

## PS 519: Judicial Politics (Fall 2016)

Professor Alicia Uribe-McGuire  
Location: DKH404  
R 9:30 a.m. -11:50 a.m.

Office Hours: Wednesday 9-11  
or by appointment (Office DKH435)  
Email: aburibe@illinois.edu

### **Course Overview:**

In this course, we will explore the current theoretical and empirical work being done in the area of judicial politics. We will explore the major streams of research as well as the primary debates about how the judicial system in America operates. We will explore a number of topics including judicial selection, judicial decisionmaking, and the judicial branch in the broader governmental system. The majority of the literature we explore in this course will focus on the Supreme Court, due to the emphasis placed on this institution in the literature. We will also examine literature on other courts including the Federal Courts of Appeals, Federal District Courts, state courts, as well as some comparative courts.

### **Course Material**

The following books are required either in their entirety or in large part such that purchasing them is advisable. As graduate students, it is always beneficial to begin growing your library, so I would recommend looking through some of the books found below under recommended reading and purchase those that interest you as well.

Perry, H.W. Jr. 1991. *Deciding to Decide: Agenda Setting on the United States Supreme Court*. Cambridge: Harvard University Press.

Maltzman, Forrest, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.

Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press

Lee Epstein, William M. Landes, and Richard A. Posner. 2013. *The Behavior of Federal Judges*. Harvard University Press.

### **Course Requirements, Policies, and Evaluation**

#### *Attendance, Participation, and Discussion Leading (20%)*

As with any graduate course, attendance and participation are vital to your experience in this class. You are expected to arrive to class on time and all readings should be completed before class.

Each student will be required to sign up to lead discussion twice throughout the semester. Students will sign up for the weeks they would like to lead in the first class session. In this capacity, students should thoroughly read the assigned readings, think through how the readings work together (or how they conflict), think critically about the authors' theories, design, and data analysis. Students should circulate a list of discussion questions to myself and the rest of the class at least 48 hours ahead of class.

### *Final Exam (30%)*

This course will have a comprehensive exam style final exam. The exam will consist of one question, which should be answered within 48 hours. Answers should be written in the standard format expected of comprehensive exams. The exam will be distributed by email after the last day of class and should be returned to the professor via email no later than 48 hours after the exam is received.

### *Final Class Assignment (50%)*

Every student will be required to write a research paper for this course. This paper can be of a theoretical or empirical nature. In either instance, the student should identify a question, find or collect relevant data, complete the analysis, and write up results.

Students are welcome to approach this paper as a replication and extension. Such a paper would identify a paper that the student thinks is worthy of some extension. This extension could include an extended time frame for analysis, additional hypothesis addressing the same question, or correcting perceived methodological or data problems in the paper. These papers should begin by replicating the original paper (you are encouraged to contact the author, or go to their website, to obtain the original data). The paper should then introduce the extension and present the analysis.

Students are encouraged to meet with me early and often to discuss the papers. Students should email me their planned paper topic no later than October 6.

### *Academic Honesty and Integrity*

You are expected to conform to the university's policy on academic integrity ([http://studentcode.illinois.edu/article1\\_part4\\_1-401.html](http://studentcode.illinois.edu/article1_part4_1-401.html)). Any violations of this policy through consulting unauthorized sources, purchasing papers, plagiarism, etc. will be reported to the university and the student will receive a 0 for the assignment.

### *Students with Disabilities*

If you require reasonable accommodations for this course, please contact Disability Resources and Educational Services (DRES) and let me know as soon as possible so that we can create an accommodation plan.

## *Emergency Response Information*

Emergency response recommendations are attached at the end of this syllabus.

### **Class Schedule**

Date            Topic

8/25            Class Introduction (No Required Readings)

*Recommended Readings:*

If you are not familiar with the general workings of the judicial system in America, refer to the following sources:

Carp, Robert, Ronald Stidham, and Kenneth Manning. 2013. *Judicial Process in America*. 9th Edition. CQ Press.

Walter F. Murphy, C. Herman Pritchett, Lee Epstein, and Jack Knight. 2006. *Courts, Judges, and Politics: An Introduction to the Judicial Process*. 6th edition. McGraw Hill

Baum, Lawrence. 2007. *The Supreme Court*, 9th ed. Washington: CQ Press

9/1            Class Cancelled (APSA Meeting)

9/8            Judicial Selection

*Required Readings*

Melinda Gann Hall. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review*, 95(2):315-330.

Sarah A. Binder and Forrest Maltzman.. 2002. "Senatorial Delay in Confirming Federal Judges, 1947-1998". *American Journal of Political Science*, 46(1):190-199.

Lee Epstein, René Lindstädt, Jeffrey A Segal, and Chad Westerland. 2006. "The Changing Dynamics of Senate Voting on Supreme Court Nominees." *Journal of Politics*, 68(2):296-307.

Nancy Scherer, 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(04):1026-1039.

Chris W Bonneau and Damon M Cann. 2011. Campaign Spending, Diminishing Marginal Returns, and Campaign Finance Restrictions in Judicial Elections. *The Journal of Politics*, 73(04):1267–1280.

Alicia Uribe. “Binders Full of Judges: A Model of the Interdependency of Appointments to the United States Federal Judiciary”. Working Paper.

### *Recommended Readings*

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* 43:1069-95.

Gregory A Huber and Sanford C Gordon. 2004. “Accountability and Coercion: Is Justice Blind When it Runs for Office?” *American Journal of Political Science*, 48(2):247–263.

Epstein, Lee and Jeffrey A. Segal. 2005. *Advice and Consent: The Politics of Appointing Judges*. New York: Oxford University Press.

Nemacheck, Christine L. 2006. *Strategic Selection: Presidential Selection of Supreme Court Justices from Hoover through Bush*. Charlottesville: University of Virginia Press.

Elisha Carol Savchak, 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(2):478–493.

Primo, David M., Sarah A. Binder, and Forrest Maltzman. 2008. “Who Consents? Competing Pivots in Federal Judicial Selection.” *American Journal of Political Science* 52:471-89.

Paul Brace and Brent D Boyea. 2008. “State Public Opinion, the Death Penalty, and the Practice of Electing Judges.” *American Journal of Political Science*, 52(2):360– 372.

James L Gibson. 2008. “Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and New-Style Judicial Campaigns.” *American Political Science Review*, 102(01):59–75, 2008.

Lax, Jeffrey, Jonathan Kestel and Justin Phillips. 2010. “Public Opinion and Senate Confirmation of Supreme Court Nominees.” *Journal of Politics* 72:767-784.

Cameron, Charles, John Kestel, and Jee-Kwang Park. 2013. "Voting for Justices: Change and Continuity in Confirmation Voting 1937-2010." *Journal of Politics* 72:283-299.

Nelson, Michael J., Rachel Paine Caufield, and Andrew D. Martin. 2013. "OH, MI: On Empirical Examinations of Judicial Elections." *State Politics & Policy Quarterly* 13:495-511.

Driscoll, Amanda and Michael J. Nelson. 2013. "The Political Origins of Judicial Elections: Evidence from the United States and Bolivia." *Judicature* 96:151-160.

Lee Epstein, William M. Landes, and Richard A. Posner. 2013. *The Behavior of Federal Judges*. Harvard University Press. Chapter 8  
Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. 2014. "Judicial Selection and Death Penalty Decisions." *American Political Science Review* 108:23-39.

Maya Sen. 2014. "How Judicial Qualification Ratings May Disadvantage Minority and Female Candidates." *Journal of Law and Courts*, 2(1):33-65.

Driscoll, Amanda and Michael J. Nelson. 2015. "Judicial Selection and the Democratization of Justice: Lessons from the Bolivian Judicial Elections." *Journal of Law and Courts* 3(1):115-148.

Alicia Uribe. "The Promotion Conundrum: A Model of Promotions Within the Judiciary". Working Paper.

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Judicial Decisionmaking – Part I

*Required Reading*

Tracey E. George and Lee Epstein. 1992. "On the Nature of Supreme Court Decision Making." *American Political Science Review*, 86(2):323-337.

Lee Epstein, Jeffrey A. Segal, and Harold J. Spaeth. 2001. "The Norm of Consensus on the U.S. Supreme Court." *American Journal of Political Science*, 45(2):362- 377

Jeffrey A. Segal and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press

Barry Friedman. 2006. "Taking Law Seriously." *Perspectives on Politics*, 4(2):261-276.

Bailey, Michael A., and Forrest Maltzman. 2008. "Does Legal Doctrine Matter? Unpacking Law and Policy Preferences on the U.S. Supreme Court." *American Political Science Review* 102:369-84.

Lee Epstein, William M. Landes, and Richard A. Posner. 2013. *The Behavior of Federal Judges*. Harvard University Press. Chapters 1-6

*Recommended Reading*

Brace, Paul, and Melinda Gann Hall. 1997. "The Interplay of Preferences, Case Facts, Context, and Rules in the Politics of Judicial Choice." *Journal of Politics* 59:1206-31.

Richards, Mark J., and Herbert M. Kritzer. 2002. "Jurisprudential Regimes in Supreme Court Decision Making." *American Political Science Review* 96(June):305-20.

Corley, Pamela C., Robert M. Howard, and David C. Nixon. 2005. "The Supreme Court and Opinion Content: The Use of the Federalist Papers." *Political Research Quarterly* 58:329-40.

Lax, Jeffrey R. 2007. "Constructing Legal Rules on Appellate Courts." *American Political Science Review* 101:591-604.

Hansford, Thomas G., and James F. Spriggs, II. 2008. *The Politics of Precedent on the U.S. Supreme Court*. Princeton: Princeton University Press.

Black, Ryan C., and Ryan J. Owens. 2009. "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *Journal of Politics* 71:1062-75.

Landa, Dmitri, and Jeffrey Lax. 2009. "Legal Doctrine on Collegial Courts." *Journal of Politics* 71:946-63.

Lax, Jeffrey R., and Kelly R. Rader. 2010. "Legal Constraints on Supreme Court Decision Making: Do Jurisprudential Regimes Exist?" *Journal of Politics* 71:273-84.

Kritzer, Herbert M., and Mark J. Richards. 2010. "Taking and Testing Jurisprudential Regimes Seriously: A Response to Lax and Rader." *Journal of Politics* 72:285-88.

Lax, Jeffrey R., and Kelly R. Rader. 2010. "The Three Prongs of a Jurisprudential Regimes Test: A Response to Kritzer and Richards." *Journal of Politics* 72:289-91.

Black, Ryan C., and James F. Spriggs, II. 2013. "The Depreciation of U.S. Supreme Court Precedent." *Journal of Empirical Legal Studies* 10:325-358.

Baum, Lawrence. 2013. "Linking Issues to Ideology in the Supreme Court: The Takings Clause." *Journal of Law and Courts* 1:89-114.

Rachael K. Hinkle. 2015. "Legal Constraint in the U.S. Courts of Appeals." *77 Journal of Politics* 721-735.

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Judicial Decisionmaking – Part II

*Required Reading*

Maltzman, Forrest, James F. Spriggs, II, and Paul J. Wahlbeck. 2000. *Crafting Law on the Supreme Court: The Collegial Game*. New York: Cambridge University Press.

Maltzman, Forrest, and Paul J. Wahlbeck. 2004. "A Conditional Model of Opinion Assignment on the Supreme Court." *Political Research Quarterly*. 57(Dec.):551- 563.

Hettinger, Virginia, Stefanie A. Lindquist, and Wendy L. Martinek. 2004. "Comparing Attitudinal and Strategic Accounts of Dissenting Behavior on the U.S. Courts of Appeals." *American Journal of Political Science* 48(January):123-137.

Bonneau, Chris W., Thomas H. Hammond, Forrest Maltzman, and Paul J. Wahlbeck. 2007. "Agenda Control, the Median Justice, and the Majority Opinion on the U.S. Supreme Court." *American Journal of Political Science* 51 (October): 890-905.

Boyd, Cristina L., Lee Epstein, and Andrew D. Martin. 2010. "Untangling the Causal Effects of Sex on Judging." *American Journal of Political Science* 54:389-411.

Enns, Peter, and Patrick C. Wohlfarth. 2013. "The Swing Justice." *Journal of Politics* 75:1089-1107.

*Recommended Reading*

Tate, C. Neal. 1981. "Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions." *American Political Science Review*. 75(June):355-67.

Black, Ryan C., Sarah A. Treul, Timothy R. Johnson, and Jerry Goldman. 2011. "Emotions, Oral Arguments, and Supreme Court Decision Making." *Journal of Politics* 73:572-581.

Boyd, Christina L. 2013. "She'll Settle It?" *Journal of Law and Courts* 1:193-219.

Glynn, Adam, and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *American Journal of Political Science* 59:37-54.

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Ideology Measurement

*Required Readings*

Jeffrey A. Segal and Albert D. Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review*, 83(2):557-565, 1989.

Paul Brace, Laura Langer, and Melinda G. Hall. 2000. "Measuring the Preferences of State Supreme Court Judges." *Journal of Politics*, 62(2):387-413, 2000.

Martin, Andrew D. and Kevin M. Quinn. 2002. "Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953-1999." *Political Analysis* 10:134-53.

Lee Epstein, Andrew D. Martin, Jeffrey A. Segal, and Chad Westerland. 2007. "The Judicial Common Space." *Journal of Law, Economics, and Organization*, 23(2):303, 2007.

Bailey, Michael A. 2007. "Comparable Preference Estimates Across Time and Institutions for the Court, Congress, and the Presidency." *American Journal of Political Science* 51:433-48.

Lauderdale, Benjamin E., and Tom S. Clark. 2012. "The Supreme Court's Many Median Justices." *American Political Science Review* 106:847-866.

*Recommended Readings*

Micheal W. Giles, Virginia A. Hettinger, and Todd Peppers. 2001. "Picking Federal Judges: A Note on Policy and Partisan Selection Agendas." *Political Research Quarterly*, 54(3):pp. 623-641, 2001.



Epstein, Lee, Andrew D. Martin, Kevin M. Quinn, and Jeffrey A. Segal. 2007. "Ideological Drift Among Supreme Court Justices: Who, When, and How Important?" *Northwestern University Law Review* 101:1483-1542.

Clark, Tom. 2009. "Measuring Ideological Polarization on the U.S. Supreme Court." *Political Research Quarterly* 62:146-57.

Tom S Clark and Benjamin Lauderdale. 2010. "Locating Supreme Court Opinions in Doctrine Space." *American Journal of Political Science*, 54(4):871-890, 2010.

Clark, Tom, Jeffrey Lax, and Douglas Rice. 2015. "Measuring the Political Salience of Supreme Court Cases." *The Journal of Law and Courts*, 3(1):36-65.

Boyd, C.L. 2015. "Federal District Court Judge Ideology Data."  
<http://cLboyd.net/ideology.html>.

10/6

Agenda Setting

*Required Reading*

Caldeira, Gregory A., and John R. Wright. 1988. "Organized Interests and Agenda Setting in the U.S. Supreme Court." *American Political Science Review* 82:1109-1127.

Perry, H.W. Jr. 1991. *Deciding to Decide: Agenda Setting on the United States Supreme Court*. Cambridge: Harvard University Press.

Caldeira, Gregory A., John R. Wright, and Christopher Zorn. 1999. "Strategic Voting and Gatekeeping in the Supreme Court." *Journal of Law, Economics and Organization* 15(3):549- 572.

Black, Ryan C., and Ryan J. Owens. 2009. "Agenda Setting in the Supreme Court: The Collision of Policy and Jurisprudence." *Journal of Politics* 71(3):1062-1075.

Black, Ryan C. and Christina L. Boyd. 2012. "U.S. Supreme Court Agenda Setting and the Role of Litigant Status." *Journal of Law, Economics, and Organization* 28(2): 286-312.

Rice, Douglas. 2014. "The Impact of Supreme Court Activity on the Judicial Agenda: Calling to Action or Settling the Law." *Law and Society Review* 48(1):63-90.

### *Recommended Reading*

Boucher, Robert L. Jr., and Jeffrey A. Segal. 1995. "Supreme Court Justices as Strategic Decision Makers: Aggressive Grants and Defensive Denials on the Vinson Court." *Journal of Politics* 57:824-37.

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.

Benesh, Sara C., Saul Brenner, and Harold J. Spaeth. 2002. "Aggressive Grants by Affirm- Minded Justices." *American Politics Review* 30:219-34.

Yates, Jeff, Andrew B. Whitford, and William Gillespie. 2005. "Agenda Setting, Issue Priorities and Organizational Maintenance: The US Supreme Court, 1955 to 1994." *British Journal of Political Science* 35(April): 369-381.

Baird, Vanessa. 2006. *Answering the Call of the Court: How Justices and Litigants Set the Court's Agenda*. Charlottesville, VA: University of Virginia Press.

Black, Ryan C. and Ryan J. Owens. 2011. "Solicitor General Influence and Agenda Setting on the United States Supreme Court." *Political Research Quarterly* 64: 64(4):765-778.

Caldeira, Gregory A., John R. Wright, and Christopher Zorn. 2012. "Organized Interests and Agenda Setting in the U.S. Supreme Court Revisited."

Black, Ryan C., and Christina L. Boyd. 2013. "Selecting the Select Few: The Discuss List and the U.S. Supreme Court's Agenda-Setting Process." *Social Science Quarterly* 94:1124-1144.

10/13

Courts in the SOP Environment

### *Required Reading*

Bailey, Michael A., Brian Kamoie, and Forrest Maltzman. 2005. "Signals from the Tenth Justice: The Political Role of the Solicitor General in Supreme Court Decision Making." *American Journal of Political Science* 49:72-85.

Clark, Tom. 2009. "The Separation of Powers, Court-Curbing and Judicial Legitimacy." *American Journal of Political Science* 53:971-89.

Wohlfarth, Patrick C. 2009. "The Tenth Justice? Consequences of Politicization in the Solicitor General's Office." *Journal of Politics* 71:224-237.

Owens, Ryan J. 2010. "The Separation of Powers, Judicial Independence, and Strategic Agenda Setting." *American Journal of Political Science* 54: 412-427.

Uribe, Alicia, James F. Spriggs, II and Thomas G. Hansford. 2014. "The Influence of Congressional Preferences on Legislative Overrides of Supreme Court Decisions." *Law and Society Review* 48(4):921-945.

Christiansen, Matthew R., and William N. Eskridge. 2015. "Congressional Overrides of Supreme Court Statutory Interpretation Decisions, 1967-2011." *Texas Law Review* 92:1317-1541

### *Recommended Reading*

Eskridge, William N. 1991. "Overriding Supreme Court Statutory Interpretation Decisions." *Yale Law Journal* 101:331-456.

Toma, Eugenia Froedge. 1991. "Congressional Influence and the Supreme Court: the Budget as a Signaling Device." *The Journal of Legal Studies* 20:131-146.

Segal, Jeffrey A. 1997. "Separation of Powers Games in the Positive Theory of Congress and Courts." *American Political Science Review* 91:28-44.

Johnson, Timothy R. 2003. "The Supreme Court, the Solicitor General, and the Separation of Powers." *American Politics Research* 31:426-51.

Sala, Brian R., and James F. Spriggs II. 2004. "Designing Tests of the Supreme Court and the Separation of Powers." *Political Research Quarterly* 57:197-208.

Hettinger, Virginia A. and Christopher Zorn. 2005. "Explaining the Incidence and Timing of Congressional Responses to the US Supreme Court." *Legislative Studies Quarterly* 30:5-28.

Harvey, Anna, and Barry Friedman. 2006. "Pulling Punches: Congressional Constraints on the Supreme Court's Constitutional Rulings, 1987-2000". *Legislative Studies Quarterly* 31.

Harvey, Anna, and Barry Friedman. 2009. "Ducking Trouble: Congressionally Induced Selection Bias in the Supreme Court's Agenda." *Journal of Politics* 71(2): 574- 92.

Black, Ryan C. and Ryan J. Owens. 2011. "Solicitor General Influence and Agenda Setting on the United States Supreme Court." *Political Research Quarterly* 64(4):765-778.

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* 55:89-104.

Black, Ryan C., and Ryan J. Owens. 2012. *The Solicitor General and the United States Supreme Court: Executive Branch Influence and Judicial Decisions*. Cambridge, MA: Cambridge University Press.

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* 1:35-59.

Black, Ryan C., and Ryan J. Owens. 2013. "A Built-In Advantage: The Office of the Solicitor General and the U.S. Supreme Court." *Political Research Quarterly* 66:454-466.

Hasen, Richard L. 2013. "End of the Dialogue? Political Polarization, the Supreme Court, and Congress." *Southern California Law Review* 86(2):101-155.

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Judicial Hierarchy and Lower Court Decisionmaking

*Required Readings*

Songer, Donald R., Jeffrey A. Segal, and Charles M. Cameron. 1994. "The Hierarchy of Justice: Testing a Principal-Agent Theory of Supreme Court-Circuit Court Interactions." *American Journal of Political Science*. 38:673-96.

Frank B. Cross and Emerson H. Tiller. 1998. "Judicial Partisanship and Obedience to Legal Doctrine: Whistleblowing on the Federal Courts of Appeals." *Yale Law Journal*, 107:2155.

Kirk A. Randazzo. 2008. "Strategic Anticipation and the Hierarchy of Justice in U.S. District Courts." *American Politics Research*, 36(5):669-693, 2008.

Clark, Tom. 2009. "A Principal-Agent Theory of En Banc Review." *Journal of Law, Economics, and Organization* 25:55-79.

Beim, Deborah, and Jonathan P. Kastellec. 2014. "The Interplay of Ideological Diversity, Dissents, and Discretionary Review in the Judicial Hierarchy: Evidence from Death Penalty Cases." *Journal of Politics* 76:1074-1088.

Sen, Maya. 2015. "Is Justice Really Blind? Race and Appellate Review in U.S. Courts." *Journal of Legal Studies* 44: 187-229

### *Recommended Readings*

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* 94:101-116.

Scott, Kevin M. 2006. "Understanding Judicial Hierarchy: Reversals and the Behavior of Intermediate Appellate Judges." *Law and Society Review* 40:163-92.

Max M Schanzenbach and Emerson H Tiller. 2007. "Strategic Judging under the U.S. Sentencing Guidelines: Positive Political Theory and Evidence." *Journal of Law, Economics, and Organization*, 23(1):24-56.

Chad Westerland, Jeffrey A. Segal, Lee Epstein, Charles M. Cameron, and Scott Comarato. 2010. "Strategic Defiance and Compliance in the U.S. Courts of Appeals." *American Journal of Political Science*, 54(4):891-905.

Clark, Tom S., and Jonathan P. Kastellec. 2013. "The Supreme Court and Percolation in the Lower Courts: An Optimal Stopping Model." *Journal of Politics* 75:150-168.

Lax, Jeffrey. 2015. "Political Constraints on Legal Doctrine: How Hierarchy Shapes the Law." *Journal of Politics*, 74(3): 765-781.

Christina L. Boyd. 2015 "The Hierarchical Influence of Courts of Appeals on District Courts." *Journal of Legal Studies*. 44:113-141.

Beim, Deborah, Alexander V Hirsch and Jonathan P Kastellec. 2016. "Signaling and Counter- Signaling in the Judicial Hierarchy: An Empirical Analysis of En Banc Review." *American Journal of Political Science* .

Rachael K. Hinkle. 2016. "Strategic Anticipation of En Banc Review in the U.S. Courts of Appeals." 50 *Law and Society Review* 383-414.

Morgan L.W. Hazelton, Rachael K. Hinkle, and Jee Seon Jeon. 2016. "Sound the Alarm? Judicial Decisions Regarding Publication and Dissent." 44 *American Politics Review* 649-681.

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Courts and the Public

### *Required Reading*

Robert A. Dahl. 1957. "Decision-Making in a Democracy: The Supreme Court as a National Policy Maker." *Journal of Public Law*, 6:279-295.

Durr, Robert H., Andrew Martin, and Christina Wolbrecht. 2000. "Ideological Divergence and Public Support for the Supreme Court." *American Journal of Political Science* 44:768-76.

Epstein, Lee and Andrew D. Martin. 2011. "Does Public Opinion Influence the Supreme Court?: Possibly Yes (But We're Not Sure Why)." *University of Pennsylvania Journal of Constitutional Law* 13.

Christopher J Casillas, Peter K Enns, and Patrick C Wohlfarth. 2011. "How Public Opinion Constrains the U.S. Supreme Court." *American Journal of Political Science*, 55(1):74-88.

Nelson, Michael J. 2014. "Responsive Justice?: Retention Elections, Prosecutors, and Public Opinion." *Journal of Law and Courts*, 2:117-152.

Salamone, Michael F. 2014. "Judicial Consensus and Public Opinion: Conditional Response to Supreme Court Majority Size." *Political Research Quarterly* 67:320-334.

#### *Recommended Reading*

Mishler, William and Reginald S. Sheehan. 1993. "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions." *The American Political Science Review* 87(1):87-101.

Mishler, William and Reginald S. Sheehan. 1994. "Response: Popular Influence on Supreme Court Decisions." *American Political Science Review* 88:716-724.

Norpoth, Helmut and Jeffrey A. Segal. 1994. "Popular Influence on Supreme Court Decisions." *American Political Science Review* 88:711-716.

Mishler, William and Reginald S. Sheehan. 1996. "Public Opinion, the Attitudinal Model, and Supreme Court Decision Making: A Micro-Analytic Perspective." *The Journal of Politics* 58(1):pp. 169-200.

Flemming, Roy B., John Bohte and B. Dan Wood. 1997. "One Voice Among Many: The Supreme Court's Influence on Attention to Issues in the United States, 1947-92." *American Journal of Political Science* 41(4):pp. 1224-1250.

Giles, Micheal, Bethany Blackstone, and Richard Vining. 2008. "The Supreme Court in American Democracy: Unraveling the Linkages between Public Opinion and Judicial Decision-Making." *Journal of Politics* 70:293-306.

Friedman, Barry. 2009. *The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution*. Farrar Straus & Giroux.

Zink, J.R., J.F. Spriggs and J.T. Scott. 2009. "Courting the Public: The Influence of Decision Attributes on Individuals Views of Court Opinions." *The Journal of Politics* 71(03):909–925.

11/3

Legitimacy

*Required Reading*

Caldeira, Gregory A. 1986. "Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court." *American Political Science Review* 80:1209-26.

Gibson, James L., Gregory A. Caldeira, and Vanessa Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92:343-58.

Gibson, James L., and Gregory A. Caldeira. 2011. "Has Legal Realism Damaged the Legitimacy of the U.S. Supreme Court?" *Law & Society Review* 45:195-219.

Bartels, Brandon L., and Christopher D. Johnston. 2013. "On the Ideological Foundations of Supreme Court Legitimacy in the American Public." *American Journal of Political Science* 57:184-199.

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* 59:162-174.

Christenson, Dino P., and David M. Glick. 2015. "Chief Justice Roberts's Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy." *American Journal of Political Science* 59(2): 403-418.

*Recommended Reading*

Mondak, Jeffrey J. 1990. "Perceived Legitimacy of Supreme Court Decisions: Three Functions of Source Credibility." *Political Behavior* 12:363-84.

Mondak, Jeffrey J. 1992. "Institutional Legitimacy, Policy Legitimacy, and the Supreme Court." *American Politics Quarterly* 20:457-77.

Mondak, Jeffrey J. 1994. "Policy Legitimacy and the Supreme Court: The Sources and Contexts of Legitimation." *Political Research Quarterly* 47:675-92.

Benesh, Sara C. 2006. "Understanding Public Confidence in American Courts." *Journal of Politics* 68:697-707.

Gibson, James L. 2008. "Challenges to the Impartiality of State Supreme Courts: Legitimacy Theory and 'New-Style' Judicial Campaigns." *American Political Science Review* 102:59-75. 9

Gibson, James L., and Gregory A. Caldeira. 2009. *Citizens, Courts, and Confirmations: Positivity Theory and the Judgments of the American People*. Princeton: Princeton University Press.

Gibson, James L. 2010. "'New-Style' Judicial Campaigns and the Legitimacy of State High Courts." *Journal of Politics* 71:1285-1304.

Scherer, Nancy, and Brett Curry. 2010. "Does Descriptive Race Representation Enhance Institutional Legitimacy? The Case of the U.S. Courts." *Journal of Politics* 72:90-104.

Gibson, James. 2012. *Electing Judges: The Surprising Effects Of Campaigning On Judicial Legitimacy*. Chicago: University of Chicago Press.

11/10

Interest Groups and Parties

*Required Reading*

Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculation on the Limits of Legal Change." *Law and Society Review* 9:95-160.

Priest, George L., and Benjamin Klein. 1984. "The Selection of Disputes for Litigation." *Journal of Legal Studies* 13(January):1-55.

McGuire, Kevin T. 1995. "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success." *Journal of Politics* 57:187-96.

Wedeking, Justin. 2010. "Supreme Court Litigants and Strategic Framing." *American Journal of Political Science* 54:617-631.

Box-Steffensmeier, Janet M., Dino P. Christenson, and Matthew Hitt. 2013. "Quality Over Quantity: Amici Influence and Judicial Decision Making." *American Political Science Review* 107:1-15.

Owens, Ryan J., and Patrick C. Wohlfarth. 2014. "State Solicitors General, Appellate Expertise, and State Success Before the United States Supreme Court." *Law & Society Review* 48:657-685.



### *Recommended Reading*

Epstein, Lee, and C. K. Rowland. 1991. "Debunking the Myth of Interest Group Invincibility in the Courts." *American Political Science Review* 85:205-17.

Sheehan, Reginald S., William Mishler, and Donald R. Songer. 1992. "Ideology, Status, and the Differential Success of Direct Parties Before the Supreme Court." *American Political Science Review* 86(2):464-71.

Caldeira, Gregory A., and Kevin T. McGuire. 1993. "Lawyers, Organized Interests, and the Law of Obscenity: Agenda Setting in the Supreme Court." *American Political Science Review* 87(3):715-26.

McGuire, Kevin T. 1993. "Lawyers and the U.S. Supreme Court: The Washington Community and Legal Elites." *American Journal of Political Science* 37:365-90.

Zorn, Christopher J.W. 2002. "U.S. Government Litigation Strategies in the Federal Appellate Courts." *Political Research Quarterly* 55(March): 145-166.

Hansford, Thomas G. 2004. "Information Provision Organizational Constraints, and the Decision to Submit an Amicus Curiae Brief in a U.S. Supreme Court Case." *Political Research Quarterly* 57:219-30.

Collins, Paul M. Jr. 2004. "Friends of the Court: Examining the Influence of Amicus Curiae Participation in U.S. Supreme Court Litigation." *Law and Society Review* 38(4):807-32.

Johnson, Timothy R., Paul J. Wahlbeck, and James F. Spriggs II. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review* 100(February): 99-113.

Collins, Paul M. Jr. 2007. "Lobbyists before the U.S. Supreme Court: Investigating the Influence of Amicus Curiae Briefs." *Political Research Quarterly* 60(1): 55-70.

McAtee, Andrea, and Kevin T. McGuire. 2007. "Lawyers, Justices, and Issue Salience: When and How Do Legal Arguments Affect the U.S. Supreme Court." *Law & Society Review* 41(2):259- 278.

Peppers, Todd C., and Christopher Zorn. 2008. "Law Clerk Influence on Supreme Court Decision Making: An Empirical Analysis." *DePaul University Law Review* 58(1): 51-77.

Collins, Paul M. 2008. *Friends of the Supreme Court: Interest Groups and Judicial Decision Making*. New York: Oxford University Press.

Collins, Paul M. Jr., and Wendy Martinek. 2010. "Friends of the Circuits: Interest Group Influence on Decision Making in the U.S. Courts of Appeals." *Social Science Quarterly* 91:397-414.

Lee Epstein, William M. Landes, and Richard A. Posner. 2013. *The Behavior of Federal Judges*. Harvard University Press. Chapter 7.

Box-Steffensmeier, Janet M., and Dino P. Christenson. 2014. "The Evolution and Formation of Amicus Curiae Networks." *Social Networks* 36:82-96.

11/17

## Comparative Courts

### *Required Reading*

Gretchen Helmke. 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy." *American Political Science Review*, 96(2):291-303.

Clifford J Carrubba, Matthew Gabel, and Charles Hankla. 2008. "Judicial Behavior "Under Political Constraints: Evidence from the European Court of Justice." *American Political Science Review*, 102(04):435-452.

Carrubba, Clifford J., Matthew Gabel and Charles Hankla. 2012. "Understanding the Role of the European Court of Justice in European Integration." *American Political Science Review*. 106(1): 214-223.

Georg Vanberg. 2015. "Constitutional Courts in a Comparative Perspective: A Theoretical Assessment". *Annual Review of Political Science* 18: 16-185

Driscoll, Amanda and Michael J. Nelson. 2015. "Judicial Selection and the Democratization of Justice: Lessons from the Bolivian Judicial Elections." *Journal of Law and Courts* 3(1):115-148.

Jay Krehbiel. 2016. "The Politics of Judicial Procedures: The Role of Public Oral Hearings in the German Constitutional Court". *American Journal of Political Science*. Forthcoming.

### *Recommended Reading*

Georg Vanberg. 2001. "Legislative-Judicial Relations: A Game-Theoretic Approach to Constitutional Review". *American Journal of Political Science* 45: 346-361.

Erik S. Herron and Kirk A. Randazzo. 2003. "The Relationship between Independence and Judicial Review in Post-Communist Courts." *Journal of Politics*, 65(2):422-438

Emilia Justyna Powell and Sara McLaughlin Mitchell. 2007. "The International Court of Justice and the World's Three Legal Systems." *Journal of Politics*, 69(2):397- 415.

Driscoll, Amanda and Michael J. Nelson. 2015. "Ignorance or Opposition?: Blank and Spoiled Votes in Low-Information, Highly Politicized Environments." *Political Research Quarterly* 67(3):547-561.

11/24 Thanksgiving (Class Cancelled)

12/1 Research Presentations

Final Exam: 12/1-12/3

# EMERGENCY RESPONSE RECOMMENDATIONS

The Department of Homeland Security and the University of Illinois at Urbana-Champaign Office of Campus Emergency Planning recommend the following three responses to any emergency on campus: **RUN > HIDE > FIGHT**

**Only follow these actions if safe to do so.** When in doubt, follow your instincts—you are your own best advocate!

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## RUN

Action taken to leave an area for personal safety.

- Take the time now to learn the different ways to leave your building **before** there is an emergency.
- Evacuations are mandatory for fire alarms and when directed by authorities. **No exceptions!**
- Evacuate immediately. Pull manual fire alarm to prompt a response for others to evacuate.
- Take critical personal items only (keys, purse, and outerwear) and close doors behind you.
- Assist those who need help, but carefully consider whether you may put yourself at risk.
- Look for **EXIT** signs indicating potential egress/escape routes.
- If you are not able to evacuate, go to an Area of Rescue Assistance.
- Evacuate to Evacuation Assembly Area and remain until additional instructions are given.
- Alert authorities to those who may need assistance.
- Do not re-enter building until informed by emergency response personnel that it is safe to return.

### ACTIVE THREAT:

- If it is safe to do so run out of the building. Get as far away as possible. Do not go to the Evacuation Assembly Area.
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## HIDE

Action taken to seek immediate shelter indoors when emergency conditions do not warrant or allow evacuation, such as for severe weather.

- Take the time now to learn the different ways to seek shelter within your building **before** there is an emergency.
- If you are outside, proceed to the nearest protective building.
- If sheltering-in-place due to severe weather, proceed to the identified Storm Refuge Area or to the lowest, most interior area of the building away from windows or hazardous equipment or materials.

### ACTIVE THREAT:

- Lock or barricade your area.
  - Get to a place where the threat cannot see you.
  - Place cell phones on **silent**.
  - Do not make any noise.
  - Do not come out until you receive an Illini-Alert advising you it is safe.
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## FIGHT

Action taken as a last resort to increase your odds for survival.

### ACTIVE THREAT:

- If you cannot run away safely or cannot hide, **be prepared to fight with anything available to increase your odds for survival.**
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