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*Office Hours:*  
Tuesdays & Thursdays 1-2,  
and by appointment

**POLI 223: Judicial Politics  
(Fall 2018)**

**Course Description:**

This course provides a PhD-level overview of the scientific study of courts and judging. We will focus on U.S. courts, the U.S. Supreme Court in particular.

**Intended Student Learning Outcomes (SLOs):**

At the end of this course, students should:

1. Have a thorough understanding of empirical theories of political representation and efforts to test these theories (corresponds with PLO 1/2)
2. Demonstrate the ability to use social scientific tools to conduct research on political representation (corresponds with PLOs 3, 4, and 5)

**General Program Learning Outcomes (PLOs) for the Political Science Ph.D. Program:**

1. A comprehensive graduate-level understanding of processes, theories, and empirical regularities in the student's major area of emphasis (Political Institutions and Political Economy or Political Cognition and Behavior).
2. A graduate-level understanding of processes, theories, and empirical regularities in the student's minor area of emphasis (Political Institutions and Political Economy or Political Cognition and Behavior).
3. Competency with contemporary social science methods used to conduct rigorous research on political phenomena.
4. Effective scientific communication skills, especially the ability to convey complex concepts and information in a clear and concise manner.
5. The ability to initiate and conduct independent research that makes an original contribution to political science knowledge of a quality that can be published in a peer reviewed outlet.

**Requirements:**

(1) Prior to class, you must read all of the required readings for the week. You are then expected to discuss your insights, criticisms, and questions with the rest of the group when we meet. This course does not follow a lecture format! The success of the seminar depends upon your participation. The quantity and quality of your weekly participation will constitute 30% of your grade for the course.

(2) Each week, you are to formulate one question, one criticism, and one hypothesis based on the readings. I only expect a few sentences here, but please make them thoughtful. Please email these to me at least 12 hours before we are scheduled to meet. 10% of your grade will be based on the quality of these weekly emails.

(3) You will write an original research paper in which you identify an interesting research question, review the relevant literature, provide your theoretical answer to the question you pose, and test your theoretical expectations by utilizing an appropriate research design and suitable data. Your paper should

be article length (i.e., 15-20 pages) and should be of sufficient quality that it could be presented at a political science conference and, perhaps after revisions, published in a peer-reviewed journal. If you like, you may collaborate (i.e., coauthor) with another student when researching and writing this paper. I require that you meet with me to talk with me about your paper topic by the fourth week of the semester. Your paper will represent 50% of your course grade.

(4) Students will present their papers at the end of the semester. We will emulate a conference setting, which means that each of you will get approximately 10 minutes to present your paper. I will act as the discussant and other faculty may be present to ask questions. Your presentation will be worth 10% of your course grade.

### **Class Schedule:**

#### **8/22: Introduction**

#### **8/29: Staffing the Courts**

##### Required:

Moraski, Byron 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: 1069-1095.

Bonica, Adam, and Maya Sen. 2017. "The Politics of Selecting the Bench from the Bar: The Legal Profession and Partisan Incentives to Politicize the Judiciary." *Journal of Law and Economics* 60(4): 559-595.

Giles, Micheal W., Virginia A. Hettinger, and Todd Peppers. 2001. "Picking Federal Judges: A Note on Policy and Partisan Selection Agendas." *Political Research Quarterly* 54(3): 623-642.

Cameron, Charles M., Jonathan P. Kstellec, and Jee-Kwang Park. 2013. "Voting for Justices: Change and Continuity in Confirmation Voting, 1937-2010." *Journal of Politics* 75(2):283-299.

Cameron, Charles M., and Jonathan P. Kstellec. 2016. "Are Supreme Court Nominations a Move-the-Median Game?" *American Political Science Review* 110(4):778-797.

Sen, Maya. 2017. "How Political Signals Affect Public Support for Judicial Nominations: Evidence from a Conjoint Experiment." *Political Research Quarterly* 70(2): 374-393.

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.

Curry, Todd A., and Mark S. Hurwitz. 2016. "Strategic Retirements of Elected and Appointed Justices: A Hazard Model Approach." *Journal of Politics* 78(4):1061-1075.

##### Recommended:

Abraham, Henry J. 1992. *Justices and Presidents: A Political History of Appointments to the Supreme Court*. 3<sup>rd</sup> ed. New York: Oxford University Press.

Barrow, Deborah J., and Gary Zuk. 1990. "An Institutional Analysis of Turnover in the Lower Federal Courts, 1900-1987." *Journal of Politics* 52:457-476.

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

- Bonneau, Chris W., and Melinda Gann Hall. 2003. "Predicting Challengers in State Supreme Court Elections: Context and the Politics of Institutional Design." *Political Research Quarterly* 56(3):337-349.
- Caldeira, Gregory A., Marie Hojnacki, and John R. Wright. 2000. "The Lobbying Activities of Organized Interests in Federal Judicial Nominations." *Journal of Politics* 62(1):51-69.
- Caldeira, Gregory A., and Charles E. Smith, Jr. 1996. "Campaigning for the Supreme Court: The Dynamics of Public Opinion on the Thomas Nomination." *Journal of Politics* 58(3):655-681.
- Caldeira, Gregory A., and John R. Wright. 1998. "Lobbying for Justice: Organized Interests, Supreme Court Nominations, and the United States Senate." *American Journal of Political Science* 499-523.
- Epstein, Lee, Jack Knight, and Andrew D. Martin. 2003. "The Norm of Prior Judicial Experience and Its Consequences for Career Diversity on the U.S. Supreme Court." *California Law Review* 91:904-965.
- Epstein, Lee and Jeffrey A. Segal. 2005. *Advice and Consent: The Politics of Appointing Judges*. New York: Oxford University Press
- Goldman, Sheldon. 1997. *Picking Federal Judges: Lower Court Selection From Roosevelt Through Reagan*. New Haven, CT: Yale University Press.
- Gryski, Gerard S., Gary Zuk, and Deborah J. Barrow. 1994. "A Bench That Looks Like America? Representation of African Americans and Latinos on the Federal Courts." *Journal of Politics* 56:1076-86.
- Hall, Melinda Gann. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review* 95(2):315-330.
- Hall, Melinda Gann, and Chris W. Bonneau. 2013. "Attack Advertising, the *White* Decision, and Voter Participation in State Supreme Court Elections." *Political Research Quarterly* 66:115-126.
- Hansford, Thomas G., Elisha Carol Savchak, and Donald R. Songer. 2010. "Politics, Careerism, and the Voluntary Departures of U.S. District Court Judges." *American Politics Research* 38(6):986-1014.
- Johnson, Timothy R., and Jason M. Roberts. 2004. "Presidential Capital and the Supreme Court Confirmation Process." *Journal of Politics* 66(3):663-683.
- Klein, David, and Lawrence Baum. 2001. "Ballot Information and Voting Decisions in Judicial Elections." *Political Research Quarterly* 54(4):709-728.
- Massie, Tajuana D., Thomas G. Hansford, and Donald R. Songer. 2004. "The Timing of Presidential Nominations to the Lower Federal Courts." *Political Research Quarterly* 57(1):145-154.
- Nixon, David C., and J. David Haskin. 2000. "Judicial Retirement Strategies: The Judge's Role in Influencing Party Control of the Appellate Courts." *American Politics Quarterly* 28(4):458-489.
- Rowland, C.K., Robert A. Carp, and Ronald A. Stidham. 1984. "Judges' Policy Choices and the Value Basis of Judicial Appointments: A Comparison of Support for Criminal Defendants among Nixon, Johnson, and Kennedy Appointees to the Federal District Courts." *Journal of Politics* 46:886-902.
- Savchak, Elisha Carol, 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.
- Scherer, Nancy. 2005. *Scoring Points: Politicians, Activists, and the Lower Federal Court Appointment Process*. Palo Alto: Stanford University Press.

- Segal, Jeffrey A., Charles M. Cameron, and Albert D. Cover. 1992. "A Spatial Model of Roll Call Voting: Senators, Constituents, Presidents, and Interest Groups in Supreme Court Confirmations." *American Journal of Political Science* 36(1):96-121.
- Segal, Jeffrey A., Richard J. Timpone, and Robert M. Howard. 2000. "Buyer Beware? Presidential Success through Supreme Court Appointments." *Political Research Quarterly* 53(3):557-573.
- Shipan, Charles R., and Megan L. Shannon. 2003. "Delaying Justice(s): A Duration Analysis of Supreme Court Confirmations." *American Journal of Political Science* 47(4):654-668.
- Spriggs, James F., and Paul J. Wahlbeck. 1995. "Calling It Quits: Strategic Retirement on the Federal Court of Appeals, 1893-1991." *Political Research Quarterly* 48:573-597.
- Yoon, Albert. 2003. "Love's Labor Lost? Judicial Tenure among Federal Court Judges: 1945-2000." *California Law Review* 91:1029-1060.
- Zorn, Christopher J. W., and Steven R. Van Winkle. 2000. "A Competing Risks Model of Supreme Court Vacancies, 1789-1992." *Political Behavior* 22(2):145-166.

## **9/5: Judicial Agendas**

### Required:

- Tanenhaus, Joseph, Marvin Schick, Matthew Muraskin, and Daniel Rosen. 1963. "The Supreme Court's Certiorari Jurisdiction: Cue Theory." In *Judicial Decision Making*, ed. Glendon Schubert. New York: Free Press.
- Perry, H.W. 1991. *Deciding to Decide: Agenda Setting in the United States Supreme Court*. Cambridge, MA: Harvard University Press. Chapters 8 and 9.
- Caldeira, Gregory A., and John R. Wright. 1988. "Organized Interests and Agenda Setting in the U.S. Supreme Court." *American Political Science Review* 82(4):1109-1127.
- Caldeira, Gregory A., John R. Wright, and Christopher J. W. Zorn. 1999. "Sophisticated Voting and Gate-Keeping in the Supreme Court." *Journal of Law, Economics, & Organization* 15(3):549-572.
- Owens, Ryan J., and Ryan C. Black. 2012. "Consider the Source (and the Message): Supreme Court Justices and Strategic Audits of Lower Court Decisions." *Political Research Quarterly* 65(2):385-395.
- Pacelle, Richard L. 1991. *The Transformation of the Supreme Court's Agenda*. San Francisco: Westview Press. Chapter 2.

### Recommended:

- Baird, Vanessa A. 2004. "The Effect of Politically Salient Decisions on the U.S. Supreme Court's Agenda." *Journal of Politics* 66(3):755-772.
- Black, Ryan C., and Ryan J. Owens. 2011. "Solicitor General Influence and Agenda Setting on the U.S. Supreme Court." *Political Research Quarterly* 64:765-778.
- Boucher, Robert L., and Jeffrey A. Segal. 1995. "Supreme Court Justices as Strategic Decision Makers: Aggressive Grants and Defensive Denials on the Vinson Court." *Journal of Politics* 57:824-837.
- Brenner, Saul, and John F. Krol. 1989. "Strategies in Certiorari Voting on the United States Supreme Court." *Journal of Politics* 51:828-840.

- Caldeira, Gregory A., and John R. Wright. 1990. "The Discuss List: Agenda Building in the Supreme Court." *Law & Society Review* 24(3):807-836.
- Cameron, Charles M, Jeffrey A. Segal, and Donald R. Songer. 2000. "Strategic Auditing in a Political Hierarchy: An Informational Model of the Supreme Court's Certiorari Decisions." *American Political Science Review* 94(1):101-116.
- Clark, Tom S., and Kesteven. 2013. "The Supreme Court and Percolation in the Lower Courts: An Optimal Stopping Model." *Journal of Politics* 75(1):150-168.
- Epstein, Lee, Jeffrey A. Segal, and Timothy Johnson. 1996. "The Claim of Issue Creation on the U.S. Supreme Court." *American Political Science Review* 90:845-852.
- McGuire, Kevin T., and Gregory A. Caldeira. 1993. "Lawyers, Organized Interests, and the Law of Obscenity: Agenda Setting in the Supreme Court." *American Political Science Review* 87(3):717-726.
- McGuire, Kevin T., and Barbara Palmer. 1995. "Issue Fluidity on the U.S. Supreme Court." *American Political Science Review* 89:691-702.
- Ulmer, S. Sidney. 1984. "The Supreme Court's Certiorari Decisions: Conflict as a Predictive Variable." *American Political Science Review* 78:901-911.

## **9/12: Deciding Cases - Preferences and Case Facts**

### Required:

- Segal, Jeffrey A. 1984. "Predicting Supreme Court Decisions Probabilistically: The Search and Seizure Cases, 1962-1981." *American Political Science Review* 78:891-900.
- Segal, Jeffrey A., and Albert D. Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83:557-565.
- Bailey, Michael A. 2013. "Is Today's Court the Most Conservative in Sixty Years? Challenges and Opportunities in Measuring Judicial Preferences." *Journal of Politics* 75(3):821-834.
- Zorn, Christopher, and Jennifer Barnes Bowie. 2010. "Ideological Influences on Decision Making in the Federal Judicial Hierarchy: An Empirical Assessment." *Journal of Politics* 72(4):1212-21.
- 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(1):37-54.

### Recommended:

- Anderson, Robert, IV, and Alexander M. Tahk. 2007. "Institutions and Equilibrium in the United States Supreme Court." *American Political Science Review* 101(4):811-825.
- Baum, Lawrence. 1988. "Measuring Policy Change in the U.S. Supreme Court." *American Political Science Review* 82:905-912.
- Brace, Paul, Laura Langer, and Melinda Gann Hall. 2000. "Measuring the Preferences of State Supreme Court Judges." *Journal of Politics* 62(2):387-413.
- Epstein, Lee, Valerie Hoekstra, Jeffrey A. Segal, and Harold J. Spaeth. "Do Political Preferences Change? A Longitudinal Study of U.S. Supreme Court Justices." *Journal of Politics* 60(3):801-818.

- George, Tracey E., and Lee Epstein. 1992. "On the Nature of Supreme Court Decision Making." *American Political Science Review* 86:323-337.
- Kaheny, Erin B., Susan Brodie Haire, and Sara C. Benesh. 2008. "Change over Tenure: Voting, Variance, and Decision Making on the U.S. Courts of Appeals." *American Journal of Political Science* 52(3):490-503.
- Lauderdale, Benjamin E., and Tom S. Clark. 2012. "The Supreme Court's Many Median Justices." *American Political Science Review* 106(4):847-866.
- 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(2):134-153.
- Pritchett, C. Herman. 1948. *The Roosevelt Court: A Study in Judicial Politics and Values, 1937-1947*. New York: The MacMillan Company.
- Schubert, Glendon. 1959. *Quantitative Analysis of Judicial Behavior*. Glencoe, IL: The Free Press.
- Segal, Jeffrey A., and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. New York: Cambridge University Press.
- Sen, Maya. 2015. "Is Justice Really Blind? Race and Appellate Review in U.S. Courts." *Journal of Legal Studies* 44(1).
- Tate, C. Neal. 1981. "Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions, 1946-1978." *American Political Science Review* 75:355-367.

## **9/19: Deciding Cases - Legal Influences**

### Required:

- Howard, Robert M., and Jeffrey A. Segal. 2002. "An Original Look at Originalism." *Law & Society Review* 36(1):113-137.
- Segal, Jeffrey A., and Harold J. Spaeth. 1996. "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices." *American Journal of Political Science* 40(4):971-1003.
- Knight, Jack, and Lee Epstein. 1996. "The Norm of Stare Decisis." *American Journal of Political Science* 40(4):1018-1035.
- Richards, Mark J., and Herbert M. Kritzer. 2002. "Jurisprudential Regimes in Supreme Court Decision Making." *American Political Science Review* 96(2):305-320.
- Bartels, Brandon L. 2009. "The Constraining Capacity of Legal Doctrine on the U.S. Supreme Court." *American Political Science Review* 103(3):474-495.
- 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(3):369- 384.
- Hinkle, Rachael K. 2015. "Legal Constrain in the US Courts of Appeals." *Journal of Politics* 77(3):721-735.

### Recommended:

- Bailey, Michael A., and Forrest Maltzman. 2011. *The Constrained Court: Law, Politics, and the Decisions Justices Make*. Princeton, NJ: Princeton University Press.

- Bueno de Mesquita, Ethan, and Matthew Stephenson. 2002. "Informative Precedent and Intrajudicial Communication." *American Political Science Review* 96(4):755-766.
- Gates, John, and Glenn A. Phelps. 1996. "Intentionalism in Constitutional Opinions." *Political Research Quarterly* 48:245-261.
- Landes, William M., and Richard A. Posner. 1976. "Legal Precedent: A Theoretical and Empirical Analysis." *The Journal of Law & Economics* 19:249-307.
- Lax, Jeffrey R., and Kelly T. Rader. 2010. "Legal Constraints on Supreme Court Decision Making: Do Jurisprudential Regimes Exist?" *Journal of Politics* 72(2):273-284.
- Lindquist, Stefanie A., and Frank B. Cross. 2005. "Empirically Testing Dworkin's Chain Novel Theory: Studying the Path of Precedent." *New York University Law Review* 80:1156-1206.
- Rasmusen, Eric. 1994. "Judicial Legitimacy as a Repeated Game." *Journal of Law, Economics, & Organization* 10:63-83.
- Shapiro, Martin. 1965. "Stability and Change in Judicial Decision-Making: Incrementalism or Stare Decisis?" *Law in Transition Quarterly* 2:134-157.

## **9/26: Making Law – Bargaining and Strategy**

### Required:

- 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. Chapters 1-4.
- Carrubba, Clifford J., Barry Friedman, Andrew D. Martin, and Georg Vanberg. 2012. "Who Controls the Content of Supreme Court Opinions?" *American Journal of Political Science* 56(2):400-412.
- Rice, Douglas R. 2017. "Issue Divisions and US Supreme Court Decision Making." *Journal of Politics* 79(1):210-222.

### Recommended:

- Clark, Tom S., and Benjamin Lauderdale. 2010. "Locating Supreme Court Opinions in Doctrine Space." *American Journal of Political Science* 54(4):871-90.
- Epstein, Lee, and Jack Knight. 1998. *The Choices Justices Make*. Washington, DC: Congressional Quarterly Press.
- Giles, Micheal W. 1977. "Equivalent Versus Minimum Winning Opinion Coalition Size: A Test of Two Hypotheses." *American Journal of Political Science* 21(2):405-413.
- Hammond, Thomas H., Chris W. Bonneau, and Reginald S. Sheehan. 2005. *Strategic Behavior and Policy Choice on the U.S. Supreme Court*. Stanford: Stanford University Press.
- Hettinger, Virginia A., 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(1):123-137.
- Lax, Jeffrey R., and Kelly Rader. 2015. "Bargaining Power in the Supreme Court: Evidence from Opinion Assignment and Vote Switching." *Journal of Politics* 77(3):648-663

Murphy, Walter F. 1964. *Elements of Judicial Strategy*. Chicago: University of Chicago Press.

Rohde, David W. 1972. "Policy Goals and Opinion Coalitions in the Supreme Court." *Midwest Journal of Political Science* 16:208-224.

### **10/3: Making Law – Creation and Evolution of Legal Doctrine**

#### Required:

Schwartz, Edward P. 1992. "Policy, Precedent, and Power: A Positive Theory of Supreme Court Decision-making." *Journal of Law, Economics, and Organization* 8:219-252.

Wahlbeck, Paul J. 1997. "The Life of the Law: Judicial Politics and Legal Change." *Journal of Politics* 59(3):778-802.

Corley, Pamela C. 2008. "The Supreme Court and Opinion Content: The Influence of Parties' Briefs." *Political Research Quarterly* 61(3):468-478.

Hansford, Thomas G., and James F. Spriggs, II. 2006. *The Politics of Precedent on the U.S. Supreme Court*. Princeton, NJ: Princeton University Press. Chapters 2, 4, and 5.

Bartels, Brandon L., and Andrew J. O'Green. 2015. "The Nature of Legal change of the U.S. Supreme Court: Jurisprudential Regimes Theory and Its Alternatives." *American Journal of Political Science* 59(4):880-895.

Bryan, Amanda C., and Eve M. Ringsmuth. 2016. "Jeremiad or Weapon of Words? The Power of Emotive Language in Supreme Court Dissents." *Journal of Law and Courts* 4(1):159-185.

#### Recommended:

Brenner, Saul, and Harold J. Spaeth. 1995. *Stare Indecisus: The Alteration of Precedent on the U.S. Supreme Court, 1946-1992*. Cambridge, MA: Cambridge University Press.

Caldeira, Gregory A. 1985. "The Transmission of Legal Precedent: A Study of State Supreme Courts." *American Political Science Review* 79(March):178-193.

Epstein, Lee, and Joseph F. Kobylka. 1992. *The Supreme Court and Legal Change: Abortion and the Death Penalty*. Chapel Hill, NC: University of North Carolina Press.

Fowler, James H., James F. Spriggs II, Timothy Johnson, and Paul J. Wahlbeck. 2007. "Network Analysis and the Law: Measuring the Legal Importance of Precedents at the U.S. Supreme Court." *Political Analysis* 5(3):324-46.

Landes, William M., and Richard A. Posner. 1976. "Legal Precedent: A Theoretical and Empirical Analysis." *The Journal of Law and Economics* 19(August):249-307.

Spriggs, II, James F., and Thomas G. Hansford. 2000. "Measuring Legal Change: The Reliability and Validity of *Shepard's Citations*." *Political Research Quarterly* 53(2):327-341.

### **10/10: The Institutional Development of the Judiciary**

#### Required:

Epstein, Lee, 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.



Knight, Jack, and Lee Epstein. 1996. "On the Struggle for Judicial Supremacy." *Law and Society Review* 30:87-120.

De Figueiredo, John M., and Emerson H. Tiller. 1996. "Congressional Control of the Courts: A Theoretical and Empirical Analysis of Expansion of the Federal Judiciary." *Journal of Law and Economics* 39:435-462.

McGuire, Kevin T. 2004. "The Institutionalization of the U.S. Supreme Court." *Political Analysis* 12(2):128-142.

Johnson, Timothy R. James F. Spriggs II, and Paul J. Wahlbeck. 2012. "The Politics of Precedent in the U.S. Supreme Court." In, Kevin McGuire (editor) *New Directions In Judicial Politics*. New York: Routledge.

### Recommended:

Caldeira, Gregory A., and Christopher J. W. Zorn. 1998. "Of Time and Consensual Norms in the Supreme Court." *American Journal of Political Science* 42(3):874-902.

Gerber, Scott D., and Keeok Park. 1997. "The Quixotic Search for Consensus on the U.S. Supreme Court: A Cross-Judicial Empirical Analysis of the Rehnquist Court Justices." *American Political Science Review* 91(2):390-408.

Walker, Thomas G., Lee Epstein, and William J. Dixon. 1988. "On the Mysterious Demise of Consensual Norms in the United States Supreme Court." *Journal of Politics* 50:361-389.

## **10/17: Organized Interests and the Court**

### Required:

Spriggs, James F., and Paul J. Wahlbeck. 1997. "Amicus Curiae and the Role of Information at the Supreme Court." *Political Research Quarterly* 50:365-386.

Epstein, Lee, and Jack Knight. 1999. "Mapping Out the Strategic Terrain: The Informational Role of *Amici Curiae*." In *Supreme Court Decision-Making: New Institutional Approaches*, ed., Cornell W. Clayton and Howard Gillman. Chicago: University of Chicago Press.

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(2):219-230.

Hansford, Thomas G. 2011. "The Dynamics of Interest Representation at the U.S. Supreme Court." *Political Research Quarterly* 64(4):749-764.

Collins, Paul M., Jr. 2008. *Friends of the Supreme Court: Interest Groups and Judicial Decision Making*. New York, NY: Oxford University Press., Chapter 4.

Box-Steffensmeier, Janet, Dino P. Christenson, and Matthew P. Hitt. 2013. "Quality over Quantity: Amici Influence and Judicial Decision Making." *American Political Science Review* 107(3):446-460.

### Recommended:

Barker, Lucius J. 1967. "Third Parties in Litigation: A Systematic View of the Judicial Function." *Journal of Politics* 29:41-69.

Caldeira, Gregory A., and John R. Wright. 1988. "Organized Interests and Agenda Setting in the U.S. Supreme Court." *American Political Science Review* 82(4):1109-1127.

- Caldeira, Gregory A., and John R. Wright. 1990. "Amici Curiae before the Supreme Court: Who Participates, When, and How Much?" *Journal of Politics* 52:782-806.
- Cortner, Richard C. 1968. "Strategies and Tactics of Litigants in Constitutional Cases." *Journal of Public Law* 17:287-307.
- Epstein, Lee. 1985. *Conservatives in Court*. Knoxville, TN: The University of Tennessee Press.
- Epstein, Lee. 1993. "Interest Group Litigation During the Rehnquist Court Era." *Journal of Law and Politics* 9:639-717.
- Epstein, Lee, and Joseph E. Kobylka. 1992. *The Supreme Court and Legal Change: Abortion and the Death Penalty*. Chapel Hill: University of North Carolina Press.
- Epstein, Lee, and C.K. Rowland. 1991. "Debunking the Myth of Interest Group Invincibility in the Courts." *American Political Science Review* 85(1):205-217.
- Hansford, Thomas G. 2004. "Lobbying Strategies, Venue Selection, and Organized Interest Involvement at the U.S. Supreme Court." *American Politics Research* 32(2):170-197.
- Hansford, Thomas G., and Kristen Johnson. 2014. "The Supply of Amicus Curiae Briefs in the Market for Information at the U.S. Supreme Court." *Justice System Journal* 35(4):362-382.
- Kearney, Joseph D., and Thomas W. Merrill. 2000. "The Influence of Amicus Curiae Briefs on the Supreme Court." *University of Pennsylvania Law Review* 148(3):743-855.
- Kobylka, Joseph F. 1991. *The Politics of Obscenity: Group Litigation in a Time of Legal Change*. New York: Greenwood Press.
- Kobylka, Joseph F. 1987. "A Court-Created Context for Group Litigation: Libertarian Groups and Obscenity." *Journal of Politics* 49(4):1061-1078.
- Krislov, Samuel. 1963. "The Amicus Curiae Brief: From Friendship to Advocacy." *Yale Law Journal* 72():694-721.
- O'Connor, Karen. 1980. *Women's Organizations' Use of the Courts*. Lexington, MA: Lexington Books.
- O'Connor, Karen, and Lee Epstein. 1983. "The Rise of Conservative Interest Group Litigation." *Journal of Politics* 45():479-489.
- Olson, Susan M. 1990. "Interest-Group Litigation in Federal District Court: Beyond the Political Disadvantage Theory." *Journal of Politics* 52():854-882.
- Scheppele, Kim Lane, and Jack L. Walker, Jr. 1991. "The Litigation Strategies of Interest Groups." In *Mobilizing Interest Groups in America* by Jack L. Walker, Jr. Ann Arbor, MI: University of Michigan Press.
- Songer, Donald R., and Reginald S. Sheehan. 1993. "Interest Group Success in the Courts: Amicus Participation in the Supreme Court." *Political Research Quarterly* 46:339-354.
- Vose, Clement E. 1959. *Caucasians Only: The Supreme Court, The NAACP, and the Restrictive Covenant Cases*. Berkeley, CA: University of California Press.

## **10/24: Does the Court Follow Public Opinion?**

### Required:

- Mishler, William, and Reginald S. 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.
- Norpoth, Helmut, and Jeffrey A. Segal. 1994. "Popular Influence on Supreme Court Decisions." *American Political Science Review* 88:711-724.
- 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(4):1018-1035.
- Casillas, Christopher J., 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.
- Hall, Matthew E.K. 2014. "The Semiconstrained Court: Public Opinion, the Separation of Powers, and the U.S. Supreme Court's Fear of Nonimplementation." *American Journal of Political Science* 58(2):352-366.
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## **11/28: Implementation and Impact of Court Decisions**

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- Spriggs, James F., II. 1996. "The Supreme Court and Federal Administrative Agencies: A Resource-Based Theory and Analysis of Judicial Impact." *American Journal of Political Science* 40(4):1122-1151.
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**12/5: Presentations**