POLS 8430: Judicial Politics

Professor Christina Boyd
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Office Hours: Wed 4:30-6:00 and by appointment (please email)
Spring 2017; Wednesday 6:50-9:50

Course Description:
This course examines courts in the American political system, the selection of judges, the flow of decisions through trial and appellate courts, the participation of non-judicial actors, the considerations of judicial decision making, and the relations between courts and other government institutions.

Grading:
30% - Participation
20% - 2 Critical Paper Reviews
40% - Research Paper
5% - Research Paper Proposal
5% - Research Paper Presentation

Your participation will be evaluated on a number of components, including your regular attendance, your thoughtful and prepared participation during seminars, your attendance at required event(s), and your performance as a discussion leader. Most substantive classes will have one or more assigned discussion leaders. Your jobs in this role will be to carefully read the assigned readings, prepare discussion questions, think critically about how the work fits together (or doesn’t), discuss the question(s) that are being tackled by the research, crystallize what is learned from the research (either through summary or through questions), critique the authors’ theory, research design, evidence, methodology and/or conclusions, and propose remaining questions or new avenues for research in the area. Every class will proceed differently, so be flexible and always be prepared (whether you are the discussion leader or not). Discussion leaders are not responsible for readings marked “skim” or “recommended background.”

The two critical paper reviews will require you to read and write a critical yet constructive review on a judicial politics-related manuscript being submitted to a peer-review journal. Further instructions will be provided with the first assignment.

Each student is required to write an original research paper that empirically, formally, or otherwise systematically analyzes a topic (loosely) connected to this course. To do this, you need to develop a testable research question, find or collect data relevant to that topic, analyze those data, and write up and present those findings to the class. The level of required data collection and analysis can vary based on your field of study and level in the program. Paper proposals are due in class, after which we’ll talk more in person about your project and ideas for successfully moving forward. At the end of the semester, you will present your research project and any findings to the class.

Unless otherwise noted, assignments turned in late will lose 10 points per day (with the “day” clock beginning as soon as class begins).
At the end of this course, students should be equipped to:

- Identify the key legal institutions and actors in the United States.
- Evaluate how political and strategic factors affect presidential and senatorial decisions in the nomination and confirmation of federal judges.
- Assess how different judicial selection systems in U.S. states affect which judges serve and what decisions those judges make on the bench.
- Describe, assess, and critique the primary legal and political theories used to examine and explain judicial behavior and votes.
- Identify how judges and justices account for hierarchical, public opinion, and legitimacy considerations when making decisions.
- Comprehend how foreign and international courts and judicial decision making considerations differ from those in the U.S.
- Access, interpret, and critically analyze U.S. Supreme Court data from 1791 to the present, U.S. state supreme court data from 1995-2010, and other important judicial data sources.

Required books [order online; not in campus bookstore]:


Other course readings are available online (via J-STORE, google scholar, HeinOnline, etc) or eLC.

Schedule: Schedule is approximate; assignments may be adjusted during the course of the semester depending on our pace in class. Special Note: All assigned reading is to be conducted prior to the class for which it is listed.

1/11 – Course Introduction; Introduction to the Judiciary and Judicial Politics

- No reading

1/18 – Accessing Courts

• Recommended Background: Segal, Jeffrey A. and Harold J. Spaeth. 2002. The Supreme Court and the Attitudinal Model Revisited. Cambridge University Press. [Chapter 6]

Discussion leaders:____________________________________________________________

1/25 - Judicial Selection, Retention, and Departures: Federal

• Recommended Background: Segal, Jeffrey A. and Harold J. Spaeth. 2002. The Supreme Court and the Attitudinal Model Revisited. Cambridge University Press. [Chapter 5]

Discussion leaders:____________________________________________________________

2/1 – Judicial Selection, Retention, and Departures: States


Discussion leaders:____________________________________________________________

2/8 – Judicial Decision Making I

• Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press. [Chapters 2, 3, 7, 8]

Discussion leaders:____________________________________________________________

2/15 – Judicial Decision Making II

Discussion leaders:____________________________________________________________

[Manuscript Review due at the beginning of class on 2/15]

[1-2 paragraph research paper proposal due in class (printed) on 2/15; we'll discuss feasibility and plans in class]

2/22 – Measures and Data Sources

- USSC Database Handout on eLC (no discussion required)

Discussion leaders:________________________________________________________________________

3/1 – No Class (Spring Break)

3/8 – Hierarchical Constraints and Considerations for Judging


Discussion leaders:____________________________________________________________

3/15 -- External Constraints on Judging – Public Opinion/Legitimacy


Discussion leaders:____________________________________________________________

3/22 -- External Constraints on Judging – Congress, Presidency, and Responsiveness


Discussion leaders:____________________________________________________________
3/29 – Lawyers and Amicus


Discussion leaders: ________________________________________________________________

[Manuscript Review due on 3/29 at start of class]

4/5-No Class (MPSA); Make progress on your research papers!

4/12 -- Comparative and International Courts, Part I


Discussion leaders: ________________________________________________________________
4/19 – Comparative and International Courts, Part II


Discussion leaders:______________________________________________________________

4/26 – Research Presentations in Class

5/1 – 10:00 a.m. Final paper due (submit via email)