer those questions. The winning and honorably mentioned books for 2017 exemplified the diversity of the law and courts field.

Ezequiel González-Ocantos' winning book, [Shifting Legal Visions: Judicial Change and Human Rights Trials in Latin America](#), examines the mechanisms underlying legal actors' (judges, prosecutors) choices to pursue, investigate, and successfully litigate cases against human rights violators. González-Ocantos highlights the role of non-governmental organizations in shifting the preferences of state actors by introducing them to international human rights law, providing those



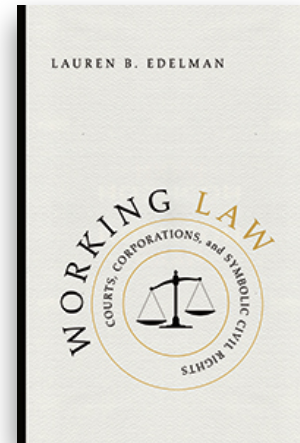
actors with the tools needed to engage in these complex cases, and ousting judges and prosecutors who were not receptive to human rights claims. Selecting Argentina, Peru, and Mexico as his cases, González-Ocantos compares the strategies of NGOs across the countries to the responsiveness of their judiciaries to human rights claims. He finds strong evidence in support of his argument. In Argentina and Peru, NGO efforts in targeting judges and prosecutors with the aforementioned strategies were effective in increasing the judiciary's responsiveness to human rights claims. On the other hand, in Mexico the efforts were much more disorganized, and as a result, were ineffective in bringing about favorable outcomes. The committee thought that González-Ocantos book provided a rigorous analysis of transitional justice processes in Latin America, and provides a theoretical framework that stands to be valuable for future studies of institutional change.

Lauren Edelman's book, [Working Law: Courts, Corporations, and Symbolic Civil Rights](#), examines the relationship between workplace diversity policies and the development of employment discrimination law after the passage of the Civil Rights Act of 1964. Edelman suggests that these policies, while largely ineffective means for rectifying workplace inequalities (and minimally compliant to the Act

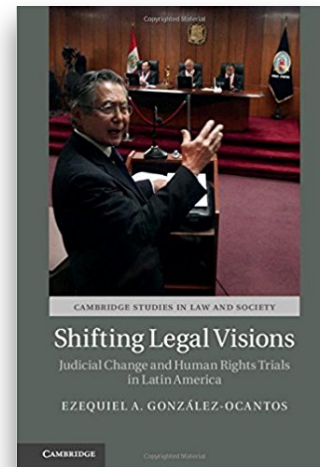
itself), are valuable artifacts that judges defer to in employment discrimination cases.

This deference occurs, Edelman argues, because employers shape and advance their desired meaning of ambiguous discrimination law through the policies and procedures they create. She analyzes this phenomenon with a comprehensive observational study including surveys of organizations (over 350), interviews with human resources professionals (over three decades), and content analysis of human resources journals and judicial opinions. The committee thought that Edelman's contributions, which will serve scholars working in the interdisciplinary area of law and society, merited an honorable mention for the Pritchett Award.

In sum, serving on the Pritchett Award committee with Bethany Blackstone, Paul Nolette, and Rachel Schutte – with Susan Haire as our well-organized and incredibly thoughtful chair – was a great opportunity. I saw a glimpse of the range of work by the members our field, broadened my own horizons, and overstaffed a bookshelf.



Edelman, Lauren B. 2016. *Working Law: Courts, Corporations, and Symbolic Civil Rights*. University of Chicago Press.



González-Ocantos, Ezequiel A. 2016. *Shifting Legal Visions: Judicial Change and Human Rights Trials in Latin America*. Cambridge University Press.

## Better Get to Know a Law and Courter

RYAN C. BLACK - MICHIGAN STATE UNIVERSITY

I'm pleased to introduce what I hope will be the first of a many-part series that I'm initially calling "Better Get to Know a Law and Courter." The premise is pretty simple. There are lots of us and it would be a good idea to get to know one another better. It's inspired (read: copied) from series like the *New York Times*' "By the Book" and *Life-hacker*'s "How I Work." In case those are new to you, do go check them out (but only after you read this!). I hope to interview one junior and one senior scholar in each edition. My sincere thanks to both Lee Epstein and Matt Hitt, for agreeing to be guinea pigs for this feature. If you have other ideas for questions you'd like people to answer (or suggestions for a catchier name), please let me ([rcblack@msu.edu](mailto:rcblack@msu.edu)) know! – RCB

### MATT HITT

COLORADO STATE UNIVERSITY



Matt Hitt is Assistant Professor of Political Science at Colorado State University. He earned his Ph.D. in political science from the Ohio State in 2014. Visit his website:



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

I took a roundabout path to political science. I started my undergraduate education majoring in theater. I performed in at least one play or musical per year, every year, between the ages of 3 and 24,

only stopping when I entered graduate school. This background informs my teaching style to this day, for better or for worse. In college at Colorado State, I cast about for a second major, with a vague notion of improving my employability. I tried English, Psychology, and Journalism, before landing in Criminology. I met my wife Jen during this time; she lived next door to me in our dormitory.

I came to realize that I wanted to go into academia, and the questions I really wanted to answer were the kinds of questions some political scientists (well, not reviewer 2) cared about. At Colorado State, I took a graduate seminar in American Politics with Kyle Saunders, solidifying my desire to pursue a Ph.D. I subsequently did so at Ohio State. Under the direction of my advisor, Greg Caldeira, as well as Larry Baum, Jan Box-Steffensmeier, William Minozzi, and Michael Neblo, I graduated in 2014. After two great years as an assistant professor at LSU, an opportunity arose to return to my home state and alma mater. I'm now in my second year back at Colorado State as an assistant professor.

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

I was a tour guide at a Budweiser brewery in college; that was a pretty good gig. Something with public speaking or performing would be up my alley. I also worked in college admissions for a little bit, and the student affairs side of higher education has also always interested me. Maybe I'd be a manager of student organizations or residence life. Or maybe I'd write that cookbook I've had in my mind for a year or so now but don't have a free second to work on. (Keep reading for my famous chili recipe!)



**What are you working on now?**

I'm excited about a few projects right now (in the old fox/hedgehog trope, I'm all fox). Kathleen Searles (LSU) and I have measured the extent to which the broadcast media influences perceptions of the Supreme Court by using the same "game frame" language we see employed to discuss electoral politics. We're looking at the effect of this framing on diffuse and specific support for the Supreme Court. Daniel Lempert (SUNY Potsdam), Jeff Budziak (Western Kentucky) and I are in the process of text-analyzing the writing quality, broadly defined, of the majority opinions of every case cataloged in Don Songer's Circuit Courts of Appeals database; we have a few papers using those data in the works. Finally, Michael Zilis (Kentucky), Nick Davis (Texas A&M Public Policy Research Institute) and I are looking at the linkages between citizens' evaluations of police brutality and their trust in and support of national institutions like the Supreme Court. I really like this last project as a scientist, but that's definitely the most depressing thing I work on these days.

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

Riker's *Liberalism Against Populism* is a classic I take down and read with some regularity these days. Sitting on my shelf now is *Game Theory and the Humanities*—a really interesting work that doesn't fit neatly into any boxes. Brams' analysis of incomplete information in Hamlet is particularly engaging.

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

There's so much good stuff out there these days. Linos and Twist's 2016 (*Journal of Legal Studies*) study of the media, public opinion, and the Supreme Court is quite interesting. Michael Zilis' recent book *The Limits of Legitimacy* speaks to a similar topic very well. Blake, Hacker, and Hopwood's 2015 *Law & Society Review* piece on law clerks and cert petitions is one I've added to my teaching in the last year. Anderson, Cottrell, and Shipan have a working paper, "The Power to Appoint: Presidential Nominations and Change on the Supreme Court" that I came across recently and really enjoyed.

And I just read with interest Michael Nelson and Rachael Hinkle's forthcoming *Justice System Journal* article on how opinion content impacts legal development. I recommend them all.

**What's your workspace setup like?**

One big desktop with a large monitor, mini fridge and microwave, pot for making coffee and tea. Fidget spinner, magic wand, and slinky on the desk. My desk is open through the middle, so I'm usually working with my legs resting on a chair on the opposite side. It is not clean.

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

R, Stata, LaTeX of course. I will shout out a few R packages in particular: dplyr, igraph, strucchange, Matching, and rbounds are all terrific and very useful.

The Hemingway app double checks the readability and active voice of text; it's a great resource for writing. I also like Translator's Abacus Word Count software; it does quick and dirty word counts of PDF files, which I find I need all the time.

I use Digg Reader to keep up with journal updates and blog posts. Journals without RSS feeds (looking at you APSR) need to get with the program.

### **What do you listen to while you work?**

Damion Suomi (a criminally unknown singer/songwriter), The Young Dubliners, Dixieland Jazz, rock and roll from 1970–2000 or so, Broadway showtunes (Rent, Hamilton, Spring Awakening among the best). Also Flo Rida.

### **Favorite research and teaching hacks?**

The best hack is to co-author with smart and hard-working people, and I've been lucky enough to connect with a number of terrific collaborators. Never stop applying for grants. Trying to explain my projects in one short paragraph or page to non-specialist audiences always forces me to boil down why what I'm doing is interesting and important, or realize that I can't articulate that yet and need to read and think more. Rarely, there's even money at the end!

I distribute index cards to my students at the beginning of every class; at the end, they return their card with a comment on what they didn't understand or found really surprising/interesting that day. I lead off the next session by clarifying murky points or elaborating on what they liked from the previous class. Really helps with comprehension and engagement in my experience. I expect one could do this digitally too, but I'm already curmudgeonly and don't want to change.

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

Watching Jeopardy is a near-daily ritual. I really enjoy cooking for my family. Unlike research, it gets done quickly and there's immediate feedback. I also love taking my kids (Teddy, 3 and a half, and Caroline, 8 months) to the great parks near the foothills here. When it won't wake up said-kids, I play the guitar.

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

I will go out on a limb and say my red chili is the best I've ever eaten. The secret: Brown a pound of 80/20 ground chuck in bacon fat. Drain most of the grease. Add lots of cumin and chili powder (fresh ground if you can, but really who has time), and some smoked paprika, chipotle powder, and black pepper. I never measure spices. Just add and taste and adjust. Saute for a minute. Then add a few cloves of minced garlic. Saute for a minute. Then add a whole chopped white onion. Saute for a few minutes until mostly softened. Then, hit it with some fish sauce (yes, really) and Worcestershire sauce. Stir. Deglaze with one bottle + 1/4 tsp. beer. What you do with the leftover beer is your business. Use a lager or amber/red ale. Then stir in a whole jar of tomato salsa. I like Trader Joe's hot chipotle salsa. Season again with chili powder, chipotle powder, cumin, salt and pepper to your taste. I often add a good tablespoon or two of a hot sauce like Chipotle Tabasco or Crystal at this point. Simmer for about 30 minutes. Then add a can of kidney beans; don't drain or rinse them. Taste for seasoning again. Simmer for another 30 minutes. Taste again, season with salt, pepper, hot sauce as needed. Serve topped with shredded cheddar cheese, finely minced white onion, and sour cream.

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

Time management and saying no. I'm working on it.

**What's the best advice you ever received?**

I have two wonderful and supportive parents without whom I wouldn't be where I am today. They never stopped encouraging me to pursue the best education I could, even if it meant quitting a job I liked and starting over more than 1,000 miles away.

As a result, I've moved around the country and had to start over socially a fair amount. Back when I first left home for college, my dad told me that, if I wanted to make friends, I should always say yes when someone invited me to do something for the first time. If I really really couldn't do it, then suggest an alternative time or activity. I repeat this advice with embarrassing regularity because it's so good.

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

I have a folder full of things I either don't know enough to do, don't have the resources to do, or don't have the time to do. One project that fits all three categories involves randomly assigning the creation of a local newspaper (staffed by earnest j-school students) to a small town that didn't have one, and comparing its citizens' political knowledge, ideology, and behavior to either a control town or synthetic control of many towns in the state/region. I thought it'd be a great way to study the effects of local media and the its associated political coverage.

**Is there anything else you'd like to add that might be interesting to readers?**

If you're not sick of me by now, I tweet @matthewhitt. Incidentally, I share my name with a Welsh singer and model who dated the star of Fifty Shades of Grey. If you should happen to Google my name, I advise including my middle

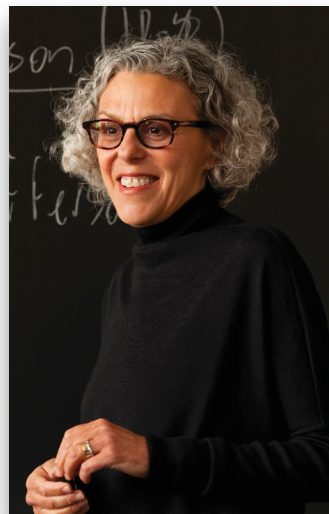
initial for best results.

**Fill in the blanks: I'd love to see \_\_\_ (junior person) and \_\_\_ (senior person) answer these same questions.**

Alyx Mark, Allison Harris, or Shane Gleason and Larry Baum answer these same questions.

**LEE EPSTEIN**

WASHINGTON UNIVERSITY IN ST. LOUIS



Lee Epstein is Ethan A.H. Shepley Distinguished University Professor at Washington University in St. Louis. She earned her Ph.D. in political science from Emory University in 1983. Visit her website:

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

Because I was pretty clueless about what would interest me, I tried to take a course in every department at Emory, where I went to college. (With the exception of Physics, I think I succeeded.) It turned out I loved Sociology: the questions, theories, and methods. Had it not been for Harvey Klehr's course on modern political theory and Tom Walker's on constitutional criminal procedure ("Defendants' Rights"), I'd probably be a sociologist today.

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

If not a sociologist, probably a journalist, or graphic designer.

**What are you working on now?**

Working on: lawyers in the U.S. Supreme Court, partisan identity in judging, case selection, data infrastructure for comparative analysis, and – as always – the next iterations of Constitutional Law for a Changing America and the U.S. Supreme Court Database. Thinking about: the effect of non-rational factors on judicial behavior, prediction v. causal inference in empirical legal research.

**Books on your office shelves people may be surprised by?**

Considering my response to the last question, maybe not so surprising: Donald Green, Bradley Palmquist, & Eric Schickler, Partisan Hearts & Minds; Daniel Kahneman's Thinking, Fast and Slow; Herbert Simon, Administrative Behavior.

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

Oh, that's a very long list. Recent additions include: Diego Werneck Arguelhes & Ivar A. Hartmann, "Timing Control without Docket Control: How Individual Justices Shape the Brazilian Supreme Court's Agenda", Henrik Litleré Bentsen, "Court Leadership, Agenda Transformation and Judicial Consensual Norms. Evidence from the Supreme Court of Norway"; David Carlson & Jacob Montgomery, "A Pairwise Comparison Framework for Fast, Flexible, and Reliable Human Coding of Political

Texts"; Leslie F. Goldstein, The U.S. Supreme Court and Racial Minorities; Daniel Martin Katz, "Law on the Market? Abnormal Stock Returns and Supreme Court Decision-Making"; Gary King, Patrick Lam, & Margaret Roberts, "Computer-Assisted Keyword and Document Set Discovery from Unstructured Text."

**What's your workspace setup like?**

Neat, clean, and organized, though filled with photos and souvenirs. No coffee machine, refrigerator, or microwave but a fabulous desk chair.

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

Anything that delivers music. I can't work without it.

**What do you listen to while you work?**

Another long list – Broadway/standards, classical, jazz, '70s disco. I'm not that particular.

**Favorite research and teaching hacks?**

I'm not sure it's very efficient but: work, work, and then work some more. For teaching and talks throw in: prepare, prepare, prepare.

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

Extreme activity (e.g., hiking in the French Alps) and extreme inactivity (e.g., binge-watching Game of Thrones).



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

Because I love (almost) all aspects of the job, working hard is easy.

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

Meetings. If you feel the same, I recommend "Can You Keep Your Meeting to Five Minutes?" Wall Street Journal, November 7, 2017.



**What's the best advice you ever received?**

"Universities are places where learning never stops." I owe my career to that advice, though, oddly, I can't remember who gave it to me (Micheal Giles? John Sprague? Jim Stimson?).

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

Because many of my "great" ideas on paper haven't worked out so well in practice, I hesitate even to speculate!

**Is there anything else you'd like to add that might be interesting to readers?**

To give back to the academy – and avoid the fall into obsolescence – I intend to retire by 70.

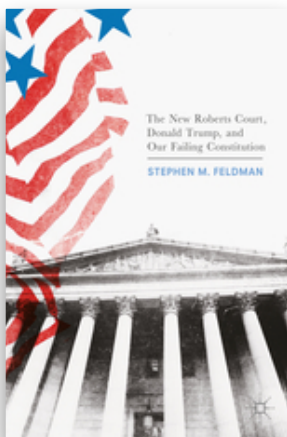
**Fill in the blanks: I'd love to see \_\_\_ (junior person) and \_\_\_ (senior person) answer these same questions.**

Maya Sen because I don't know her well but admire her work. Jeff Segal, my BFF, because he's charming and witty – and delightfully quirky.

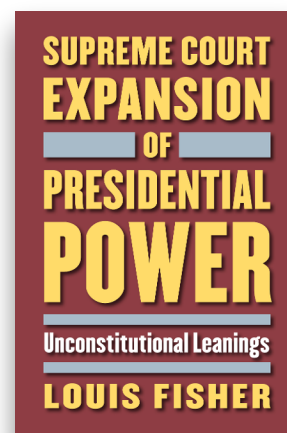
## Books to Watch For

DREW LANIER- UNIVERSITY OF CENTRAL FLORIDA

Stephen M. Feldman (University of Wyoming) has published [The New Roberts Court, Donald Trump, and Our Failing Constitution](#) (Palgrave Macmillan, ISBN 978-3319564500). “This book traces the evolution of the constitutional order, explaining Donald Trump’s election as a symptom of a degraded democratic-capitalist system. Beginning with the framers’ vision of a balanced system—balanced between the public and private spheres, between government power and individual rights—the constitutional order evolved over two centuries until it reached its present stage, Democracy, Inc., in which corporations and billionaires wield herculean political power. The five conservative justices of the early Roberts Court, including the late Antonin Scalia, stamped Democracy, Inc., with a constitutional imprimatur, contravening the framers’ vision while simultaneously claiming to follow the Constitution’s original meaning. The justices believed they were upholding the American way of life, but they instead placed our democratic-capitalist system in its gravest danger since World War II. With Neil Gorsuch replacing Scalia, the new Court must choose: Will it follow the early Roberts Court in approving and bolstering Democracy, Inc., or will it restore the crucial balance between the public and private spheres in our constitutional system?”



Louis Fisher (of the Congressional Research Service), has authored [Supreme Court Expansion of Presidential Power: Unconstitutional Leanings](#) (University of Kansas Press, ISBN 978-0700624676). In the work, Fisher argues that beginning with [Curtiss-Wright](#) in 1936, followed by the Nazi saboteur case of 1942, the Japanese-American cases of 1943 and 1944, the Reynolds state secrets case of 1953, and, more recently, the Jerusalem passport case of 2015, the Supreme Court has regularly inflated presidential power in national security affairs by relying on erroneous dicta (the sole-organ doctrine in [Curtiss-Wright](#)), deference to executive assertions even when misleading and false (the Japanese-American cases), a failure to look at a key document even in camera (the B-29 accident report in Reynolds), and the [Zivotofsky II](#) decision in 2015, which although it finally jettisoned the sole-organ doctrine came up with a substitute that greatly magnifies independent presidential power in external affairs.”



("Hello" Continued from Page 2)

For the Spring issue, the editorial board has made a lot of really wonderful suggestions. To that end, I would like to solicit a personal request for anyone who might want to tackle an article on any of the following subjects: highlights from the Midwest Political Science Association Annual Meeting, a forum on teaching Law and Court during the Trump Presidency, novel issues and problems raised by current Administration, or a substantive research piece.

Let me also take a moment extend a thank-you to the members of the editorial board who have already been so helpful. I would also like to take this opportunity to ask you, the section, for your help. Since this was my first issue, I am still getting my sea legs and I welcome any and all feedback you have on this issue so I can make improvements to the upcoming Spring issue. Please email me with any thoughts to [Amanda.Clare.Bryan@gmail.com](mailto:Amanda.Clare.Bryan@gmail.com)

Thanks, and enjoy!

field are encouraged.

Footnote and reference style should follow that of the American Political Science Review. Please submit your manuscript electronically in MS Word (.docx) or compatible software and provide a "head shot" photo. In addition to bibliography and notes, a listing of website addresses cited in the article with the accompanying page number should be included.

### Symposia

Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

## INFORMATION FOR CONTRIBUTORS

### General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. Law and Courts publishes three editions a year (Fall, Summer, and Spring). Deadlines for submission of materials are: April 1 (Spring), July 1 (Summer), and November 1 (Fall). Contributions to Law and Courts should be sent to the editor:

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### Articles, Notes, and Commentary

We will be glad to consider articles and notes concerning matters of interest to readers of Law and Courts. Research findings, teaching innovations, release of original data, or commentary on developments in the

### Announcements

Announcements and section news will be included in Law and Courts, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when possible. Finally, authors should notify BOOKS TO WATCH FOR EDITOR, Drew Lanier, of publication of manuscripts or works that are soon to be completed.

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