Course description: This course serves as an introduction to the field of Political Science referred to as Law and Courts. 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)
- Some additional readings posted on Moodle

Course requirements
1. Participation & critical reading questions [20 percent]

Students are expected to attend class regularly (on time and for the duration of the class), carefully read all assigned materials before class, complete all written assignments on time, and treat other students and the instructor with respect (including on Moodle).

Students will prepare at least two or three critical questions over each week’s readings. Each “question” should be around a paragraph. These questions should be emailed to me by noon on Thursday each week. These questions should focus on some aspect of the reading that you find problematic or think requires further elaboration/study. This can include theoretical foundations, weaknesses in arguments, variables included or omitted, operationalizations of concepts, measurement issues, methodological issues, etc. These will be graded on a check/check plus basis and are a critical component of the participation grade. Students who are absent from class will not be given credit for the assignment. An example of a critical question might be:
Though Segal and Spaeth differentiate attitudes by issue categories, they are not attempting a multi-dimensional understanding of judging. They present decision-making “lines” that place the judges along its continuum. Schubert initially argued that judges’ ideologies are located in multi-dimensional space, which is ignored by Segal and Spaeth. Why do Segal and Spaeth present a linear approach to decision-making?

Participation grades will be determined in the following way. Earning an “A” involves regularly examining the implications of assigned readings, going beyond assigned readings, posing alternative hypotheses, or analyzing alternative explanations. Earning a “B” entails showing understanding of arguments and their implications. Merely repeating or describing reading is “C” work, though the inability to do at least that when asked will result in lower grades.

II. Take-home examination [30 percent]
There will be a take-home exam late in the semester to evaluate comprehension of course concepts, as well as students’ ability to synthesize and analyze research.

III. Research paper [50 percent] - Due May 10
The research paper will be an analysis of an empirical question related to the study of law and courts, and, ideally, will subsequently be submitted to a political science conference (and later on, to a journal for publication). Qualitative or quantitative approaches may be used, but the approach must be appropriate for the question posed. The research paper can be integrated with students' other areas of interest. For example, those students interested in Congress and the President could focus on some aspect of the interrelationship of these branches with the judiciary, etc. Those interested in comparative or international relations can focus on non-US courts or international tribunals, etc. Students from other disciplines can easily blend political science with their own field. For example, students of public administration may want to focus on some aspect of judicial administration or criminal justice; communications majors may want to focus on media and the courts, and so on.

Topics must be approved by the instructor; to this end, a one-to-two page proposal must be submitted no later than February 12 and should take the form of a conference proposal.

The research paper must adhere to the following general outline:
- Justify the topic. Indicate why this is an important topic. Concentrate on its theoretical significance.
- State the question to be addressed in the study. Use specific hypotheses where appropriate.
- Review the literature. Describe the existing research on your topic and indicate the problems or shortcomings of the existing literature.
- Specify what approach, model, or theory you are testing or the ways in which a particular approach or model directs you to the problem you are investigating and how it shapes the questions you are asking or the hypotheses you are testing.
- Indicate the kind(s) of data to be used.
- Give specific operational definitions of the concepts you are using.
- Include appropriate data analyses.
- Include appropriate references, tables, figures, appendices, etc.

Important Paper Dates
- **February 12**: Proposal (1-2 page) due via email, no later than 9:00.
- **February 25**: a preliminary bibliography for your paper is due.
- **March 11**: the bibliography for your paper is due.
- **April 15**: the empirical results only for your paper are due.
- **May 6**: the rough draft of your paper is due in class for peer review.
- **May 10**: Final version of paper due (hard copy) in my mailbox by 9:00 a.m.

Term papers should generally be 18-20 pages in length, not counting tables or appendices, if any, or references. They should be double-spaced throughout with one-inch margins on all sides and in 12-point font. Late papers will be penalized 1/2 letter grade per calendar day late.

**READING SCHEDULE (subject to change)**

**Week 1: January 21 Introduction to the Law & Courts subfield**

Law and Courts newsletter: “Symposium: Identity Crisis?” (pp. 4-13) [on Moodle]


**Week 2: January 28 American Courts, the Judicial Process & Jurisprudence**

- MURPHY ET AL. – Chapter 3, “The American Legal System,” pages 77-100
- MURPHY ET AL. – Chapter 3, readings 3.1 to 3.8

**Week 3: February 4 Judicial Decision Making – Legal Models**

- MURPHY ET AL. – Chapter 10, “Precedents and Legal Reasoning,” pages 438-449
- Segal and Spaeth – Chapter 2, “Models of Decision Making: The Legal Model,” pages 44-85
- MURPHY ET AL. – Chapter 10, readings 10.1, 10.2, 10.5, pages 478-83, 10.7 and 10.8

**Week 4: February 11 Judicial Decision Making – Attitudinal Models**

- SEGAL AND SPAETH – Chapter 8, “The Decision on the Merits: The Attitudinal Model,” pages 312-25
- Baum, *The Puzzle of Judicial Behavior* [Ch. 3]

**Week 5: February 18 Judicial Decision Making – External Influences & Strategy**

- MURPHY ET AL. – Chapter 8, “Limitations on Judicial Power,” pages 329-45
- Baum, *The Puzzle of Judicial Behavior* [Ch. 4]

**Week 6: February 25**

**Public Law, Historical Institutionalism, & APD**

- SEGAL AND SPAETH – Chapter 4, “A Political History of the Supreme Court,” pages 115-78

**Week 7: March 4**

**Small Group Models; Psychology & Judging**

- Baum, *The Puzzle of Judicial Behavior.* [Ch. 5]

**Week 8: March 11**

**The Selection of Judges**

- MURPHY ET AL. – Chapter 4, Readings 4.1 to 4.9
Week 9: March 18  
**Juries and Trial Courts**
- MURPHY ET AL. – Chapter 9, “Fact Finding in the Courts,” pages 381-396
- MURPHY ET AL. – Chapter 9, Readings 9.1 to 9.11
- MURPHY ET AL. – Chapter 3, Reading 3.4
- MURPHY ET AL. – Chapter 2, Reading 2.1

Week 10: March 25  
**Lawyers**

Week 11: April 1  
**Litigants, Access to Justice, and Legal Mobilization**
- MURPHY ET AL. – Chapter 6, Readings 6.1 to 6.5

APRIL 8: SPRING BREAK - NO CLASS

Week 12: April 15  
**Comparative Courts**  
[Empirical results of paper due]


Week 13: April 22 - No class: Exam DUE at noon via email

Week 14: April 29 Media, Public Opinion, and the Courts

- Gibson and Caldeira. 2009. “Have Segal and Spaeth Damaged the Legitimacy of the U.S. Supreme Court?” Working paper available via the SSRN. (use Google Scholar)
- Bartels and Johnston. 2009. “Sensationalism and Sobriety: Differential Media Exposure and Attitudes Toward American Courts.” *Public Opinion Quarterly*
- Slotnick and Segal (selections on Moodle)

Week 15: May 6 Judicial Impact [Bring rough draft of paper to class]

- MURPHY ET AL. – Chapter 14, Readings 14.1 to 14.7

May 10: FINAL PAPER DUE (9:00 a.m.) – hard copy only in my mailbox in 240 Stubbs
APPENDIX: CODEBOOKS AND DATA BASES:

NOTE: All these materials may be downloaded (at no cost to you) and saved on a hard drive, zip drive, or CD for use as you need them.


Songer, Donald R. 1998. *Bridge Dataset.* Includes all Courts of Appeals decisions that were subsequently appealed to the U.S. Supreme Court and bridges the Songer database to the Spaeth database. Can be accessed at [http://www.cas.sc.edu/poli/juri/appctdata.htm](http://www.cas.sc.edu/poli/juri/appctdata.htm)


See also: http://www.icpsr.umich.edu/index.html

South African Data Set. All Reported Appellate Division Decisions, 1950-1990. See me.

Comparative Courts Data Set. See me.

Litigating EU Law Data. See me.

Empirical Legal Studies blog. Contains a listing of data sources. www.elsblog.org