Course description: This course serves as an introduction to the field of Political Science referred to as Law and Courts, Public Law, or Judicial Politics. While the field encompasses a very wide range of topics and questions, we focus our attention in this class on what might be considered some of the core themes. We will spend some class time on the background and basics of American courts, law, and legal processes, but it is presumed that students will already have some familiarity with these concepts. (Students who are lacking in this regard should consult an undergraduate text on American courts and/or judicial process such as Lawrence Baum’s American Courts: Process and Policy.)

Course objectives: (1) Introduce the major questions and debates within the law & courts subfield to prepare students for comprehensive exams in American politics and to teach courses in this area. (2) Strengthen students’ ability to analyze and evaluate theory building, measurement, empirical tests, and interpretation of results. (3) Develop students’ ability to pose alternative hypotheses, measures, and causal explanations in written work, examinations, and seminar discussions. (4) Build from existing research to develop original research projects to investigate research questions involving law and the courts.

Required texts
- Journal articles (you will download these from electronic databases such as JSTOR or Google Scholar).
- Articles or book excerpts posted to Moodle (when not available via the library)

Recommended
Course requirements

I. Class participation [10%]
Attendance is a necessary but not sufficient condition for a good participation grade. However, in graduate seminars, attendance is mandatory and expected at all sessions (unless there is a real emergency or serious illness). Students should be on time and stay for the duration of class. Laptops, if used, should be used only for the purposes of the class – if not, they will not be allowed. All phones should be turned off and put away when class begins. Missed class will adversely affect your participation grade.

Be well-prepared: complete all assigned readings before coming to class. Bring notes on the readings every week, which you can add to during our discussions, and also copies of the articles (electronic or hard copy) and/or books. Seminars will not be lectures, but instead are student-driven discussions facilitated by the professor. The rules of engagement for graduate seminar discussions are commonsense, but bear repeating: be civil and respectful when engaging other students and the professor.

Every class, a grade will be assigned for participation: check plus (exceptional), check (adequate but could be improved), or check minus (inadequate in quantity or in quality). A-level participation (“check plus”) involves regularly doing the following: examining the implications of assigned readings, going beyond assigned readings, posing alternative hypotheses and analyzing alternative interpretations. Merely repeating or describing reading is “C” work, though the inability to do at least that when asked will result in lower grades. Poor attendance, unprofessionalism, unpreparedness, or disrespect for others may also result in lower grades.

II. Blog posts on course blog: www.poli7920.blogspot.com
Each week, every student will contribute to the course blog in one of two capacities (writing critical reading questions or writing a response post). Each student must sign up for a free account with Blogger.com and join the course blog, POLI 7920: Seminar in Public Law. All writing for the course is expected to be academic in tone and free of grammatical, punctuation, spelling, and typographical errors. Documentation of outside sources should be consistent in everything written and should follow APSA format. [See Moodle for more information if you are unfamiliar with APSA format.]

Weekly critical reading questions [15%]
Students will prepare 2-3 critical reading questions over each week’s readings and post these to the course blog. (These are due every week except the week when the student has signed up for a response post.) Questions are due each week by Thursday 6 p.m. (Late questions will receive a grade penalty, and students missing class without submitting questions will receive no credit.) These questions should focus on some aspect of the reading that you find problematic, interesting, or in need of further elaboration or study. This can include theoretical foundations, weaknesses in arguments, variables included or omitted, operationalization of concepts, measurement issues, methodological issues, interpretation of results, and implications.

One way to generate ideas for your critical reading questions is to ask yourself, as you go through each reading: “What else?” (What other explanations, variables, measurement strategies, institutions, theories, or conclusions, etc. are possible?) and “Why/not?” A good question will
raise a concern that indicates a close reading of the articles/books, the implications of this concern, and a way to address the concern (or at least some preliminary sense of alternative approaches).

**Response post [10%]**
Each week one or two students will submit a short (4-6 paragraphs) response post instead of the critical reading questions. (We will sign up for these on the first day of class.) These posts are due by 10:30 a.m. on Friday each week. Late posts will be penalized.

The response posts will require students to read all required reading for that week PLUS one other article chosen from the list of recommended readings for the week. This blog post should include a short (1-2 paragraph) synopsis of the expert reading and a 3-5 paragraph critical analysis. (More specific guidelines can be found on Moodle and the course blog.)

**III. Take-home midterm exam [25%]**
There will be a take-home exam midway through the semester to evaluate students’ comprehension of course concepts, ability to synthesize and analyze research, and to use datasets to answer empirical questions.

**IV. Research project [40%]**
The bulk of the grade for the course will come from an empirical research paper that examines a question related to the study of law and courts. I strongly encourage students to consider submitting their paper as a proposal to a political science conference or to a specialized law and courts conference (such as the Law and Society meeting), with the end goal of submitting the revised paper to a journal for publication. Quantitative or qualitative approaches may be used, but must be appropriate for the question posed. The research paper may be integrated with students’ other areas of interest. For instance, students interested in comparative politics might focus on non-U.S. courts; political communications students might focus on media effects and the courts; students of racial politics might examine descriptive representation on the bench; and so on.

Topics must be approved by the instructor, and students are expected to set up one-on-one meetings throughout the semester to check in about the status of the paper. To this end, a one-page, single-spaced proposal (like that which you would submit to a conference) should be turned in via email no later than Monday, Sept. 17 at 6:00 p.m. A preliminary bibliography for the literature review section of the paper will be due no later than October 1 (via email). Rough drafts (optional, but encouraged) are due to me via email no later than November 5 (to ensure that I can get comments back to you in time to make substantive changes). The final version of the paper should be emailed no later than December 5 at 6:00 p.m. Late papers will be subject to grade penalties.

**Master’s level students**
Master’s students will write a research design paper that includes an appendix with a proposed timeline for completing the project (i.e., data collection and analysis). The final paper should be about 15-18 pages in length, excluding tables, references, and appendices (double-spaced, 12 point Times New Roman font).
**PhD students**

PhD students should fully implement their research design, either collecting original data or using existing data sources, conducting appropriate analyses, and writing up results and conclusions. The final paper should be about 25 pages in length, excluding tables, references, and appendices (double-spaced, 12 point Times New Roman font). More information on the paper is available on Moodle.

**Grading Policy**

The course is on a 100 point scale. There is no extra credit available for any student, and I do not give Incompletes except under extraordinary circumstances (i.e., birth of a child, death in the family, hospitalization). Borderline grades at the end of the course will be decided based on the quality of participation. **Grades will NOT be discussed over email**, for confidentiality reasons; please make an appointment with me if you have a question. Work submitted late will be subject to grade penalties.

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<tr>
<th>In-class participation/discussion: 10</th>
<th>Response writing: 10</th>
<th>Final paper: 40</th>
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<tr>
<td>Critical reading questions: 15</td>
<td>Take-home exam: 25</td>
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**Academic Honesty**

*The Student Code of Conduct* is strictly enforced for all work performed in this class. Please see [www.ssa.lsu.edu](http://www.ssa.lsu.edu) for details. Every student is expected to be familiar with and abide by the University’s policy on academic honesty before performing any academic work. All suspected violations will be reported, and determinations of guilt or innocence will be made by the Office of Student Accountability.

**Reading Schedule** *(subject to change)*

*All readings must be completed by the date listed for each class.*

**Week 1 (August 24): Introduction to the Law and Courts subfield**


**Week 2 (August 31): Jurisprudence, Judicial Systems, and Judicial Independence**

**Because of APSA in New Orleans, this week you will be responsible for the readings and posting 3 critical reading questions (for practice), but we will not physically meet in class.**

**I strongly encourage you to register and attend APSA.**

- MURPHY ET AL.: Chapter 1, “Political Jurisprudence” (pp. 3-20)
- MURPHY ET AL.: Readings 2.4 and 2.5
- MURPHY ET AL.: Chapter 3, “The American Legal System” (pp. 77-100)

**Week 3 (September 7): Judicial Decision Making: Legal Models**

- Segal and Spaeth, ch. 2
- MURPHY ET AL.: pp. 454-459
- Richards and Kritzer. 2002. AMERICAN POLITICAL SCIENCE REVIEW
• Hansford and Spriggs, the Politics of Precedent, Ch. 2 [on Moodle]
• Lax (2011) Annual Rev. of Political Science [on Moodle]

**Recommended readings (for response author(s) only – pick one)**


**Week 4 (September 14): Judicial Decision Making: Attitudinal Models**

- Segal and Spaeth, ch. 3 and ch. 8

**Recommended readings (for response author(s) only– pick one)**

- Blake (2011) POLITICAL RESEARCH QUARTERLY, “God Save this Honorable Court: Religion as the Source of Judicial Policy Preferences.”

**Week 5 (September 21): External Influences and Strategy**

- MURPHY ET AL: Ch. 8 “Limitations on Judicial Power” pp. 329-345
- Segal and Spaeth, Ch. 3 “Rational Choice Models” (pp. 97-114)

**Recommended readings (for response author(s) only– pick one)**

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• Owens and Black (2009), “Strategic Bargaining on the U.S. Courts of Appeals.” [on Moodle]
• HW Perry, Deciding to Decide [on Moodle]
• Epstein and Knight, The Choices Justices Make. [borrow from instructor]

**Week 6 (September 28): Psychology and Judging/Small Group Influences**
• Klein and Mitchell, Psychology of Judicial Decision Making. Chapters 1, 3, 5, 10, 12, 13, and 17.

**Recommended readings (for response author(s) only—pick one)**
• Jilani, Songer, and Johnson. 2010. “Gender, consciousness raising, and decision making on the Supreme Court of Canada.” Judicature. [on Moodle]

**October 1: preliminary bibliography due**

**Week 7 (October 5): The Selection of Judges**
• MURPHY ET AL. – Ch. 4 “Judicial Selection and Retention.” (pp. 141-159)
• MURPHY ET AL. – Reading 4.2 (“Picking Federal Judges”)
• Cameron, Charles, Albert Cover, and Jeffrey Segal. 1990. “Senate Voting on Supreme Court Nominees: A Neo-Institutional Model.” AMERICAN POLITICAL SCIENCE REVIEW 84: 525-34.

**Recommended readings (for response author(s) only—pick one)**
• Brace, Paul and Brent Boyea. 2008. “State Public Opinion, the Death Penalty, and the Practice of Electing Judges.” AMERICAN JOURNAL OF POLITICAL SCIENCE.

Week 8 (October 12): Juries and Trial Courts
• MURPHY ET AL. – Chapter 9 “Fact Finding in the Courts,” pp. 381-96
• MURPHY ET AL. – Chapter 9, readings 9.9 – 9.10
• Jensen and Martinek 2009 “The Effects of Race and Gender on the Judicial Ambitions of State Trial Court Judges.” POLITICAL RESEARCH QUARTERLY

Week 9 (October 15-19): Take-home midterm – NO CLASS

Week 10 (October 26): Lawyers
• MURPHY ET AL. – Readings 5.1-5.3
• Haynie and Sill. 2007. “Experienced Advocates and Litigation Outcomes: Repeat Players in the South African Supreme Court of Appeal.” POLITICAL RESEARCH QUARTERLY

Recommended readings (for response author(s) only – pick one)

**Week 11 (November 2): Litigants, Access to Justice, and Legal Mobilization**

- MURPHY ET AL. – Reading 6.4 (“Why the Haves Come Out Ahead”)
- Collins, “Interest Groups and Their Influence on Judicial Policy” (on M)
- Epp, *The Rights Revolution*, ch. 2. (on M)

**Recommended readings (for response author(s) only – pick one)**


**Week 12 (November 9): Public Opinion, Media, and Legitimacy**

- MURPHY ET AL: Reading 14.7 “Public Reactions to Supreme Court Decisions”
- Benesh, Sara. 2006. “Understanding Public Confidence in American Courts.” *Journal of Politics*

**Recommended readings (for response author(s) only – pick one)**


**Week 13 (November 16): Judicial Impact and Implementation**

• MURPHY ET AL. – Readings 14.1, 14.5, 14.6

**Recommended reading (for response author(s) only – pick one)**


**Week 14 (November 23): THANKSGIVING BREAK – NO CLASS. Work on papers!**

**Week 15 (November 30): Comparative Courts [critical readings questions only]**