

# PL SC 476: “Empirical Legal Studies”

Spring 2021

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Tuesdays and Thursdays, 4:30 p.m. - 6:00 p.m. ET

Via Zoom, at <https://psu.zoom.us/j/98985581152>

## Course Description

The tools of social science affect both how scholars understand the workings of the judicial system and how lawyers practice law. This course engages students in the empirical study of law and the courts. It provides them with the substantive knowledge, and statistical and analytic skills they need to understand both (1) how social scientists use empirical evidence to make inferences about laws, judges, and legal institutions and (2) how statistical (and other empirical) methods are used in legal practice. Through the course, students will undertake statistical analyses and learn how to present these analyses to nontechnical audiences, such as jurors, employers, and the general public. The course begins with an overview of the social scientific study of law and the courts, and then investigates a series of topics, including how social science and empirical evidence are used to make legal claims and establish legal standards, to provide a context for judicial decisions, and to litigate cases.

This course is a Data Intensive course recommended for Bachelor of Science (BS) students in Political Science and for Social Data Analytics (SoDA). PLSC 309 or STAT 200 are required prerequisites for this course.

All course materials (including this syllabus) will be available on a dedicated Github repo, which can be found at: <https://github.com/PrisonRodeo/PLSC476-SP2021-git>. Throughout this syllabus, hot links are in [Penn State Blue](#).

## Texts

### Required:

Epstein, Lee, and Andrew D. Martin. 2015. *An Introduction to Empirical Legal Research*. New York: Oxford University Press.

Other readings as assigned, available on the course [github repository](#).

### **Recommended (i.e., potentially useful):**

Agresti, Alan, and Barbara Finlay. 2008. *Statistical Methods for the Social Sciences*, 4th Ed. Upper Saddle River, NJ: Prentice-Hall.

Crawley, Michael J. 2013. *The R Book*, 2nd Ed. New York: Wiley.

Daalgaard, Peter. 2008. *Introductory Statistics With R*, 2nd Ed. New York: Springer.

Everitt, Brian S., and Torsten Hothorn. 2015. *A Handbook of Statistical Analyses Using R*, 3rd Ed. Boca Raton, FL: Chapman & Hall.

Maindonald, John, and John Braun. 2013. *Data Analysis and Graphics Using R: An Example-Based Approach*, 3rd Ed. New York: Cambridge University Press.

Verzani, John. 2014. *Using R For Introductory Statistics*, 2nd Ed. Boca Raton, FL: Chapman & Hall.

Note as well that there are many, many books (and other resources) for learning data analysis and visualization, statistics, and/or R.

### **The Teaching Assistant**

[Tyler Suman](#) is the teaching assistant for PLSC 476. He is a Political Science Ph.D. candidate who specializes in international relations and comparative politics, and in statistics and data science. He will serve as a “first line of defense” in the course: He can assist you with course material, software and programming issues, and other matters related to the course work. He can be reached via e-mail at `wts5131 [at] psu [dot] edu`.

### **Grading**

For this course, grades will be assessed based on two broad categories:

- Four research modules / short papers (15% each)
- Either:
  1. A take-home final examination, or
  2. A course paper / project (40%)

More information regarding examinations, the course project / paper, and the scope and nature of the research modules and final examination will be presented in class and available on the course github repo. The instructor reserves the right to change the distribution of percentages across

course components as necessary. Students unable to complete the final exam at the scheduled times must obtain permission to do so **prior to the exam / due date** so that alternative arrangements may be made.

While course grades will not include a “class participation” component, classroom engagement and participation is essential to the success of this class.

## Some Other Useful Resources

The **Inter-University Consortium for Political and Social Research** (ICPSR), at the University of Michigan, maintains an extensive archive of data in the social and behavioral sciences. Much of it is accessible via their homepage (<http://www.icpsr.umich.edu>).

The **Comprehensive R Archive Network** (CRAN) (<http://cran.r-project.org/>) is the place to go for downloads, packages, and documentation. Similarly, the **Stata<sup>TM</sup>** homepage (<http://www.stata.com>) is a valuable resource for questions about **Stata** statistical software.

The **Dataverse Project**, and in particular the **Harvard Dataverse**, is a free, open-source repository for data and replication code from published and unpublished empirical work in the natural, physical, social, and behavioral sciences.

## Obligatory Statement on Academic Integrity

Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at The Pennsylvania State University, and all members of the University community are expected to act in accordance with this principle. Consistent with this expectation, the University’s Code of Conduct states that all students should act with personal integrity, respect other students’ dignity, rights and property, and help create and maintain an environment in which all can succeed through the fruits of their efforts.

Academic integrity includes a commitment by all members of the University community not to engage in or tolerate acts of falsification, misrepresentation or deception. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of work completed by others.

In cases of any violation of academic integrity it is the policy of the Department of Political Science to follow procedures established by the College of the Liberal Arts. More information on academic integrity and procedures followed for violation can be found [here](#).

## **Obligatory Statement on Accommodations for Disabilities**

Penn State welcomes students with disabilities into the University's educational programs. Every Penn State campus has an office for students with disabilities. Student Disability Resources (SDR) website provides contact information for every Penn State campus ([here](#)). For further information, please visit the Student Disability Resources website ([here](#)).

In order to receive consideration for reasonable accommodations, you must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation: See documentation guidelines [here](#). If the documentation supports your request for reasonable accommodations, your campus disability services office will provide you with an accommodation letter. Please share this letter with your instructors and discuss the accommodations with them as early as possible. You must follow this process for every semester that you request accommodations.

## **Obligatory Statement on Counseling and Psychological Services**

Many students at Penn State face personal challenges or have psychological needs that may interfere with their academic progress, social development, or emotional wellbeing. The university offers a variety of confidential services to help you through difficult times, including individual and group counseling, crisis intervention, consultations, online chats, and mental health screenings. These services are provided by staff who welcome all students and embrace a philosophy respectful of clients' cultural and religious backgrounds, and sensitive to differences in race, ability, gender identity and sexual orientation.

Counseling and Psychological Services at University Park (CAPS)

(<http://studentaffairs.psu.edu/counseling/>): 814-863-0395

Counseling and Psychological Services at Commonwealth Campuses

(<http://senate.psu.edu/faculty/counseling-services-at-commonwealth-campuses/>)

Penn State Crisis Line (24 hours / 7 days/week): 877-229-6400. Crisis Text Line (24 hours / 7 days/week): Text LIONS to 741741.

## **Obligatory Statement on Educational Equity and Reporting Bias**

Penn State takes great pride to foster a diverse and inclusive environment for students, faculty, and staff. Consistent with University Policy AD29, students who believe they have experienced or observed a hate crime, an act of intolerance, discrimination, or harassment that occurs at Penn State are urged to report these incidents as outlined on the University's Report Bias webpage (<http://equity.psu.edu/reportbias/>).

## Course Schedule

Daily reading assignments are listed for each class session. Note that reading assignments are listed according to the day on which the subject matter will be discussed; they should therefore be read prior to that date.

### I. Some Preliminaries

#### January 19: Course Introduction

- No readings assigned.

#### January 21: Review of the R Language

- No readings assigned.

#### January 26: Review: Data Analysis and Statistics

- Review material from PLSC 309 / STAT 200, and/or chapters 2, 3, and 6 of Epstein and Martin (2015).
- Groeneveld, Richard A., and Glen Meeden. 1977. “The Mode, Median, and Mean Inequality.” *The American Statistician* 31(3):120-21.
- Nagler, Jonathan. 1995. “Coding Style and Good Computing Practices.” *The Political Methodologist* 6(2):2-8.

#### January 28: Review: Data Visualization

- Agresti, Alan, and Barbara Finlay. 2008. *Statistical Methods for the Social Sciences*, 4th Ed. Upper Saddle River, NJ: Prentice-Hall. pp. 31-38.
- Fox, John. 2008. *Applied Regression Analysis and Generalized Linear Models*, 2nd Ed. Newbury Park, CA: Sage Publications. pp. 28-50.
- Epstein and Martin (2015), Chapters 10 and 11 (review quickly).

### II. Judges, Courts, and Judicial Institutions

#### February 2: Overview of Empirical Research on Judicial Politics

- Epstein and Martin (2015), Chapter 1.

#### February 4: Introduction to Judicial Decision-Making

- Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press. Chapter 1.

### **February 9: No Class - Wellness Day**

### **February 11: Practicum: Finding and Working With Court Data**

- No readings assigned.

### **February 16: Judicial Behavior: Personal Attributes**

- Tate, C. Neal. 1981. "Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions." *American Political Science Review* 75(June):355-67.
- Glynn, Adam, and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *American Journal of Political Science* 59:37-54.

### **February 18: Practicum – Personal Attribute Models**

- No readings assigned.

### **February 23: Political Ideology and Judicial Behavior**

- Segal, Jeffrey A., and Albert Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83:557-65.
- Segal, Jeffrey A., Lee Epstein, Charles M. Cameron, and Harold J. Spaeth. 1995. "Ideological Values and the Votes of U.S. Supreme Court Justices Revisited." *Journal of Politics* 57:812-23.

### **February 25: Practicum – Political Ideology and Judicial Behavior**

- No readings assigned.

### **March 2: Precedent and Legal Influences**

- Segal Jeffrey A. 1984. "Predicting Supreme Court Cases Probabilistically: The Search and Seizure Cases, 1962-1981." *American Political Science Review* 78:891-900.
- George, Tracey, and Lee Epstein. 1992. "On the Nature of Supreme Court Decision Making." *American Political Science Review* 86:323-37.
- Segal, Jeffrey A., and Harold J. Spaeth. 1996. "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices." *American Journal of Political Science* 40:971-1003.

### **March 4: Practicum – Legal Influences**

- No readings assigned.

### **March 9: Digression: So You Want To Go To Law School?**

- The LSAC's Panglossian Summary of Law School Admissions.
- ABA-disclosed "509 reports," bar passage information, and employment data.
- The xtranormal version.

### **March 11: No Class – Wellness Day**

### **March 16: Courts and Public Opinion**

- McGuire, Kevin T., and James A. Stimson. 2004. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics* 66:1018-35.
- Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. 2014. "Judicial Selection and Death Penalty Decisions." *American Political Science Review* 108:23-39.

### **March 18: Practicum – Courts and Public Opinion**

- No readings assigned.

### **March 23: Courts and the Separation of Powers**

- Epstein, Lee, Jack Knight, and Andrew D. Martin. 2001. "The Supreme Court As A Strategic National Policy Maker." *Emory Law Journal* 50:583-611.
- Clark, Tom. 2009. "The Separation of Powers, Court-Curbing and Judicial Legitimacy." *American Journal of Political Science* 53:971-89.

### **March 25: Practicum – Courts and the Separation of Powers**

- No readings assigned.

## **III. Empirical Analysis and Legal Practice**

### **March 30: Legal Education**

- Marks, Alexia Brunet, and Scott A. Moss. 2016. "What Predicts Law Student Success: A Longitudinal Study Correlating Law Student Applicant Data and Law School Outcomes." *Journal of Empirical Legal Studies* 13:205-265.

- Sheldon, Kennon M., and Lawrence S. Krieger. 2004. “Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being.” *Behavioral Sciences and the Law* 22:261-286.
- Also: [Play around with this](#).

#### **April 1: Practicum – Legal Education**

- No readings assigned.

#### **April 6: Law Firm Hiring**

- Ginsburg, Tom, and Jeffrey A. Wolf. 2004. “The Market for Elite Law Firm Associates.” *Florida State University Law Review* 31:909-963.

#### **April 8: Legal Careers**

- Monahan, John, and Jeffrey Swanson. 2019. “Lawyers at the Peak of Their Careers: A 30-Year Longitudinal Study of Job and Life Satisfaction.” *Journal of Empirical Legal Studies* 16:4-25.

#### **April 13: Legal Practice – Criminal Law**

- Dressel, Julia, and Hany Farid. 2018. “The Accuracy, Fairness, and Limits of Predicting Recidivism.” *Science Advances* 4: no. 1.
- Lin, Zhiyuan “Jerry,” Jongbin Jung, Sharad Goel, and Jennifer Skeem. 2020. “The Limits of Human Predictions of Recidivism.” *Science Advances* 6: no. 7.

#### **April 15: Practicum – Criminal Law**

- No readings assigned.

#### **April 20: Legal Practice: Civil Litigation**

- “[Electronic discovery](#)” at Wikipedia (yes, you read that right).
- The [EDRM process](#) (poster)
- Kinsey, Casey. 2020. “[The Role of Machine Learning in Legal Discovery](#).” *Lofty Labs blog*.
- Dale, Robert. 2018. “[Law and Word Order: NLP in Legal Tech](#).” *Towards Data Science blog*, December 15, 2018.

#### **April 22: Practicum – Civil Litigation**

- No readings assigned.



**April 27: The Law Business**

- Chambliss, Elizabeth. 2019. “Evidence-Based Lawyer Regulation.” *Washington University Law Review* 97:297-350.<sup>1</sup>

**April 29: Catch-Up, Wrap-Up, and Review**

- No readings assigned.

**May 5: Final Exams / Projects Due**

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<sup>1</sup>If you like this, you should also read Renee Newman Knake (2018) “The Legal Monopoly,” *Washington University Law Review* 93:1293-1337, and Gillian Hadfield (2008), “Legal Barriers to Innovation,” *Regulation* Fall:14-21.