

# POLS 5320 – SEMINAR IN PUBLIC LAW

*Mondays: 6:00 – 8:50pm in BEND Room 205*

INSTRUCTOR: Dr. Rebecca A. Reid  
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OFFICE: 307 Benedict Hall  
STUDENT HOURS: Mondays 10:30 am- 1:00 pm and 2:30- 5:30 pm;  
Wednesdays 10:30 am- 12 pm; or by appointment

## **LAND ACKNOWLEDGMENT**

As members of the University of Texas at El Paso community, we acknowledge that we are meeting on unceded Indigenous land. We would like to recognize and pay our respects to the Indigenous people with long ties to the immediate region: Lipan Apache, Mescalero Apache, Piro, Manso, Suma, Jumano, Ysleta del Sur Pueblo, Piro/Manso/Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe, and Tortugas Pueblo. We also acknowledge the nations whose territories include present day Texas: the Carrizo & Comecrudo, Coahuiltecan, Caddo, Tonkawa, Comanche, Alabama-Coushatta, Kickapoo, and the peoples of Chihuahua and northern Mexico from whom most/many of our students descend, such as the Rarámuri, Tepehuan, Wixarrika and Nahuatlaca peoples. Finally, we recognize all of the American Indian and Indigenous Peoples and communities who have been or have become a part of these lands and territories here in Paso del Norte, on Turtle Island. The University of Texas at El Paso honors your history and cultures and we seek greater awareness of the myriad ways in which your legacy can guide us in fruitful partnerships and mutually fulfilling relationships.

## **COURSE DESCRIPTION**

This course provides graduate students a survey of the literature in judicial politics. The class will focus on judge decision-making, the role of institutions, strategic behavior, the implementation and impact of judicial policies, the relationship between the judiciary and other institutions, and comparative judicial politics. As such, this course will survey the U.S. Supreme Court, lower federal courts, state supreme courts, international courts, and domestic judiciaries in other countries.

## **UTEP EDGE**

This course encompasses activities associated with UTEP EDGE, including (1) **problem-solving** and (2) **critical thinking** through class discussions, critical reflections, self-assessments, and role-playing/simulation activities that apply class themes to real world problems; (3) **research and scholarly activity** through examining scholarship in the discipline, synthesizing arguments, and generating new knowledge across a variety of assignments; (4) **creativity** as assignments challenge students to think in innovative ways to produce original arguments, evaluate problems, and teach substantive material to their

peers; (5) **communication** is emphasized through a variety of assignments and class discussion to enable students to develop their voice and refine their effectiveness as writers and speakers; 6) **global awareness** through comparative approaches to law and judicial systems; 7) **social responsibility** by critically evaluating the causes and consequences of judge-made law across increasingly interdependent yet diverse communities across the globe; 8) **leadership skills** through student teaching, team work, self-assessment and critical reflection; and 9) **team work** through group projects and class activities.

## LEARNING OBJECTIVES

The course seeks to promote student development across three areas: substantive knowledge development, student skill development, and personal and inter-personal development: These learning objectives are supplemented by students' own, individual goals for the course and self-directed learning objectives.

### *Substantive Knowledge Development*

- Develop and demonstrate an understanding of the key elements of **judicial institutions and legal systems**, including a) **how institutions shape behavior** of judges, states, and transnational legal communities, b) fundamental public law theories related to **judicial behavior and decision-making**, c) different features of judicial institutions and legal systems **cross-nationally and internationally**, and d) how law and courts operate **within and across jurisdictions and political contexts**.
- Develop and demonstrate an understanding of **implications of policies and processes**, analyzing and evaluating the implications and repercussions of policies across a variety of metrics (such as ethics, equity, inclusion, and justice).

### *Skill Development*

- Develop and demonstrate ability to **read, comprehend, discuss, and evaluate peer-reviewed academic scholarship** and empirical studies.
- Develop and demonstrate **critical and analytical thinking** skills necessary to analyze, adapt, and apply theoretical arguments and empirical implications to different (specific and generalized) contexts.
- Develop and demonstrate the ability to **synthesize** arguments into cogent arguments and explanations.
- Develop and demonstrate **creativity** in weaving together existing knowledge from scholarship with personal knowledges, experiences, and ideas to create novel arguments, inquiries, approaches, and/or paths of knowledge.
- Develop and demonstrate effective **teamwork** skills for collaborative work while demonstrating respect and value for a diversity of opinions, viewpoints, and perspectives.
- Develop and demonstrate **leadership** skills through successful development of a) their own voice and active listening skills (*communication*); b) their ability to identify shared, unifying goals and develop action plans to achieve these overarching goals (*vision*); c) their ability to demonstrate open-mindedness and appreciation of others' experiences, viewpoints, and contributions (*empathy*); and

d) ability to identify commonalities, sources of (potential) disagreement, and alternative options/compromises through mutual agreement (*conflict resolution*).

*Personal and Inter-Personal Development*

- Develop **self-awareness and self-knowledge**, through **self-reflection and self-assessment**, including a) identifying their own goals, identities, beliefs, assumptions, stereotypes, implicit biases, and ethics; b) improving stress management and recognition; c) identifying their own leadership goals and styles; d) developing metacognition and individualized learning goals and assessment; and e) developing confidence, self-motivation, and self-efficacy.
- Identify and develop individual and community-based strategies for **civic engagement**, political action, and social mobilization across levels of governance and issue areas, based upon student interests and goals.

**COURSE ASSIGNMENTS**

This course includes a variety of assignments, intended to structure student learning through the practice of different skills; offer feedback to improve student learning (formative assessment), and evaluate student learning (summative assessment).

Discussion and Participation	15%
Individual Development Plan	10%
Critical Reflections	15%
Self-Assessments	15%
Consulting Simulation	20%
Final Exam	25%

**GRADING**

The grading scale is as follows:

90-100	A
80-89	B
70-79	C
60-69	D
59 and below	F

**Discussion and Participation**

Attendance and participation are essential for this seminar-style class. Students are responsible for contributing to conversations, discussions, and questions as co-equal contributors of knowledge.

### **Individual Development Plan**

Each individual (career) development plan packet contains a variety of worksheets. Evaluation is based upon completion and good faith effort. The purpose is to provide time, space, and assistance in explicitly identifying student goals and career opportunities.

### **Critical Reflections**

Critical Reflections are assignments that ask students to develop, communicate, and reflect upon their experiences, identities, assumptions, and opinions. These assignments ask the student to engage in self-reflection; as such, critical reflections are an extension of critical thinking and metacognition. These assignments are evaluated based upon quality of student engagement, not by the content of the answers.

### **Self-Assessments**

Self-assessments are assignments that challenge students to reflect and evaluate their performance, relationships, progress, and learning across several topics. Analyzing and evaluating oneself enables self-awareness and metacognition by identifying and measuring growth, improvement, and performance. It also facilitates student autonomy in deciding what aspects to improve upon and what is important to them (or less important) based upon their own goals. It also fosters dialogue to assist with self-identified learning goals and strengths/weaknesses.

### **Consulting Simulation**

Students are divided into groups to role play consulting firms who have been hired to develop the judiciary for the new nation-state: Florin. Each firm must determine the institutional features and processes for the new judiciary, based upon empirical data, historical and contemporary events, and compelling incentive structures. These firms will present their proposed judicial system in the hopes of being selected for adoption and implementation in Florin.

Consulting firms will be evaluated based upon the adequate and explicit descriptions of their reasoning, definition of the problem(s), the principles and concepts they choose to apply (or not), development of alternative solutions, and best solution that is aligned with their stated reasoning and principles.

For example, what is the appropriate balance between judicial independence and judicial accountability? How is this balance achieved through the institutional structures? How are judges selected and by whom? Do judges serve lifetime appointments or terms? Are there processes of removal or ethics commissions? How do judges become promoted within the judiciary? What qualifications, if any, are required for someone to become a judge or justice? Who determines or monitors judicial salaries, jurisdiction, and judicial oversight?

**Final Exam**

Students will be provided the final exam early in the semester. The final exam consists of essay questions that students are intended to work on over the course of the semester. The exam is designed to be an iterative process, where students can build and revise their responses as they gain new knowledge, insights, and instructor feedback. Only the final version of the exam will be graded (as summative assessment) at the end of the semester.

## **STUDENT SUPPORT AND RESOURCES**

A variety of university-provided resources and support centers can be located here: <https://www.utep.edu/student-affairs/>. Some of these services are highlighted below.

### **UNIVERSITY WRITING CENTER**

The University Writing Center is a useful tool each of student should take advantage of in for all written/paper assignments. While not required, your paper will be improved following a consultation with the staff. The staff sees students through appointments or walk-ins, though appointments are preferred. For more information, go to: <http://uwc.utep.edu/index.php/hours-> location. For appropriate assignments, **I offer up to 10 points extra credit** if you consult the writing center. **In order to be eligible for this credit, you must show evidence of your consultation and evidence of the revisions suggested and those you made. You must also provide a reflection as to what you learned from the experience** (for instance, what types of errors do you systematically make and how can you correct them). Hence, credit will only be possible with adequate evidence and thoughtful reflection of the writing and revision process.

### **SPECIAL ACCOMODATIONS**

If you have a disability and need classroom accommodations, please contact The Center for Accommodations and Support Services (CASS) at 747-5148, or by email to [cass@utep.edu](mailto:cass@utep.edu), or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at <https://www.utep.edu/student-affairs/cass/>. CASS' Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CASS/INDEX.HTML](https://www.utep.edu/student-affairs/cass/index.html)

### **UNIVERSITY CAREER CENTER**

The Career Center has a number of great services, resources, and events that can help you explore career options that align with your interests and values. They offer free services, including: one-on-one appointments, recruiting and networking events, interview preparation, resume building workshops, career advising, job search resources, career planning tools and templates, career fairs, job and internship hunting support, and more.

[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CAREERS/STUDENTS-ALUMNI/STUDENT-SERVICES.HTML](https://www.utep.edu/student-affairs/careers/students-alumni/student-services.html)

[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/CAREERS/INDEX.HTML](https://www.utep.edu/student-affairs/careers/index.html)

## **MILITARY STUDENT SUCCESS CENTER**

The Military Student Success Center (MSSC) serves the military-affiliated community of El Paso, Fort Bliss and beyond as the epicenter for success at The University of Texas at El Paso. Through a collaborative effort the MSSC ensures student success by achieving academic, social and professional development from admissions to graduation. The MSSC accomplishes this effort by extending student support services, assisting in using educational benefits and facilitating the transition from military to college life. The MSSC's vision is to make UTEP one of the most Military Friendly Institutes of Higher Learning in the country. We strive to meet the unique and ever-changing needs of our military students by continually reviewing, analyzing and updating our policies and procedures. Our goal is to make the MSSC at UTEP a model program of successful transition into civilian life for military students.

**[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/MSSC/INDEX.HTML](https://www.utep.edu/student-affairs/mssc/index.html)**

## **CHILD CARE**

A YWCA Early Learning Academy (ELA) is a warm, friendly place that fosters exploration, problem solving, creativity and growth. Each site is staffed with highly-trained, nurturing caregivers who appreciate each and every child, as they are now, and for the amazing person they will grow up to be! With more than 35 years of experience in child care, the YWCA is your best choice for child care in El Paso.

**[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/EARLY-LEARNING-ACADEMY/INDEX.HTML](https://www.utep.edu/student-affairs/early-learning-academy/index.html)**

**If, for any reason, you cannot find a care-taker for your child(ren), you are welcome to bring them to class.**

## **COUNSELING AND PSYCHOLOGICAL SERVICES**

The University Counseling Center is dedicated to providing high quality mental health services that support students' ability to benefit from their experience at the University of Texas at El Paso. To this end the center provides career counseling, educational workshops, individual and group counseling, crisis intervention, and professional training experiences that are responsive to the individual, cultural, and demographic diversity of our students. The center, located at 202 Union West, offers confidential counseling services in English or in Spanish. They also provide group and individual counseling for currently enrolled UTEP students, via in-person and Zoom.

**Student tuition includes free individual and/or group counseling and mental health services.**

**[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/COUNSEL/RESOURCES/SERVICES-STUDENTS-FAQ.HTML](https://www.utep.edu/student-affairs/counsel/resources/services-students-faq.html)**

**[HTTPS://WWW.UTEP.EDU/STUDENT-AFFAIRS/COUNSEL/RESOURCES/SERVICES-STUDENTS.HTML](https://www.utep.edu/student-affairs/counsel/resources/services-students.html)**

## GENERAL POLICIES

### **ACADEMIC DISHONESTY**

**Absolutely no form of academic dishonesty will be tolerated.** The University of Texas at El Paso prides itself on its standards of academic excellence. In all matters of intellectual pursuit, UTEP faculty and students must strive to achieve excellence based on the quality of work produced by the individual. In the classroom and in all other academic activities, students are expected to uphold the highest standards of academic integrity. Any form of scholastic dishonesty is an affront to the pursuit of knowledge and jeopardizes the quality of the degree awarded to all graduates of UTEP. It is imperative, therefore, that the members of this academic community understand the regulations pertaining to academic integrity and that all faculty insist on adherence to these standards. Any student who commits an act of scholastic dishonesty is subject to discipline. *Scholastic dishonesty includes, but is not limited to, cheating, plagiarism, collusion, the submission for credit of any work or materials that are attributable in whole or in part to another person, taking an examination for another person, and any act designed to give unfair advantage to a student or the attempt to commit such acts.* Proven violations of the detailed regulations, as printed in the Handbook of Operating Procedures (HOP) and available in the Office of the Dean of Students and the homepage of The Dean of Students at [www.utep.edu/dos](http://www.utep.edu/dos), may result in sanctions ranging from disciplinary probation, to failing a grade on the work in question, to a failing grade in the course, to suspension or dismissal, among others.

### **COVID STUDENT RESPONSIBILITIES**

Please stay home if you have been diagnosed with COVID-19 or are experiencing COVID-19 symptoms. If you are feeling unwell, please let me know as soon as possible, so that we can work on appropriate accommodations. If you have tested positive for COVID-19, you are encouraged to report your results to [covidaction@utep.edu](mailto:covidaction@utep.edu), so that the Dean of Students Office can provide you with support and help with communication with your professors. The Student Health Center is equipped to provide COVID-19 testing.

The Center for Disease Control and Prevention recommends that people in areas of substantial or high COVID-19 transmission wear face masks when indoors in groups of people. The best way that Miners can take care of Miners is to get the vaccine. If you still need the vaccine, it is widely available in the El Paso area, and will be available at no charge on campus during the first week of classes. For more information about the current rates, testing, and vaccinations, please visit <https://www.utep.edu/ehs/covid/>.

**If you feel ill, stay home.**



## **GENERAL EXPECTATIONS**

All students are expected to behave professionally in class and are held responsible for all material covered in the textbooks, articles, videos, and class discussions. If you miss a class, you are still responsible for the content of that day's information—which you can obtain from classmates and the assignments. Lecture slides are posted to Blackboard (under Course Content) after class or at the end of the module. Students should strive to attend class on time and let me know in advance if they will miss class so any accommodations can be made. Students are welcome to bring and use laptops, iPad, and/or other assistive technologies to enable and enhance their learning. Students should also bring pen/pencil and paper to class for class assignments.

This class is designed to introduce new information and challenge students with new, and sometimes controversial, ideas, and arguments. This class is designed to be a safe, open environment to express ideas, arguments, and opinions for learning purposes. However, safe does not always mean comfortable. This class does not give you knowledge—i.e., knowledge and understanding are not transfused to students by simply sitting in class. Learning is an interactive process, requiring engagement with the material. Assignments are designed to assist you in learning processes, which consist of understanding material, remembering material themes and concepts, and being able to clearly (and correctly) communicate that material. Learning also entails developing your own insights and applying them to better your own livelihood and authentic self.

## **CIVILITY AND RESPECT**

Civility in the classroom and respect for the opinions of others is very important in an academic environment. It is likely you may not agree with everything which is said or discussed in the classroom, but courteous behavior and responses are expected. Our campus community reflects and is a part of a society comprising all races, genders, ethnicities, creeds, sexualities, ideologies, and social circumstances. It is fundamental to our mission to create an unbiased community and to oppose vigorously any form of racism, religious intolerance, sexism, ageism, homophobia, heterosexism, and discrimination against those with disabling conditions. All identity groups (genders, sexualities, races, ethnicities, nationalities, creeds, religions, socioeconomic classes, etc.) should be treated respectfully.

## COURSE SCHEDULE

The following is a list of topics to be covered at each class meeting, and the readings, which should be completed in order to fully participate in class that day. You are expected to read the material **prior** to the class. Literature listed on the syllabus but not included in a textbook are the responsibility of students to locate and read. Academic articles can often be found via the UTEP library's website under the "Articles and Database" tab, where you can search repositories like JSTOR and Sage as well as individual journal titles. **Under no circumstance should you pay to access an article.** If you need help locating a specific article, email me and I will help you.

While I give specific days on which certain topics will be discussed, the calendar is subject to change. Any alterations to the course schedule will be clearly announced. As a general rule, **the course will follow this order of topics**, unless otherwise announced.

**(Aug 28) Week 1: Welcome**

**(Sept 11) Week 2: OMG What the heck is THIS? How to Read Academic Articles**

*Learning objective: How to locate, read, (annotate), and comprehend peer-reviewed scholarship without harming yourself or others.*

*Readings: Complete both readings prior to class*

Rios-Figueroa, Julio. 2012. "Justice System Institutions and Corruption Control: Evidence from Latin America." *The Justice System Journal* 33 (2): 195- 214.

Moyer, Laura. 2022. "'She Blinded Me with Science': The Use of Science Frames in Abortion Litigation before the Supreme Court." *Justice System Journal* 43 (2): 153-173.

### (Sept 18) Week 3: Does Law Matter?

Learning objective: Introduce and evaluate judicial decision-making models: legal, attitudinal, and strategic models.

*Inquiry:* How do judges make decisions? What role(s) does law, ideology/legal culture/philosophy, and political context play? Under what conditions? What are the implications?

*Readings:* **PICK 3** readings to complete prior to class

Moyer, Laura, and Ellen M. Key. 2018. "Political Opportunism, Position Taking, and Court-Curbing Legislation." *Justice System Journal* 39 (2): 155- 170.

Azul A. Aguiar-Aguilar. 2022. "Understanding the Judiciary from the Inside. The Legal Culture of Judges in Mexico." *Justice System Journal* 43 (4): 576-592.

Collins Jr., Paul M., Matthew Eshbaugh-Soha. 2022. "The Supreme Court, the President, and Congress: Lawmaking in a Separation-of-Powers System." *The Journal of Law and Courts* 10 (2): 213- 237.

Maoz Rosenthal & Shai Talmor (2022) Estimating the "Legislators in Robes": Measuring Judges' Political Preferences, *Justice System Journal*, 43:3, 373-390.

Robinson, Zoë, Patrick Leslie, and Jill Sheppard. 2022. "Judicial Ideology in the Absence of Rights: Evidence from Australia." *The Journal of Law and Courts* 10 (2): 239-264.

Johnson, Gbemende. 2017. "Legislative 'Allies' and Judicial Oversight of Executive Power." *The Justice System Journal* 38 (2): 116- 134.

Beim, Deborah. 2017. "Learning in the Judicial Hierarchy." *Journal of Politics* 79 (2): 591-604.

Bryan, Amanda Clare, and Ryan J. Owens. 2017. "How Supreme Court Justices Supervise Ideologically Distance States." *American Political Research* 45 (3): 435- 456.

Badas, Alex, Billy Justus & Siyu Li. 2022. "Assessing the Influence of Supreme Court's Shadow Docket in the Judicial Hierarchy." *Justice System Journal* 43 (4): 609-622.

Salam, Amna. 2023. "Ideological Determinants of Citations to Supreme Court Precedent Across the Federal Judiciary." *Journal of Law and Courts* 11(1): 1-24.

**(Sept 25) Week 4: Does Identity Matter? Judicial Diversification**

*Learning objective: Investigate whether/ how judicial diversification impacts judicial decision-making, intra-court power dynamics, and legitimacy.*

*Inquiry: Do judge identities matter for the rule of law?*

*Readings: PICK 3 readings to complete prior to class*

Harris, Allison. 2023. "Can Racial Diversity among Judges Affect Sentencing Outcomes?" *American Political Science Review*, 1-16. doi:10.1017/S0003055423000552

Harris, Allison P., and Maya Sen. 2019. "Bias and Judging." *Annual Review of Political Science* 22: 241- 259.

Bracic, Ana, Mackenzie Israel-Trummel, Tyler Johnson, and Kathleen Tipler. 2023. "'Because He is Gay': How Race, Gender, and Sexuality Shape Perceptions of Judicial Fairness." *The Journal of Politics*.

Gleason, Shane A., and EmiLee Smart. 2023. "You Think; Therefore I Am: Gender Schemas and Context in Oral Arguments at the Supreme Court, 1979–2016." *Political Research Quarterly*, 76 (1): 143–157.

Moyer, Laura, John Szmer, Susan Haire, and Robert Christensen. 2020. "Diversity, Consensus, and Decision Making: Evidence from the U.S. Courts of Appeals." *Politics, Groups & Identities* 8 (4): 822-833.

Achury, S., Casellas, J. P., Hofer, S. J., & Ward, M. (2023). The Impact of Racial Representation on Judicial Legitimacy: White Reactions to Latinos on the Bench. *Political Research Quarterly*, 76 (1): 158–172.

Wei, Shuai. 2021. "Gendered Justice in China: Victim-Offender Mediation as the 'Different Voice' of Female Judges." *International Journal of Offender Therapy and Comparative Criminology* 65 (4): 346- 372.

Serrano, Santiago Basabe. 2019. "The Representation of Women in the Judicial Branch: Eighteen Latin American High Courts in Comparative Perspective." *Revista de estudios políticos* 185: 259-286.

Feldman, Adam and Rebecca D. Gill. 2019. "Power Dynamics in Supreme Court Oral Arguments: The Relationship Between Gender and Justice-to-Justice Interruptions." *Justice System Journal*. 40 (3):173-195.

Johnson, Susan, and Rebecca A. Reid. 2020. "Speaking Up: Women and Dissenting Behavior in the Supreme Court of Canada." *The Justice System Journal* 43 (3): 191-219.

**(Oct 2) Week 5: To elect or not elect? Judicial Selection, Retention, and Promotion**

*Learning objective: Evaluate alternative judicial appointment, retention, and promotion procedures to investigate how institutional features impact behavior.*

*Inquiry: How do different judicial selection procedures impact judge behavior and judicial quality? Is it better to elect or appoint judges? Should there be term limits?*

*Readings: PICK 3 readings to complete prior to class*

Black, R. C. and Owens, R. J. 2016. "Courting the President: How Circuit Court Judges Alter Their Behavior for Promotion to the Supreme Court." *American Journal of Political Science* 60: 30–43.

Scherer, Nancy, and Banks Miller. 2009. "The Federalist's Society Influence on the Federal Judiciary." *Political Research Quarterly* 62 (2): 366-378.

Norris, Mikel and Holley Tankersley. 2018. "Women Rule: Gendered Leadership and State Supreme Court Chief Justice Selection." *Journal of Women, Politics & Policy* 39 (1): 104-125.

Blake, William D. 2018. "Judicial Independence on Unelected State Supreme Courts." *The Justice System Journal* 39 (1): 21- 38.

Bonneau, Chris W., and Damon M. Cann. 2011. "Campaign Spending, Diminishing Marginal Returns, and Campaign Finance Restrictions in Judicial Elections." *The Journal of Politics* 73 (4): 1267- 1280.

Boston, J., and B Silveira. 2023. "The Electoral Connection in Court: How Sentencing Responds to Voter Preferences." *Journal of Law and Courts*: 1-22.

Baum, Lawrence. 2003. "Judicial elections and judicial independence: The voter's perspective." *Ohio St. LJ*, 64: 13.

Hall, Melinda. 2001. "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform." *American Political Science Review*, 95 (2): 315-330.

Hurwitz, M. S., & Lanier, D. N. 2003. "Explaining Judicial Diversity: The Differential Ability of Women and Minorities to Attain Seats on State Supreme and Appellate Courts." *State Politics & Policy Quarterly*, 3(4), 329–352.

Jensen, Jennifer M., and Wendy Martinek. 2009. "The effects of race and gender on the judicial ambitions of state trial court judges." *Political Research Quarterly*: 62(2), 379-392.

Driscoll, A., & Nelson, M. J. 2015. "Judicial selection and the democratization of justice: Lessons from the Bolivian judicial elections." *Journal of Law and Courts*, 3(1): 115-148.

**(Oct 9) Week 6: Cornerstones of Democracy?**

Learning objective: Examine the role(s) of courts and the rule of law in democratic, autocratic, and hybrid regimes.

*Inquiry:* Are courts the cornerstone of democracy?

*Readings:* **PICK 3** readings to complete prior to class

Moustafa, Tamir. 2014. "Law and Courts in Authoritarian Regimes" *Annual Review of Law and Social Science* 10: 281-299.

Vanberg, George. 2015. "Constitutional Courts in a Comparative Perspective: A Theoretical Assessment." *Annual Review of Political Science* 18: 167-85.

Gibler, Douglas M. and Kirk A. Randazzo. 2011. "Testing the Effects of Independent Judiciaries on the Likelihood of Democratic Backsliding." *AJPS* 55: 696-709.

Schaaf, Steven D. 2021. "When Do Courts Constrain the Authoritarian State? Judicial Decision-making in Jordan and Palestine." *Comparative Politics*.

Gibson, James L., and Gregory A. Caldeira. 2003. "Defenders of Democracy? Legitimacy, Popular Acceptance, and the South African Constitutional Court." *The Journal of Politics* 65(1): 1-30.

Howard, R. M., & Carey, H. F. 2003. "Is an independent judiciary necessary for democracy." *Judicature*, 87: 284.

Larkins, C. M. 1996. "Judicial Independence and Democratization: A Theoretical and conceptual analysis." *Am. J. Comp. L.*, 44, 605.

Helmke, G., & Rosenbluth, F. 2009. "Regimes and the rule of law: Judicial independence in comparative perspective." *Annual Review of Political Science*, 12: 345-366.

Toharia, J. J. 1974. "Judicial independence in an authoritarian regime: the case of contemporary Spain." *Law & Soc'y Rev.*, 9: 475.

Croissant, Aurel. 2004. "From transition to defective democracy: Mapping Asian democratization." *Democratization* 11 (5): 156-178.

Uprimny, Rodrigo. 2003. "The constitutional court and control of presidential extraordinary powers in Colombia." *Democratization*, 10 (4): 46-69.

Gloppen, Siri. 2003. "The accountability function of the courts in Tanzania and Zambia." *Democratization*, 10 (4): 112-136.

Moustafa, Tamir. 2003. "Law versus the State: The Judicialization of Politics in Egypt." *Law & Social Inquiry* 28 (4): 883-930.

**(Oct 16) Week 7: Colonizing, Oppressive, or Right Protective?**

*Learning objective: Analyze how courts balance their dual roles of protecting rights and maintaining social order that reinforces (status quo) power disparities.*

*Inquiry: Are courts primarily an arm of the state or rights protectors for the marginalized?*

*Readings: PICK 3 readings to complete prior to class*

Songer, Donald R., Susan W. Johnson, and Jennifer Bowie. 2014. "Do Bills of Rights Matter? An Examination of Court Change, Judicial Ideology and the Support Structure for Rights in Canada." *Osgoode Hall Law Journal* 51(1): 297-328.

Cohen, Mathilde. 2020. "Judicial Colonialism Today: The French Overseas Courts." *The Journal of Law and Courts* 8 (2): 247- 276.

Reid, Rebecca A., and Todd A. Curry. 2021. "Explaining Indigenous Peoples' Success in State Supreme Courts: Party Capability, Judicial Selection, and Representation." *Journal of Law and Courts* 9 (1): 69- 87.

Huebert, Erin T., and Amy H. Liu. 2017. "Ethnic Identity and Attitudes Toward State Institutions: Evidence of Judicial Legitimacy Among the Indigenous in Latin America." *Politics, Groups, and Identities* 5 (4): 561- 579.

Biehl, João, Lucas E. A. Prates, and Joseph J. Amon. 2021. "Supreme Court v. Necropolitics: The Chaotic Judicialization of COVID-19 in Brazil." *Health Human Rights* 23 (1): 151- 162.

Schorpp, Susanne, David Hoffman, and Benjamin Kassow. 2017. "'Tilted Scales': The Impact of the U.S. Supreme Court on American Income Inequality." *The Justice System Journal* 38 (3): 213- 240.

Epstein, Lee, Christopher M. Parker, and Jeffrey A. Segal. 2018. "Do Justices Defend the Speech They Hate? An Analysis of In-Group Bias on the US Supreme Court." *Journal of Law and Courts* 6 (2): 237- 262.

Taylor, Whitney K. 2020. "Constitutional Rights and Social Welfare: Exploring Claims-Making Practices in Post-Apartheid South Africa." *Comparative Politics* 53 (1): 25- 48.

Smith, Miriam. 2005. "Social movements and judicial empowerment: Courts, public policy, and lesbian and gay organizing in Canada." *Politics & Society*, 33(2): 327-353.

Rajagopal, B. 2007. "Pro-human rights but anti-poor? A critical evaluation of the Indian Supreme Court from a social movement perspective." *Human Rights Review*, 8: 157-186.

## **(Oct 23) Week 8: Freedom! The Politics of Judicial Independence**

Learning objective: Define the concept of judicial independence and explore its role in domestic politics.

*Inquiry:* Why would ruling elites decide to give up their monopoly of power to grant courts judicial independence? Is judicial independence necessary to constrain executive/legislative power?

*Readings:* **PICK 3** readings to complete prior to class

Helmke, Gretchen. 2002. "The Logic of Strategic Defection: Court-Executive Relations in Argentina Under Dictatorship and Democracy" *APSR* 96: 291-303.

Sievert, Jacqueline M. 2018. The Case for Courts: Resolving Information Problems in Authoritarian Regimes. *Journal of Peace Research*, 55(6), 774–786.

Helmke, Gretche, Yeonkyung Jeong, and Jae-Eun C. Kim. 2022. "Insecure Institutions: A Survivalist Theory of Judicial Manipulation in Latin America." *The Journal of Law and Courts* 10 (2): 265-285.

Randazzo, Kirk, Douglas Gibler, and Rebecca Reid. 2016. "Examining the Development of Judicial Independence." *Political Research Quarterly* 69 (3): 583-593.

Popova, Maria. 2010. "Political Competition as an Obstacle to Judicial Independence: Evidence from Russia and Ukraine," *Comparative Political Studies* 43 (10): 1202-1229.

Wang, Y. 2020. "The More Authoritarian, the More Judicial Independence? The Paradox of Court Reforms in China and Russia." *University of Pennsylvania Journal of Constitutional Law* 22 (2): 529- 560.

Aydin, Aylin. 2013. "Judicial Independence Across Democratic Regimes: Understanding the Varying Impact of Political Competition." *Law Soc. Review* 47 (1): 105-134.

Finkel, J. 2005. "Judicial Reform as Insurance Policy: Mexico in the 1990s." *Lat Am Polit Soc* 47 (1): 87- 113.

Ginsburg, Tom. 2002. "Economic Analysis and the Design of Constitutional Courts." *Theoretical Inquiries in Law* 3 (1): 49- 84.

Bertoli, P., Garcia, A. G., and Garoupa, N. 2022. "Testing an application of the political insurance model: The case of the Mexican state-level administrative courts." *Journal of Economic Behavior & Organization*, 195: 272-287.



**(Oct 30) Week 9: Please Clap: Courts, Communication, and Public Opinion**

*Learning objective: Introduce court legitimacy and public support and investigate the role of public opinion and audiences in judicial decision-making.*

*Inquiry: Who are judges' audiences? Why? How do courts build institutional legitimacy?*

*Readings: PICK 3 readings to complete prior to class*

Bartels, Brandon L. and Eric Kramon. 2020. "Does Public Support for Judicial Power Depend on Who Is in Power? Testing a Theory of Partisan Alignment in Africa." *American Political Science Review* 114: 114-63.

Gunderson, Anna, Kirsten Widner, and Maggie Macdonald. 2023. "Pursuing Change or Pursuing Credit? Litigation and Credit Claiming on Social Media." *Journal of Law and Courts* 1-23.

Gibson, James L., Gregory A. Caldeira, and Vanessa A. Baird. 1998. "On the Legitimacy of National High Courts." *American Political Science Review* 92 (2): 343-358.

Sternberg, Sebastian, Sylvain Brouard, and Christoph Hönnige. 2021. "The Legitimacy-conferring Capacity of Constitutional Courts: Evidence from a Comparative Survey Experiment." *European Journal of Political Research*.

Krewson, C. N., & Owens, R. J. 2023. "Judicial Philosophy and the Public's Support for Courts." *Political Research Quarterly* 76 (2): 944-960.

Stobb, Maureen. 2021. "The Costs of Going Global: Lower Court Response to Constitutional Cross-Fertilization." *The Journal of Law and Courts* 9 (2): 215- 232.

Bakiner, Onur. 2016. "Judges Discover Politics: Sources of Judges' Off-bench Mobilization in Turkey." *The Journal of Law and Courts* 4 (1): 131- 157.

Staton, Jeffrey K. 2006. "Constitutional Review and the Selective Promotion of Case Results." *American Journal of Political Science* 50 (1): 98- 112.

Ura, Joseph Daniel. 2014. "Backlash and Legitimation: Macro Political Responses to Supreme Court Decisions." *American Journal of Political Science* 58 (1): 110-126.

Glennon, C., and Logan Strother. 2019. "The Maintenance of Institutional Legitimacy in Supreme Court Justices' Public Rhetoric." *Journal of Law and Courts* 7 (2) 241-261.

**(Nov 6) Week 10: Break down, Build up: Courts in Conflict and Economics**

*Learning objective: Examines the relationship(s) between courts and war, state-building, transitional justice regimes, and economic development.*

*Inquiry: How does war impact courts? How do courts impact national security and military efforts? How can courts facilitate or hinder post-conflict regime transitions and economic development?*

*Readings: PICK 3 readings to complete prior to class*

Epperly, Brad, and Jacqueline Sievert. 2019. "Conflict and Courts: Civil War and Judicial Independence Across Democracies." *Political Research Quarterly*, 72 (3): 700- 713.

Zvobgo, Kelebogile. 2020. "Demanding Truth: The Global Transitional Justice Network and the Creation of Truth Commissions." *International Studies Quarterly* 64 (3): 609- 625.

Reid, Rebecca A., Susanne Schorpp, and Susan W. Johnson. 2019. "Trading Liberties for Security: Groupthink, Gender, and 9/11 Effects on U.S. Appellate Decision Making." *American Politics Research* 48 (3): 402- 413.

Ariotti, Margaret, Simone Dietrich, and Joseph Wright. 2021. "Foreign Aid and Judicial Autonomy." *The Review of International Organizations*.

Schorpp, Susanne, and Rebecca Reid. 2017. "The Differential Effect of War on Liberal and Conservative Judges on the U.S. Courts of Appeals." *Journal of Law and Courts* 5 (1): 1- 31.

Jeffrey, Alex, and Michaelina Jakala. 2015. "Using Courts to Build States: The Competing Spaces of Citizenship in Transitional Justice Programmes." *Political Geography* 47: 43- 52.

Feld, L.P., and S. Voigt. 2003. "Economic growth and judicial independence: cross-country evidence using a new set of indicators." *Eur. J. Polit. Econ.* 19 (3): 497–527.

Krcmaric, D. 2023. "Does the International Criminal Court Target the American Military?" *American Political Science Review* 117 (1): 325-331.

Widner, Jennifer. 2001. "Courts and democracy in postconflict transitions: a social scientist's perspective on the African case." *American Journal of International Law* 95 (1): 64-75.

Bassu, Giovanni. 2008. "Law overruled: strengthening the rule of law in postconflict states." *Global Governance*, 14: 21.

**(Nov 13) Week 11: Hello World: International and Domestic Judicial Relations**

*Learning objective: Investigate international law and state compliance. Analyze the interactions between domestic and international legal systems.*

*Inquiry: Do international law and courts matter?*

*Readings: PICK 3 readings to complete prior to class*

Hillebrecht, Courtney. 2012. "The Domestic Mechanisms of Compliance with International Law: Case Studies from the Inter-American Human Rights System." *Human Rights Quarterly*, 34 (2): 959-985.

Adjolohoun, Sègnonna Horace. 2020. "A Crisis of Design and Judicial Practice? Curbing State Disengagement from the African Court on Human and Peoples' Rights." *African Human Rights Law Journal* 20: 1-40.

Alter, Karen. 2011. "Tipping the Balance: International Courts and the Construction of International and Domestic Politics." *Cambridge Yearbook of European Legal Studies* 13: 1- 22

Krehbiel, Jay N. and Sivaram Cheruvu. 2021. "Can International Courts Enhance Domestic Judicial Review? Separation of Powers and the European Court of Justice." *The Journal of Politics*.

Powell, Emilia Justyna, and Ilana Rothkopf. 2022. "Domestic Constitutional Oversight and International Courts: Islamic Law States." *The Journal of Law and Courts* 10 (2): 319-352.

Powell, Emilia Justyna, and Sara McLaughlin Mitchell. 2007. "The International Court of Justice and the World's Three Legal Systems." *Journal of Politics* 69 (2): 397- 415.

Simmons, Beth Ann, and Allison Danner. 2010. "Credible Commitments and the International Criminal Court." *International Organization* 64 (2): 225-256.

Bayram, A. B., & Miller, B. 2023. "Influencing Enforcement: The Application of International Law in Independent Judiciaries—The Case of the Alien Tort Statute." *Political Research Quarterly*, 0(0).

Sandholtz Wayne. 2017. "Domestic Law and Human Rights Treaty Commitments: The Convention Against Torture." *Journal of Human Rights* 16 (1): 25–43.

Conrad, Courtney, and Emily Ritter. 2013. "Treaties, Tenure, and Torture: The Conflicting Domestic Effects of International Law." *The Journal of Politics* 75 (2): 397-409.

**(Nov 20) Week 12: Final Exam DUE and Workshop**

**(Nov 27) Week 13: Consulting Firm Simulation**

**(Dec 4) Week 14: Conclusions**