LAW & COURTS NEWSLETTER

NEWSLETTER OF THE LAW & COURTS SECTION
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Note from Section Chair

Richard Pacelle, University of Tennessee

Greetings.

I am honored to serve as Chair of the Law & Courts section this year. I hope to pass the reins to my successor (Lisa Holmes) in person at the Law & Courts Business Meeting in Montreal with everyone in attendance. The last two years have been very difficult for everyone and (although a minor annoyance in the general scheme) it has been impersonal to have to use Zoom. It has deprived us of the opportunity to congratulate our award winners and thank those who guided the ship through the difficult straits.

In the interest of time and space, I cannot thank everyone and congratulate everyone who richly deserve praise and gratitude (and I would forget someone who should not be overlooked) over the last two years. Let me briefly single out a couple of the "lifetime" or "career" awards from the last two years. Congratulations to Greg Caldeira and Leslie Goldstein (Lifetime Achievement Award). Congratulations to Jennifer Bowie and Carol Nackenoff, the Teaching and Mentoring Award winners. And to Paul Collins and Rebecca Reid for the Section Service Awards.

We also want to thank Lee Walker (Treasurer), Jarpa Dawuni, Virginia Hettinger, and Doug Rice who served for 2–3 years and have rotated off the Executive Council. The Section and I (in particular) owe Susan Burgess an enormous debt of gratitude. She was very gracious in helping with the transition. Sadly, that means I have to own the errors. I wish we could have given them all the applause they deserved in person.

Over the next few weeks, I will be contacting many of you to ask you to serve on one of the committees. I hope that you will help our section by agreeing to serve. My father turned 93 a few weeks ago. In his 80s a decade ago, he decided he needed a computer. He could not do too much more than play Solitaire, read newspapers, and follow sports scores. But if a dog talks, you don't worry if the dog makes grammatical mistakes. One thing my father apparently did learn was how to block my emails. I mention this because I hope you will not block mine in fear of being asked to serve on a committee.

And by the way, no need to wait. If you want to serve, let me know. And if there are issues you would like us to address, feel free to contact me (rpacelle@utk.edu) or anyone else on the Executive Committee or any of the Section Officers.

Note from Newsletter Editor

Daniel Lempert, SUNY Potsdam

I am happy to present Volume 31, Number 1 of *Law and Courts Newsletter*. This issue features an important piece by Michael Bailey about how taking a historical perspective can inform our assessment of ideal point estimates' validity, as well as Ryan Black's interviews with Miles Armaly and Jennifer Bowie.

I appreciate the vote of confidence from the *Newsletter* editor selection committee—Christine Harrington, Ellen Anderson, Cornell Clayton, Laura Hatcher, and Jeff Lax—as well as assistance from Susan Burgess, outgoing section chair, and Rich Pacelle, section chair. I also thank outgoing editorial board members Lee Epstein, Tim Johnson, Drew Lanier, Laura Moyer, Todd Peppers, Kirk Randazzo, Eve Ringsmuth, and Michael Tolley, continuing editorial board members Ryan Black, Martha Ginn, Matt Hitt, Alyx Mark, and Claire Wofford, and new board members Nancy Arrington, Onur Bakiner, Eileen Braman, Shenita Brazelton, Jeff Budziak, Cyril Ghosh, David Glick, Ben Johnson, Chris Kromphardt, Pedro Magalhães, Amanda Savage (outgoing editor), Udi Sommer, Sarah Staszak, Logan Strother, Lydia Tiede, Sophia Wilson, and Emily Zackin for their willingness to serve. Remarkably, every person I asked to serve on the board—at the end of a terribly exhausting academic year, no less—agreed to serve; this, I think, speaks volumes about our section. I would also like to thank Justin Esarey for passing along some formatting tips.

A few words about changes. Starting with this issue, editorial board members have taken on an expanded role in assessing scholarly submissions: each such submission is reviewed by at least one board member, as well as the editor. The wide range of interests represented on the board will, I hope, ensure that all authors get valuable feedback about their submissions. I also aim to make the *Newsletter* a viable venue for scholarship that advances the discipline, but is not in a format typically published by journals: short research notes, descriptions of datasets, and critical overviews of literature. Michael Bailey's article in this issue is an exemplar of the type of work I hope to see in future issues. A complete call for submissions is included on p. 21. I welcome comments and questions at lcnapsa@gmail.com.

The Historical Roots of Judicial Ideology Measures

Michael A. Bailey, Georgetown University

Academics are like artisans: the quality of our work depends on the materials and tools we use. Therefore we spend what may seem to outsiders like an inordinate amount of effort thinking about the tools we use to collect data, measure concepts and test theories. For judicial scholars, our shop-talk about tools often covers ideology. It is a topic that is hard to avoid. Often justices act in ideological blocks to advance policy goals. Other times, justices surprise us, with conservative justices siding with liberals or vice versa. But even then, ideology looms large in the conversation.

The academic literature offers a variety of tools to measure ideology. Making sure the tool matches the objective will be important to ensure that the final product is high quality. While much of the discussion about ideology measures is technical (see, e.g., Bailey, 2017), in this note I push for a more historical approach. The various measures explicitly and implicitly embed strong historical claims. The tool we pick should reflect history as we understand it.

The historical roots of ideological measures are particularly clear in two cases. Examining the historical record relative to these cases reveals instances in which widely used ideology measures build in unrealistic—and sometimes quite surprising—characterizations of the historical record.

Ideological Change

Many observers of the courts are interested in the historical evolution of court ideology, often focused on the movement of the Supreme Court median in ideological space over time. There are two major approaches: Martin and Quinn (2002) scores and bridge-based measures from Bailey that incorporate information about non-court actors and cases as discussed below (Bailey, 2007, 2013).

Martin and Quinn scores are based on a subtle assumption about the history of the court. They rely only on votes on Supreme Court cases, meaning that the estimated ideal points of justices will move to the right as we observe more conservative votes from them.

There are, however, two reasons we could observe more conservative votes. Yes, justices may vote conservatively more often because they have moved to the right. But they also may vote more conservatively if the ideological dividing lines on the cases that make it to the court have moved to the left. Student testing is similar: suppose we see students score much higher on a final exam this year compared to last year. This outcome could be caused either by the students being better or the exam being easier. Looking only at votes will not distinguish between these two sources of change. We need some

additional information: suppose we knew that the final exam was harder this year, then higher student scores would indicate improved ability.

The Bailey bridge-based ideology measures build in the possibility that court dockets may shift over time. They therefore incorporate additional information that is informative about potential movement of the docket and ideology. On the case level, we sometimes know a conservative vote on one case reflects more conservative ideology than on another case. For example, upholding the death penalty for 16 year olds is more conservative than upholding the death penalty for 18 year olds. Or we may know that the docket on specific cases on abortion has shifted so that we may be able to say, for example, that someone who votes to uphold Texas's ban on abortion would also have been conservative on *Roe*. The bridge approach incorporates this information by requiring the model to estimate case cutpoints that reflect the historical record on a relatively small, but nonetheless meaningful subset of cases where the relative ideological implications of cases can be ascertained.

On the justice level, we often observe justices taking positions on cases from other years, which helps us pin their contemporary preferences down relative to previous dockets. In terms of our analogy, such information is akin to including questions from the midterm on the final. Using item-response measurement theory, this is essentially the approach used in standardized testing, enabling test scores to be comparable across students who took different tests.

Figure 1 shows the Supreme Court medians produced by the two approaches. They are on different scales, so presented in separate panels. The scores are generally similar, but sometimes differ in interesting ways. Martin and Quinn scores suggest the court moved to the right in the mid to late 1960s, something that does not show up in the bridged estimates. Martin and Quinn scores move dramatically to the right in the early 1970s, pushing the court median close to its most conservative place in the post-war era. During this period the Court was generally considered rather liberal and produced two famously liberal (and important) decisions, *Roe v. Wade* (1973) and *Furman v. Georgia* (1972). The Martin and Quinn scores also suggest that the court spent the rest of the Burger years moving firmly to the left. In the Bailey Bridge scores, the court moves to the right in the early 1970s but was still relatively moderate and remained there for the rest of the Burger Court. The contemporary court in Martin and Quinn scores is quite moderate in historical context; in the Bailey Bridge Scores the court median is relatively conservative in historical context.

Inter-Institutional Comparisons

Many scholars seek to understand the courts in their broader constitutional context (see, e.g., Clark, 2009; Bailey and Maltzman, 2011; Cottrell, Shipan and Anderson, 2019). Do the courts influence or constrain Congress and the president? Or do the Congress and president influence the courts? When are lower courts likely to follow guidance from the Supreme Court?
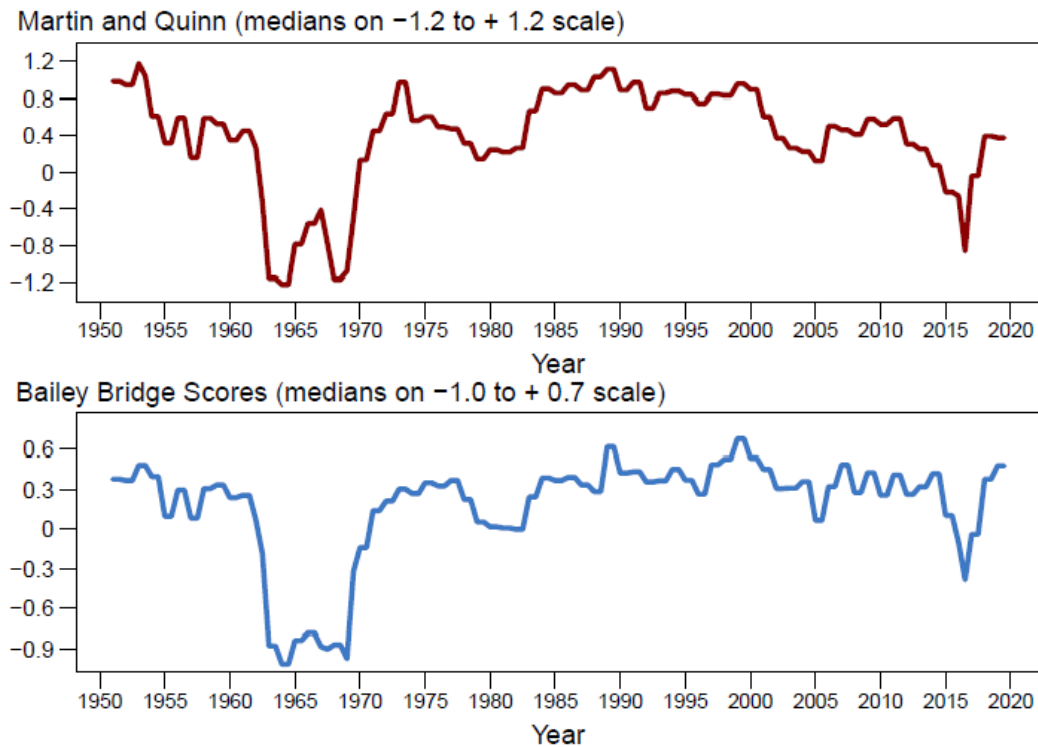
Figure 1. Supreme Court medians over time

An important task in addressing these questions is measuring judicial preferences across court levels and relative to congressional and presidential preferences. This is clearly difficult: these are separate institutions operating in their own spheres. How can we compare preferences across these institutions with a common metric?

Two prominent measures use Poole and Rosenthal's (1997) NOMINATE first dimension ideology scores as a main input. Giles, Hettinger and Peppers (2001) assign to lower court judges the average Poole and Rosenthal Common Space first dimension ideology of their home-state U.S. senators at the time of their appointment if the senators are of the same party as the president. If the home-state senators and president are of different parties, the judge is assigned the Poole and Rosenthal Common Space first dimension ideology of the appointing president.

Epstein et al. (2007) assume that the Supreme Court justices appointed when the president was not constrained by the Senate (as defined by Moraski and Shipan (1999)) have the ideology of the appointing president. They calibrate Martin and Quinn Supreme Court measures to the Common Space based on these appointments and then combine these scores with the scores from Giles, Hettinger and Peppers (2001) to produce Judicial Common Space (JCS) scores that cover the Supreme Court, lower federal courts, Congress and presidents. The Giles, Hettinger and Peppers (2001) and Epstein et al. (2007) measures have proven very popular in the discipline: each paper has
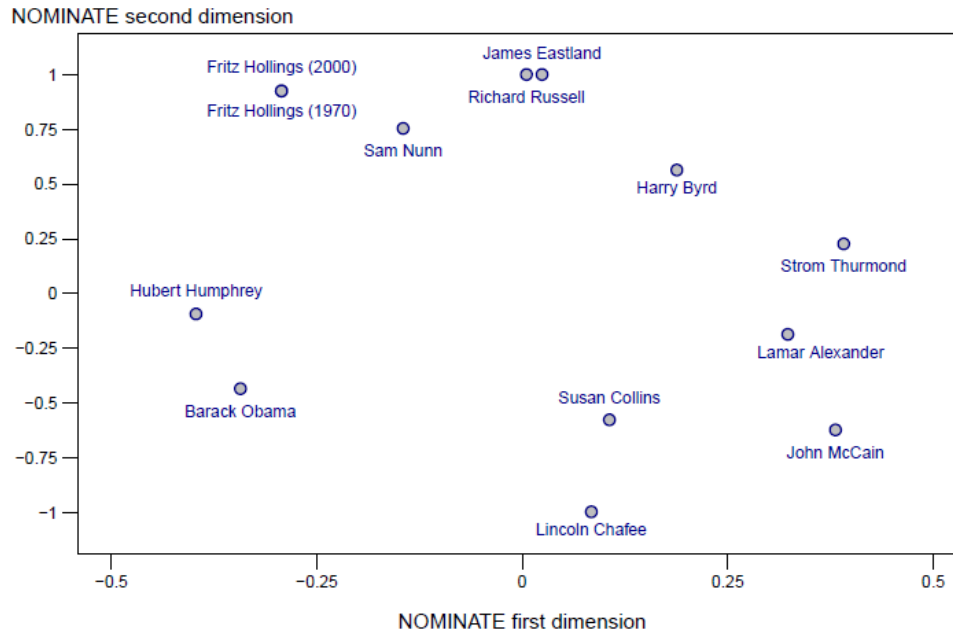
Figure 2. NOMINATE Ideal Points

more than 500 citations in Google Scholar.

These papers' use of first dimension NOMINATE scores is understandable in the sense that scores were designed to capture the most variation in congressional voting; that's why they are the *first* dimension scores, after all.

In historical terms, however, using first dimension NOMINATE scores is perilous. During the civil rights era (roughly 1950 to 1975), race was central to court politics. Cultural issues such as crime (wrapped up in race, to be sure) and expression were also important. All these issues were more related to Poole and Rosenthal's second dimension than the first dimension. If we use the NOMINATE first dimension, our preference measures will not be those relevant to the court.

Looking at specific individuals makes it clear how historically questionable using first dimension scores to model the politics of the court is. Figure 2 plots two-dimensional NOMINATE ideal points for selected senators (Bailey, 2021*b*). For each senator, the x-axis reflects their first dimension NOMINATE ideology and the y-axis reflects their second dimension NOMINATE ideology.

The moderation of segregationists such as Eastland and Russell on the first dimension is striking. They, and many of their contemporaries, represented a harshly racist view of the world; they were no less conservative on crime and culture. Since race, crime and cultural issues dominated the court's docket in the civil rights era, it is simply untenable to consider them as moderate vis-a-vis the court. Yet, this is precisely what Judicial Common Space scores do.

It is useful to confront just how bad it was. On race, Senator Eastland (D-

MS) was no moderate even for the low standards of the time, stating in the *Congressional Record* "I assert that the Negro race is an inferior race. . . . I know that the white race is a superior race . . . responsible for all the progress on earth" (DeParle, 2004, 32, citing *Congressional Record* 79th Congress, June 29, 1945).

Problems multiply if we want to make comparisons over time. The first dimension NOMINATE scores of modern moderate Republicans such as Lincoln Chafee and Susan Collins are *more conservative* than segregationists like Russell and Eastland. John McCain and Lamar Alexander are *much* more conservative than the segregationist senators in first dimension NOMINATE ideology.

Perhaps the solution is to use the NOMINATE second dimension. Unfortunately, doing so is problematic, as well, especially if we want to make comparisons across time. The NOMINATE second dimension preferences of moderate Democrats like Sam Nunn and Fritz Hollings look like the segregationist senators. The second-dimension NOMINATE scores for Chafee and Collins are more liberal than Hubert Humphrey and Barack Obama. McCain is to the left of Obama on the NOMINATE second dimension, as historically unconvincing as the implication from using the first dimension that McCain was to the right of the segregationists.

In addition, these NOMINATE scores are static, which doesn't seem historically accurate. For example, even though it seems questionable that Senator Hollings of 1990 was as ideologically conservative as he was in 1970, this is what the NOMINATE Common Space data suggest.

Bridge Ideal Points

The bridging approach to measuring ideology attempts to ground ideological measures in historical reality (Bailey, 2021*b*). In general terms, the bridging approach seeks to instantiate the critiques above. For example, above we noted that Senator Hollings in the 1990s was likely more liberal than Senator Hollings of the 1970s. We have several sources of information: in the late 1960s, Hollings advocated for conservative outcomes in school desegregation cases such as *Swann*, actions that contrasted with his support in the 1980s for liberal outcomes in employment discrimination cases such as *Patterson* and his praise for the *Brown v Board of Education* decision.

In addition, Hollings' positions sometimes contain information that facilitates more direct comparisons. Hollings voted in favor of the 1991 Civil Rights bill, legislation that was clearly more liberal than the Civil Rights Act of 1964 opposed by the segregationists in the 1960s. In the bridging approach, this fact becomes a data point suggesting that Hollings in 1991 was in fact more liberal than Senator Eastland was in 1964 given that Eastland voted against the 1964 bill.

The bridging model includes thousands of pieces of information about the relative ideological location of roll call votes and cases and about the positions
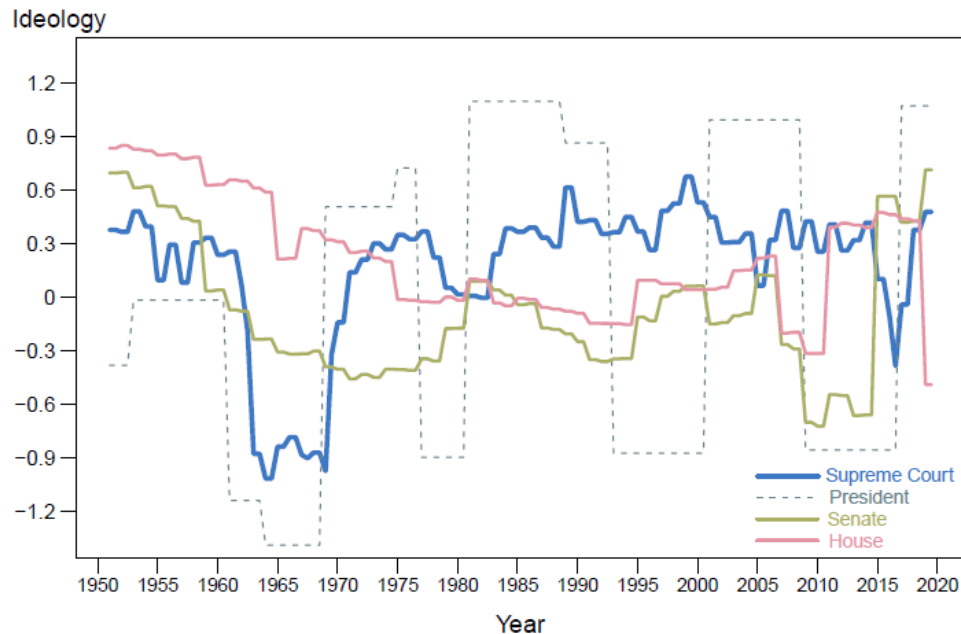
Figure 3. Institutional preferences over time

taken by justices and politicians on issues that arose earlier. It is therefore is less likely to produce measures that conflict with obvious historical facts. Using the most recent results, we can revisit the tasks of comparing preferences over time and across institutions. The full results are available at https://michaelbailey.georgetown.domains/bridge-ideal-points-2020/.

Figure 3 presents the estimated preferences of the presidents and the medians in the Supreme Court, House and Senate. Generally the court median is in the space spanned by the other medians.

Figure 4 shows the Bridge Ideal Points for selected senators over time. The segregationists are the most conservative. Segregationist senators who remained in Congress moderated over time. Obama is clearly to the left of McCain. Moderate Democrats such as Hollings and Nunn started quite conservative, but moved steadily to the left, a pattern consistent with their eventual support of the 1991 Civil Rights Act, for example. Moderate Republicans like Chafee started quite liberal, but moved to the middle.

These problems are stark for the civil rights era. They may be tempered for more recent eras. In the contemporary era, NOMINATE scores have other challenges, among them that they imply Representative Ocasio-Cortez is one of the most conservative members of the Democratic caucus (Bailey, 2021a).

Conclusion

Few scholars and observers of the courts can avoid discussing the courts in ideological terms. Even the most optimistic legal purist would have to agree
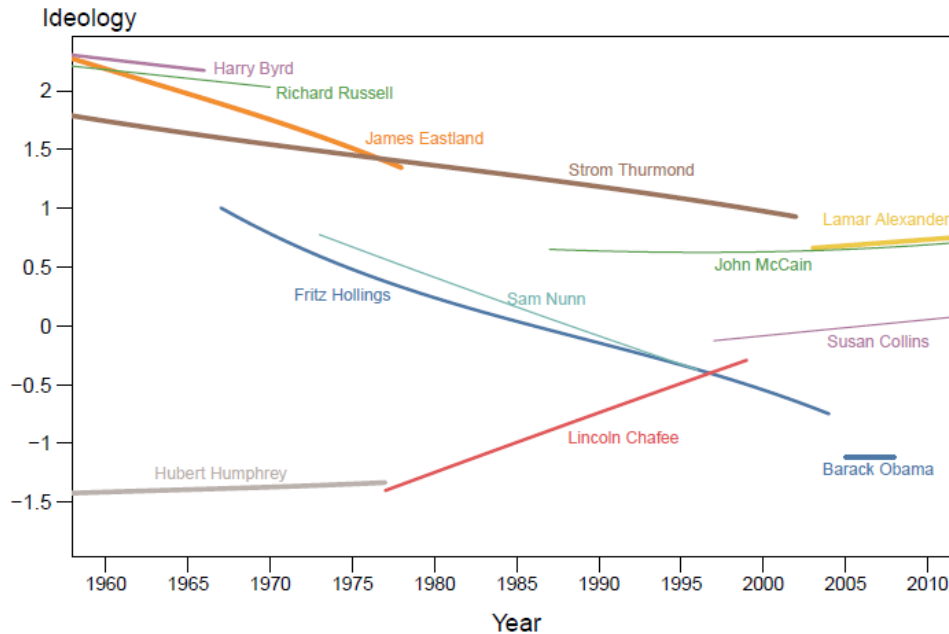
Figure 4. Ideal points for selected senators

that, at a minimum, much of what the courts do *looks* ideological.

As scholars, our comparative advantage in ideological discourse about the courts is the quality of the tools we use. Much of the discussion of the tools used to measure ideology is technical—and rightfully so, given the many statistical challenges inherent in measurement of abstract concepts.

But the discussion should not be purely technical. As scholars we know a lot about the history of the court and its place in the American political system. And we should not be shy about demanding that our measures are consistent with history.

Two prominent approaches to estimating preferences have historically questionable roots. The Martin and Quinn model assumes an ideologically constant docket from year to year, meaning that some of the dramatic shifts in their ideology scores could actually be due to docket changes as much as to ideological changes.

The historical roots of JCS scores are more problematic. By using the first dimension of Poole and Rosenthal NOMINATE scores, the measures build on an assumption that the ideological divide was one where the most racist politicians were in fact moderate. That is simply not how the politics of the courts worked during the civil rights era. When aggregated, these measures do not always seem historically problematic, but once we've investigated the inputs, it is hard to have confidence in the outputs.

No measure of ideology for court actors will be perfect, especially as we ask it to cross time periods and institutions. But at a minimum, we should

push for the development of measures that are historically defensible.

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Better Get to Know: Jennifer Bowie

Interviewed by Ryan C. Black, Michigan State

Jennifer Bowie is Associate Professor of political science at the University of Richmond (website). She earned her PhD in Political Science from the University of South Carolina in 2008.

Tell me a little about your background and how you got to where you are today.
After graduating college, I knew I wanted to move to California and that I wanted to work in government. So, I packed up my car and drove across the country to San Diego. Within a few months, I began working at the United States Attorney's Office for the Southern District of California as the Law Clerk and Adjunct Attorney Coordinator. This will blow your readers' hair back, the San Diego USAO had a program where recent law graduates would work as a SAUSA—the adjunct attorney program—(Special Assistant United States Attorney), which was a **non-paid** position for one year. This adjunct attorney program was ultra-competitive because of the immense amount of courtroom experience attorneys would receive in federal court. It always surprised me how many people would apply to the program, go through the FBI background check, and willing to work for free for a whole year (and most SAUSAs had a similar caseload of the paid AUSAs). What I loved most about this job was learning about the courts, judges, attorneys, and all the behind-the-scenes processes, so naturally, going to graduate school was the next logical step.

If you weren't a political scientist, what would you be instead? Probably a lawyer or a hairstylist, at least that is what my third-grade self would have told you.

What are you working on now? Currently, I am working with Ali Masood (Rhodes College) on an NSF-funded project that explores the dynamic relationship between the courts of appeals and the Supreme Court in Canada, the United Kingdom, and the United States. I am also working on a couple of projects with Elisha Savchak (Elon University) on state supreme court influence on U.S. Supreme Court opinions.

Best book on your office shelves people may be surprised by?
This will be of no surprise to people that know me, but the best book on my shelf right now is "Conversations with RBG Ruth Bader Ginsburg on Life, Love, Liberty, and Law" by Jeffrey Rosen. I have probably read it five times now and always learn something new.

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

I LOVE all the work that is being done on the gender influences and impacts on oral arguments and confirmation hearings. I especially like Tonja Jacobi's and Dylan Schweers's 2017 piece "Justice Interrupted" and Shane Gleason's work on gender and oral arguments. I also cannot speak highly enough of the work done by Christina Boyd, Lori Ringhand, and Paul Collins on the role of gender and race in court confirmation hearings. Last year when I taught my senior seminar on judicial decision making my students thought the Adam Glynn's and Maya Sen's (2015) piece on judicial empathy and having daughters was the coolest piece of research we read in class. In fact, as an in-class impromptu project, we collected the child data for most of the justices, going back to Hugo Black to see if we could uncover similar trends on the Court. They really had fun analyzing the daughter SCOTUS data. We found, *very preliminarily*, that justices with daughters voted more liberally in gender cases even after controlling for ideology.

What's your workspace setup like?

My campus office is very nice and large. I have six tall windows that face out to a beautiful garden, called the Five Lion Garden (there are five hidden lion statues throughout the garden). I have a large wooden desk with dual monitors and lots bookshelves. My office also has various photos of my two Dalmatians (the students love the pictures of them surfing—yes, for real, I have surfing dogs) and pictures of student group trips to the U.S. Supreme Court.

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

Aside from the more traditional technology answers you might expect, I honestly love a good old-fashioned legal pad. There is nothing like writing out one's ideas on a pad of paper. My preferred writing instrument is the LePen Drawing Stylo in either .5 or .3.

What do you listen to while you work?

At my campus office usually nothing, but at home, I will have the news on in the background.

Favorite research and teaching hacks?

I like to incorporate podcasts and oral argument clips from oyez.org—especially if they add that extra context in whatever readings or cases we are covering. My students really like learning and listening about some of the insider stories of the cases that we read. This isn't a favorite research hack, but making research time a very deliberate priority, especially when the semester starts, Otherwise teaching, service, and endless meetings can quickly eat up all your time and energy.

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

I usually start my day with a workout and I love the Peloton app. I have probably taken every one of Robin's Arzón's spin classes and she will definitely help you forget about work—she does not mess around (and if you are thinking about work, you are not doing it right). I have been trying to make a better effort not to work on the weekend, but that isn't always possible. But if I am successful, my husband and I love to play golf or do some fun hikes with the dogs. And my ultimate recharge is a vacation at the beach.

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

I'm really good at waking up early. My secret is my two Dalmatians, who are also very good at waking up early. Every. Single. Day.

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

This should come as no surprise but juggling all the service demands, especially when I was editor of the *Law and Politics Book Review*. I have tried to be better about setting realistic limits, but it can be hard to say no.

What's the best advice you ever received?

Do not respond or write an email when you are angry. A cool off period can pay off more than you know.

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

This is classified, Ryan! But I would love to see oral argument research done on the U.S. Courts of Appeals. And could someone convince the courts to make PACER automatically free to everyone?

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

I have met seven Supreme Court justices. Several years ago I attended the Ninth Circuit Judicial Conference in Maui, Hawaii. One afternoon, I happened to be relaxing at the pool and out of the corner of my eye I see several judges walk up the waterslide stairs. Watching the judges come down the waterslide one by one with a look of absolute glee on their faces was one of the best parts of the conference. I'll never tell you who they were though.

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

Junior persons: Ali Masood and Elizabeth Lane.
Senior persons: Gbemende Johnson, Susan Johnson, and Elisha Savchak.

Better Get to Know: Miles Armaly

Interviewed by Ryan C. Black, Michigan State

Miles T. Armaly is Assistant Professor of Political Science at the University of Mississippi (website). He earned his PhD in Political Science from Michigan State University in 2017.

Tell me a little about your background and how you got to where you are today.
Even as a young kid I always said I was going to be a judge. I'm not sure why, but it seemed like an admirable career path. In college I was a political theory and constitutional democracy major, I clerked at law firms, and worked in the state executive, legislature, and for a lobbying firm. I was checking all the right boxes for a career in government. But I also had a lingering sense that there were more attorneys than open jobs (which is a silly concern in hindsight, having pursued the academy). Instead of becoming a judge, I had a vague interest in studying them. But I had never taken a political science class; I didn't know that judges had been well-studied for decades and that many of my questions had already been answered. I consider myself lucky that my graduate education was well-rounded enough that I was able to piece together a research agenda with the help of many excellent mentors, including the editor of this very section of the newsletter.

If you weren't a political scientist, what would you be instead?
If I were still in the academy, I'd probably be a social psychologist. That was the backup plan when I was applying to political science programs, as it was my second major in college. This is, perhaps, no surprise to those familiar with my research—I draw a lot of inspiration from social psychologists in my work on mass attitudes.

Otherwise, I think I'd be a butcher. It seems like a great way to get discounts on expensive cuts of meat, and is an in-demand job in many communities.

What are you working on now?
I have many irons in the fire. I'm working on a project about the perception of rights and liberties among the mass public, and how that translates to various attitudes and orientations, including toward the federal judiciary.

I am also working on a project that seeks to determine why and when the Supreme Court alters the flexibility of legal doctrine.

Best book on your office shelves people may be surprised by?
An Introduction to Legal Reasoning by Edward Levi. Doesn't quite mesh with the empirical approach to understanding judges, but it's a good read.

What's some good work other than your own that you've read recently and would recommend?
I like Michael Zilis' new book on how group attitudes influence support for the Supreme Court. Andy Stone (and others) recently published something on descriptive representation and support for the Court (I have long been interested in the concept of judicial representation). I'm looking forward to seeing work by Christine Bird on the influence of the Federalist Society in nominations. I've also been reading a lot of criminal justice research on policing.

What's your workspace setup like?
I have the giant iMac, the fancy desk chair, the white board, and more desk space than I can use. I face the door with my computer covering much of my face and leave the lights off in an effort to remain hidden and make my office uninviting. Socializing is best done in others' offices, and I don't care for the lights in my office (they're too bright).

My space is fairly spartan (perhaps an homage to my alma mater), adorned with only a single photograph of my pet hedgehog, Leopold. After 4 years, I finally brought a handful of books to sit on the shelves, but only because I ran out of room at home.

What apps, software, or tools can't you live without?
The Boomerang email application, which you can use to resend emails to yourself after a specified time (e.g., in 4 hours from now or 2 hours prior to a meeting). Nowadays, most email clients have similar options, so I've moved on, but I can't live without that function.

Noise canceling headphones are critical when doing undesirable tasks (and for airplanes). I'm so ready to be distracted when, for instance, doing a journal review that I need to reduce stimuli.

What do you listen to while you work?
If I am writing, music has to be instrumental. Any of the lofi hip hop beats are excellent for concentrating; there are plenty on YouTube. Cool jazz and bebop playlists tend to be good, especially for a more upbeat mood.

If I'm not writing, it's usually Springsteen, Talking Heads, or Steely Dan. The familiarity helps with productivity.

Favorite research and teaching hacks?
Find somebody you write with well. I once thought the purpose of co-authorship was to split the workload, but I have since realized it is much more than that. Co-authorship can be a hindrance, so finding somebody that makes the entire process smoother and the end product better is a huge help.

I don't think I have any teaching hacks? I can wait out an uncomfortable silence much longer than the students can. Maybe that's a hack.

How do you recharge? What do you do when you want to forget about work?
Short term recharging, grocery shopping and cooking. Long term recharging, travel.

What everyday thing are you better at than everyone else? What's your secret?
I make a fantastic improvised soup. If it's late and I'm hungry and there's not much to eat in the house, whatever I do have is about to become soup.

The secret? Salt.

What's your biggest struggle in being a faculty member? How do you try to address it?
The same struggles all faculty members have—time management, saying no, and work/life balance. I try to recognize others have these struggles too, and I try to remember that being a faculty member is my job, not my life.

What's the best advice you ever received?
Productivity should be measured as outputs, not inputs. It's better to write one page than write for 4 hours. It applies well beyond academic pursuits, too.

What's the greatest idea you've had that you don't want to do yourself?
It's a long list. I'm a lazy data collector, so most of them would require long/arduous data collection. There is a lot about administrative courts/judges that I'm interested in, but don't have a good place to start.

Is there anything else you'd like to add that might be interesting to readers?
Follow me at @MilesArmaly for my infrequent and not-very-hot takes.

Which junior and senior persons would you like to see answer these same questions?
Alex Badas and Amy Steigerwalt.

Books To Watch For

Stephen M. Feldman. **Pack the Court! A Defense of Supreme Court Expansion**. Temple University Press, 2021. (website). The Press is offering a 30% discount code: T30P.

Should the Democrats pack the Supreme Court if and when they have the opportunity? *Pack the Court* answers this crucial question with a historical, analytical, and political argument. A standard criticism of court packing is that it will undermine the Court's legitimacy by injecting politics into a purely legal adjudicative process. But history reveals that Congress has previously changed the size of the Court for political purposes. Moreover, politics has influenced the nomination and confirmation of justices starting with the George Washington administration. Equally important, an analysis of Supreme Court adjudication reveals that law and politics always intertwine in judicial interpretation and decision making. Politics, in sum, has always infused the Court's makeup and adjudicative process, so the Court's legal-judicial purity is mythical. Finally, two key political points suggest the Democrats should pack the Court now or in the near future. First, a conservative bloc of justices controls the Roberts Court and has consistently issued extremely conservative decisions. Second, Democratic court packing in these circumstances is unlikely to weaken the American people's faith in the Court. If anything, the people's belief in the Court will be strengthened.

Morgan Marietta (ed.), with contributors Paul Baumgardner, Josh Blackman, Jennifer Bowie, Cornell Clayton, Brett Curry, David Dana, Richard Garnett, Katy Harriger, Ron Kahn, Andrea Katz, Carol Nackenoff, Julie Novkov, Meg Penrose, Howard Schweber, Steve Simon, and Maureen Stobb. **SCOTUS 2021: Major Decisions and Developments of the US Supreme Court** Palgrave Macmillan, 2021. (website).

This fourth volume in Palgrave's *SCOTUS* series describes, explains, and contextualizes the landmark cases of the US Supreme Court in the term ending 2021. With a close look at cases involving key issues and debates in American politics and society, *SCOTUS 2021* tackles the Court's rulings on voting rights, Obamacare, LGBT rights, climate change, college sports, property rights, separation of powers, parole for youth offenders, free speech, immigration, religious liberty, and more. Written by notable scholars in political science and law, the chapters in *SCOTUS 2021* present the details of each ruling, its meaning for constitutional debate, and its impact on public policy or partisan politics. Finally, *SCOTUS 2021* offers an analysis of the legacy of Justice Ruth Bader Ginsburg.

Alpheus Thomas Mason and Donald Grier Stephenson, Jr., **American Constitutional Law: Introductory Essays and Selected Cases**. 18th edition. New York: Routledge, 2022. (website).

The book is a collection of background essays coupled with Supreme Court case excerpts designed to explore constitutional law and the role of the Supreme

Court in its development. Grounded in both theory and politics, the book endeavors to heighten students' understanding of this critical part of the American political system.

Mark Fathi Massoud. **Shari'a, Inshallah: Finding God in Somali Legal Politics.** Cambridge University Press, 2021. xviii+390pp. $34.99/£26.99 paperback. (website).

Western analysts have long denigrated Islamic states as antagonistic, even antithetical, to the rule of law. Mark Fathi Massoud tells a different story: for nearly 150 years, the Somali people have embraced shari'a, commonly translated as Islamic law, in the struggle for national identity and human rights. Lawyers, community leaders, and activists throughout the Horn of Africa have invoked God to oppose colonialism, resist dictators, expel warlords, and to fight for gender equality—all critical steps on the path to the rule of law. *Shari'a, Inshallah* traces the most dramatic moments of legal change, political collapse, and reconstruction in Somalia and Somaliland. Massoud upends the conventional account of secular legal progress and demonstrates instead how faith in a higher power guides people toward the rule of law.

Shari'a, Inshallah is based on three primary research methods: 142 interviews with senior government officials, lawyers, judges, religious leaders, and women's rights activists in Somalia and Somaliland; ethnographic observations of courts and United Nations-funded legal aid and rule of law programs; and colonial archival research in the UK.

Paul A. Passavant. **Policing Protest: The Post-Democratic State and the Figure of Black Insurrection.** Duke University Press, 2021. ISBN 978-1-4780-1143-9. (website).

Policing Protest explores how the policing of protest in the United States has become increasingly hostile to demonstrators since the late 1990s, moving away from strategies that protect protesters toward militaristic practices designed to suppress protests. Passavant identifies reactions to three interrelated crises that converged to institutionalize this new mode of policing: the political mobilization of marginalized social groups in the Civil Rights era that led to a perceived crisis of democracy, the urban fiscal crisis of the 1970s, and a crime crisis that was associated with protests and civil disobedience of the 1960s. As Passavant demonstrates, these reactions are all haunted by the figure of black insurrection, which continues to shape policing of protest and surveillance, notably in response to the Black Lives Matter movement. Ultimately, Passavant argues, this trend of violent policing strategies against protesters is evidence of the emergence of a post-democratic state in the United States.

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.

I will be consulting with the incoming LPBR editors about potentially modifying the format of the Books To Watch For section. For now, 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

Call for Award Nominations

The Section invites nominations for its annual awards. Please submit nominations to the committee members listed below by March 15.

Lifetime Achievement Award Committee

Name	Affiliation	Email Address
Larry Baum	The Ohio State University	baum.4@osu.edu
Kimberley Fletcher	San Diego State University	kfletcher@sdsu.edu
Melinda Gann Hall	Michigan State University	hallme@msu.edu
Marie Provine	Arizona State University	Marie.Provine@asu.edu
Isaac Unah (chair)	University of North Carolina	iunah@email.unc.edu

Lasting Contribution Award Committee

Name	Affiliation	Email Address
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Brett Curry (chair)	Georgia Southern University	bcurry@georgiasouthern.edu
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C. Herman Pritchett Award Committee

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Stephan Stohler	University at Albany	sstohler@albany.edu
Kathleen Tipler (chair)	Oklahoma University	ktipler@ou.edu

Teaching and Mentoring Award Committee

Name	Affiliation	Email Address
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Jamie Rowen	University of Massachusetts	jrowen@legal.umass.edu
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Kirsten Widner	University of Tennessee	kwidner1@utk.edu

Service Award Committee

Name	Affiliation	Email Address
Todd Curry	University of Texas El Paso	tacurry@utep.edu
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Eric Lomazoff	Villanova University	eric.lomazoff@villanova.edu

Best Journal Article Award Committee

Name	Affiliation	Email Address
Miles Armaly	University of Mississippi	mtarmaly@olemiss.edu
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Pamela Corley (chair)	Southern Methodist University	pccorley@smu.edu
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Best Graduate Student Paper Award Committee

Name	Affiliation	Email Address
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Maya Sen (chair)	Harvard University	maya_sen@hks.harvard.edu
Alicia Uribe-McGuire	University of Illinois	aburibe@illinois.edu

Best Conference Paper Award Committee

Name	Affiliation	Email Address
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Newsletter and Section Information