Course Description
The judiciary is often conceptualized as a tool for simultaneously energizing and constraining the state. We will consider this claim by examining the extent to which political incentives within the judiciary undermine or reinforce its ability to play this role. General topics of inquiry include the construction of judicial independence and legitimacy, decision-making on a collegial court, and judicial policy-making. We will also consider the consequences of developing an effective judiciary for human rights and economic development.

Reading Material
The following books are required for this course. Additional readings are listed below. They are either available on the course reserve (denoted CR) or at an online journal archive (e.g. JSTOR).


Course Goals
Substantively, you should understand why political incentives that operate within the judiciary influence our understanding of how courts might be used to constrain state power. Methodologically, you should understand how the scientific method has been applied in this field and you should be able to develop your own study of judicial politics.

Grading
Your final grade is a weighted average of the following components:

1. Attendance/Participation (10%)
   Attendance is mandatory. This is an upper division seminar, so you are expected to come to class prepared to speak.
2. Two Examinations (Each worth 25%)

Exam 1 will be held in class on March 6. Exam 2 will be held May 2 at 8:30 a.m. in our seminar room. Exams will require you to develop short, essay-style responses to questions concerning core issues we cover in class. You should be able to define concepts and describe theoretical arguments. You should be able to summarize the empirical tests of the theories we cover.

3. Research paper (25%)

You will write a 12 to 15 page research paper on a question concerning judicial politics. We will discuss reasonable questions during the first few weeks of class, but you are free to ask whatever you like. Each paper must contain the following elements: 1) a research question, 2) a brief literature review, 3) a theory that answers your question, 4) an empirical test of your theory, 5) a conclusion. We will discuss the research paper in detail on January 29. You will turn in a paper abstract and an outline of the content on February 26. You will turn in a rough draft of the paper on April 1. The final draft is due at the final exam, May 2. Please bring two copies of the abstract and the rough draft. You will turn in one copy to me and one copy to a colleague.

4. Paper comments (10%)

You will be assigned to review a colleague’s abstract and rough draft. For the abstract, you will only need to provide handwritten comments, which should be returned on the draft you are given. For the paper, you must write one to two single-spaced pages of comments. You should first summarize the research question, argument, and test. Then give the writer your sense of the research design, from the research question to the conclusion. If you see problems that need to be addressed, identify them. If you like something, say so. This is your opportunity to help your colleague develop a better paper. Please bring two copies of your comments (Note: This requires that you make a photocopy of the abstract).

5. Seminar questions (5%)

In order to prepare you for class discussions, I ask that you come to class with three written questions. I will collect these questions on five randomly selected days. You will be graded simply on whether you have the questions with you. If you plan to miss class, it is your responsibility to discover whether I will collect questions on that day. Otherwise, I’ll just assign a zero.

Extra-Credit Work
Under no circumstances will extra credit work be permitted.

Email
I expect you to check your email. You are responsible for the material I send electronically.

Late Paper Policy
Hard copies of all opinions are to be turned in to me personally on the announced due date during the first 10 minutes of class. Any opinion turned after this period expires will be considered one day late. I will deduct one letter grade for each day that the paper is late.

Late Exam Arrival/Missed Exam Policy
Students will be allotted the entire class period for exams occurring during the semester. For final exams, students will be allotted the entire final exam period that the University has
appropriated. Students are expected to be in class for the beginning of the exam. If a student is late by 10 minutes or more, I will deduct 10 points from her final grade.

Absences for exams will be excused for participation in formally sanctioned University events if the proper documentation is provided to the instructor prior to the event. Absences will also be excused for extraordinary events if they are accompanied by sufficient (i.e. Health Services Excuse Forms) documentation, as defined above under “absence policy” within two calendar days of the absence or late arrival. The instructor reserves the right to determine what constitutes an extraordinary circumstance.

If the student has been excused for the absence, she will have five working days to make up a missed exam. The instructor reserves the right to administer makeup exams of any format (multiple choice, short answer, essay), which may not necessarily correspond to the original exam’s format. If a student misses an exam and does not have an excused absence, the student will receive a zero for the exam.

**Note on Extraordinary Circumstances**
Under no conditions will a “power-outage” or an “alarm clock failure” constitute an extraordinary circumstance.

**Final Course Grades**
Final course letter grades will reflect the Department of Political Science’s grading standard, detailed below. Clearly, it is impossible for each assessment to reflect the standard exactly. Instead, the assessments, taken as a whole, are designed to produce a final grade that reflects the department’s standards.

**Department of Political Science Grading Standard**

**A Exceptional Performance**
Consistently outstanding work on all course-related tasks at a level that distinguishes the student from other members of the class. A comprehensive and incisive command of the issues, literature, and substantive information relevant to the course. A frequently demonstrated exceptional capacity for original, creative, critical and logical thinking.

The ability to master and integrate large amounts of factual material and abstract theories. An outstanding ability to discuss effectively course subject matter using both written and oral communication skills.

**A- Excellent Performance**
Consistently strong work on all course-related tasks. A comprehensive command of the issues, literature, and substantive information relevant to the course. A clearly demonstrated capacity for original, creative, critical and logical thinking. Understands well and can integrate the relevant factual and theoretical material central to the course. A strong ability to discuss effectively course subject matter using both written and oral communication skills.

**B+ Very Good Performance**
Consistently above average work on all course-related tasks. A very good grasp of the issues, literature, and substantive information relevant to the course. A generally demonstrated capacity for original, creative, critical, and logical thinking. A very good command of factual and theoretical material, and some capacity to integrate the two.
solid ability to discuss effectively course subject matter using both written and oral communication skills.

**B  Good Performance**

Good and generally consistent work on all course-related tasks. A general understanding of the issues, literature, and substantive information relevant to the course. Modest evidence of the capacity for original, creative, critical and logical thinking. A good understanding of factual and theoretical material, but limited evidence of the capacity to integrate the two. A basic ability to discuss effectively course subject matter using both written and oral communication skills.

**B-  Satisfactory Performance**

Satisfactory work on course-related tasks. A reasonable understanding of the issues, literature, and substantive information relevant to the course. An infrequently demonstrated capacity for original, creative, critical and logical thinking. Understands at a basic level the facts and theories related to the course, but demonstrates weak integration skills. A limited or inconsistent ability to discuss effectively course subject matter using both written and oral communication skills.

**C+/C/C-  Adequate Performance**

Adequate performance on course-related tasks. An understanding of the basic elements of the issues, literature, and substantive information relevant to the course. A rarely demonstrated capacity for original, creative, critical and logical thinking (C+). An inability to go beyond a recitation of basic factual material related to the class (C). Demonstrated weaknesses in the ability to discuss effectively course subject matter using both written and oral communication skills (C-).

**D/D+  Minimal Passing Performance**

Barely acceptable work on course-related tasks. A generally superficial and often inconsistent familiarity with the issues, literature, and substantive information relevant to the course. A failure to demonstrate the capacity for original, creative, critical and logical thinking related to course content (D+). An uneven understanding of basic factual material related to the course; no evidence of fact/theory integration. Demonstrates significant gaps in the ability to discuss effectively course subject matter using both written and oral communication skills (D).

**F  Unacceptable Performance**

Fails to meet minimum course expectations. Unable to understand even the most basic elements of the issues, literature, and substantive information relevant to the course. Demonstrates an inability to engage in coherent written or oral discussion of course material. Does not satisfy specific course expectations with respect to attendance, deadlines, participation, etc.

**Incomplete Grades**

No incomplete grades will be given unless there is an agreement between the instructor and the student prior to the end of the course. The instructor retains the right to determine legitimate reasons for an incomplete grade.
Integrity of Scholarship
I will follow the guidelines established by Emory College, which can be found at http://www.college.emory.edu/current/standards/honor_code.html. In short, don’t cheat. The benefits are small. Even if the probability of getting caught is tiny, the costs of getting caught are huge.

Courteous in the Classroom.
Classroom courtesy is necessary to ensure that all students have the opportunity to learn without distractions. This means no cell phones, talking during lectures (unless recognized by the professor or discussion leader), reading newspapers, etc. during class. If you must have a cell phone to receive emergency calls about kids or other family members, keep it on “vibrate.” Entering and leaving is distracting to me and to other students. Therefore, you need to be on time for class and stay until the end. If you must enter late or leave early, please inform me before class begins and take the seat nearest an exit and enter or leave as quietly as possible. Also, please stay with the door to make sure it does not 'bang' as you enter or leave. Repeated disruption of class may lead to penalties that reduce your final grade.

Class discussions of political issues can often stimulate strong feelings and heated debate. Because this is a college classroom, all discussions need to be scholarly. Scholarly comments are:

- Respectful of diverse opinions and open to follow up questions and/or disagreement.
- Related to the class and course material. Scholarly comments advance the discussion about issues related to the course and/or course material rather than personal beliefs.
- Are delivered in normal tones and in a non-aggressive manner.

Unacceptable behaviors in our classroom include:

- Personal attacks. This includes attacks on a person’s appearance, demeanor, or political beliefs.
- Interrupting other students is unacceptable. Raise your hand and wait to be called on either by the discussion leader or myself to prevent this problem.
- Using raised tones, yelling, engaging in arguments with other students, and being physically aggressive are unacceptable.
- Ignoring my authority to protect the integrity of the classroom is unacceptable. When you are asked to discontinue a conversation that violates the guidelines that are outlined above, I expect you to stop.

Students with Disabilities
If you anticipate needing any type of an academic accommodation in this course or have questions about physical access, please discuss this with the instructor within the first week of class. Students with disabilities needing academic accommodations should consult the Office of Disability Services at 404-727-6016 (TDD: 404-712-2049).

This syllabus and other class materials are available in alternative format upon request.
Course Schedule

January 17 – Course Introduction

January 22 – Thinking Theoretically
  • Schwartz (CR), Chapter 15
  • Lave and March (CR), Chapter 2 “An Introduction to Speculation”

January 24 – Thinking Theoretically 2
  • Osborne (CR), “An Introduction to Game Theory”

January 29 – Research in Law and Politics
  • Epstein and King (CR), “The Rules of Inference,” 1-14; 19-54

January 31 – Courts, Democracy and Well-Being
  • Segal and Spaeth (SCAM), 1-27
  • North and Weingast (CR)

February 5 – Why Delegate Power?
  • Ginsburg, Chapters 1-2

February 7 – A Political History of the U.S. Supreme Court
  • SCAM, Chapter 4

February 12 – Appointment
  • SCAM, Chapter 5

February 14 – Case Selection
  • SCAM, Chapter 6

February 19 – Decision-Making 1
  • SCAM, Chapters 2 & 3
  • Epstein and Knight, 1-21

February 21 – Decision-Making 2
  • SCAM, Chapter 7

February 26 – Decision-Making 3 (PAPER ABSTRACT DUE)
  • Epstein and Knight, Chapter 3
  • SCAM, Chapter 8

February 28 – Decision-Making 4
  • SCAM, Chapter 9, p. 387 to end of chapter


March 4 – Decision-Making 4 (COMMENTS ON ABSTRACT DUE)


March 6 – EXAM 1

MARCH 11 – SPRING BREAK

MARCH 13 – SPRING BREAK

March 18 – Building a Court
• Ginsburg, Chapter 3-4, plus one substantive chapter of a student’s choosing (Considerable reading)

March 20 – Building a Court


March 25 – Judicial Impact
• Rosenberg, Chapters 1 & 2

March 27 – NO CLASS

April 1 – Judicial Impact (ROUGH DRAFT OF PAPER DUE)
• Rosenberg, Chapters 3 & 4

April 3 – NO CLASS

April 8 – Judicial Impact (COMMENTS ON DRAFT DUE)
• Rosenberg, Chapters 5

April 10 – Rights Revolution
• Epp, Chapters 1-3

April 15 – Rights Revolution
• Students Divide Chapters 5-11

April 17 – The Law and Well-Being
• Readings TBA

April 22 – The Law and Democracy
• Readings TBA

May 2 – EXAM 2