INTRODUCTION AND READINGS

In POL SCI 725, students were exposed to research on judicial behavior, focusing on the decision making of judges and its sources. Here, we will focus on the relationship between courts/law/judges and society, considering the role of the courts in our democracy. We will focus on foundational works and on the most recent scholarship on point to get a better handle on the role of the courts and their importance as well as the power of the courts and its sources. This course is designed such that students may either have had 725 or not; the material was not covered in 725 and knowledge of concepts from 725, while useful, are not prerequisites for success in this class. That said, picking up Segal & Spaeth’s *The Supreme Court and the Attitudinal Model Revisited*, to get a taste of the research on judicial behavior, would not hurt.

We will pay close attention to research in this course, both the research of others, which you will carefully consider and critique, and your own serious (and quantitative) research project, which you will work on throughout the session. By the end of the course, you will have a conference-quality paper and will hopefully be on your way to a publication! More details on that follow.

The following books are required and will be available from the UWM Bookstore:


In addition to these texts, there are a number of articles we will cover, most of which are available in some electronic format (either directly from the library’s sources or via our D2L site where I will post materials). The articles are listed under the days we will cover them. Be prepared – there is a lot of reading here!!
ORGANIZATION OF THE COURSE

In order to facilitate a large amount of student participation, the course will consist of weekly discussions of the reading, each led by a member(s) of the class. On the first meeting, the material will be doled out as much as possible according to student interest in the particular topic. The number of times you will be responsible for discussant duties depends on the enrollment in the course, but each person will be responsible for leading the discussion at least once (sometimes with a partner). I will take volunteers in the assignment of the topics, but will assign topics to whomever catches my eye for those less popular subjects/dates. The person responsible for that day’s discussion must turn in a critical review of the reading along with some potential topics for discussion to me by 5pm the day before that particular class meets (so Sunday evenings this semester). The presenter should make his or her paper available to the other conference participants as well. (Posting a copy to DISCUSSIONS on the D2L course site will be sufficient.) These papers will comprise 20% of your course grade. Attention should be paid to style and grammar, although the primary purpose of the papers is to get you thinking about the controversies each piece raises along with some potential points of interest to take the class through. Generally, these critiques should be around 5 pages in length (double-spaced, 11 point font, 1” margins), sometimes longer.

OTHER COURSE REQUIREMENTS

In addition to the short papers, you will be expected to complete a conference-quality paper for presentation to the class. We will use the same format employed at conferences wherein I will set up panels that hang roughly together and a non-presenting class member will serve as discussant for each paper. The details of the paper will be given as the due date draws a little nearer, but for now, be thinking of a topic of interest to you in the field of judicial politics. In a couple of weeks, I will have you submit a proposal – outlining your theory, hypotheses, and potential data sources along with a very short literature review – for my approval and then you can proceed with your full literature review, theory formulation, and data collection. You may focus on any court or level of court, but bear in mind that these papers must be quantitative in nature. You might consider the use of one of the existing judicial databases (there are publicly available, valid/reliable data on Supreme Court decision making, circuit court decision making, amicus filings, confirmations, state supreme court decision making, state court elections, attributes of judges, papers of the justices, public opinion of courts, and other project-specific data sources). I will discuss some of these potential sources of data in class. You may also construct your own dataset by reading and coding opinions or collating existing survey or other data, but be forewarned that this will take some time! (Note: If you have not had a graduate-level statistics course (e.g., POL SCI 701) you may take the option of writing TWO research designs in lieu of the quantitative paper. We should discuss this soon if you are thinking of taking this option. If you have had 701, you MUST write a paper with some data.)

This conference quality paper, which I do hope you will propose to present at one of the national or regional political science conferences, along with your presentation thereof will be worth 50% of your grade; 40 points for the paper, 10 points for the presentation. An additional 10% (10 points) is devoted to your participation as a discussant. The remaining 20% (20 points) is assigned to participation in general. If I did my math correctly, that adds to 100% and the grading scale will be as follows:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>100 – 93</td>
</tr>
<tr>
<td>A-</td>
<td>92 – 90</td>
</tr>
</tbody>
</table>
You are in graduate school – we expect A-quality work. Obtaining a B is not a happy outcome like it may have been in undergrad, so do everything you can to achieve in this course! Do note that ALL work must be turned in to receive a passing grade, even though it is mathematically possible to miss a certain number of points completely and still do relatively well.

ACADEMIC INTEGRITY

No form of academic dishonesty will be tolerated in this class. Anyone found guilty of cheating or plagiarism or of any other violation of academic integrity will be assigned an automatic grade of F IN THE COURSE and will be prosecuted to the fullest extent through University channels. I have failed far too many students for plagiarism lately. I better not have to fail ANY graduate students. You should surely know better. BE CERTAIN to do your own work, and, CITE anything that is not your own thoughts or ideas or words. Notes on plagiarism can be found here [http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml](http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml) and here [http://www.uwm.edu/Libraries/guides/style/plagiarism.html](http://www.uwm.edu/Libraries/guides/style/plagiarism.html). UWM’s policy can be found here: [http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm](http://www4.uwm.edu/acad_aff/policy/academicmisconduct.cfm). Be sure you know the definition and know how to avoid it. I am absolutely serious about this policy. It is indeed plagiarism to copy the author’s words without citation or attribution or to use an author’s argument without attribution (even if it’s in your own words). I will notice the plagiarism and you will fail the course. Consider this your ONLY warning.

LATE WORK

Late work will not be accepted unless there is a major and substantiated complication which prevents completion, of which I am made aware immediately and prior to the scheduled due date of the assignment. The determination about whether or not it is a “major and substantiated” excuse will be made solely at the discretion of the instructor. I know all the excuses, so please do not test me. Do note that full documentation of illness or death in the family is necessary for excused absences and extensions. In addition, I require notification BEFORE the missed assignment unless that is impossible due to documented emergency. Sincerely-held religious beliefs are exempt from the documentation policy, though I still require advance notification of absence/conflict with a religious observance. (See [http://www.uwm.edu/Dept/SecU/acad%2Badmin_policies/S1.5.htm](http://www.uwm.edu/Dept/SecU/acad%2Badmin_policies/S1.5.htm) for UWM’s policy on accommodation.) **This is a graduate seminar; I expect you to attend EVERY meeting. Period.** Your colleagues and I are counting on your contributions to our session.
SPECIAL NEEDS

Any students with special needs due to a physical or learning disability should see me as soon as possible. Every effort will be made to accommodate your needs. See www.sac.uwm.edu for more information.

OTHER UNIVERSITY POLICIES

Other University guidelines (including policies on sexual harassment, grade appeals, incompletes, and military call-ups) can be found here: http://www.uwm.edu/Dept/SecU/SyllabusLinks.pdf.

A CAVEAT

I expect that you will behave professionally in this class. That is to say, I expect that you will be prepared for every meeting, will participate in each meeting intelligently and to the best of your ability, will treat one another with respect, and will take this seminar seriously. With respect to your papers, I expect you to be exceedingly careful in the preparation of the manuscript so that there is no hint of plagiarism. (You should cite all quotations and paraphrases in accordance with the style sheet of the American Political Science Review. The manual is available here (as well as other places online): http://www.scribd.com/doc/29107282/APSA-Style-Manual-For-Political-Science.) In addition, you should take sufficient pride in your work so that there are no egregious errors of fact and no typographical errors. Proofreading your manuscript carefully (and having another person read it for you) should go without saying.

SCHEDULE

All of that being said, here is our list of topics to cover and the relevant readings for each meeting. Do note that the readings are somewhat tentative (especially those scheduled for later in the semester), so they are subject to change.

WEEK ONE
JANUARY 24 – INTRODUCTION TO THE CLASS, JUDICIAL DECISION MAKING

No reading – Just exciting lecture

WEEK TWO
JANUARY 31 – INTRODUCTION TO STUDYING COURTS/LAW


**WEEK THREE**
**FEBRUARY 7 – LEGITIMACY (ORIGINS)**


**WEEK FOUR**
**FEBRUARY 14 – LEGITIMACY (INFLUENCES)**


**WEEK FIVE**
**FEBRUARY 21: Research Papers**


**WEEK SIX**

**FEBRUARY 28 – JUDICIAL SELECTION**


**WEEK SEVEN**

**MARCH 7 – JUDICIAL SELECTION**


**WEEK EIGHT**

**MARCH 14 – LEGITIMACY (INFLUENCES – POLITICAL SELECTION?)**


**WEEK NINE**

**MARCH 21: SPRING BREAK (ENJOY!)**

**WEEK TEN**

**MARCH 28 – LEGITIMACY (INFLUENCES – ELECTIONS? LEGAL REALISM? DECISIONS?)**


WEEK ELEVEN
APRIL 4 – POLICY MAKING (WHY COURTS?)


WEEK TWELVE
APRIL 11: WORK DAY (PROF IN DC FOR NSF PANEL)

WEEK THIRTEEN
APRIL 18: WHY COURTS?


**WEEK FOURTEEN**

**APRIL 25: WHY COURTS?**


Lazarus, Richard. 2008. “Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar.” 96 *Georgetown Law Journal* 1487. (Warning: It’s 82 pages if you print the footnotes...)


**WEEK FIFTEEN, SIXTEEN**

**MAY 2, MAY 9**

**PAPER PRESENTATIONS IN PANEL FORMAT**

**PAPERS DUE MIDDLE OF FINALS WEEK, WEDNESDAY, MAY 18TH**