POLS – 4325 Special Topics in Law and Politics
“Seminar in Judicial Politics”
Department of Political Science
University of Texas at El Paso
TR: 1:30-2:50, LART 102
Syllabus – Spring 2017

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Office Hours: TR – 11:30 – 1:00pm or by appointment

Course Description (from Undergraduate Catalog):
A special listing for courses in the field of Law and Politics offered by the departmental faculty that are outside the purview of the above courses. Prerequisites: POLS 2310 and POLS 2311; and either POLS 2312 or junior standing.

Soon to be Course Description (Fall 2017):
An introduction to the scientific study of law, courts, and judicial processes. This course will examine the major controversies in the Political Science subfield of Law and Courts. Areas which may be covered include: judicial decision making, judicial selection, agenda-setting, and judicial implementation.

Course Description:
This is an undergraduate is in judicial politics, which is to say this is not a course in constitutional (or any other kind of) law. Rather, we will examine scholarly research on the political nature of the courts. This class will introduce students to the political science literature on various aspects of courts, judges, and legal systems. In particular, we will consider a variety of theoretical arguments made concerning the manner in which courts operate as well as the empirical evidence in support of these arguments. We will focus on the United States Supreme Court, as well as lower federal courts, and state courts

Required Texts:


Recommended Texts:

These are not required for the course, but will be invaluable in understanding the field of Judicial Politics


**Required Readings**

Other readings (unless otherwise noted) are can be accessed from JSTOR or Heinonline. Access is free on UTEP campus or at home via proxy. Some readings will have an (*) beside them. These readings I will deliver via email/Blackboard.

- APSR American Political Science Review
- MJPS Midwest Journal of Political Science
- JLEO Journal of Law, Economics, and Organization
- JSJ Justice System Journal
- PRQ Political Research Quarterly
- PB Political Behavior
- LSR Law and Society Review
- PJPS Perspectives on Politics
- PA Political Analysis
- JOP Journal of Politics
- Judicature
- SPPQ State Politics and Policy Quarterly
- Law and Policy
- Law and Society Review

**Evaluation**

This class will be run as a seminar, and as such, will only be as successful as the preparation of its participants. You are expected to do all the readings for the week before our class meetings to facilitate a discussion from all participants involved.

Participation: 20%
Weekly reaction papers: 30% total
Book Review and Scholarly Critique: 20%
Final exam: 30%

**Grading Scale**

The following numerical averages translate into final course grades:

- 90: A (4.0)
- 80-89: B (3.0)
- 70-79: C (2.0)
- 60-69: D (1.0)
- 60: F (0.0)

**Reaction Papers**: Each week, beginning Week 2, you are responsible for turning in a reaction paper. These are to be no more than 1 page, single spaced, at 12pt. font. They are due at 5pm the day BEFORE class (5pm on Monday). No late papers accepted. Please email me these assignments as an attachment. The purpose of these papers is to teach to how to develop a single argument in a concise, articulate fashion. Content wise, this assignment is pretty flexible. They can be an alternative research idea, different explanation than what is claimed, a critique of the theory of the work, or other such reactions. They need to concern the readings of the week, and the best papers will address one issue or question from the current readings, as well as connect them to previous readings. The reason they are due the day before our class meeting is so they will allow me to structure the class, steering the discussion to what each of you found interesting. Understand, these papers are NOT summaries of the readings. They should critically engage the readings.

**Book Review and Scholarly Critique**: You will be required to review and critique a scholarly book in the area of Judicial Politics for completion of this course. The book will need to have been published
since the year 2005, and all choices must be approved by the instructor. **This choice is due to me (via email) by January 31st. Students who do not choose a book will be assigned one.** This assignment is to be at least 3 complete pages, but no more than 5. Half of the paper should summarize the main arguments of the book and discuss its contribution to the field, given your knowledge of relevant literature from the class. The second half of the paper should critique the book. A good example of what these assignments should look like, and also possible books to choose from, is available at the Law and Politics Book Review ([http://www.lpbr.net/](http://www.lpbr.net/)). These reviews are **due in hand by April 27th in class.**

**Academic Honesty and Integrity:**

Per UTEP policy: 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, 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.

**Special Needs:**

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, or visit their office located in UTEP Union East, Room 106. For additional information, please visit the CASS website at www.sa.utep.edu/cass. CASS’ Staff are the only individuals who can validate and if need be, authorize accommodations for students with disabilities.

**Week 1. Introductions**

Jan 17 – Syllabus and expectations

Jan 19 – The Scientification of Political Science

**Week 2. The Controversy of Studying Politics Scientifically.**

Jan 24 – The Struggle Against Science

Jan 26 – The Current Debate

Week 3. Theoretical Perspectives in Judicial Politics
Jan 31 – Sources of Theoretical Explanation
Feb 2 – Formulating Theory into Testable Hypotheses

Week 4. Attitudinal Theory and the SCAM
Feb 7 – The SCAM
Feb 9 – Attitudinal Theory

Week 5. Attitudinal Theory: Criticism and Response
Feb 14 – Stare Decisis and the Attitudinal Model
• Segal, Jeffrey A. and Harold J. Spaeth. 1996. “Norms, Dragons, and Stare Decisis: A Response.” AJPS 40:
• Chapter 9 In McGuire
Feb 16 – The Legal Model
Week 6. Agenda Setting on the Courts
Feb 21 – Agenda Setting Part 1

Feb 23 – Agenda Setting cont

Week 7. Strategic Behavior as a Counter-Paradigm
Feb 28 – The Introduction of Strategic Behavior

Mar 2 – Strategic Behavior Gets Complicated
- Chapter 10 in McGuire

Week 8. Judicial Politics in the Lower Federal Courts
Mar 7 – Decision-making on the lower federal courts
- Chapter 7 in McGuire

Mar 9 – Lower Courts Continued
• Chapter 14 in McGuire

Week 10. Judicial Decision-Making in State Courts
Mar 21 – An Intro to State Courts

March 23 – State Courts Complicated
• Chapter 3 in McGuire
• Chapter 4 in McGuire

Mar 28 – Federal Appointments
• Chapter 1 in McGuire
• Chapter 2 in McGuire

March 30 – Federal Retirements

Week 12 Judicial Selection, Retention, and Retirement: State Courts
Apr 4 – Judicial Selection Controversies
• Bonneau, Chris W. and Damon M. Cann. “Campaign Spending, Diminishing Marginal Returns, and Campaign Finance Restrictions in Judicial Elections” JOP 73: 1267-1280

April 6 (No Class) – APRIL 11 – Judicial Selection Comparisons and Retirements
Week 13 External Influence on Courts: Public Opinion and Public Confidence
April 13 – Confidence in the Courts

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- Caldeira, Gregory A. 1986. “Neither the Purse Nor the Sword: Dynamics of Public Confidence in the Supreme Court.” *APSR* 80: 1209-1226.

April 18 – Public Opinion and its Effect
- Chapter 13 in McGuire

Week 14. External Influences on Courts: Legislatures, Executives, Bureaucracies, and Interest Groups
April 20 – Federal Courts
- Chapter 11 in McGuire
- Chapter 12 in McGuire

April 25 – State Courts

Week 15. Comparative Courts
April 27 – Comparative Courts 1

May 2 – Comparative Courts 2


May 4. Catch up Day. Also Review Day for Final Exam. Exam will be handing out at the beginning of class.

Final Exam is due at the start time of our final exam schedule in my hand. I will not accept them via email. (Thursday May 11th @ 1pm.)