

PL SC 541: American Political Institutions – Judicial Politics

Spring 2015

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Course Description

As the title suggests, this is a course on the politics of courts and judiciaries. It is a graduate-level course in political science; that means that the primary purpose of the course is to bring students up to speed on current theoretical and empirical developments in research on judicial politics, and to begin to enable them to conduct research in that area. Despite its title, the course is explicitly designed to cross subfield boundaries; more than one third of the course readings are drawn from comparative politics, and the course may “count” in either the American politics or comparative politics Ph.D. subfields at Penn State.

The assumption throughout the course is that students in the course are beginning their careers as researchers and educators at the college/university level, and the course content, structure, and evaluative processes are based on that assumption. The course thus assumes a working knowledge of the “facts” of the American legal and political systems, including their history, institutions, and operation. Hot links are highlighted in [Penn State blue](#).

Texts

I ask that you buy only one book for this course:

Segal, Jeffrey A., and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press (hereinafter abbreviated *SCAMR*).

Order the paperback copy on-line; it is not available in the bookstores. Additional readings will be available either on ANGEL™ or via JSTOR, ProQuest™, or similar services through the PSU library. Readings are organized topically, and divided into required and recommended lists. The vast majority of readings in the course are books and articles which present empirical research on aspects of the American legal, judicial, and political systems. Some of the readings will be technical in nature; students are expected to master the technical material as they go along.

All students should come to class having read the required readings; recommended readings should be thought of as optional, and are designed to provide more depth on the topic. The latter will be especially useful for students writing papers on that (or a related) topic. Note that this syllabus

does not begin to exhaust the scholarly literature in this area; I anticipate completing and making available a more complete bibliography later in the semester. In addition, the syllabus reflects my own perspectives on and biases about this topic and its associated literature.

Grading

Grading will be based on a total of 1000 points, divided as follows:

- Short reaction papers: Three, worth 100 points each.
- An individual final paper/project, worth 500 points.
- A class-wide research project, worth 100 points.
- Class participation / engagement, worth 100 points

Over the course of the semester, each student will complete three reaction papers, each in response to one or (at most) two of the assigned readings. Students are allowed to select the articles on which they write papers. Each of those papers will be due at the beginning of class on the day on which the article(s) in question are being discussed. Papers will be typed, double-spaced, and no longer than about 1200 words. The content of the paper is up to the responder, but might include a critique (theoretical, methodological, or otherwise) of the research, one or more suggestion(s) for how the research fits within or contributes to some area(s) or debate(s) not recognized by the author, a short discussion of how the research might be built upon or expanded in future work, or something else. Except as necessary to motivate the response paper's main point(s), *the response paper should not simply summarize the research's theory, methods, and conclusions*; response papers which do no more than summarize will receive zero credit. Response papers will be graded on the basis of their manifest understanding of the research, originality, and cogency, as well as the usual spelling, grammar, usage, etc.

Because the course is small, we will also undertake a group research project. This will involve selecting a topic, setting out a theory or theories, developing hypotheses, and examining those hypotheses empirically. The result will be a complete article-length research paper. *Note that everyone in the class will receive the same "score" on this aspect of their grade.*

Details for the final project will be announced in class at a later date. Class participation credit will be assigned by the instructor.

Office Hours

As a rule, I do not maintain regular office hours; meetings are by appointment only. If you need to contact me please do so via e-mail (preferred) or telephone/text.

Other Policies

- *Absences.* You can be absent from class if you choose to be. You're welcome to inform me if that is the case, but you need not do so.
- *Incompletes.* There will be no incompletes given in this class.
- *Cheating, Plagiarism, and Academic Misconduct.* See below. If you are unfamiliar with standards regarding plagiarism, *learn them*; a good place to start is [here](#). The professor is not responsible for students' lack of understanding of standards regarding academic misconduct.

Some Other Useful Resources

The APSA's **Law and Courts Organized Section** is the relevant professional organization for most of the people taking this class. Other organizations to which you may want to belong / pay attention include the **Law and Society Association**, the **American Judicature Society**, and the **American Society for Criminology**. Much research on judicial politics (including many Ph.D. dissertations) is funded by the **Law and Social Sciences Program** of the **National Science Foundation**.

If you are reading this, then it's likely the **Center for Empirical Research in the Law** (CERL) at Washington University in St. Louis has lots of stuff of interest to you. More concretely, the **Judicial Research Initiative** (JuRI) at the University of South Carolina archives databases on many things judicial, including Spaeth's Supreme Court Database, Songer's Court of Appeals Database, and data on the personal attributes of Article III judges. Similarly, Georgetown's **Erik Voeten** maintains a web portal with extensive data on various **international courts**. And, of course, the **Inter-University Consortium for Political and Social Research** (ICPSR), at the University of Michigan, maintains an extensive archive of data in the social and behavioral sciences.

Obligatory Statement on Academic Dishonesty

The Department of Political Science, along with the College of the Liberal Arts and the University, takes violations of academic dishonesty seriously. Observing basic honesty in one's work, words, ideas, and actions is a principle to which all members of the community are required to subscribe.

All course work by students is to be done on an individual basis unless an instructor clearly states that an alternative is acceptable. Any reference materials used in the preparation of any assignment must be explicitly cited. Students uncertain about proper citation are responsible for checking with their instructor.

In an examination setting, unless the instructor gives explicit prior instructions to the contrary, whether the examination is in-class or take-home, violations of academic integrity shall consist but are not limited to any attempt to receive assistance from written or printed aids, or from any person or papers or electronic devices, or of any attempt to give assistance, whether the one so doing has completed his or her own work or not.

Lying to the instructor or purposely misleading any Penn State administrator shall also constitute a violation of academic integrity.

In cases of any violation of academic integrity it is the policy of the Department of Political Science to follow procedures established by the College of the Liberal Arts. More information on academic integrity and procedures followed for violation can be found [here](#).

Obligatory Statement on Disabilities

The Pennsylvania State University encourages qualified people with disabilities to participate in its programs and activities and is committed to the policy that all people shall have equal access to programs, facilities, and admissions without regard to personal characteristics not related to ability, performance, or qualifications as determined by University policy or by state or federal authorities. If you anticipate needing any type of accommodation in this course or have questions about physical access, please tell the instructor as soon as possible. Reasonable accommodations will be made for all students with disabilities, but it is the student's responsibility to inform the instructor early in the term. Do not wait until just before an exam to decide you want to inform the instructor of a learning disability; any accommodations for disabilities must be arranged well in advance.

Course Schedule

Required readings for each week are below. I have placed recommended readings for each week in a separate section at the end of the syllabus; the latter will be useful when working on your research paper. The recommended readings begin on p. 12. While I try to be thorough, the latter are by no means exhaustive; moreover, they reflect my own biases and predilections. Apologies to those who were inadvertently omitted.

January 14: Introduction

No readings assigned. If you are not already familiar with the operation of the U.S. federal judicial system, consider quickly reading one or more of the following:

- Baum, Lawrence. 2007. *The Supreme Court*, 9th ed. Washington: CQ Press.
- Carp, Robert A., Ronald Stidham, and Kenneth L. Manning. 2008. *Judicial Process in America*, 8th Edition. Washington: CQ Press.
- Neubauer, David W., and Stephen S. Meinhold. 2009. *Judicial Process: Law, Courts, and Politics in the United States*, 5th Ed. New York: Wadsworth.
- Tarr, G. Alan. 2009. *Judicial Process and Judicial Policymaking*, 5th Ed. New York: Wadsworth.
- *SCAMR*, Chapters 1 and 4.

January 21 (rescheduled): Theories of Judicial Behavior

Required:

- Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press. Chapters 1 and 2.
- *SCAMR*, Chapters 2-3.
- Gibson, James L. 1978. "Judges' Role Orientations, Attitudes and Decisions: An Interactive Model." *American Political Science Review* 72:911-24.
- Epstein, Lee, and Jack Knight. 2000. "Field Essay: Toward a Strategic Revolution in Judicial Politics: A Look Back, A Look Ahead." *Political Research Quarterly* 53:625-61.

January 28 (rescheduled): Measurement – Key Concepts

Required:

- Segal, Jeffrey A., and Albert Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83:557-65.
- 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.
- Lauderdale, Benjamin E., and Tom S. Clark. 2012. "The Supreme Court's Many Median Justices." *American Political Science Review* 106:847-866.
- 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.
- Peter F. Nardulli, Buddy Peyton, and Joseph Bajjalieh. 2013. "Conceptualizing and Measuring Rule of Law Constructs, 1850-2010." *Journal of Law and Courts* 1:139-192.
- Ríos-Figueroa, Julio, and Jeffrey K. Staton. 2014. "An Evaluation of Cross-National Measures of Judicial Independence." *Journal of Law, Economics, and Organization* 30:104-137.

February 4: Judicial Selection

Required:

- 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.
- Cameron, Charles, John Kastellec, and Jee-Kwang Park. 2013. "Voting for Justices: Change and Continuity in Confirmation Voting 1937-2010." *Journal of Politics* 72:283-299.
- Lax, Jeffrey, Jonathan Kastellec and Justin Phillips. 2010. "Public Opinion and Senate Confirmation of Supreme Court Nominees." *Journal of Politics* 72:767-784.

- Hall, Melinda Gann. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95:315-30.
- Voeten, Erik. 2009. "The Politics of International Judicial Appointments." *Chicago Journal of International Law* 9:387-405.
- Williams, Margaret S., and Frank C. Thames. 2008. "Women's Representation on High Courts in Advanced Industrialized Countries." *Politics and Gender* 4:451-71.

February 11: Setting the Judicial Agenda

Required:

- 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.
- 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.
- 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.
- 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.
- Sanchez Urribarri, Raul, Susanne Schorpp, Kirk Randazzo and Donald Songer. 2011. "Explaining Changes to Rights Litigation: Testing a Multivariate Model in a Comparative Framework." *Journal of Politics* 73(2):391-405. Also read the [response by Epp](#), and their [rejoinder](#).
- Stone Sweet, Alec, and Thomas L. Brunell. 1998. "Constructing a Supranational Constitution: Dispute Resolution and Governance in the European Community." *American Political Science Review* 92:63-81.

February 18: Decision Making I

Required:

- 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.
- Tate, C. Neal, and Panu Sittiwong. 1989. "Decision Making in the Canadian Supreme Court: Extending the Personal Attributes Model Across Nations." *Journal of Politics* 51:900-16.
- Glynn, Adam, and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Womens Issues?" *American Journal of Political Science* 59:37-54.
- *SCAMR*, Chapters 7-8.

- George, Tracey, and Lee Epstein. 1992. “On the Nature of Supreme Court Decision Making.” *American Political Science Review* 86:323-37.
- Baum, Lawrence. 2013. “Linking Issues to Ideology in the Supreme Court: The Takings Clause.” *Journal of Law and Courts* 1:89-114.

February 25: Decision Making II

Required:

- Hettinger, Virginia, Stefanie Lindquist, and Wendy Martinek. 2004. “Comparing Strategic and Attitudinal Accounts of Dissenting Behavior on the United States Courts of Appeals.” *American Journal of Political Science* 48:123-37.
- 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.
- 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.
- Huber, Gregory A., and Sanford C. Gordon. 2004. “Accountability and Coercion: Is Justice Blind When It Runs for Office?” *American Journal of Political Science* 48:247-63.
- Canes-Wrone, Brandice, Tom S. Clark, and Jason P. Kelly. 2014. “Judicial Selection and Death Penalty Decisions.” *American Political Science Review* 108:23-39.
- Ramseyer, J. Mark, and Erik Rasmusen. 2001. “Why Are Japanese Judges So Conservative in Politically Charged Cases?” *American Political Science Review* 95:331-44.

March 4: No Class – Behavioral Genetics Workshop

March 11: No Class – Spring Break

March 18: More Decision Making – The Law

Required:

- Knight, Jack, and Lee Epstein. 1996. “The Norm of Stare Decisis.” *American Journal of Political Science* 40:1018-35.
- Jurisprudential Regimes:
 - Richards, Mark J., and Herbert M. Kritzer. 2002. “Jurisprudential Regimes in Supreme Court Decision Making.” *American Political Science Review* 96(June):305-20.
 - 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.

- Lax, Jeffrey. 2011. "The New Judicial Politics of Legal Doctrine." *Annual Review of Political Science* 14:131-157.
- Clark, Tom, and Benjamin Lauderdale. 2010. "Locating Supreme Court Opinions in Doctrine Space." *American Journal of Political Science* 54:871-890.
- 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.

March 25: Judicial Hierarchies

Required:

- Carrubba, Clifford J., and Tom S. Clark. 2012. "Rule Creation in a Political Hierarchy." *American Political Science Review* 106:622-643.
- Sen, Maya. 2015. "Is Justice Really Blind? Race and Appellate Review in U.S. Courts." *Journal of Legal Studies* 44: forthcoming.
- 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.
- 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:forthcoming.
- 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.
- Hausegger, Lori, and Stacia Haynie. 2003. "Judicial Decisionmaking and the Use of Panels in the Canadian Supreme Court and the South African Appellate Division." *Law and Society Review* 37:635-57.

April 1: Parties and Interests

Required:

- Galanter, Marc. 1974. "Why the 'Haves' Come Out Ahead: Speculation on the Limits of Legal Change." *Law and Society Review* 9:95-160.
- 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.
- Atkins, Burton M. 1991. "Party Capability Theory as an Explanation for Intervention Behavior in the English Court of Appeal." *American Journal of Political Science* 35:881-903.
- Haynie, Stacia L. 1994. "Resource Inequalities and Litigation Outcomes in the Philippine Supreme Court." *Journal of Politics* 56:752-72.

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

April 8: Courts and their Publics

Required:

- Gibson, James L., and Gregory A. Caldeira. 2009. "Knowing the Supreme Court? A Reconsideration of Public Ignorance of the High Court." *Journal of Politics* 71:429-441.
- Caldeira, Gregory A., and James L. Gibson. 1992. "The Etiology of Public Support for the Supreme Court." *American Journal of Political Science* 36:635-664.
- Mishler, William, and Reginald Sheehan. 1993. "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions." *American Political Science Review* 87:87-101.
- 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* 66:1018-35.
- Ura, Joseph Daniel. 2014. "Backlash and Legitimation: Macro Political Responses to Supreme Court Decisions." *American Journal of Political Science* 58:110-126.
- Staton, Jeffrey K. 2006. "Constitutional Review and the Selective Promotion of Case Results." *American Journal of Political Science* 50:98-112.

April 15: Judicial Legitimacy

Required:

- 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.
- Exchange:
 - 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.
- 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.

- 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. 2003. "Defenders of Democracy? Legitimacy, Popular Acceptance, and the South African Constitutional Court." *Journal of Politics* 65:1-30.

April 22: Courts and the Separation of Powers

Required:

- Landes, William, and Richard Posner. 1975. "The Independent Judiciary in an Interest Group Perspective." *Journal of Law and Economics* 18:875-901.
- Whittington, Keith E. 2005. "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court." *American Political Science Review* 99:583-96.
- Segal, Jeffrey A. 1997. "Separation of Powers Games in the Positive Theory of Congress and Courts." *American Political Science Review* 91:28-44.
- Helmke, Gretchen. 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy." *American Political Science Review* 96:305-20.
- Clark, Tom. 2009. "The Separation of Powers, Court-Curbing and Judicial Legitimacy." *American Journal of Political Science* 53:971-89.
- Carrubba, Clifford J., Matthew Gabel, and Charles Hankla. 2008. "Judicial Behavior Under Political Constraints: Evidence from the European Court of Justice." *American Political Science Review* 102:435-52.
- Vanberg, Georg. 2001. "Legislative-Judicial Relations: A Game-Theoretic Approach to Constitutional Review." *American Journal of Political Science* 45:346-61.

April 29: Implementation and Impact

Required:

- Rosenberg, Gerald. 1993. *The Hollow Hope*. Chicago: University of Chicago Press. Chapters 1-5.
- Hall, Matthew. 2014. "The Semi-Constrained Court: Public Opinion, the Separation of Powers, and the U.S. Supreme Court's Fear of Nonimplementation." *American Journal of Political Science* 58:352-366.
- McGuire, Kevin T. 2009. "Public Schools, Religious Establishments, and the U.S. Supreme Court: An Examination of Policy Compliance." *American Politics Research* 37:50-74.
- Baird, Vanessa, and Debra Javeline. 2007. "The Persuasive Power of Russian Courts." *Political Research Quarterly* 60:429-42.

- Staton, Jeffrey K., and Georg Vanberg. 2008. “The Value of Vagueness: Delegation, Defiance, and Judicial Opinions.” *American Journal of Political Science* 52:504-19.
- La Porta, Rafael, Florencio Lopez de Silanes, and Andrei Shleifer. 2004. “Judicial Checks and Balances.” *Journal of Political Economy* 112:445-70.

Postscript: The Big Picture

Recommended:

- Baum, Lawrence. 2003. “The Supreme Court in American Politics.” *Annual Review of Political Science* 6:161-80.
- Friedman, Barry. 2006. “Taking Law Seriously.” *Perspectives on Politics* 4:261-76.
- Dyevre, Arthur. 2010. “Unifying the Field of Comparative Judicial Politics: Towards a General Theory of Judicial Behaviour.” *European Political Science Review* 2:297-327.
- Stone Sweet, Alec. 1999. “Judicialization and the Construction of Governance.” *Comparative Political Studies* 31:147-84.
- Whittington, Keith E., R. Daniel Kelemen, and Gregory A. Caldeira, eds. 2008. *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press.

Recommended Readings

January 21: Theories of Judicial Behavior

Recommended:

- Gillman, Howard. 1999. "The Court as an Idea, Not a Building (or a Game): Interpretive Institutionalism and the Analysis of Supreme Court Decision-Making." In Cornell Clayton and Howard Gillman (Eds.), *Supreme Court Decision-Making: New Institutional Approaches*. Chicago: University of Chicago Press, pp. 65-87.
- Quattrone, George A., and Amos Tversky. 1988. "Contrasting Rational and Psychological Analyses of Political Choice." *American Political Science Review* 82:719-36.
- Shapiro, Martin. 1993. "Public Law and Judicial Politics." In *Political Science: The State of the Discipline II*, Ada W. Finifter, Ed. Washington: American Political Science Association.
- Smith, Rogers. 1988. "Political Jurisprudence, the 'New Institutionalism,' and the Future of Public Law." *American Political Science Review* 82:89-108.
- Whittington, Keith, R. Daniel Keleman, and Gregory A. Caldeira. 2008. "The Study of Law and Politics." In *The Oxford Handbook of Law and Politics*, Whittington, Keleman and Caldeira, editors. New York: Oxford University Press.

January 28: Measurement – Key Concepts

Recommended:

- Abbott, Kenneth O. W., Robert Keohane, Andrew Moravcsik, Anne-Marie Slaughter, and Duncan Snidal. 2000. "The Concept of Legalization." *International Organization* 54:401-419.
- Baum, Lawrence. 1988. "Measuring Policy Change in the U.S. Supreme Court." *American Political Science Review* 82:905-12.
- Baum, Lawrence. 1989. "Comparing the Policy Positions of Supreme Court Justices From Different Periods." *Western Political Quarterly* 42:509-21.
- Brace, Paul, Laura Langer, and Melinda Gann Hall. 2000. "Measuring the Preferences of State Supreme Court Judges." *Journal of Politics* 62:387-413.
- Braman, Eileen. 2006. "Reasoning on the Threshold: Testing the Separability of Preferences in Legal Decision Making." *Journal of Politics* 68:308-21.
- Bumin, Kirill M., Kirk A. Randazzo, and Lee D. Walker. 2009. "Institutional Viability and High Courts: A Comparative Analysis of Post-Communist States." *Australian Journal of Political Science* 44:127-53.
- Clark, Tom. 2009. "Measuring Ideological Polarization on the U.S. Supreme Court." *Political Research Quarterly* 62:146-57.

- Clark, Tom S., and Benjamin E. Lauderdale. 2012. “The Genealogy of Law.” *Political Analysis* 20(3):329-350.
- Clark, Tom, Jeffrey Lax, and Douglas Rice. 2015. “Measuring the Political Salience of Supreme Court Cases.” *The Journal of Law and Courts*, forthcoming.
- Coppedge, Michael, John Gerring, with David Altman, Michael Bernard, Steven Fish, Allen Hicken, Matthew Kroenig, Staffan I. Lindberg, Kelly McMann, Pamela Paxton, Holli A. Semetko, Svend-Erik Skaaning, Jeffrey K. Staton, and Jan Teorell. 2011. “Conceptualizing and Measuring Democracy: A New Approach.” *Perspectives on Politics* 9(2): 247-267.
- Epstein, Lee, Valerie Hoekstra, Jeffrey A. Segal, and Harold J. Spaeth. 1998. “Do Political Preferences Change? A Longitudinal Study of U.S. Supreme Court Justices.” *Journal of Politics* 60:801-18.
- 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.
- Epstein, Lee, Andrew D. Martin, Jeffrey A. Segal, and Chad Westerland. 2007. “The Judicial Common Space.” *Journal of Law, Economics, and Organization* 23:303-25.
- Epstein, Lee, and Carol Mershon. 1996. “Measuring Political Preferences.” *American Journal of Political Science* 40:261-94.
- Grimmer, Justin. 2010. “A Bayesian Hierarchical Topic Model for Political Texts: Measuring Expressed Agendas in Senate Press Releases.” *Political Analysis* 18(1):1-35.
- Habel, Philip, and Kevin Scott. 2014. “New Measures of Judges’ Caseload for the Federal District Courts, 1964-2012.” *Journal of Law & Courts* 2:153-170.
- Hollyer, James R., B. Peter Rosendorff, and James Raymond Vreeland. 2014. “Measuring Transparency.” *Political Analysis* 22(4):413-434.
- Leoni, Eduardo L., and Antonio P. Ramos. 2006. “Judicial Preferences and Judicial Independence in New Democracies: The Case of the Brazilian Supreme Court.” Working paper: Brazilian Institute for Geography and Statistics.
- Malecki, Michael. 2009. “The Politics of Constitutional Review: Evidence from the European Court of Justice.” Working paper: Washington University – St. Louis.
- Martin, Andrew D., and Kevin M. Quinn. 2005. “Can Ideal Point Estimates be Used as Explanatory Variables?” Working paper: CERL, Washington University – St. Louis.
- McGuire, Kevin T. 2004. “The Institutionalization of the U.S. Supreme Court.” *Political Analysis* 12:128-42.
- McGuire, Kevin T., Georg Vanberg, Charles E. Smith and Gregory A. Caldeira. 2009. “Measuring Policy Content on the U.S. Supreme Court.” *Journal of Politics* 71:1305-21.

- Owens, Ryan J., and Justin Wedeking. 2012. "Predicting Drift on Politically Insulated Institutions: A Study of Ideological Drift on the United States Supreme Court." *Journal of Politics* 74:487-500.
- Owens, Ryan J. and Justin Wedeking. 2012. "Some (Potential) Applications of Computer Content Analysis to the Study of Law & Courts." *Law & Courts: Newsletter of the Law & Courts Section of The American Political Science Association*. 22:26-32.
- Peress, Michael. 2009. "Small Chamber Ideal Point Estimation." *Political Analysis* 17:276-90.
- Segal, Jeffrey A., Lee Epstein, Charles M. Cameron, and Harold J. Spaeth. 1995. "Ideological Values and the Votes of U.S. Supreme Court Justices Revisited." *Journal of Politics* 57:812-23.
- Skaaning, Svend-Erik. 2010. "Measuring the Rule of Law." *Political Research Quarterly* 63:449-60.
- Staton, Jeffrey. 2012. "Rule of Law Concepts and Rule of Law Models." *The Justice System Journal* 33:235-241.
- Treier, Shawn. 2010. "Where Does the President Stand? Measuring Presidential Ideology." *Political Analysis* 18(1):124-136.
- Vining, Richard, and Teena Wilhelm. 2011. "Measuring Case Salience in State Courts of Last Resort." *Political Research Quarterly* 64:559-572.
- Voeten, Erik. 2007. "The Politics of International Judicial Appointments: Evidence from the European Court of Human Rights." *International Organization* 61:669-701.

February 4: Judicial Selection

Recommended:

- Abraham, Henry. 2007. *Justices, Presidents, and Senators*, New Revised Edition. New York: Rowman & Littlefield.
- Barrow, Deborah J., and Gary Zuk. 1990. "An Institutional Analysis of Turnover in the Lower Federal Courts, 1900-1987." *Journal of Politics* 52:457-76.
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March 18: More Decision Making – The Law

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