

American Judicial Behavior

PLSC 473

Professor Christopher Zorn
Pennsylvania State University
Fall 2015

Contact Information

Dr. Christopher Zorn
Department of Political Science
Pond Lab 226
Pennsylvania State University
University Park, PA 16803
E-mail: zorn@psu.edu
Phone (O): 814-863-9446
Phone (M/txt): 803-553-4077

Course Time: Tuesday & Thursday, 4:15 – 5:30 p.m. ET

Course Location: Willard 268

Office Hours: Tuesdays & Thursdays 1:00 p.m. - 2:30 p.m. ET, or by appointment

Course Description

This is a course on judicial decision making in the United States. Its primary focus is on the justices of the U.S. Supreme Court, though we will discuss other judges and justices as well. The central thing to understand about this course is that it is a *political science* course: the subject matter, theoretical perspectives, course readings, and analytical approaches for the course will be drawn from contemporary political science research on the Court.

This course has two central goals: To provide an understanding of research about judicial decision making in the U.S. Supreme Court, and to provide you with a set of skills and tools that will allow you to conduct your own research on this subject (and many others as well). These two goals are of equal importance, and the course will be roughly equally divided between them.

Course materials comprise readings, data, and computer code, and are available on the course's GitHub site at <https://github.com/PrisonRodeo/PLSC473-git>. This site in-

cludes folders for course readings not found in the text, data files, example computer code, and other useful resources for the course. These materials will be updated periodically. Required readings for the course are contained in the first edition of *An Introduction to Empirical Legal Research* (2015), by Lee Epstein and Andrew Martin, and in various other article-length readings as assigned. This syllabus outlines general foci of study throughout the semester, as well as listing specific reading assignments on a daily basis. It is vital that you keep current with the readings, as they will provide the basis for in-class discussion and work.

Grading

For this course, grades will be assessed based on three broad categories:

- Three research modules / short papers (15% each)
- Either:
 1. A take-home final examination, or
 2. A course paper / project (45%)
- Course participation and engagement (10%)

More information regarding examinations, the course project / paper, and the scope and nature of the research modules and final examination will be presented in class. The instructor reserves the right to change the distribution of percentages across course components as necessary. Students unable to take the final exam at the scheduled times must obtain permission to do so **prior to the exam date** so that alternative arrangements may be made.

Classroom engagement and participation is essential to the success of this class. Many of the topics discussed in this course are the subject of intense debate among social scientists, legal scholars, and policy makers today.

Academic Dishonesty

The Department of Political Science, along with the College of the Liberal Arts and the University, takes violations of academic dishonesty seriously. Observing basic honesty in one's work, words, ideas, and actions is a principle to which all members of the community are required to subscribe.

All course work by students is to be done on an individual basis unless an instructor clearly states that an alternative is acceptable. Any reference materials used in the preparation of

any assignment must be explicitly cited. Students uncertain about proper citation are responsible for checking with their instructor.

In an examination setting, unless the instructor gives explicit prior instructions to the contrary, whether the examination is in class or take home, violations of academic integrity shall consist but are not limited to any attempt to receive assistance from written or printed aids, or from any person or papers or electronic devices, or of any attempt to give assistance, whether the one so doing has completed his or her own work or not.

Lying to the instructor or purposely misleading any Penn State administrator shall also constitute a violation of academic integrity.

In cases of any violation of academic integrity it is the policy of the Department of Political Science to follow procedures established by the College of the Liberal Arts. More information on academic integrity and procedures followed for violation can be found [here](#). More generally, if you are unfamiliar with general standards regarding plagiarism, **learn them**; a good place to start is [here](#). The professor is not responsible for students' lack of understanding of standards regarding academic misconduct.

Statement on Disabilities

Penn State welcomes students with disabilities into the University's educational programs. If you have a disability-related need for reasonable academic adjustments in this course, contact the Office for Disability Services (ODS) at 814-863-1807 (V/TTY). For further information regarding ODS, please visit the Office for Disability Services Web site [here](#). Instructors should be notified as early in the semester as possible regarding the need for reasonable accommodations.

Course Schedule

Daily reading assignments are listed in each section. Unless otherwise indicated, all readings are drawn from Epstein and Martin (2015) (hereinafter *E&M*). Note that reading assignments are listed according to the day on which the subject matter will be discussed; they should therefore be read prior to that date.

August 25: Course Introduction

- No readings assigned.

August 27: Software Introduction

- Download and install R (cran.r-project.org) and
- RStudio (Desktop) (from www.rstudio.com/products/rstudio).

September 1: Overview of Empirical Research

- *E&M* Chapter 1.

September 3: Judicial Decision Making: An Overview

- Baum, Lawrence. 1997. *The Puzzle of Judicial Behavior*. Ann Arbor: University of Michigan Press. Chapter 1.

September 8: Research Design and Measurement

- *E&M* Chapter 2 & 3.

September 10: No Class

- Prof. Lynn Vavreck talk: ""The Fundamentals of a Campaign: What Matters in the 2016 Presidential Election," Foster Auditorium (4 p.m. ET).

September 15: Collecting and Coding Data

- *E&M* Chapter 4 & 5.

September 17: No Class

- No readings assigned.

September 22: Summarizing Data

- *E&M* Chapter 6.

September 24: Measuring Association

- *E&M* Chapter 7 & 8.

September 29: Judicial Behavior: Personal Attributes

- Tate, C. Neal. 1981. "Personal Attribute Models of the Voting Behavior of U.S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions." *American Political Science Review* 75(June):355-67.

October 1: Judicial Behavior: Personal Attributes (continued)

- Glynn, Adam, and Maya Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Womens Issues?" *American Journal of Political Science* 59:37-54.

October 6: Building A Personal Attribute Model, Part I

- No readings assigned.

October 8: Building A Personal Attribute Model, Part II

- No readings assigned.

October 13: Ideology and Judicial Behavior: Measurement

- Segal, Jeffrey A., and Albert Cover. 1989. "Ideological Values and the Votes of U.S. Supreme Court Justices." *American Political Science Review* 83:557-65.

October 15: Ideology and Judicial Behavior: Influence (Part I)

- Segal, Jeffrey A., Lee Epstein, Charles M. Cameron, and Harold J. Spaeth. 1995. "Ideological Values and the Votes of U.S. Supreme Court Justices Revisited." *Journal of Politics* 57:812-23.

October 20: Ideology and Judicial Behavior: Influence (Part II)

- Baum, Lawrence. 2013. "Linking Issues to Ideology in the Supreme Court: The Takings Clause." *Journal of Law and Courts* 1:89-114.

October 22: Ideology and Judicial Behavior: Practicum

- No readings assigned.

October 27: Multiple Regression

- *E&M* Chapter 9.

October 29: Legal Influences: Case Facts

- Segal Jeffrey A. 1984. "Predicting Supreme Court Cases Probabilistically: The Search and Seizure Cases, 1962-1981." *American Political Science Review* 78:891-900.

November 3: Legal Influences: "Integrated" Models

- George, Tracey, and Lee Epstein. 1992. "On the Nature of Supreme Court Decision Making." *American Political Science Review* 86:323-37.

November 5: Legal Influences: Practicum

- No readings assigned.

November 10: Legal Influences: Precedent

- Segal, Jeffrey A., and Harold J. Spaeth. 1996. "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices." *American Journal of Political Science* 40:971-1003.

November 12: Communication and Visualization

- *E&M* Chapter 10-11.

November 17: The Court and Public Opinion

- McGuire, Kevin T., and James A. Stimson. 2004. "The Least Dangerous Branch Revisited: New Evidence on Supreme Court Responsiveness to Public Preferences." *Journal of Politics* 66:1018-35.

November 19: The Court and Public Opinion: Practicum

- No readings assigned.

November 24: No Class - Fall Break.

November 26: No Class - Fall Break.

December 1: The Court and the Separation of Powers

- Epstein, Lee, Jack Knight, and Andrew D. Martin. 2001. "The Supreme Court As A Strategic National Policy Maker." *Emory Law Journal* 50:583-611.

December 3: The Court and the Separation of Powers: Practicum

- No readings assigned.

December 8: So you want to go to law school?...

- No readings assigned.

December 10: No Class.

December ??: Take-home final examination due (TBA)