POS729 – Seminar in Judicial Politics

Syllabus - Fall 2008

Class meets W 5:45-8:35, Draper Hall 21B

Instructor: Prof. Udi Sommer
Email: esommer@albany.com
Office Hours: W 11-12:30 (Humanities B16) and by appointment

Introduction
The aim of this course is to provide a comprehensive introduction to judicial decision-making in the United States, with a heavy emphasis on the US Supreme Court. The main objective of the course is to get students to understand how judges make decisions.

Texts
Rosenberg. The Hollow Hope

Grading
Grading will be based on two presentations of research (of a research proposal (in poster format) on 10.22 and of the final research project (in panel format) on 12.5), class leadership and the final paper.

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Presentations</td>
<td>15% (each)</td>
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<tr>
<td>Leadership</td>
<td>25%</td>
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<tr>
<td>Final Paper</td>
<td>45%</td>
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I reserve the right to add or subtract up to 10 points from your average based on class participation.

Student leadership
Each week, one student will be responsible for leading discussion on the required readings. In class, discussion leader will present the readings briefly, as well as his/her comments and questions for class discussion. Each student can expect to have this duty several times during the semester, and will be graded on his/her mastery of the assigned readings, the quality of his/her presentation and leading the class discussion.

In class, active, informed and regular participation (on the basis of readings listed in the schedule below) is expected not only from the discussion leader but from all students.
Class Schedule and Assignments

The course plan, below, is divided up by topics. Within each topic, I list readings that I plan to cover in class. This list is somewhat provisional, and we could have some additions and certainly some deletions along the way. Most of the readings are journal articles. I have not ordered books through the bookstore. The books that you will need may be purchased independently, or shared, or borrowed from the library. Should you have any problems obtaining any of the reading materials listed in the schedule below, please let me know.

Week 1 (August 27):
No Class – American Political Science Association Annual Meeting

Week 2 (September 3):

Syllabus distribution, introduction, and assignments

Week 3 (September 10):

Introduction to the study of Judicial Politics


Recommended
Robert G. McCloskey. The American Supreme Court. Chapters 1-4
Segal and Spaeth (2002) Ch. 4

Week 4 (September 17):

Judicial Appointments

Overby et al. “Courting Constituents …” 86 APSR (1992)
Hall. “State Supreme Courts in American Democracy.” 95 APSR 315 (2001)

Recommended

Week 5 (September 24) 3-5:30pm:

Agenda Setting in the Supreme Court

Perry, Deciding to Decide

Boucher and Segal: “Supreme Court Justices as Strategic Decision Makers” 57 JoP 824 (1995)
Caldeira, Wright and Zorn. Strategic Voting and Gatekeeping in the Supreme Court. 15 JLEO 549 (1999)
Caldeira and Wright: “Organized Interests and Agenda Setting in the US Supreme Court” 82 APSR 1109 (1989)
Cameron, Segal and Songer: “Strategic Auditing in the Judicial Hierarchy” 94 APSR 101 (2000)

Recommended


Week 6 (October 1):
No Class – Rosh Hashana

Week 7 (October 8):
No Class – Yom Kippur

Week 8 (October 15):
The Decision on the Merits – The Legal and Attitudinal Models
Segal and Spaeth, Introduction, Ch. 3, 8
Segal and Spaeth, The Influence of Stare Decisis on the Votes of US Supreme Court
Justices, 40 AJPS 971 (1996)
Brisbin 40 AJPS 1004 (1996)
Knight and Epstein 40 AJPS 1018 (1996)
Brenner and Stier 40 AJPS 1036 (1996)
Songer and Lindquist 40 AJPS (1049 (1996)
Segal and Spaeth 40 AJPS 1064 (1996)
Recommended
Segal and Spaeth. *Majority Rule or Minority Will: Adherence to Precedent on the US Supreme Court.* Cambridge University Press

Week 9 (October 22):
Presentation of research proposals (in poster format)

Week 10 (October 29):
*Opinion Assignment and Coalitions*

Recommended

Week 11 (November 5):
*Marxist Models of the Court: Separation of Powers Games*
Segal and Spaeth (2002) Ch. 8, second half

Recommended
Ignagni and Meernick, “Judicial Review and Coordinate Construction of the Constitution” 41 *AJPS* 447
Clayton and Gillman, chapters 2, 3, 13
Week 12 (November 12):
**Institutional and Environmental Constraints**

Hierarchies
Cameron, Segal and Songer: “Strategic Auditing in the Judicial Hierarchy” 94 APSR 101 (2000)

Public Opinion
Norpoth and Segal. “Popular Influence on Supreme Court Decisions.” 88 APSR 711 (1994)
Mishler and Sheehan, Repose, 88 APSR 716 (1994)

Lawyers, Guns and Money

Week 13 (November 19):
**Impact of Judicial Decisions**

Rosenberg, The Hollow Hope

On Public Opinion
Hoekstra and Segal. “The Shepherding of Local Public Opinion.” 58 JoP 1079

Week 14 (November 26):
No Class – Thanksgiving

Week 15 (December 3):
Presentation and discussion of final papers
Final papers due