PSCI 5220: Proseminar in Public Law
Fall 2013
Wednesdays, 2:00–4:50 pm

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Office: Wooten Hall 154
Office Hours: By appointment

The purpose of this seminar is to introduce students to the primary debates in the field of judicial politics. We will read and critique some of the major works by political scientists that consider courts as political institutions and influences on judges as political actors. The course material will familiarize students with a variety of theoretical and methodological approaches used to study courts although we will focus the most attention on judicial decision making. Our primary goal is to answer two questions: (1) What motivates judges?; and (2) How do judicial and other political institutions affect judicial behavior?

Readings

Please purchase the following texts:


You will also be required to read and make a presentation on a book on judicial policymaking. See Week 3 on the course schedule below for more information.

Other readings for the course will be drawn primarily from scholarly articles and book chapters. Journal articles can be found on–line (www.jstor.org) or through UNT’s eJournals. I will make copies of articles and book chapters available via Blackboard. You can also locate most readings through the UNT Library’s electronic resources/eJournals website.
Student Responsibilities

1. Seminar Participation (20%)

You are expected to come to all seminar meetings well-prepared, having done the readings for each seminar. I suggest you prepare notes on the readings we are discussing as a guide for class discussion. The success of a seminar depends on active participation by all members. Failure to attend class or to contribute to discussion will negatively impact your grade. (There is much more to participation than just showing up.)

To prepare yourself adequately for seminar, focus on the following questions as you complete the readings.

(a) What is the principal research question or problem being studied?
(b) Does this study address some broader theoretical issue, question or theme in the literature on judicial politics? How well does the author explain the broader context within which this study fits?
(c) What types of evidence are presented in support of the author’s conclusions? What is the source of the evidence or data?
(d) What method is used to analyze the evidence presented by the author? Is this method appropriate to the research problem? How might the use of other methods of types of evidence contribute to answering this question?
(e) How sound are the conclusions drawn by the author? How might the study have been strengthened?
(f) So what? Does the study make an important contribution to our understanding of judicial politics? Why or why not?

2. Reaction Papers (40%)

During the semester, you will write 10 reaction papers based on the assigned readings. Each paper should be no more than 2 pages, double-spaced with 1-inch margins. All papers should be submitted to me via email by 11:59 pm on the Tuesday prior to the seminar in which they will be discussed.

Your reaction papers should not summarize material from the readings. Instead, work on clearly and concisely articulating thoughtful critiques of the readings. You may rightly assume that I have already read the material so you do not need to repeat information from the readings unless doing so is necessary to develop your reaction. Your focus may be narrow or broad. You may wish to respond to the theoretical position or the methodological approach in a particular reading or to provide an assessment of the week’s readings as a whole. You may provide the basic outline of research that could address a deficiency you identify in the readings. You have a good deal of discretion in choosing the focus of your papers.

3. Judicial Policymaking Presentation (5%)

For our third class meeting, each student will choose (in consultation with me) a study on judicial impact. Each student will then teach the class about the study they have read. Presentations should be 12–15 minutes in length and should offer a summary of the research question, analysis, and findings contained in their selected text and critiques of that work. You are also free to submit a weekly reaction paper on your assigned text.
4. Choose either Final Exam (35%) or Research Paper (35%)

You may choose for the final 35% of your grade to be based on a field exam–style test or on a research paper on a judicial politics topic.

Students electing to take a final exam will complete a 48–hour open–book/note at–home examination consisting of 3 essay questions. Further information about the exam will be announced in class. I recommend this option for M.A. students and for Ph.D. students that do not anticipate they will go on to do research in judicial politics but that will take the American Politics field exam. The final exam will be made available to you by 8:00 am on Friday, December 6. Once you open the exam, you will have 48 hours to complete it. All exams must be submitted by 5:00 pm on Wednesday, December 11.

Students electing to write a research paper will write a journal article–style paper (including a review of the relevant literature, an appropriate research design, and the execution of that design). A proposal is due on October 23. Feel free to speak to me about possible paper topics. I recommend this option for Ph.D. students with research interests in judicial politics. Research papers are due at 5:00 pm on Wednesday, December 11.
Course Overview

- Section I: Introduction to the study of law and courts
  - Week 1 (September 4): The evolution of the study of judicial politics
- Section II: Judicial Policymaking
  - Week 2 (September 11): Implementation and impact of judicial decisions
  - Week 3 (September 18): Studies in judicial impact + student presentations
- Section III: Judicial Selection
  - Week 4 (September 25): Methods of selecting judges and their consequences on decision making
- Section IV: The Role of Law and Policy in Judicial Decision Making
  - Week 5 (October 2): The legal and attitudinal models
  - Week 6 (October 9): Measuring preferences
  - Week 7 (October 16): Legal rules
  - Week 8 (October 23): Precedent
    *Paper proposals due for students writing research papers*
- Section V: Interdependence and Judicial Decision Making
  - Week 9 (October 30): Strategic interaction and bargaining
  - Week 10 (November 6): The judicial hierarchy
  - Week 11 (November 13): Separation of powers
  - Week 12 (November 20): More separation of powers
  - Week 13 (November 25)*: Public opinion
    *Note this week’s class meeting will be held on Monday at 5 pm instead of our regular weekly meeting time.*
- Section VI: Agenda-Setting
  - Week 14 (December 4): How courts decide to decide

Wednesday, December 11: Research papers/final exams due by 5:00 pm.
Schedule

Section I. How to Study Courts

Week 1 (September 4)


Section II: Judicial Policymaking

Week 2 (September 11): Implementation and impact of court decisions


Week 3 (September 18): Studies in judicial impact + student presentations

For this week, each student will read a study of judicial impact. In class, each student will make a 15 minute presentation on their assigned work. Students may work in pairs if they wish. Below are some suggested texts. If you identify an alternative book that you would like to read, see me for approval. To prevent duplication, we will coordinate selections during our first class meeting. I own the books listed below and will loan one to you for the purposes of this assignment.


Section III: Judicial Selection

Week 4 (September 25)


Section IV: The Role of Law and Policy in Judicial Decision Making

Week 5 (October 2): The legal and attitudinal models


Symposium on The Supreme Court and the Attitudinal Model (in Spring 1994 Law & Courts Newsletter)

Symposium on The Supreme Court and the Attitudinal Model Revisited (in Summer 2003 Law & Courts Newsletter)


Week 6 (October 9): Measuring preferences


Recommended


Week 7 (October 16): Legal rules


Week 8 (October 23): Precedent


Section V: Interdependence and Judicial Decision Making

Week 9 (October 30): Strategic interaction and bargaining


**Week 10 (November 6): The judicial hierarchy**


*Recommended*


**Week 11 (November 13): Separation of powers**


*Recommended*

**Week 12 (November 20): More separation of powers**


**Week 13 (November 25): Public opinion**


Section VI: Agenda–Setting

Week 14 (December 4)


