**POL 2021: American Courts and Judicial Processes,**

**Fall 2025**

**Instructor**: Dr. Andrew Smith

**Course Modality:** Traditional Face-to-Face

**Class Time**: Tuesdays and Thursdays, 2:00 – 3:20 PM

**Class Location**:

**Drop-In Hours**: Mondays and Wednesdays, 1:00 – 3:00 PM, or by appointment

**Office Location**: Clifton Court Hall 1000

**Virtual Drop-In Hours**: Mondays and Wednesdays, 1:00 – 3:00 PM, or by appointment

**Virtual Drop-In Link**: Canvas, in Course Materials

**Email**:

***Introduction***

 Alexander Hamilton once referred to the judiciary as “the least dangerous branch” because it would have the power of “neither the purse nor the sword” in the new republic. However, over the course of American history the judiciary – particularly at the federal level – has influenced much of American public policy, from civil rights for African Americans to the powers of the federal government to the right to vote. So how did the American judicial system go from the “least dangerous branch” to at least an equal player with the democratically elected branches?

 Over the course of this semester, we will discuss how the federal judiciary has evolved throughout American history. Furthermore, we will explore how the study of the judiciary has changed, from a belief that judges are merely constitutional “umpires” to more robust and scientific explanations of judicial decision-making, as well as how our traditional understands of “law” and “justice” do not include the considerations of all Americans. By the end of this course, you will understand how the behavior of judges, the theories of justice, and the judicial system impact United States public policy – and how these decisions affect your daily life.

***Course Goals***

 The primary purpose of this course is to introduce you to the American judicial process and the American court system (primarily the federal court system), and by the end of this course you will expand your knowledge of judicial decision-making, the judicial process, and legal theory. The secondary goal of this course is to improve your critical thinking, reading, and writing skills through various means. The tertiary goal of this course is to provide an introduction to legal research methods, through the reading and discussion of peer-reviewed articles on the judiciary and court cases.

***Learning Objectives for Curriculum Requirements***:

This course fulfills an elective in the BA in Law and Society. This course also serves as an elective area requirement in Political Science:

1. This elective focuses on the consideration of the Constitution of the United States and federal and state laws and policies related to it.
2. This elective involves the philosophical, legal, scientific, and normative underpinnings of the US judicial system and its behavior.

TRANSFERRABLE SKILLS: This course will cultivate a variety of transferrable skills useful to your personal, civic, and professional development. They include:

1. **Critical Thinking** – defining, investigating, and analyzing problems, particularly those related to law and public policy.
2. **Written Expression** – writing clearly, effectively, and persuasively.
3. **Societal and Individual Knowledge** - understanding the interaction between human behavior and governing institutions.
4. **Citizenship Principles** - developing an understanding of governing processes, individual participation in government, and diverse viewpoints.
5. **Data-Based Reasoning** - learning how to interpret, analyze, and evaluate qualitative and quantitative data.

***Required Readings***

Carp, Robert; Stidham, Ronald; Manning, Kenneth; and Holmes, Lisa. 2016. *Judicial Processes in America*. 11th Edition. Los Angeles: Sage Publications. (hereafter referred to as Carp, et al). Please use the most recent edition of this textbook, as the chapter contents will match up with what we’re discussing in class and the statistics in the 11th edition are more up-to-date.

In addition to the textbook, we will discuss various peer-reviewed articles, court cases, and excerpts from other scholarly works, all of which you must read in order to successfully complete this course. Unless otherwise noted, these readings will be posted to Canvas, under the “Course Materials” section. **All required readings for a learning unit, including the textbook, should be completed prior to coming to class**.

***Grade Breakdown***

Research Paper – Group Grade: 20%

Research Paper – Turning in Individual Portions: 10% total

Attendance: 20%

Peer Evaluation Grade: 20%

Midterm Exam: 15%

Final Exam: 15%

Group Discussions: 15%

***Grades and Grading***:

A (93-100), A- (90-92), B+ (87-89), B (83-86), B- (80-82), C+ (77-79), C (73-76), C- (70-72), D+ (67-69), D (63-66), D- (60-62), F (59 or lower)

***Lectures and Attendance***:

Because attendance and participation comprise a total of 35% of your overall grade, attendance is mandatory. The University of Cincinnati’s attendance policy excuses students from attending class if they are participating in officially sponsored university activities, such as athletics, accommodation by <insert SAS here>, observance of religious holy days, or military service. At some point during a class, I will pass around a sign-in sheet for you to sign. If you fail to sign in, I will simply assume you weren’t there (even if you participated in class). **Having someone sign in for you is a form of academic dishonesty and will be punished as such.** Also, if you leave early without an excuse, you will be counted with an unexcused absence (even if you signed the attendance sheet). **If you miss more than 50% of the classes, you fail the course automatically**. If there is a legitimate reason for you to miss class (hospitalization, funeral, etc.), I must be notified no later than 2 hours before class and receive proof (doctor’s note, pamphlet, etc.) as soon as is feasible.

I have a low tolerance for lateness. Being late will result in you only receiving ½ credit for attendance that day. If you are chronically more than 5 minutes late to class, or you arrive extremely late (e.g. 20 minutes late), you will be counted absent. Please show up on time, as your lateness distracts the class and prevents you from obtaining full comprehension of the material. If you have a legitimate reason why you may be late (job, class in Blue Ash, etc.), you must let me know ASAP (at the start of the semester, in the case of consistent lateness).

***PowerPoints and In-Class Technology***

The course is designed to be a “flipped” course. What this means is that some lectures will be presented only on Canvas, and some lectures will be in-class. Those lectures which are flipped will be denoted in the syllabus. Flipped lectures are mostly designed to educate you on basics definitions and concepts, while class lectures are designed to explore controversies and modern issues in more depth (and to allow you ample opportunity to ask questions and make comments on the material). Flipped lectures will be posted in their respective learning module in Canvas no later than 24 hours before each class, while in-class lectures will be posted in their respective learning module in Canvas no later than 1 hour before class. You are free to use the in-class lecture to follow along with the in-class presentation, and you are free to ask questions over anything in the flipped PowerPoints. For the in-class PowerPoints, I reserve the right to stop posting them if too many students stop attending class unexcused.

In order to avoid pressuring students to come to class if they are ill, I will record the live lectures via Zoom and upload them after class. **I will not allow attendance via Zoom under any circumstances**. The use of classroom recordings is governed by the Federal Educational Rights and Privacy Act (FERPA) and UC’s acceptable use policy. A recording of class sessions will be kept and stored by UC, in accordance with FERPA and UC policies. I will not share the recordings of your class activities outside of course participants. **You may not share recordings outside of this course.** As referenced in student rights and responsibilities <link>, doing so may result in disciplinary action.

***Group Assignments and Peer Evaluations***

The group assignments will be made after the last drop day at the beginning of the semester, and it is expected that the group will meet regularly. Under your group page, there are links in which to upload your notes, email one another, and otherwise collaborate with one another (this is also what I will use to check your progress). You are free to use other tools not shown in the group page, such as using Zoom for distance meetings. Problems or issues between group members are to be resolved by the group itself, but if the issue cannot be resolved, it is to be reported to me, and I will take decisive action. Group members consistently reported to me for failing to contribute will receive a lower grade on the group assignments than their colleagues. The group assignment grades are based on a combination of the group discussion grade, the grade your group receives for the research paper, and your group’s evaluation of your personal contributions.

The peer evaluation grade, worth 20% of your overall average, is the average score assigned to you by the other group members for your contributions to these group assignments. This score is based on the effectiveness of your contribution to the assignments (regular communication with the group members, meaningful assistance with writing for the research paper, etc.). You must fill out a peer evaluation for each group member, using the form provided on Canvas, in the Group Assignments folder. **Failure to submit a peer evaluation for each group member will result in a zero for your peer evaluation.** **The peer evaluation of each group member is due by 11:59 PM on December 10th.** For the specific grading rubric for the individual grade, please see the “Course Materials” folder in Canvas.

It is strongly recommended that no group member “specialize” in a specific segment of an assignment: you will find that inevitably one member contributes significantly more/less than the others, and your grade will be lower if only one member does one section and does a poor job. It is advisable that you divide the workload fairly among one another (everybody does a portion of the research, everybody writes part of the paper and discussion notes, etc.).

***Midterm and Final Exams***

 You will have a midterm and final exam. These exams assess the material covered in the lectures and learning material and are worth 15% of your overall grade. The exam will take place during our regular class time on October 7th. You will have 20 multiple-choice/true-false questions. You will also have 4 short-answer questions from which to choose, and you must answer 1. Short-answer responses should indicate that you thoroughly read the germane material, presented a logical critique of the subject, and demonstrated a grasp of critical thinking on matters related to courts and the judicial process in America. All questions will come from a combination of the textbook, required readings, and lectures (both in-class and flipped). For the grading rubric used for this assignment, look in the “Course Materials” folder on Canvas.

***Participation – Group Discussions***

Fifteen percent of your grade is based on your group’s average score for in-class discussions. For certain classes (listed in the syllabus), your group will need to come prepared to present on a topic of discussion, chosen by me. These topics range from discussions of specific readings to discussions of topics covered in class. There’s no set way to present on your topic, but you are presenting orally, and each group will have 6 minutes to present on their given topic. What I’m grading on is whether it’s clear that you’ve researched the topic; you can present on the topic in a clear, intelligent manner; and you are prepared to respond to the questions of your classmates and myself. You are free to use sources other than those listed in the syllabus. **Unless the absence is excused, group members who do not show up for the discussion will receive a zero, regardless of the grade for the rest of the group.** For a grading rubric, please see the rubric listed in the Group Assignments folder in Course Materials on Canvas.

***Statement of Civility and Engagement***

As the very essence of democratic politics is to engage in difficult dialogues and topics as inclusively as possible, the School of Public & International Affairs is committed to the fundamental principles of academic freedom and human dignity. As we live out this commitment and these principles, students may find themselves exposed to diverse and challenging viewpoints. Continued enrollment in this course constitutes an agreement to be exposed to viewpoints with which students may disagree. Moreover, it constitutes an agreement to engage those disagreements in a respectful manner, rooted in the rigorous principles of academic inquiry. Faculty will guide exploration of many ideas and, to promote debate, will present arguments that may or may not match with their own personal views. Through the academic theories and methods of political science, we seek to help students move from opinion to reasoned argument and will use approaches, including taking unpopular viewpoints or adopting ones with which the professor disagrees, to explore how to sustain and critique ideas. The School invites everyone to engage constructively in the process of intellectual discovery.

The key with participation is to **respect one another**. I do not care whether you leave this course believing in one theory over another or believing in judicial activism or restraint. I do care whether you can defend your position, whether you understand the readings, and whether you can formulate your own views. Therefore, it is expected that everyone in the class will be respectful of those whose opinions may differ from your own, and it is expected that you will not resort to personal attacks, mudslinging, and overgeneralizations. Violating this policy will reflect poorly on your final grade, and I reserve the right to take more serious disciplinary action for repeat or particularly egregious behavior.

***Research Paper***

 A total of 20% of your final grade will be a group research paper on a topic of your choosing. **This paper will be due** **no later than 11:59 PM on December 10th.** Your group will pick a topic related to law and the judicial process in America (legality of private prisons, judicial elections versus judicial appointments, etc.), pose a research question (i.e. do private prisons reduce recidivism?), state a thesis (i.e. “private prisons do not reduce recidivism”), provide background information on the topic (history, statistics, etc.), and defend your hypothesis, using a combination of case law, academic journal and law review articles, and logical, critical thinking of the topic. This research paper should be approximately 10-15 pages long (**NOT** counting the bibliography), double-spaced, and in Word or PDF format. **Documents must be uploaded to Canvas in these formats, or they will not be accepted.**

 The paper must have **at least** 15 scholarly sources (law review articles, government documents, etc.). Although your group may use articles and court cases covered in class as sources in your paper, **you may NOT use the textbook, and you must include** **at least 10 scholarly sources not listed in the syllabus**. All sources must be cited in text, as well as in the bibliography; **failure to cite sources in the text of the paper is considered plagiarism**. The in-text citation format is APSA style, and all in-text citations must be parenthetical. Bibliographic citations will follow the APSA style (see the end of the syllabus for what APSA citations look like).

 Throughout the semester, you will submit drafts of your research paper to Canvas, in Word or PDF format. This will encourage you to get started early on your project, and this will allow me to provide feedback early in the process. Your grades on the drafts are worth a total of 10% of your overall grade. **Failure to submit drafts by the assigned deadlines will not only result in a zero for that assignment but also negatively impact your group’s final paper grade**.

***Late Assignments***:

 Assignments that are turned in after the assigned due date and time are considered late, no matter how close to the deadline they are submitted. You and your group automatically lose 10 points if your assignment is turned in after the due date, and you lose an additional 2.3 points for every hour after the due date that you are late. **If you turn in your assignment 24 hours or later after the due date and time, you and your group receive a zero.** Because the final research paper is due so close to the deadline to turn in grades, and because you will be turning in drafts throughout the semester, **failure to turn in the final research paper by the deadline is an automatic zero, no matter how late you submit it.**

***Citations and Bibliography***

The citation and bibliography formats for the research paper and exams follows the American Political Science Review format. All in-text citations must be in parenthetical format, with the authors’ last name(s) and the year of publication (for journal articles and the textbook) or the case number (for court cases). For a comprehensive overview of bibliographic citations for different sources, please consult the last page in the syllabus. All quotations and ideas which are not your own – including summaries of another person’s ideas or the paraphrasing of a quotation – must be cited in the text as well as in the bibliography. **Failure to cite all unoriginal ideas and material is plagiarism and will be treated as such by the professor.**

***Extra Credit***:

 Throughout the semester, there will be opportunities for you to receive extra credit toward your final overall average. These assignments will be based on activities I deem relevant to the course’s material and may include attending lectures, attending workshops, and other germane activities. I will post announcements on Canvas when an extra credit event becomes available. **You may earn a maximum of 3 points toward your final overall average. After that, while you are free to continue going to extra credit events you cannot earn any additional points toward your final grade.**

***Academic Dishonesty and Plagiarism***:

The University Rules, including the [Student Code of Conduct](https://www.uc.edu/content/dam/refresh/studentaffairs-62/studentconduct/SCOC72023.pdf), and other documented policies of the department, college, and university related to academic integrity will be enforced. Any violation of these regulations, including acts of plagiarism or cheating, will be dealt with on an individual basis according to the severity of the misconduct. A copy of the policy can be found on the [University website](https://www.uc.edu/campus-life/conduct/academic-integrity.html). A few key things:

* Work must be your own, not that of another student, an internet source, or something else
* You must cite other sources, when you are drawing on others’ work and are quoting them
* The use of ChatGPT or other generative AI software to write assignments is academic dishonesty and will be treated as such by the professor.

***Student Accessibility Services***

If you have any special needs related to your participation in this course – including (but not limited to) identified visual impairment, hearing impairment, physical impairment, communication disorder, and/or specific learning disability that may influence your performance in this course – you should request from the [Accessibility Resources Center](https://www.uc.edu/campus-life/accessibility-resources.html). By registering with them, I can meet with you to discuss both the recommendations provided by the Resources Center and other reasonable accommodations I may take to ensure equitable access to this course.

***Pregnancy, Pregnancy-related, and Parenting Accommodations***:

Title IX of the Education Amendments of 1972 prohibits sex discrimination, which includes discrimination based on pregnancy, marital status, or parental status. Students seeking accommodations related to pregnancy, pregnancy-related condition, or parenting should submit the request using the form found at <insert link>

If you are having trouble finding a babysitter or childcare, you are free to bring them to class with you. I do ask that you only do so if you absolutely cannot get childcare for that class, and I ask that you make sure your child is on their best behavior (quiet, not disruptive, etc.). If you cannot guarantee this, I ask that you not attend class that day (if you provide evidence that you cannot find childcare, I will count the absence as excused). If you are consistently having trouble finding childcare, you should contact either the Accessibility Resource Center or the Dean of Students to learn other ways to work around this issue.

***Student Resources***:

Students may encounter issues that inhibit your learning or performance. I encourage you to seek professional help. If you need to discuss an academic accommodation with me, please do so as soon as you are able. This will help ensure the best outcome. Some of UC organizations that provide help for these learning barriers include:

* UC Counseling: 513-556-0648
* Health Services: 513-558-7333
* UC Libraries: 513-556-0033
* Accessibility: 513-556-6823
* Writing Center: 513-556-3244
* UC Public Safety: 513-556-1111
* Title IX Office: 513-556-3349
* UC Women’s Center: 513-556-4401
* International Services: 513-556-4278

***FERPA Release***:

In accordance with the Family Education Rights and Privacy Act (FERPA), all academic information related to this course is confidential. Consequently, I cannot reveal any information about your grade, attendance, etc. to anyone who is not an authorized university employee. If you have someone whom you want to have access to your information, you will need to sign a FERPA waiver and turn it in to me. You can find that document at <insert link>

***Mandatory Course Evaluation Period***:

Students have the opportunity to complete an ONLINE evaluation of this course, accessed through your UC account. Course evaluations are used by the instructor to better understand the student experience in the course, which can inform revisions of the course to ensure student success. Additionally, course evaluations are also used by the instructor for annual performance review and promotion applications, teaching award applications, among others. For these reasons, your feedback, reflections, and insights on your experience in the course are invaluable to ensure student success and a quality education for all. You will be contacted through email with further instructions. Students who complete their evaluations will have priority access to their grades. The evaluations will open on <date> at 12:00 AM and close on <date> at 11:59 PM.

***Inclement Weather Policy***

 This class will follow the university’s inclement weather policy: if the campus is closed there will be no class, and if campus is open there will be class. Having stated that, if you live away from campus please use common sense regarding road conditions. If it is too dangerous for you to safely make it to campus, please notify me ASAP so that your absence will be excused.

***Schedule (subject to change as needed)***

**8/26**: Introduction. Introduce one another and go over the goals and format of the course

**8/28**: Introduction to Legal Research.

**In-Class PowerPoint**: Introduce basic legal research concepts, such as hypotheses and qualitative versus quantitative analysis

**Required Reading**

Kerr, Orin S. Autumn 2007. “How to Read a Legal Opinion: A Guide for New Law Students.” *The Green Bag* 11:50-64 (Canvas)

Bonneau, Chris W. and Bartels, Benjamin L. 2014. “The Normative Implications of Empirical Research.” *Making Law and Courts Research Relevant: The Normative Implications of Empirical Research*. New York: Routledge Press. pp. 3-13.

Lopatto, Elizabeth. “Stop Using Generative AI as a Search Engine.” *The Verge* December 10, 2024. <https://www.theverge.com/2024/12/5/24313222/chatgpt-pardon-biden-bush-esquire>

**9/2**: Basics of American Legal System

**Flipped PowerPoint**: Explore the different types of laws and legal divisions in the United States

**In-Class PowerPoint**: Review the history of the Supreme Court. Look at contemporary pushes for judicial “reform”

**Required Reading**

Carp, et al Ch. 2

*Marbury v. Madison* 5 US 137 (Canvas)

*Federalist 78* (Canvas)

*Anti-Federalist 15* (Canvas)

Hollis-Brusky, Amanda. Spring 2021. “Exhuming Brutus: Constitutional Rot and Cyclical Calls for Court Reform.” *Missouri Law Review* 86:517-540 (Canvas)

Sen, Maya and Bonica, Adam. 2021. Selections from *The Judicial Tug of War: How Lawyers, Politicians, and Ideological Incentives Shape the American Judiciary*. Cambridge University Press

***Optional Readings***

*McCulloch v. Maryland* 17 US 316 (Canvas)

Orren, Karen and Walker, Christopher. 2013. “Cold Case File: Indictable Acts and Officer Accountability in *Marbury v. Madison*”. *The American Political Science Review* 1-18 (Canvas).

Blackstone’s *Commentaries on the Laws of England* (Canvas)

Presidential Commission on the Supreme Court Report (Canvas)

**9/4**:Judicial Nominations: So You Want to Be a Federal Judge?

**In-Class PowerPoint**: Discuss the nomination and confirmation processes for federal judges. Explore the nominations of some recent Supreme Court justices.

**Last day to drop the course September 8th**

**Required Readings**

Carp, et al Chs. 6 and 7

Scherer, Nancy; Bartels, Benjamin; and Steigerwalt, Amy. 2008. “Sounding the Fire Alarm: The Role of Interest Groups in the Lower Federal Court Nomination Process”. *The Journal of Politics* 70:1026-1039 (Canvas)

Rogowski, Jon C. and Stone, Andrew R. 2021. “How Political Contestation Over Judicial Nominations Polarize Americans’ Attitudes Toward the Supreme Court.” *British Journal of Political Science* 51:1251-1269 (Canvas)

***Optional Readings***

Stidham, Ronald and Carp, Robert. 1988. “Explaining Regionalism in the Federal District Courts”. *Publius* 8:113-125 (Canvas)

Ruckman, P.S., Jr. 1993. “The Supreme Court, Critical Nominations, and the Senate Confirmation Process”. *The Journal of Politics* 55:793-805 (Canvas)

Epstein, Lee; Martin, Andrew; Quinn, Kevin; and Segal, Jeffrey. 2009. "Circuit Effects: How the Norm of Federal Judicial Experience Biases the Supreme Court". *University of Pennsylvania Law Review* 157:833-880 (Canvas).

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

Hollis-Brusky, Amanda. 2015. *Ideas with Consequences: The Federalist Society and the Conservative Counterrevolution*. Oxford University Press (Canvas).

Kastellec, Jonathan P.; Lax, Jeffrey R.; and Phillips, Justin A. July 2010. “Public Opinion and Senate Confirmation of Supreme Court Nominees.” *The Journal of Politics* 72:767-784 (Canvas).

Avena, Kristine L. Fall 2018. “Judges of Color: Examining the Impact of Judicial Diversity in the Equal Protection Jurisprudence of the United States Court of Appeals for the Ninth Circuit.” *Hastings Constitutional Law Quarterly* 46:221-244 (Canvas).

**9/9**: Jurisdiction in Federal Courts.

**In-Class**: **Group assignments made prior to class**;Explore when federal courts are allowed to hear cases and why courts cannot hear certain cases

**Last day to drop all classes February 5th**

**Required Readings**

Carp, et al Ch. 4 (except for the section on state court jurisdiction)

*Baker v. Carr* 369 US 186 (Canvas)

*Ashwander v. TVA* 297 US 288 (only read Justice Brandeis’s concurring opinion) (Canvas)

***Optional Reading***

“A Blockade Runner, a Bon Vivant, and the Eleventh Amendment to the United States Constitution” (Canvas)

Bradley, Curtis A. and Young, Ernest A. October 2021. “Unpacking Third-Party Standing.” *The Yale Law Journal* 131:3-76.

*Barrows v. Jackson* 346 US 249 (Canvas)

*Williams v. Reed* 603 US \_\_\_ (Canvas)

**9/11:** Litigants and the Courts.

**Flipped Lecture**:Explore the different types of litigants.

**In-Class Lecture**: Discuss how resource advantages potentially cause the courts to favor some litigants over others and examine how less-advantaged litigants try to “balance the scale”.

**Required Readings**

Carp, et al Ch. 8

Galanter, Marc. 1974. “Why the ‘Haves’ Come Out Ahead: Speculation on the Limits of Legal Change”. *Law & Society Review* 9:95-160 (Canvas)

Collins, Paul. 2004. “Friends of the Court: Examining the Influence of *Amicus Curiae* Participation in U.S. Supreme Court Litigation”. *Law & Society Review* 38:807-832 (Canvas)

***Optional Readings***

Songer, Donald and Sheehan, Reginald. 1992. “Who Wins on Appeal? Upperdogs and Underdogs in the United States Courts of Appeals”. *American Journal of Political Science* 36:235-258 (Canvas)

Songer, Donald; Kuersten, Ashley; and Kaheny, Eric. 2000. “Why the Haves Don’t Always Come Out Ahead: Players Meet Amicus Curiae for the Disadvantaged”. *Political Research Quarterly* 53:537-556 (Canvas).

Black, Ryan and Boyd, Christina. 2012. "US Supreme Court Agenda Setting and the Role of Litigant Status". *Journal of Law, Economics, & Organization* 28:286-312 (Canvas)

Black, Ryan and Owens, Ryan. 2013. “A Built-In Advantage: The Office of the Solicitor General and the U.S. Supreme Court”. *Political Research Quarterly* 66:454-466 (Canvas)

Nelson, Michael C. and Epstein, Lee. 2019. “Lawyers with More Experience Obtain Better Outcomes”. Working paper (Canvas)

Smith, Andrew. May 2020. “The Effect of Ideology and Litigant Resource Advantages on Appeals to the US Supreme Court over Time.” *The Justice System Journal* 41:98-117 (Canvas)

**9/16**: Natural Legal Theory

**In-Class PowerPoint**: Discuss what is meant by natural law, and explore how the concept of natural law has influenced actual law

**Required Reading**

Carp, et al Ch. 1

Baron de Montesquieu’s *The Spirit of the Laws* (Canvas)

Selections from John Rawls’s *Theory of Justice* (Canvas)

Koppelman, Andrew. Summer 2009. “The Limits of Constructivism: Can Rawls Condemn Female Genital Mutilation?” *The Review of Politics* 71:459-482 (Canvas)

***Optional Reading***

Rousseau’s *The Social Contract*, Books 1 – 4 (Canvas)

**9/18**: Positive Legal Theory

**In-Class PowerPoint:** explore positive law and how it’s influenced the modern legal system

**Required Readings**

Stone, Harlan. 1936. “The Common Law in the United States”. *Harvard Law Review* 50:4-26 (Canvas)

Dahl, Robert. 1957. “Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker”. *Journal of Public Law* pp. 563-582 (Canvas)

***Optional Readings***

Dworkin, Ronald. 1982. “Law as Interpretation.” *Texas Law Review* 60:527-550 (Canvas).

Pfander, James and Birk, Daniel. 2011. “Article III and the Scottish Judiciary”. *Harvard Law Review* 124:1613-1687 (Canvas)

Gallego Saade, Javier. 2022. “Legal Positivism’s Internal Morality.” *Oxford Journal of Legal Studies* (Canvas)

**9/23**: Natural Law, Positive Law, and Legal Interpretation

**In-Class**: Dividing into groups, present your position on how you would resolve the Speluncean Explorers case.

**Required Readings**

Fuller, Lon. February 1949. “The Case of the Speluncean Explorers”. *Harvard Law Review* 62 (Canvas)

***Optional Readings***

Sturm, Douglas. February 1966. “Lon Fuller’s Multidimensional Natural Law Theory”. *Stanford Law Review* 18:612-639 (Canvas)

**9/25:** Critical Legal Theory and the Law

**In-Class PowerPoint**: Explore critical approaches to constitutional law and analysis. Examine how those theories impact our understanding of American constitutional law regarding race, sex, and gender.

**Required Readings**

Swidorski, Carl. 2003. “The Supreme Court’s Legal (Mis)construction of Race, Gender, and Class, 1865-2000”. *Race, Gender, & Class* 10:97-114 (Canvas)

Murray, Pauli S. Winter 1953. “The Historical Development of Race Laws in the United States.” *The Journal of Negro Education* 22:4-15 (Canvas)

Crenshaw, Kimberlé W. 1989. “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” *The University of Chicago Legal Forum* 139-167 (Canvas).

Eastwood, Mary O. and Murray, Pauli. December 1965. “Jane Crow and the Law: Sex Discrimination and Title VII.” *George Washington Law Review* 34:232-256.

Keck, Thomas M. 2024. “The U.S. Supreme Court and Democratic Backsliding.” *Law & Policy* (Canvas).

***Optional Readings***

Hunt, Alan. Spring 1986. “The Theory of Critical Legal Studies.” *Oxford Journal of Legal Studies* 6:1-45 (Canvas)

Crenshaw, Kimberlé W. May 1988. “Race, Reform, and Entrenchment: Transformation and Legitimation in Antidiscrimination Law.” *Harvard Law Review* 101:1331-1387 (Canvas)

Hurwitz, Jon; Peffley, Mark; and Mondak, Jeffery. September 2015. “Linked Fate and Outgroup Perceptions: Blacks, Latinos, and the US Criminal Justice System”. *Political Research Quarterly* 68:505-520 (Canvas)

Johnson, Kevin R. 2000. “Race Matters: Immigration Law and Policy Scholarship, Law in the Ivory Tower, and the Legal Indifference of the Race Critique.” *2000 University of Illinois Law Review* 525 (Canvas).

Spade, Dean. 2015. *Normal Life: Administrative Violence, Critical Trans, & the Limits of Law*. US: Duke University Press (Canvas).

Smith, Fred O., Jr. 2005. “Gendered Justice: Do Male and Female Justices Rule Differently on Questions of Gay Rights?”. *Stanford Law Review* 57:2087-2134 (Canvas)

Williams, Margaret S. 2008. “Ambition, Gender, and the Judiciary”. *Political Research Quarterly* 61:68-78 (Canvas)

Harmon, Rachel. 2009. “Promoting Civil Rights Through Proactive Policing Reform”. *Stanford Law Review* 62:1-68 (Canvas)

Glynn, Adam N. and Sen, Maya. January 2015. “Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women’s Issues?” *American Journal of Political Science* 59:37-54 (Canvas)

Harris, Jasmine E. 2021. “Taking Disability Public.” *University of Pennsylvania Law Review* 169:1681-1749 (Canvas)

Mystal, Elie. *Allow Me to Retort: A Black Guy’s Guide to the Constitution*. New York: The New Press. Chs. 2 and 16 (Canvas)

**9/30**: Dissent and the Law

**In-Class Lecture**: Examine what happens when the law is perceived as unjust

**Required Reading**

Henry David Thoroau’s “Civil Disobedience”

Martin Luther King’s “Letters from a Birmingham Jail”

Huebner, Timothy. 2017. *Liberty and Union: The Civil War Era and American Constitutionalism*. University of Kansas Press. Ch. 2

Roberts, Neil. 2004. “Fanon, Sartre, Violence, and Freedom.” *Sartre Studies International* 10:139-160.

**10/2: Midterm Exam Review (during class)**

**10/7: Midterm Exam (during class)**

**10/9: Reading Day (no class)**

**10/14**:Legal Realism and Judicial Behavioralism

**Flipped Lecture**: Explore the evolution of judicial theory in political science and the law. Explore oral arguments and the role of the Chief Justice in Supreme Court decisionmaking.

**In-Class Lecture**: Discuss the ways in which federal court judges make their decisions

**Draft of Thesis and Introduction Due by 11:59 PM**

**Required Readings**

Carp, et al Chs. 12 and 13

Segal, Jeffery and Spaeth, Harold. 1996. “The Influence of Stare Decisis on the Votes of United States Supreme Court Justices”. *American Journal of Political Science* 40:971-1003 (Canvas)

Epstein, Lee and Knight, Jack. 2000. "Toward a Strategic Revolution in Judicial Politics: A Look Back, A Look Ahead". *Political Research Quarterly* 53:425-466 (Canvas)

Pritchett, C. Herman. February 1948. “VI. The Roosevelt Court: Votes and Values”. *The American Political Science Review* 42:53-67 (Canvas)**.**

***Optional Reading***

Cameron, Charles; Segal, Jeffrey; and Songer, Donald. 2000. “Strategic Auditing in a Political Hierarchy: An Informational Model of the Supreme Court’s *Certiorari* Decisions”. *The American Political Science Review* 94:101-116 (Canvas).

Baird, Vanessa A. August 2004. “The Effect of Politically Salient Decisions on the U.S. Supreme Court’s Agenda”. *The Journal of Politics* 66:755-772 (Canvas).

George, Tracey and Solimine, Michael. 2001. “Supreme Court Monitoring of the United States Courts of Appeals En Banc”. *Supreme Court Economic Review* 9:171-204 (Canvas).

Knight, Jack and Epstein, Lee. 1996. “The Norm of Stare Decisis”. *American Journal of Political Science* 40:1018-1035 (Canvas)

Kastellec, Jonathan P. June 2011. “Panel Composition and Voting on the U.S. Courts of Appeals over Time”. *Political Research Quarterly* 64:377-391 (Canvas)

Spriggs, James II; Maltzman, Forrest; and Wahlback, Paul. 1999. “Bargaining on the U.S. Supreme Court: Justices’ Responses to Majority Opinion Drafts”. *The Journal of Politics* 61:485-506 (Canvas)

Segal, Jeffery and Cover, Albert. 1989. “Ideological Values and the Votes of U.S. Supreme Court Justices”. *The American Political Science Review* 83:557-565 (Canvas)

Kaheny, Eric; Haire, Susan; and Benesh, Sara. 2008. “Change over Tenure: Voting, Variance, and Decision Making on the U.S. Courts of Appeals”. *American Journal of Political Science* 52:490-503 (Canvas)

Scott, Kevin M. March 2006. “Understanding Judicial Hierarchy: Reversals and the Behavior of Intermediate Appellate Court Judges”. *Law & Society Review* 40:163-191 (Canvas).

Clark, Tom S. and Kastellec, Jonathan. 2013. "The Supreme Court and Percolation in the Lower Courts: An Optimal Stopping Model". *The Journal of Politics* 75:150-168 (Canvas).

Davis, Sue and Songer, Donald. 1988-89. “The Changing Role of the United States Courts of Appeals: The Flow of Litigation Revisited”. *The Justice Systems Journal* 13:323-340 (Canvas).

Cross, Frank. 2003. "Decisionmaking in the U.S. Circuit Courts of Appeals". *California Law Review* 91:1457-1515 (Canvas).

Giles, Michael; Walker, Thomas; and Zorn, Christopher. 2006. “Setting a Judicial Agenda: The Decision to Grant *En Banc* Review in the U.S. Courts of Appeals”. *The Journal of Politics* 68:852-866 (Canvas).

Gill, Rebecca D.; Kagan, Michael; and Marouf, Fatma. 2019. “The Impact of Maleness on Judicial Decision Making: Masculinity, Chivalry, and Immigration Appeals”. *Politics, Groups, and Identities* 7:509-528 (Canvas).

Jacobi, Tonja and Schweers, Dylan. November 2017. “Justice, Interrupted: The Effect of Gender, Ideology, and Seniority at Supreme Court Oral Arguments. *Virginia Law Review* 103:1379-1485 (Canvas)

Bonica, Adam and Sen, Maya. Winter 2021. “Estimating Judicial Ideology.” *The Journal of Economic Perspectives* 35:97-118 (Canvas)

**3/11**: Compliance with, and Defiance against, Supreme Court Outcomes

**Flipped Lecture**:Explore issues related to the judicial hierarchy and why courts enforce Supreme Court precedent; examine how the “least dangerous branch” enforces its decisions in the lower federal courts.

**In-Class Lecture**: Explore how the Supreme Court’s decisions influence – and are influenced by – public policy and opinion in America. Discuss the effect of blowback from the public and the other branches and how – and whether – this serves as a restraint on Supreme Court decisions

**Required Readings**

Carp, et al Ch. 14

Caminker, Evan. 1994. “Why Must Inferior Courts Obey Supreme Court Precedent?”. *Stanford Law Review* 46:817-873 (Canvas)

Klein, David and Hume, Robert. 2003. “Fear of Reversal as an Explanation of Lower Court Compliance”. *Law & Society Review* 37:579-606 (Canvas)

Westerland, Chad; Segal, Jeffrey; Epstein, Lee; Cameron, Charles; and Comparto, Scott. 2010. “Strategic Defiance and Compliance in the U.S. Courts of Appeals”. *American Journal of Political Science* 54:891-905 (Canvas)

Curry, Brett; Pacelle, Richard; and Marshall, Bryan. 2008. “‘An Informal and Limited Alliance’: The President and the Supreme Court”. *Presidential Studies Quarterly* 38:223-247 (Canvas)

McGuire, Kevin and Stimson, James. 2004. “The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Opinion”. *The Journal of Politics* 66:1018-1035 (Canvas)

Baird, Vanessa A. and Gangl, Amy. August 2006. “Shattering the Myth of Legality: The Impact of the Media’s Framing of Supreme Court Procedure on the Perception of Fairness”. *Political Psychology* 27:597-614 (Canvas)

Shoub, Kelsey; Scott, Jamil S.; and Christiani, Leah. 2025. “The Racialization of the United States Supreme Court? Examining Changes in Public Opinion Toward SCOTUS Over Time.” *Political Behavior* (Canvas)

***Optional Readings***

Eskridge, William N., Jr. 1991. “Overriding Supreme Court Statutory Interpretation Decisions”. *The Yale Law Journal* 101:331-455 (Canvas)

Scheb, John and Lyons, William. 2001. "Judicial Behavior and Public Opinion: Popular Expectations regarding the Factors that Influence Supreme Court Decisions". *Political Behavior* 23:181-194 (Canvas)

Clark, Tom S. 2009. "The Separation of Powers, Court Curbing, and Judicial Legitimacy". *American Journal of Political Science* 53: 971-989 (Canvas)

Dickson, Del. 1994. “State Court Defiance and the Limits of Supreme Court Authority: *Williams v. Georgia* Revisited”. *The Yale Law Journal* 103:1423-1481 (Canvas)

Bailey, Christine M.; Collins, Paul M.; Rhodes, Jesse H.; and Rice, Douglas. February 2025. “The Effect of Judicial Decisions on Issue Salience and Legal Consciousness in Media Serving the LGBTQ+ Community.” *American Political Science Review* 119:108-123.

**3/13: No Class. Midterm Exam Due by 11:59 PM on 3/14 (Canvas)**

**3/18 – 3/20: No Class (Spring Break)**

**3/25**: Crime and Punishment.

**Flipped PowerPoint**: Discuss what crime is and how governments decide on what is and is not a “crime”

**In-Class PowerPoint**:explore different theories of crime prevention and how these theories play out in practice

**Required Readings**

Ellwood, Charles A. January 1912. “Lombroso’s Theory of Crime”. *Journal of the American Institute of Criminal Law and Criminology* 2:716-723 (Canvas)

Wilson, James Q., and Kelling, George L. March 1982. “Broken Windows: The Police and Neighborhood Activity.” *The Atlantic Monthly* (Canvas)

Harcourt, Bernard E. and Ludwig, Jens. Winter 2006. “Broken Windows: New Evidence from New York City and a Five-City Social Experiment.” *The University of Chicago Law Review* 73:271-320.

Callanan, Valerie J. Spring 2012. “Media Consumption, Perceptions of Crime Risk and Fear of Crime: Examining Race/Ethnic Differences.” *Sociological Perspectives* 55:93-115 (Canvas).

Green, Christopher R. November 2015. “Reverse Broken Windows.” *Journal of Legal Education* 65:265-277 (Canvas)

***Optional Readings***

Bar-Gill, Oren and Harel, Alon. June 2001. “Crime Rates and Expected Sanctions: The Economics of Deterrence Revisited.” *The Journal of Legal Studies* 30:485-501 (Canvas).

Calvó-Armengoi, Antoni and Zenou, Yves. August 2004. “Social Networks and Crime Decisions: The Role of Social Structure in Facilitating Delinquent Behavior.” *International Economic Review* 45:939-958 (Canvas)

Akers, Ronald L. Spring 2005. “Sociological Theory and Practice: The Case of Criminology.” *Journal of Applied Sociology* 22:24-41 (Canvas)

Kulig, Teresa C. and Cullen, Francis T. 2017. “Where Is Latisha’s Law? Black Invisibility in the Social Construction of Victimhood.” *Justice Quarterly* 34:978-1013.

**3/27**: Group Discussion Day. Groups will discuss theories of offending and why people commit crimes.

**Draft of Revised Thesis, Introduction, and Scholarly Evidence Supporting Thesis Due by 11:59 PM.**

**4/1**: Criminal Procedure and the Constitution.

**Flipped PowerPoint**:Discuss the basics of criminal procedure prior to trial

**In-Class PowerPoint**:explore various elements of the Constitution related to defendants’ rights prior to trial, such as illegal searches and seizures

**Required Readings**

Carp, et al Ch. 9

*Miranda v. Arizona* 384 US 436 (Canvas)

*Mapp v. Ohio* 367 US 643 (Canvas)

*Terry v. Ohio* 392 US 1 (Canvas)

*US v. Leon* 468 US 897 (Canvas)

Ch. 6 in Baumgartner, Frank R.; Epp, Derek A.; and Shoub, Kelsey. 2018. *Suspect Citizens: What 20 Million Traffic Stops Tell Us about Policing and Race*. Cambridge University Press.

Gamal, Fanna. 2016. “The Racial Politics of Protection: A Critical Race Examination of Police Militarization”. *California Law Review* 104:979-1008 (Canvas)

Simonson, Jocelyn. 2021. “Police Reform Through a Power Lens.” *Yale Law Journal* 130:779-860 (Canvas).

***Optional Readings***

*Riley v. California* 573 US 373 (Canvas)

*Carpenter v. US* 585 US \_\_\_ (Canvas)

*Fischer v. US* 603 US \_\_\_ (Canvas)

Legewie, Joscha. December 2019. “Police Violence and the Health of Black Infants.” *Science Advances* 5:1-8.

**4/3**: Criminal Trials and the Constitution

**Flipped PowerPoint**: Examine constitutional amendments guiding criminal procedure at trial

**In-Class PowerPoint**: Discuss what goes on during a criminal trial and how verdicts are decided.

**Required Readings**

Carp, et al Ch. 10

*Gideon v. Wainwright* 372 US 335 (Canvas)

*Batson v. Kentucky* 476 US 79 (Canvas)

*Strickland v. Washington* 466 US 668 (Canvas)

Sabbeth, Kathryn A. and Steinberg, Jessica K. March 2021. “The Gender of Gideon.” *UCLA Law Review* (Canvas)

Fryer, Daniel. Fall 2020. “Race, Reform, and Progressive Prosecution.” *The Journal of Criminal Law and Criminology* 110:769-802.

***Optional Readings***

*Brady v. Maryland* 373 US 83 (Canvas)

*Flowers v. Mississippi* 588 US \_\_\_ (Canvas)

*Ramos v. Louisiana* 590 US \_\_\_ (Canvas)

Cole, Simon A. and Dioso-Villa, Rachel. “Investigating the 'CSI Effect' Effect: Media and Litigation Crisis in Criminal Law” (April 1, 2009). Stanford Law Review, Vol. 61, No. 6, 2009 (Canvas)

**4/8**: Criminal Sentencing, Appeals, and Prison Policy.

**Flipped PowerPoint**: Explore issues related to criminal appeals and the aftermath of a trial; examine the basics of prison policy at the federal and state levels; explore the history of incarceration in America

**In-Class PowerPoint**: examine contemporary issues in sentencing; discuss contemporary issues in prison policy, such as the for-profit prison system

**Required Reading**

*US v. Booker* 543 US 220 (Canvas)

*Atkins v. Virginia* 536 US 304 (Canvas)

*Roper v. Simmons* 543 US 551 (Canvas)

Foucalt, Michel. 1977. Selections from *Discipline and Punish*. US: Pantheon Books.

Smith, Kevin B. August 2004. “The Politics of Punishment: Evaluating Political Explanations of Incarceration Rates.” *The Journal of Politics* 66:925-938 (Canvas)

Alexander, Michelle. 2012. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. NY: The New Press. Chs. 1 and 2 (Canvas)

Baker, Thomas; Pickett, Justin T.; Amin, Dhara M.; Golden, Kristin; Dhungana, Karla; Gertz, Marc; and Bedard, Laura. June 2015. “Shared Race/Ethnicity, Court Procedural Justice, and Self-Regulating Beliefs: A Study of Female Offenders”. *Law & Society Review* 49:433-465 (Canvas)

***Optional Readings***

Perkinson, Robert. 2010. *Texas Tough: The Rise of America’s Prison Empire*. US: Metropolitan Books. Chapter 8, pp. 286-324 (Canvas)

Shapiro, Joseph. May 19, 2014. “As Court Fees Rise, The Poor Are Paying the Price”. *NPR* <https://www.npr.org/2014/05/19/312158516/increasing-court-fees-punish-the-poor> (Canvas)

Mitchell, Jerry. August 19, 2019. “Inside the Prison Where Inmates Set Each Other on Fire and Gangs Have More Power Than Guards”. *ProPublica* <https://www.propublica.org/article/leakesville-south-mississippi-correctional-institution-prison-gangs> (Canvas)

Jefferson, Hakeem. 2019. “The Politics of Respectability and Black Americans’ Punitive Attitudes.” Working paper (Canvas)

Davis, Angela Y. and Rodriguez, Dylan. Fall 2000. “The Challenge of Prison Abolition: A Conversation.” *Social Justice* 27:212-218 (Canvas)

Jefferis, Danielle C. 2023. “Carceral Deference: Courts and Their Pro-Prison Propensities.” *Fordham Law Review* 92:1-51.

**4/10**: Group Discussion Day. Groups will discuss matters related to criminal procedure and justice.

**Last Day to Drop Class or Withdraw**

**4/15**: Civil Law, Part I – Basics and Torts

**Flipped PowerPoint**:explore the basics of civil law and lawsuit procedure

**In-Class PowerPoint**:examine torts and tort “reform”

**Required Reading**

Carp, et al Ch. 11

*Grimshaw v. Ford Motor Co.*

Malhorta, Neil. Spring 2015. “An Empirical Analysis of ‘Tort Tales’: How Cultural Memes Influence Attitudes on Tort Reform”. *Journal of Law and Courts* 3:149-166 (Canvas)

Thomas, Wendi C. June 27, 2019. “The Nonprofit Hospital That Makes Millions, Owns a Collection Agency and Relentlessly Sues the Poor.” *ProPublica* <https://www.propublica.org/article/methodist-le-bonheur-healthcare-sues-poor-medical-debt> (Canvas)

***Optional Reading***

Whitman, Christina. 1980. “Constitutional Torts”. *Michigan Law Review* 79:5-71 (Canvas)

Cherry, Miriam A. 2019. “A Global System of Work, A Global System of Regulation? Crowdwork and Conflicts of Law.” *Tulane Law Review* 94:1-62 (Canvas).

**4/17**: Civil Law, Part II – Contracts and Other Civil Law

**Flipped PowerPoint Only (No Class)**: Explore real estate and contract law. Examine patent and copyright law. Examine artistic freedom and copyrights.

**4/22**: State Judicial Systems

**Flipped PowerPoint**:Discuss the different types of state court systems and judges and how they compare with the federal system.

**In-Class PowerPoint**:Examine the different methods of selecting judges; discuss judicial elections and the influence of money on judicial politics.

**Required Readings**

Carp, et al Ch. 3; Ch. 4 section on state court jurisdiction; and Ch. 5

Brace, Paul; Hall, Melinda; and Langer, Laura. 2001. “Placing State Supreme Courts in State Politics”. *State Politics and Policy Quarterly* 1:81-108 (Canvas).

Benesh, Sara. 2006. "Understanding Public Confidence in American Courts". *The Journal of Politics* 68:697-707 (Canvas)

Bonneau, Chris. 2007. “The Effects of Campaign Spending in State Supreme Court Elections”. *Political Research Quarterly* 60:489-499 (Canvas)

Smith, Andrew and Kazungu, Conny. 2025. “Sex, Campaign Contributions, and State Court of Last Resort Elections.” *Political Research Quarterly*.

Brace, Paul; Yates, Jeff; and Boyea, Brent. 2012. “Judges, Litigants, and the Design of Courts”. *Law & Society Review* 46:497-522 (Canvas)

Rock, Emily and Baum, Lawrence. Winter 2010. “The Impact of High-Visibility Contests for U.S. State Court Judgeships: Partisan Voting in Nonpartisan Elections”. *State Politics & Policy Quarterly* 10:368-396 (Canvas)

Gill, Rebecca and Eugenis, Kate. May 2019. “Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections”. *State Politics & Policy Quarterly* 19:399-428 (Canvas)

Holmes, Lisa M. and Emrey, Jolly A. 2006. “Court Diversification: Staffing the State Courts of Last Resort Through Interim Appointments”. *The Justice Systems Journal* 27:1-13 (Canvas)

Howard, Robert M.; Graves, Scott E.; and Flowers, Julianne. December 2006. “State Courts, the U.S. Supreme Court, and the Protection of Civil Liberties.” *Law & Society Review* 40:845-870 (Canvas).

***Optional Readings***

Friedman, Lawrence. 2011. “Path Dependence and the External Constraints on Independent State Constitutionalism.” *Penn State Dickinson Law Review* 115:783-836 (Canvas).

Morley, Michael T. 2021. “The Independent State Legislature Doctrine.” *Fordham Law Review* 90:501-560 (Canvas).

Leonard, Meghan E. October 2022. “State Supreme Court Responsiveness to Court Curbing: Examining the Use of Judicial Review.” *The Justice System Journal* (Canvas).

Norris, Mikel. 2022. “Beyond Consensus: Gender, Chief Justices, and Leadership on State Supreme Courts.” *Journal of Women, Politics, & Policy* 43:134-151 (Canvas).

Burnett, Craig M. and Tiede, Lydia. 2015. “Party Labels and Vote Choice in Judicial Elections.” *American Politics Research* 43:232-254 (Canvas).

Hall, Melinda Gann and Bonneau, Chris W. July 2008. “Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections.” *American Journal of Political Science* 52:457-470 (Canvas)

Gill, Rebecca; Lazos, Sylvia; and Waters, Mallory. 2011. “Are Judicial Evaluations Fair to Women and Minorities? A Cautionary Tale from Clark County, Nevada”. *Law & Society Review* 45:731-759.

**4/24**: Group Discussion Day. Groups will discuss and present on public law and state judicial selection.

**Rough Draft of Entire Paper Due by 11:59 PM**

**4/29**: Federal Administrative Law

**Flipped PowerPoint**: observe how disputes are adjudicated in the federal administrative system, and examine why new administrative rules are passed.

**In-Class PowerPoint:** Examine the rise and fall of the *Chevron* Doctrine and other issues related to administrative law and procedure

**Required Readings**

*Chevron v. Environmental Resources Defense Council* 467 US 837 (Canvas)

*Loper Bright Enterprises v. Raimondo* 603 US \_\_\_

Furlong, Scott and Kerwin, Cornelius. 2005. "Interest Group Participation in Rule Making: A Decade of Change". *Journal of Public Administration Research and Theory* 15:353-370 (Canvas)

***Optional Readings***

Wilson, Woodrow. 1887. “The Study of Administration”. *Political Science Quarterly* 2:197-222 (Canvas).

*Wickard v. Filburn* 317 US 111 (Canvas)

*National Federation of Independent Businesses v. Sebelius* 567 US 519 (Canvas)

Sunstein, Cass. 1987. “Constitutionalism after the New Deal”. *Harvard Law Review* 101:421-510 (Canvas)

Wood, B. Dan and Waterman, Richard. 1991. “The Dynamics of Political Control of the Bureaucracy”. *The American Political Science Review* 85:801-828 (Canvas)

Noll, David L. 2021. “Administrative Sabotage.” *Michigan Law Review* (Canvas)

**5/1**: Immigration Law in the US.

**Flipped PowerPoint:** Explore the basics of immigration law and procedure in the US.

**In-Class PowerPoint:** Examine issues related to asylum applications and immigration law

**Required Readings**

Cox, Adam B. and Posner, Eric A. February 2007. “The Second-Order Structure of Immigration Law”. *Stanford Law Review* 59:809-856 (Canvas)

Garcia, Ruben J. 1995. “Critical Race Theory and Proposition 187: The Racial Politics of Immigration Law”. *Chicano-Latino Law Review* 17:118-154 (Canvas)

Williams, Margaret S. and Law, Anna O. 2012. “Understanding Judicial Decision Making in Immigration Cases at the U.S. Courts of Appeals.” *The Justice Systems Journal* 33:97-120 (Canvas)

*Plyler v. Doe* 457 US 202 (Canvas)

*US v. Wong Kim Ark* 169 US 649 (Canvas)

***Optional Readings***

Lim, Julian. August 2013. “Immigration, Asylum, and Citizenship: A More Holistic Approach”. *California Law Review* 101:1013-1077 (Canvas)

Gulasekaram, Pratheepan; Su, Rick; and Villazor, Rose Cuison. April 2019. “Anti-Sanctuary and Immigration Localism”. *Columbia Law Review* 119:837-894 (Canvas)

Levitt, Justin. June 2019. “Citizenship and the Census”. *Columbia Law Review* 119:1355-1398 (Canvas)

*Elk v. Wilkins* 112 US 94 (Canvas)

**5/6:** Wrap-Up

**In-Class PowerPoint:** Explore law school and graduate school as options

**Required Readings**

Elizabeth Mertz, “Entering the World of U.S. Law,” *The Language of Law School: Learning to 'Think Like a Lawyer,*' pp. 3-11 (Blackboard)

Robert Derocher, “What’s going on in legal education?” *Bar Leader*, vol 36, no 3, Spring 2012 (Blackboard)

Gregory Yang, “How Legal Education Fails Minority Students,” *Tipping the Scales,* June 13, 2018 (Blackboard)

Joe Patrice, “Deciding To Go To Law School In One Epic Flowchart,” *Above the Law*, October 3, 2013 (Blackboard)

**5/8: Study Day (No Class)**

**5/12: Final Research Paper and Peer Evaluations due by 11:59 PM on Canvas**

Bibliographic and In-Text Citation Formats

1. Newspaper articles:
2. Authors’ last names, authors’ first names. Date. Name of article (in quotations). Newspaper where article located, (in italics), pages (if physical magazine) or internet link
3. E.g. Cramer, Renee. August 13, 2015. “The Harsh Human Cost of Defunding Planned Parenthood”. *Newsweek* <http://www.newsweek.com/harsh-human-cost-defunding-planned-parenthood-363185>
4. Journal articles:
	1. Authors’ last names, authors’ first names. Month and year. Name of article (in quotations). Journal name (in italics), volume number:pages
	2. E.g. Dahl, Robert. 1957. “Decision-Making in a Democracy: The Supreme Court as a National Policy-Maker”. *Journal of Public Law* 23:563-582.
5. Court cases:
	1. Full name of case (in italics), US case number (in parentheses)
	2. E.g. *Baker v. Carr* (369 US 186)
6. Books
	1. Authors’ last names, authors’ first names. Date. Title of book (in italics). Edition (if there’s more than one). Publishing company
	2. E.g. Epstein, Lee and Martin, Andrew D. 2014. *An Introduction to Empirical Legal Research*. Oxford University Press
7. In-text citations (in parentheses)
	1. Last name(s) of author(s) and year of publication
	2. E.g. (Epstein and Martin 2014)
8. In-text citations (in parentheses) for more than 2 authors
	1. Last name of first author, et al and year of publication
	2. E.g. (Epstein, et al 2010)
9. In-text citations (in parentheses) for court cases
	1. US case number
	2. E.g. (369 US 186)