

POLS 8140: Judicial Process & Policy Making

Fall 2023

Georgia State University
Department of Political Science

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

Course Objectives

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 Much like physicists still use outdated theories of Newtonian physics for pedagogical reasons, the outdated dichotomization of the field of public law into these two groups does provide a useful way to divide our introductory seminars.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

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

Required Texts

- Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press. [Full Text available online through GSU Libraries, no need to purchase.]
- Baum, Lawrence. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press. [Full Text available online through GSU Libraries, no need to purchase.]

Recommended Texts

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

Course Requirements

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

Participation	25%
Research Paper	75%

Final grades will be calculated using the following scale:

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

1. **Participation** → As this is a graduate level course, participation in discussion is an essential component of the learning process. Each week should be a conversation about the readings, both individually and in terms of their contribution to the broader topic(s) on the week's agenda. The minimum expectation here is that each student will come to class each week having completed the readings and prepared to contribute to the week's discussion.
2. **Research Paper** → Students will complete an empirical research paper suitable for presentation at a professional political science conference. This paper should be an original and complete piece of empirical research (qualitative, quantitative, or mixed methods are all acceptable). The substantive topic of the paper is relatively open as long as it connects to one of the broader themes of the course. (**Note: For first year students or MA students, only a research design is required.**) The research paper will be due in stages as outlined below:
 - **Proposal:** On Sept. 14, each student must submit a 1 page research proposal that includes a detailed research question describing the analysis, and a description of the research design (including methodology) employed to analyze the question. This is worth 5% of the paper grade.
 - **Draft 1:** A relatively polished draft will be due on November 9. This will need to be submitted via email as two separate pdf files. One of the files will need to be blinded and the other should have your name. Timely submission of the draft is worth 5% of the paper grade.
 - **Reviews:** Each student will be assigned one paper to review. The reviews will be due on November 16. These will need to mirror the reviews one would write as a referee for a journal manuscript in substance and style. This is worth 5% of the paper grade.
 - **Presentation:** On November 30, students will do a conference style presentation of their papers. This is worth 20% of the paper grade.
 - **Final Draft:** The final draft of your paper is due on December 7 via email. The paper should be submitted as a single pdf file attached to the email. You will be expected to

have revised your manuscript in light of the comments you received during the review process. This is worth 60% of the paper grade.

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

Grading Policies

1. **Late Work:** When you miss class, you miss important information. If you are absent, you are responsible for learning material covered in class. If you are absent when an assignment is due, you must have submitted the assignment prior to the due date to receive credit. Late assignments will *not* be accepted unless accompanied by *valid, written documentation that the absence conforms to University policy on excused absences*. Students are advised to consult the Undergraduate Studies Bulletin for information on University attendance policy.
2. **Written Assignments:** All written assignments are due at the beginning of the class period on the assigned due date. All assignments must be typed or printed according to the following guidelines. If these are not followed points will be deducted:
 - (a) Type your name and the title of your paper on the top of the first sheet of paper.
 - (b) Use standard letter ($8\frac{1}{2}$ x 11") paper.
 - (c) Use with 1" margins.
 - (d) Use size 11 or 12-point font.
 - (e) Use only Times New Roman or Cambria fonts (if using MS Word).
 - (f) Type your name and the title of your paper on the top of the first sheet of paper.
 - (g) Print on unlined white paper which does not have hole punches or tears.
 - (h) The paper you use must not have any material on the reverse side.
 - (i) Print only on one side of the paper.
 - (j) Print in black ink.
 - (k) Double space.
 - (l) Fasten your work with a single staple placed in the upper-left corner of the page. (Note: No points will be deducted for this item, but your assignment will not be accepted until you correct the problem.)
 - (m) Fasten the pages in their proper order.
 - (n) Do not, for any reason, write on your typed work with a pen or pencil or any other writing instrument.
 - (o) *No assignments will be accepted via e-mail.*
 - (p) (Note: If using L^AT_EX, I will be happy to provide a template that conforms to all these requirements upon request.)

Communication Policy

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

Expectations for Classroom Behavior

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

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

Diversity, Inclusivity, and Respect Statement

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

FERPA Statement

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

Academic Honesty

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

full and clear acknowledgment in the form of a citation. The University's Policy on Academic Honesty is [available here](#).

Prohibition on Posting Instructor-Generated Materials

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

Special Needs

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

Basic Needs Statement

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

Sexual Harassment

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

End of Course Evaluations

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

Disclaimer

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

Course Outline

- **Week 1 (Aug. 24): Intro: The Scientific Study of Judicial Decision Making**

- Required Readings:

- * Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press. [Full Text available online through GSU Libraries, no need to purchase.]

- Recommended Readings:

- * Gibson, James. 1983. “From Simplicity to Complexity: The Development of Theory in the Study of Judicial Behavior.” *Political Behavior* 5 (March): 7-49.
- * Baum, Lawrence. 1983. “Judicial Politics: Still A Distinctive Field.” In *Political Science: The State of the Discipline*, edited by Ada W. Finifter. Washington, DC: American Political Science Association.
- * Lax, Jeffrey R. 2011. “The new judicial politics of legal doctrine.” *Annual Review of Political Science* 14: 131-157.

- Assignments:

- * None

- **Week 2 (Aug. 31): Ideology and Other Attributes**

- Required Readings:

- * Martin, Andrew D. and Kevin M. Quinn. 2002. “Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court.” *Political Analysis* 10(2): 134-153.
 - **SKIM:** Ho, Daniel E. and Kevin M. Quinn. 2010. “How Not to Lie with Judicial Votes: Misconceptions, Measurement, and Models.” *California Law Review* 98: 813-876.
- * Bailey, Michael A. 2013. “Is Today’s Court the Most Conservative in Sixty Years? Challenges and Opportunities in Measuring Judicial Preferences.” *Journal of Politics* 75(July): 821-834.
- * Lauderdale, Benjamin E., and Tom S. Clark. 2012. “The Supreme Court’s Many Median Justices.” *American Political Science Review* 106(4): 847-866.
- * Bonica, Adam, and Maya Sen. 2017. “A Common-Space Scaling of the American Judiciary and Legal Profession.” *Political Analysis* 25 (1): 114-21.
- * Hall, Matthew E.K., Gary E. Hollibaugh, Jr., Jonathan D. Klingler, and Adam J. Ramney. 2021. “Attributes Beyond Attitudes: Measuring Personality Traits on the U.S. Supreme Court.” *Journal of Law and Courts* 9(2): 345-368.

- Recommended Readings:

- * Pritchett, C. Herman. 1948. *The Roosevelt Court*. New York: Macmillan.
- * Schubert, Glendon. 1965. *The Judicial Mind: The Attitudes and Ideologies of Supreme Court Justices, 1946-1963*. Evanston: Northwestern University Press.
- * Baum, Lawrence. 2017. *Ideology in the Supreme Court*. Princeton University Press.
- * Black, Ryan C., Ryan J. Owens, Justin Wedeking, and Patrick C. Wohlfarth. 2019. *The Conscientious Justice: How Supreme Court Justices’ Personalities Influence the Law, the High Court, and the Constitution*. New York: Cambridge University Press.

- * Ulmer, S. Sidney. 1970. "Dissent behavior and the social background of Supreme Court justices." *Journal of Politics* 32(3): 580-598.
- * Gibson, James L. 1978. "Judges' Role Orientations, Attitudes, and Decisions: An Interactive Model." *American Political Science Review* 72 (September): 911-924.
- * Tate, C. Neal. 1981. "Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions, 1946-1978." *American Political Science Review* 75: 355-367.
- * Tate, C. Neal and Roger Handberg. 1991. "Time Binding and Theory Building in Personal Attribute Models of Supreme Court Voting Behavior, 1916-1988." *American Journal of Political Science* 35 (May): 460-480.
- * Segal, Jeffrey A. and Albert D. Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83: 557-565.
- * Unah, Isaac, and Ange-Marie Hancock. 2006. "US Supreme Court decision making, case salience, and the attitudinal model." *Law & Policy* 28(3): 295-320.
- * McGuire, Kevin T., Georg Vanberg, Charles E. Smith, Jr. and Gregory A. Caldeira. 2009. "Measuring Policy Content on the U.S. Supreme Court." *Journal of Politics* 71 (October): 1305-1321.
- * Lauderdale, Benjamin E., and Tom S. Clark. 2016. "Estimating Vote-Specific Preferences from Roll-Call Data Using Conditional Autoregressive Priors." *Journal of Politics* 78(4): 1153-69.
- * Bonica, Adam, Adam S. Chilton, Jacob Goldin, Kyle Rozema and Maya Sen. 2017. "Measuring Judicial Ideology Using Law Clerk Hiring." *American Law and Economics Review* 19 (1): 129-61.

– Assignments:

- * None

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

– Required Readings:

- * 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(November): 971-1003.
 - **SKIM:** Responses to Segal and Spaeth by Brisbin and Songer and Lindquist in that special issue of the *AJPS*
- * Spriggs, James F., and Thomas G. Hansford. 2001. "Explaining the overruling of US Supreme Court precedent." *The Journal of Politics* 63(4): 1091-1111.
- * Richards, Mark J., and Herbert M. Kritzer. 2002. "Jurisprudential regimes in Supreme Court decision making." *American Political Science Review* 96(2): 305-320.
- * Bartels, Brandon L. 2009. "The constraining capacity of legal doctrine on the US Supreme Court." *American Political Science Review* 103(3): 474-495.

– Recommended Readings:

- * Hansford, Thomas G. and James F. Spriggs, II. 2006. *The Politics of Precedent on the U.S. Supreme Court*. Princeton: Princeton University Press.
- * Clark, Tom S. 2019. *The Supreme Court: An Analytic History of Constitutional Decision Making*. Cambridge University Press, 2019.

- * Songer, Donald R., and Stefanie A. Lindquist. 1996. "Not the whole story: The impact of justices' values on Supreme Court decision making." *American Journal of Political Science* 40(4): 1049-1063.
- * Brisbin, Richard A. 1996. "Slaying the dragon: Segal, Spaeth and the function of law in Supreme Court decision making." *American Journal of Political Science* 40(4): 1004-1017.
- * Kritzer, Herbert M., and Mark J. Richards. 2005. "The influence of law in the Supreme Court's search-and-seizure jurisprudence." *American Politics Research* 33(1): 33-55.
- * Lax, Jeffrey R., and Kelly T. Rader. 2010. "Legal Constraints on Supreme Court Decision Making: Do Jurisprudential Regimes Exist?." *Journal of Politics* 72(2): 273-284.
- * Pang, Xun, Barry Friedman, Andrew D. Martin, and Kevin M. Quinn. 2012. "Endogenous Jurisprudential Regimes." *Political Analysis* 20(4): 417-436.
- * Bueno de Mesquita, Ethan and Matthew Stephenson. 2002. "Informative Precedent and Intrajudicial Communication." *American Political Science Review* 96(December): 755-766.
- * Randazzo, Kirk A., Richard W. Waterman. 2011. "The U.S. Supreme Court and the Model of Contingent Discretion." *Justice System Journal* 32(3): 269-292.

– Assignments:

- * None

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

– Required Readings:

- * Clark, Tom S. 2009. "The Separation of Powers, Court Curbing, and Judicial Legitimacy." *American Journal of Political Science* 53 (September): 971-989.
- * Hall, Matthew EK. 2014. "The semiconstrained court: public opinion, the separation of powers, and the US Supreme Court's fear of nonimplementation." *American Journal of Political Science* 58(2): 352-366.
- * Lane, Elizabeth A. 2022. "A Separation-of-Powers Approach to the Supreme Court's Shrinking Caseload." *Journal of Law and Courts* 10(1): 1-12.
- * Corley, Pamela C. 2008. "The Supreme Court and opinion content: The influence of parties' briefs." *Political Research Quarterly* 61(3): 468-478.
- * Collins Jr, Paul M. "Friends of the court: Examining the influence of amicus curiae participation in US Supreme Court litigation." *Law & Society Review* 38(4): 807-832.
- * Glynn, Adam N., and Maya Sen. 2015. "Identifying judicial empathy: does having daughters cause judges to rule for women's issues?" *American Journal of Political Science* 59(1): 37-54.

– Recommended Readings:

- * Separation-of-Powers
 - Yates, Jeff. 2002. *Popular Justice: Presidential Prestige and Executive Success in the Supreme Court*. Albany, NY: State University of New York Press.

- Black, Ryan C., and Ryan J. Owens. 2012. *The Solicitor General and the United States Supreme Court: executive branch influence and judicial decisions*. Cambridge University Press.
- Segal, Jeffrey A. 1997. "Separation-of-Powers Games in the Positive Theory of Congress and Courts." *American Political Science Review* 91 (March): 28-44.
- Gely, Rafael and Pablo T. Spiller. 1990. "A Rational Choice Theory of Supreme Court Statutory Decisions with Applications to the State Farm and Grove City Cases." *Journal of Law, Economics, and Organization* 6 (Fall): 263-300.
- Hausegger, Lori and Lawrence Baum. 1999. "Inviting Congressional Action: A Study of Supreme Court Motivations in Statutory Interpretation." *American Journal of Political Science* 43(January): 162-185.
- Rogers, James R. 2001. "Information and Judicial Review: A Signaling Game of Legislative-Judicial Interaction." *American Journal of Political Science* 45 (January): 84-99.
- Segal, Jeffrey A., Chad Westerland, and Stefanie A. Lindquist. 2011. "Congress, the Supreme Court, and Judicial Review: Testing a Constitutional Separation of Powers Model." *American Journal of Political Science* 55 (January): 89-104.
- Carrubba, Clifford J., and Christopher Zorn. 2010. "Executive Discretion, Judicial Decision Making, and Separation of Powers in the United States." *Journal of Politics* 72 (July): 812-824.
- Owens, Ryan J., Justin Wedeking, and Patrick C. Wohlfarth. 2013. "How the Supreme Court Alters Opinion Language to Evade Congressional Review." *Journal of Law and Courts* 1(1):35-59.
- Montgomery, Matthew D., Natalie C. Rogol, and Justin T. Kingsland. 2019. "Presidential Rhetoric and US Supreme court rulings: The effect of going public on citizen evaluations of institutions and policy." *Presidential Studies Quarterly* 49(4): 870-897.
- * Other Considerations
 - Maltzman, Forrest, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: the Collegial Game*. Cambridge: Cambridge University Press.
 - Collins Jr, Paul M. 2008. *Friends of the Supreme Court: Interest groups and judicial decision making*. Oxford University Press.
 - Corley, Pamela C., Amy Steigerwalt, and Artemus Ward. 2013/ *The Puzzle of Unanimity*. Stanford University Press.
 - Black, Ryan C., Ryan J. Owens, Justin Wedeking, and Patrick C. Wohlfarth. 2019. *The Conscientious Justice: How Supreme Court Justices' Personalities Influence the Law, the High Court, and the Constitution*. Cambridge University Press.
 - Hitt, Matthew P. 2019. *Inconsistency and Indecision in the United States Supreme Court*. University of Michigan Press.
 - Szmer, John J., Tammy A. Sarver, and Erin B. Kaheny. 2010. "Have we come a long way, baby? The influence of attorney gender on Supreme Court decision making." *Politics & Gender* 6(1): 1-36.
 - Blake, William. 2012. "God Save this Honorable Court: Religion as a source of judicial policy preferences." *Political Research Quarterly* 65(4): 814-826.

- McGuire, Kevin T. 2015. "Birth order, preferences, and norms on the US Supreme Court." *Law & Society Review* 49(4): 945-972.
 - Manzi, Lucia, and Matthew EK Hall. 2017. "Friends you can trust: a signaling theory of interest group litigation before the US Supreme Court." *Law & Society Review* 51(3): 704-734.
 - Nelson, Michael J., and Rachael K. Hinkle. 2018. "Crafting the Law: How Opinion Content Influences Legal Development." *Justice System Journal* 39(2): 97-122.
- Assignments:
- * Proposal Due
- **Week 5 (Sept. 21): Agenda Setting on the Supreme Court**
- Required Readings:
- * Baird, Vanessa A. 2004. "The effect of politically salient decisions on the US Supreme Court's agenda." *The Journal of Politics* 66(3): 755-772.
 - * Black, Ryan C. and Ryan J. Owens. 2009. "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *Journal of Politics* 71 (July): 1062-1075.
 - * Rice, Douglas. 2014. "The Impact of Supreme Court Activity on the Judicial Agenda." *Law & Society Review* 48(1): 63-90.
 - * Beim, Deborah, and Kelly Rader. 2019. "Legal Uniformity in American Courts." *Journal of Empirical Legal Studies* 16(3): 448-478.
 - * Bryan, Amanda C. 2020. "Public Opinion and Setting the Agenda on the U.S. Supreme Court." *American Politics Research* 48(3): 377-390.
- Recommended Readings:
- * Provine, D. 1980. *Case Selection in The United States Supreme Court*. Chicago: University of Chicago Press.
 - * Perry H.W., Jr. 1991. *Deciding to Decide: Agenda Setting in the United States Supreme Court*. Cambridge: Harvard University Press.
 - * Baird, Vanessa. 2007. *Answering the Call of the Court: How Justices and Litigants Set the Supreme Court Agenda*. Charlottesville, VA: University of Virginia Press.
 - * Brenner, Saul 1979. "The New Certiorari Game." *Journal of Politics* 41(2), 649-655.
 - * Ulmer, S. Sidney. 1984. "The Supreme Court's Certiorari Decisions: Conflict as a Predictive Variable." *American Political Science Review* 78 (December): 901-911.
 - * Caldeira, Gregory A., John R. Wright, and Christopher J.W. Zorn. 1999. "Sophisticated Voting and Gatekeeping in the Supreme Court." *Journal of Law, Economics, and Organization* 15 (October): 549-572.
 - * Benesh, Sara C., Saul Brenner, and Harold J. Spaeth. 2002. "Aggressive Grants by Affirm-Minded Justices." *American Politics Research* 30 (May): 219-234.
 - * Boucher, Robert L. and Jeffrey A. Segal. 1995. "Supreme Court Justices as Strategic Decision Makers: Aggressive Grants and Defensive Denials on the Vinson Court." *Journal of Politics* 57(August): 824-837.
 - * Caldeira, Gregory A. and John R. Wright. 1988. "Organized Interests and Agenda Setting in the U.S. Supreme Court." *American Political Science Review* 82 (December): 1109-1127.

- * Cameron, Charles M., Jeffrey A. Segal, and Donald Songer. 2000. "Strategic Auditing in a Political Hierarchy: An Informational Model of the Supreme Court's Certiorari Decisions." *American Political Science Review* 94 (March): 101-116.
- * Caldeira, Gregory A., and Daniel Lempert. 2020. "Selection of Cases for Discussion: The US Supreme Court, October Term 1939, 1968, and 1982." *Journal of Law and Courts* 8(2): 381-395.

– Assignments:

- * Proposal Due

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

– Required Readings:

- * Boyd, Christina L., Lee Epstein, and Andrew D. Martin. 2010. "Untangling the causal effects of sex on judging." *American journal of political science* 54(2): 389-411.
- * Hinkle, Rachael K. 2015. "Legal Constraint in the US Courts of Appeals." *Journal of Politics* 77(3): 721-735.
- * Hinkle, Rachael K., Michael J. Nelson, and Morgan L.W. Hazelton. 2020. "Deferring, Deliberating, or Dodging Review? Explaining Counterjudge Success in the U.S. Court of Appeals." *Journal of Law and Courts* 8(2): 277-300.
- * Moyer, Laura P., John Szmer, Susan Haire, and Robert K. Christensen. 2021. "All eyes are on you': Gender, race, and opinion writing on the US Courts of Appeal." *Law & Society Review* 55(3): 452-472.
- * Boyd, Christina L. "Representation on the courts? The effects of trial judges' sex and race." *Political Research Quarterly* 69(4): 788-799.
- * Boldt, Ethan D., Christina L. Boyd, Roberto F. Carlos, and Matthew E. Baker. 2021. "The Effects of Judge Race and Sex on Pretrial Detention Decisions." *Justice System Journal* 42: 341-358.

– Recommended Readings:

- * US Courts of Appeals
 - Songer, Donald R., Reginald S. Sheehan, and Susan B. Haire. 2000. *Continuity and change on the United States Courts of Appeals*. University of Michigan Press.
 - Klein, David E. 2002. *Making law in the United States courts of appeals*. Cambridge University Press
 - Hettinger, Virginia A., Stefanie A. Lindquist, and Wendy L. Martinek. 2007. *Judging on a collegial court: Influences on federal appellate decision making*. University of Virginia Press.
 - Bowie, Jennifer Barnes, Donald R. Songer, and John Szmer. 2014. *The view from the bench and chambers: Examining judicial process and decision making on the US Courts of Appeals*. University of Virginia Press.
 - Atkins, Burton M. 1972. "Decision-Making Rules and Judicial Strategy on the United States Courts of Appeals." *Western Political Quarterly* 25 (September): 626-642.

- Songer, Donald R. 1982. “Consensual and Nonconsensual Decisions in Unanimous Opinions of the United States Courts of Appeals.” *American Journal of Political Science* 26 (May): 225-239.
 - Songer, Donald R., and Reginald S. Sheehan. 1992. “Who wins on appeal? Uppercourts and underdogs in the United States courts of appeals.” *American Journal of Political Science* 36(1): 235-258.
 - Giles, Micheal W., Virginia A. Hettinger, and Todd Peppers. 2001. “Picking federal judges: A note on policy and partisan selection agendas.” *Political Research Quarterly* 54(3): 623-641.
 - Songer, Donald R., and Susan Haire. 1992. “Integrating alternative approaches to the study of judicial voting: Obscenity cases in the US courts of appeals.” *American Journal of Political Science* 36(4): 963-982.
 - Davis, Sue. 1992. “Do Women Judges Speak in a Different Voice—Carol Gilligan, Feminist Legal Theory, and the Ninth Circuit.” *Wisconsin Women’s Law Journal* 8: 143.
 - Songer, Donald R., Sue Davis, and Susan Haire. 1994. “A reappraisal of diversification in the federal courts: Gender effects in the courts of appeals.” *Journal of Politics* 56(2): 425-439.
 - Farhang, Sean, and Gregory Wawro. 2004. “Institutional dynamics on the US court of appeals: Minority representation under panel decision making.” *Journal of Law, Economics, and Organization* 20(2): 299-330.
 - Kastlelec, Jonathan P. 2013. “Racial diversity and judicial influence on appellate courts.” *American Journal of Political Science* 57(1): 167-183.
 - Randazzo, Kirk A., Richard W. Waterman, and Jeffrey A. Fine. 2006. “Checking the Federal Courts: The Impact of Congressional Statutes on Judicial Behavior.” *Journal of Politics* 68(November): 1003-1014.
- * US District Courts
- Carp, Robert A. and C.K. Rowland. 1983. *Policymaking and Politics in the Federal District Courts*. Knoxville: University of Tennessee Press.
 - Ducat, Craig R. and Robert L. Dudley. 1989. “Federal District Judges and Presidential Power During the Postwar Era.” *Journal of Politics* 51 (February): 98-118.
 - Johnson, Susan W. and Donald R. Songer. 2002. “The Influence of Presidential Versus Home State Senatorial Preferences on the Policy Output of Judges on the United States District Courts.” *Law and Society Review* 36 (3): 657-675.
 - Collins, JR, Paul M., Kenneth L. Manning, and Robert A. Carp. 2010. “Gender, critical mass, and judicial decision making.” *Law & Policy* 32(2): 260-281.
 - Savchak, Elisha Carol, Thomas G. Hansford, Donald R. Songer, Kenneth L. Manning, and Robert A. Carp. 2006. “Taking It to the Next Level: The Elevation of District Court Judges to the U.S. Courts of Appeals.” *American Journal of Political Science* 50 (April): 478-493.
 - Kim, Pauline T., Margo Schlanger, Christina L. Boyd, and Andrew D. Martin. 2010. “How Should We Study District Judge Decision-Making?” *Washington University Journal of Law and Policy* 29: 83-112.
 - Johnson, Susan W., Ronald Stidham, Robert A. Carp, and Kenneth L. Manning. 2008. “The gender influence on US district court decisions: Updating the

traditional judge attribute model.” *Journal of Women, Politics & Policy* 29(4): 497-526.

Choi, Stephen J., Mitu Gulati, and Eric A. Posner. 2012. “What Do Federal District Judges Want? An Analysis of Publications, Citations, and Reversals.” *Journal of Law, Economics, and Organization* 28 (August): 518-549.

– Assignments:

* None

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

– Required Readings:

* Scherer, Nancy, Brandon L. Bartels, and Amy Steigerwalt. 2008. “Sounding the fire alarm: The role of interest groups in the lower federal court confirmation process.” *The Journal of Politics* 70(4): 1026-1039.

* Black, Ryan C. and Ryan J. Owens. 2016. “Courting the President: How Circuit Court Judges Alter Their Behavior for Promotion to the Supreme Court.” *American Journal of Political Science* 60(1): 30- 43.

* Boyd, Christina L., Paul M. Collins Jr, and Lori A. Ringhand. 2018. “The role of nominee gender and race at US Supreme court confirmation hearings.” *Law & Society Review* 52(4): 871-901.

* Sen, Maya. 2017. “How political signals affect public support for judicial nominations: Evidence from a conjoint experiment.” *Political Research Quarterly* 70(2): 374-393.

* Schoenherr, Jessica A., Elizabeth A. Lane, and Miles T. Armaly. 2020. “The Purpose of Senatorial Grandstanding During Supreme Court Confirmation Hearings.” *Journal of Law and Courts* 8(2): 333-358.

– Recommended Readings:

* Steigerwalt, Amy. 2010. *Battle over the bench: Senators, interest groups, and lower court confirmations*. University of Virginia Press.

* Collins, Paul M., and Lori A. Ringhand. 2013. *Supreme Court confirmation hearings and constitutional change*. Cambridge University Press.

* Farganis, Dion, and Justin Wedeking. 2014. *Supreme Court confirmation hearings in the US Senate: Reconsidering the charade*. University of Michigan Press.

* Moraski, Bryon J., and Charles R. Shipan. 1999. “The politics of Supreme Court nominations: A theory of institutional constraints and choices.” *American Journal of Political Science*: 1069-1095.

* Johnson, Timothy R., and Jason M. Roberts. 2004. “Presidential capital and the Supreme Court confirmation process.” *Journal of Politics* 66(3): 663-683.

* Cameron, Charles, and Jee-Kwang Park. 2011. “Going Public When Opinion Is Contested: Evidence from Presidents’ Campaigns for Supreme Court Nominees, 1930-2009.” *Presidential Studies Quarterly* 41(3): 442-470.

* Cameron, Charles M., Jonathan P. Kastellec, and Jee-Kwang Park. 2013. “Voting for justices: Change and continuity in confirmation voting 1937–2010.” *Journal of Politics* 75(2): 283-299.

* Binder, Sarah A., and Forrest Maltzman. 2002. “Senatorial delay in confirming federal judges, 1947-1998.” *American Journal of Political Science* 46(1): 190-199.

- * Kastellec, Jonathan P., Jeffrey R. Lax, Michael Malecki, and Justin H. Phillips. 2015. “Polarizing the electoral connection: partisan representation in Supreme Court confirmation politics.” *Journal of politics* 77(3): 787-804.
- * Kastellec, Jonathan P., Jeffrey R. Lax, and Justin H. Phillips. 2010. “Public opinion and senate confirmation of Supreme Court nominees.” *Journal of Politics* 72(3): 767-784.
- * Smelcer, S.N., Steigerwalt, A. and Vining Jr, R.L., 2012. “Bias and the Bar: Evaluating the ABA Ratings of Federal Judicial Nominees.” *Political Research Quarterly* 65(4): 827-840.
- * Badas, Alex and Katelyn E. Stauffer. 2017. “Someone Like Me: Descriptive Representation and Support for Supreme Court Nominees.” *Political Research Quarterly* 71(1): 127-142.

– Assignments:

- * None

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

– Required Readings:

- * Brace, Paul and Melinda Gann Hall. 1997. “The Interplay of Preferences, Case Facts, Context, and Structure in the Politics of Judicial Choice.” *Journal of Politics* 59 (November): 1206-1231.
- * Windett, Jason H., Jeffrey J. Harden, and Matthew EK Hall. 2015. “Estimating dynamic ideal points for state supreme courts.” *Political Analysis* 23(3): 461-469.
- * Randazzo, Kirk A., Richard W. Waterman, and Michael P. Fix. 2011. “State Supreme Courts and the Effects of Statutory Constraint: A Test of the Model of Contingent Discretion.” *Political Research Quarterly*.
- * Leonard, Meghan E. 2016. “State legislatures, state high courts, and judicial independence: An examination of court-curbing legislation in the states.” *Justice System Journal* 37(1): 53-62.
- * Shieh, Marcy. 2023. “Effects of selection regimes on state supreme court opinion writing.” *Social Science Quarterly*.

– Recommended Readings:

- * Langer, Laura. 2002. *Judicial Review in State Supreme Courts: A Comparative Study*. Albany: State University of New York Press.
- * Gibson, James L., and Michael J. Nelson. 2021. *Judging Inequality: State Supreme Courts and the Inequality Crisis* Russell Sage Foundation.
- * Brace, Paul and Melinda Gann Hall. 1993. “Integrated Models of Judicial Dissent.” *Journal of Politics* 55 (November): 914-935.
- * Brace, Paul, Laura Langer, and Melinda Gann Hall. 2000. “Measuring the Preferences of State Supreme Court Judges.” *Journal of Politics* 62 (May): 387-413.
- * Bonica, Adam, and Michael J. Woodruff. 2015 “A common-space measure of state supreme court ideology.” *Journal of Law, Economics, and Organization* 31(3): 472-498.
- * Goelzhauser, Greg, and Damon M. Cann. 2014. “Judicial Independence and Opinion Clarity on State Supreme Courts.” *State Politics & Policy Quarterly* 14(2): 123-141.

- * Brace, Paul and Brent D. Boyea. 2008. "State Public Opinion, the Death Penalty, and the Practice of Electing Judges." *American Journal of Political Science* 52 (April): 360-372.
- * Songer, Donald R., and Kelley A. Crews-Meyer. 2000. "Does judge gender matter? Decision making in state supreme courts." *Social Science Quarterly* 81(3): 750-762.
- * Reid, Rebecca A., and Todd A. Curry. 2021. "Explaining Indigenous Peoples' Success in State Supreme Courts: Party Capability, Judicial Selection, and Representation." *Journal of Law and Courts* 9(1): 69-87.
- * Squire, Peverill. 2008. "Measuring the professionalization of US state courts of last resort." *State Politics & Policy Quarterly* 8(3): 223-238.
- * Squire, Peverill, and Jordan Butcher. 2021. "An Update to the Squire State Court of Last Resort Professionalization Index." *State Politics & Policy Quarterly*. 21(3): 326-333.

– Assignments:

- * None

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

– Required Readings:

- * Hall, Melinda Gann and Chris W. Bonneau. 2008. "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections." *American Journal of Political Science* 52 (July): 457-470.
- * Hall, Melinda Gann. 2016. "Partisanship, Interest Groups, and Attack Advertising in the Post-White Era, Or Why Nonpartisan Judicial Elections Really Do Stink." *Journal of Law & Politics* 31 (Spring): 429-456.
- * Arrington, Nancy B. 2018. "Gender and judicial replacement: The case of US state supreme courts." *Journal of Law and Courts* 6(1): 127-154.
- * Gill, Rebecca D., and Kate Eugenis. 2019. "Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections." *State Politics & Policy Quarterly* 19(4): 399-427.
- * Hughes, David A. 2020. "Does Local Journalism Stimulate Voter Participation in State Supreme Court Elections?" *Journal of Law and Courts* 8(1): 95-126.

– Recommended Readings:

- * Bonneau, Chris W. and Melinda Gann Hall. 2009. *In Defense of Judicial Elections*. New York: Routledge Press.
- * Hall, Melinda Gann. 2015. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford: Stanford University Press.
- * Goelzhauser, Greg. 2016 *Choosing state supreme court justices: Merit selection and the consequences of institutional reform*. Temple University Press.
- * Kritzer, Herbert M. 2020. *Judicial Selection in the States: Politics and the Struggle for Reform*. Cambridge University Press.
- * Hall, Melinda Gann. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95 (June): 315-330.

- * Hall, Melinda Gann and Chris W. Bonneau. 2013. "Attack Advertising, the White Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66 (March): 115-126.
- * Owens, Ryan J., Alexander Tahk, Patrick C. Wohlfarth, and Amanda C. Bryan. 2015. "Nominating Commissions, Judicial Retention, and Forward-Looking Behavior on State Supreme Courts: An Empirical Examination of Selection and Retention Methods." *State Politics & Policy Quarterly*. 15(2): 211-238.
- * Harris, Allison P. "Voter Response to Salient Judicial Decisions in Retention Elections." *Law & Social Inquiry* 44(1): 170-191.
- * Hughes, David A. 2019. "New-Style Campaigns in State Supreme Court Retention Elections." *State Politics & Policy Quarterly*. 19(2): 127-54.
- * Hurwitz, Mark S., and Drew Noble Lanier. 2003. "Explaining judicial diversity: The differential ability of women and minorities to attain seats on state supreme and appellate courts." *State Politics & Policy Quarterly* 3(4): 329-352.
- * Bratton, Kathleen A., and Rorie L. Spill. 2002. "Existing diversity and judicial selection: The role of the appointment method in establishing gender diversity in state supreme courts." *Social Science Quarterly* 83(2): 504-518.
- * Goelzhauser, Greg. 2011. "Diversifying state supreme courts." *Law & Society Review* 45(3): 761-781.
- * Nguyen, Tony. 2019. "Why Women Win: Gender and Success in State Supreme Court Elections." *American Politics Research* 47(3): 582-600.

– Assignments:

- * None

• Week 10 (Oct. 26): Strategic Behavior

– Required Readings:

- * Wedeking, Justin. 2010. "Supreme Court Litigants and Strategic Framing." *American Journal of Political Science* 54 (June): 617-631.
- * Hettinger, Virginia A., Stefanie A. Lindquist, and Wendy L. Martinek. 2004. "Comparing attitudinal and strategic accounts of dissenting behavior on the US Courts of Appeals." *American Journal of Political Science* 48(1): 123-137.
- * Curry, Todd A., and Mark S. Hurwitz. 2016. "Strategic retirements of elected and appointed justices: A hazard model approach." *Journal of Politics* 78(4): 1061-1075.
- * Helmke, Gretchen. 2002. "The logic of strategic defection: Court-executive relations in Argentina under dictatorship and democracy." *American Political Science Review* 96(2): 291-303.
- * Staton, Jeffrey K., and Georg Vanberg. 2008. "The value of vagueness: delegation, defiance, and judicial opinions." *American Journal of Political Science* 52(3): 504-519.

– Recommended Readings:

- * Murphy, Walter L. 1964. *Elements of Judicial Strategy*. Chicago: University of Chicago Press.
- * Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: CQ Press.

- * Epstein, Lee, and Keren Weinsall. 2021. *The Strategic Analysis of Judicial Behavior: A Comparative Perspective*. Cambridge University Press.
- * Maltzman, Forrest and Paul J. Wahlbeck. 1996. “May It Please the Chief? Opinion Assignments in the Rehnquist Court.” *American Journal of Political Science* 40 (May): 421-443.
- * Maltzman, Forrest and Paul J. Wahlbeck. 1996. “Strategic Policy Considerations and Voting Fluidity on the Burger Court.” *American Political Science Review* 90 (September): 581-592.
- * Wahlbeck, Paul J., James F. Spriggs, II, and Forrest Maltzman. 1998. “Marshalling the Court: Bargaining and Accommodation on the United States Supreme Court.” *American Journal of Political Science* 42 (January): 294-315.
- * Wood, Sandra L., Linda Camp Keith, Drew Noble Lanier, and Ayo Ogundele. 2000. “Opinion Assignment and the Chief Justice: 1888-1940.” *Social Science Quarterly* 81 (September): 798-809.

– Assignments:

- * None

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

– Required Readings:

- * Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. “On the legitimacy of national high courts.” *American Political Science Review* 92(2): 343-358.
- * Bryan, Amanda C. 2014. “Public Opinion and Setting the Agenda on the US Supreme Court.” *American Politics Research* 48 (3):377–390.
- * Owens, Ryan J., and Patrick C. Wohlfarth. 2017. “Public Mood, Previous Electoral Experience, and Responsiveness among Federal Circuit Court Judges.” *American Politics Research* 45 (6):1003–31.
- * Gibson, James L. 2008. “Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and “New-Style” Judicial Campaigns.” *American Political Science Review* 102 (1):59–75.
- * Cann, Damon, and Jeff Yates. 2021. “Evaluating diffuse support for state high courts among individuals with varying levels of policy agreement.” *Social Science Quarterly* 102(6): 2824-2835.

– Recommended Readings:

- * Salamone, Michael F. 2018. *Perceptions of a Polarized Court: How Division Among Justices Shapes the Supreme Court’s Public Image*. Temple University Press.
- * Murphy, Walter F., and Joseph Tanenhaus. 1967. “Public Opinion and the United States Supreme Court-Mapping of Some Prerequisites for Court Legitimation of Regime Changes.” *Law & Society Review* 2: 357.
- * Caldeira, Gregory A. 1986. “Neither the purse nor the sword: Dynamics of public confidence in the Supreme Court.” *American Political Science Review* 80(4): 1209-1226
- * Caldeira, Gregory A., and James L. Gibson. 1992. “The etiology of public support for the Supreme Court.” *American journal of political science*. 36(3): 635-664.

- * Hoekstra, Valerie J. 2000. "The Supreme Court and local public opinion" *American Political Science Review* 94(1): 89-100.
- * Gibson, James L., Gregory A. Caldeira, and Lester Kenyatta Spence. 2003. "Measuring attitudes toward the United States supreme court." *American Journal of Political Science* 47(2): 354-367.
- * Giles, Micheal W., Bethany Blackstone, and Richard L. Vining Jr. 2008. "The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision Making." *Journal of Politics* 70 (2):293-306.
- * Gibson, James L., and Michael J. Nelson. 2015. "Is the U.S. Supreme Court's Legitimacy Grounded in Performance Satisfaction and Ideology?" *American Journal of Political Science* 59: 162- 74.
- * Nelson, Michael J., and James L. Gibson. 2020. "Measuring subjective ideological disagreement with the US Supreme Court." *Journal of Law and Courts* 8(1): 75-94.
- * Mishler, William, and Reginald S. Sheehan. 1993. "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions." *American Political Science Review* 87 (1):87-101.
- * 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 (4):1018-35.
- * Johnson, Ben, and Logan Strother. 2021. "The Supreme Court's (Surprising?) Indifference to Public Opinion." *Political Research Quarterly* 74 (1):18-34.
- * Hall, Melinda Gann. 1987. "Constituent Influence in State Supreme Courts: Conceptual Notes and Case Study." *Journal of Politics* 49: 1117- 24.
- * Cann, Damon, and Jeff Yates. 2008. "Homegrown Institutional Legitimacy: Assessing Citizens' Diffuse Support for State Courts." *American Politics Research* 36: 297-329.
- * McKenzie, Mark Jonathan, and Michael A. Unger. 2011. " "New Style" Campaigning, Citizen Knowledge, and Sources of Legitimacy for State Courts: A Case Study in Texas." *Politics & Policy* 39(5): 813-834.

– Assignments:

- * None

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

– Required Readings:

- * Baum, Lawrence. 2006. *Judges and Their Audiences: A Perspective on Judicial Behavior*. Princeton University Press. **[Full Text available online through GSU Libraries, no need to purchase.]**
- * Curry, Todd A., and Michael P. Fix. 2019. "May it please the twitterverse: The use of Twitter by state high court judges." *Journal of Information Technology & Politics* 16(4): 379-393.

– Recommended Readings:

- * Staton, Jeffrey K. 2010. *Judicial power and strategic communication in Mexico*. Cambridge University Press.
- * Black, Ryan C., Ryan J. Owens, Justin Wedeking, and Patrick C. Wohlfarth. 2016. *US Supreme Court opinions and their audiences*. Cambridge University Press.

- * Romano, Michael K., and Todd A. Curry. 2019. *Creating the law: State Supreme Court opinions and the effect of audiences*. Routledge.
- * Owens, Ryan J., Justin Wedeking, and Patrick C. Wohlfarth. 2013. "How the Supreme Court alters opinion language to evade congressional review." *Journal of Law and Courts* 1(1): 35-59.
- * Black, Ryan C., and Ryan J. Owens. 2016. "Courting the president: how circuit court judges alter their behavior for promotion to the Supreme Court." *American Journal of Political Science* 60(1): 30-43.
- * Bryan, Amanda C., and Eve M. Ringsmuth. 2016. "Jeremiad or weapon of words?: the power of emotive language in Supreme Court dissents." *Journal of Law and Courts* 4(1): 159-185.
- * Masood, Ali S., and Benjamin J. Kassow. 2020. "The Sum of its Parts: How Supreme Court Justices Disparately Shape Attention to Their Opinions." *Social Science Quarterly* 101(2): 842-860.
- * Matthews, Abigail A. 2021. "The Justices' Words: The Relationship between Majority and Separate Opinions." *Justice System Journal*.

– Assignments:

- * Paper Draft Due

• Week 13 (Nov. 16): Judicial Hierarchies

– Required Readings:

- * Randazzo, Kirk A. 2008. "Strategic Anticipation and the Hierarchy of Justice in U.S. District Courts." *American Politics Research* 36 (September): 669-693.
- * Kastellec, Jonathan P. 2011. "Hierarchical and collegial politics on the US courts of appeals." *Journal of Politics* 73(2): 345-361.
- * Sen, Maya. 2015. "Is justice really blind? Race and reversal in US courts." *Journal of Legal Studies* 44(S1): S187-S229.
- * Fix, Michael P., and Benjamin J. Kassow. 2020 *US Supreme Court Doctrine in the State High Courts*. Cambridge University Press. [Chapters 3 & 5 only, will be provided]
- * Bowie, Jennifer, and Elisha Carol Savchak. 2022. "State Court Influence on US Supreme Court Opinions." *Journal of Law and Courts* 10(1): 139-165.

– Recommended Readings:

- * Johnson, Charles A. 1979. "Lower court reactions to Supreme Court decisions: A quantitative examination." *American Journal of Political Science* 23(4): 792-804.
- * Johnson, Charles A. 1987. "Law, Politics and Judicial Decision Making: Lower Federal Court Uses of Supreme Court Decisions." *Law and Society Review* 21: 325-340.
- * Songer, Donald R., Jeffrey A. Segal, and Charles M. Cameron. 1994. "The Hierarchy of Justice: Testing a Principal-Agent Model on Supreme Court-Circuit Court Interactions." *American Journal of Political Science* 38 (August): 673-696.
- * Benesh, Sara C. and Malia Reddick. 2002. "Overruled: An Event History Analysis of Lower Court Reaction to Supreme Court Alteration of Precedent." *Journal of Politics* 64 (May): 534-550.

- * Klein, David and Robert Hume. 2003. "Fear of Reversal as an Explanation of Lower Court Compliance." *Law and Society Review* 37 (Number 3): 579-606.
- * Westerland, Chad, Jeffrey A. Segal, Lee Epstein, Charles M. Cameron, and Scott Comparato. 2010. "Strategic Defiance and Compliance in the U.S. Courts of Appeals." *American Journal of Political Science* 54 (October): 891-905.
- * Hinkle, Rachael K., Andrew D. Martin, Jonathan David Shaub, and Emerson H. Tiller. 2012. "A positive theory and empirical analysis of strategic word choice in district court opinions." *Journal of Legal Analysis* 4(2): 407-444.
- * Hansford, Thomas G., James F. Spriggs, and Anthony A. Stenger. 2013. "The information dynamics of vertical stare decisis." *Journal of Politics* 75(4): 894-906.
- * Lax, Jeffrey R. 2012. "Political constraints on legal doctrine: how hierarchy shapes the law." *The Journal of Politics* 74(3): 765-781.
- * Boyd, Christina L. 2015. "The hierarchical influence of courts of appeals on district courts." *Journal of Legal Studies* 44(1): 113-141.
- * Hitt, Matthew P. 2016. "Measuring precedent in a judicial hierarchy." *Law & Society Review* 50(1): 57-81.
- * Masood, Ali S., Benjamin J. Kassow, and Donald R. Songer. 2017. "Supreme Court precedent in a judicial hierarchy." *American Politics Research* 45(3): 403-434.
- * Wofford, Claire B. 2019. "The Structure of Legal Doctrine in a Judicial Hierarchy." *Journal of Law and Courts* 7(2): 263-280.
- * Canon, Bradley C. 1973. "Reactions of state supreme courts to a US Supreme Court civil liberties decision." *Law & Society Review* 8(1): 109-134.
- * Romans, Neil T. 1974. "The role of state supreme courts in judicial policy making: Escobedo, Miranda and the use of judicial impact analysis." *Western Political Quarterly* 27(1): 38-59.
- * Songer, Donald R. 1988. "Alternative approaches to the study of judicial impact: Miranda in five state courts." *American Politics Quarterly* 16(4): 425-444.
- * Songer, Donald R., and Reginald S. Sheehan. 1990. "Supreme Court impact on compliance and outcomes: Miranda and New York Times in the United States courts of appeals." *Western Political Quarterly* 43(2): 297-316.
- * Hoekstra, Valerie. 2005. "Competing constraints: State court responses to Supreme Court decisions and legislation on wages and hours." *Political Research Quarterly* 58(2): 317-328.
- * Comparato, Scott A., and Scott D. McClurg. 2007. "A neo-institutional explanation of state supreme court responses in search and seizure cases." *American Politics Research* 35(5): 726-754.
- * Kassow, Benjamin, Donald R. Songer, and Michael P. Fix. 2012. "The influence of precedent on state supreme courts." *Political Research Quarterly* 65(2): 372-384.
- * Fix, Michael P., Justin T. Kingsland, and Matthew D. Montgomery. 2017. "The complexities of state court compliance with US Supreme Court precedent." *Justice System Journal* 38(2): 149-163.
- * Fix, Michael P., and Bailey R. Fairbanks. 2020. "The Effect of Opinion Readability on the Impact of US Supreme Court Precedents in State High Courts." *Social Science Quarterly* 101(2): 811-824.

– Assignments:

* Peer Reviews Due

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

• **Week 15 (Nov. 30): Student Presentations**

– Required Readings:

* N/A

– Recommended Readings:

* N/A

– Assignments:

* N/A

• **Week 16 (Dec. 7): Final Paper Due (NO CLASS)**

– Required Readings:

* N/A

– Recommended Readings:

* N/A

– Assignments:

* Final Paper Due via email as a single pdf file attachment.