



COURSE REQUIREMENTS

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BU POLICIES

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PO 505: READINGS IN AMERICAN POLITICS

Controversies in American Justice



In this course...

We will explore some of the most pressing and controversial issues facing the justice system today, with a focus on its actors and how they make decisions. You will become familiar with cutting edge research in judicial politics and help to push the field forward. This class emphasizes critical thinking, careful communication and scientific rigor.

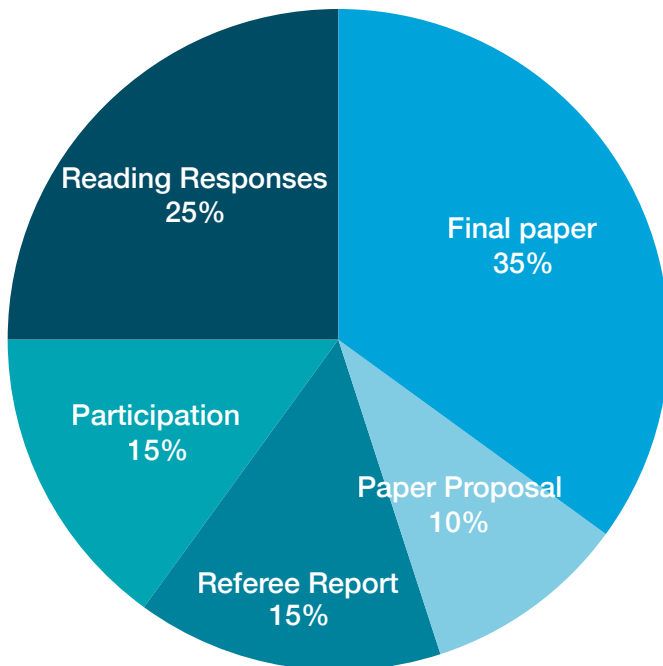
Professor:

Lauren Mattioli
lamattio@bu.edu

Office Hours:
T: 3:30p-4:30p
R: 10:00a-11a
OR by appt.

Office Location:
Rm. 211,
232 Bay State Rd

Course Requirements



Reading Responses

Each week you will write a response to the assigned readings. These should be about 1-2 pages, double-spaced. Provide a summary and critical reaction to a significant aspect of the required readings. Concisely address a major point of the reading and engage with it—what seems right, and why? What is missing or neglected and why does that matter? You may talk with your classmates about the readings, but you need to write your own response.

Each Reading Response is worth 2% of your final grade.

Reading responses are due on Blackboard by 5pm Wednesdays before class.

Final Paper- due December 13.

Each student is required to submit a final paper. There are two options for the form this paper might take. We will discuss additional requirements and guidelines in class.

Option 1: Critical Lit Review

These essays will critically review a literature related to judicial politics. The essays should contain a clear thesis, a discussion of what we know (and, perhaps, what we do not know), and the implications of that knowledge. These essays should also contain suggestions for what productive future research might entail.

Option 2: Original Empirical Research. These essays will contain some original research conducted by the student. These should be written as research notes, situate the research question within a literature, posit a clear research design, and—using existing or original data—conduct suitable analysis.

Paper Proposal- due November 16

Each student is responsible for submitting a 1-2 page proposal for their final paper via Blackboard by November 16. The instructor will respond with detailed feedback on the proposal. Final papers should reflect the instructor's feedback.

Participation

Class participation should be early, often and thoughtful. Your comments should demonstrate detailed knowledge of the readings and respect for other seminar participants.

Referee Report

Academic papers are subject to double-blind peer review before publication. The reviewers are called referees. You will write a mock referee report for a real, anonymous working paper. Details will be discussed during class. Due October 12 at 5:00pm on Blackboard.

Course Schedule

	Topic	Readings
9/6	Introduction	
9/13	How do judges make decisions?	<p>Friedman, Barry. 2006. "Taking Law Seriously." <i>Perspectives on Politics</i>. 4: 261-276.</p> <p>Keck, Thomas. 2014 "Three Stories about Courts" from <i>Judicial Politics in Polarized Times</i>.</p> <p>Extraneous factors in judicial decisions Shai Danziger, Jonathan Levav, Liora Avnaim-Pesso and Daniel Kahneman. <i>Proceedings of the National Academy of Sciences of the United States of America</i> Vol. 108, No. 17 (April 26, 2011), pp. 6889-6892</p> <p>Watch Scalia interview</p>
9/20	Are Supreme Court Judges Political?	<p>Segal, Jeffrey A. and Harold Spaeth. <i>The Supreme Court and the Attitudinal Model Revisited</i>. Introduction (pages 1-12).</p> <p>Epstein, Lee, William Landes, and Richard Posner. 2012. <i>The Behavior of Federal Judges</i>, Chapter 1 "A Realistic Theory of Judicial Behavior," (pp. 25-64) and Chapter 3 "The Supreme Court." (pp. 101-152). Rational choice attitudinalism.</p> <p>Cameron, Charles and Lewis Kornhauser, "Rational Choice Attitudinalism? A Review of Epstein, Landes, and Posner," <i>European Journal of Law and Economics</i> (2015).</p>
9/27	How does a judge's race or gender affect their decisions?	<p>Sotomayor, Sonia. "A Latina Judge's Voice." May 14, 2009. <i>The New York Times</i>. Available at http://www.nytimes.com/2009/05/15/us/politics/15judge.text.html.</p> <p>Christina Boyd, Lee Epstein and Andrew Martin, "Untangling the Causal Effects of Gender on Judging," <i>American Journal of Political Science</i>, 2010</p> <p>Kritzer, H. M., and Uhlman, T. M. 1977. "Sisterhood in the Courtroom: Sex of Judge and Defendant in Criminal Case Disposition." <i>The Social Science Journal</i> 14(2): 77-88.</p> <p>Cox, A. B., and Miles, T. J. 2008. "Judging the Voting Rights Act." <i>Columbia Law Review</i> 108(1): 1-54</p>
10/4	What are the consequences of collegiality on courts?	<p>Kornhauser, Lewis A. and Lawrence G. Sager. 1986. "Unpacking the Court." <i>Yale Law Journal</i>. 96: 82-117.</p> <p>Kastellec, John. 2011. Hierarchical and Collegial Politics on the U.S. Courts of Appeals, <i>Journal of Politics</i>, 73(2):345-61</p> <p>O Connor, Sandra. "Thurgood Marshall: The Influence of a Raconteur" <i>Stanford Law Review</i>, Summer 1992, Vol.44, p.1217</p>

10/11	Does public opinion influence judicial decision-making?	<p>Casillas, Christopher J., Peter K. Enns, and Patrick C. Wohlfarth. 2011. "How Public Opinion Constrains the U.S. Supreme Court," <i>American Journal of Political Science</i> 55: 74-88..</p> <p>Stephenson, Matthew. 2004. "Courts of Public Opinion: Government Accountability and Judicial Independence." <i>Journal of Law, Economics, and Organization</i> 20(2):379- 399.</p> <p>Dino Christenson and David Glick. 2015. "Chief Justice Roberts's Health Care Decision Disrobed: The Microfoundations of the Supreme Court's Legitimacy," <i>American Journal of Political Science</i> 59: 403-418.</p>
10/18	Selection and its Consequences: Supreme Court	<p>Nemacheck, Christine. 2012. "Selecting Justice: Strategy and Uncertainty in Choosing Supreme Court Nominees." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Segal, Jeffrey A., Richard J. Timpone and Robert M. Howard. "Buyer Beware? Presidential Success through Supreme Court Appointments." <i>Political Research Quarterly</i>. Vol 53 Issue 3, p. 557-575</p> <p>Krehbiel, Keith. 2007. "Supreme Court Appointments as a Move-the-Median Game." <i>American Journal of Political Science</i>. 51 (2): 231-40.</p> <p>Cameron, Charles M. and Jonathan P. Kastellec. 2016 "Are Supreme Court Nominations a Move-the-Median Game?" <i>American Political Science Review</i>. Vol. 110, No.4</p>
10/25	Selection and its Consequences, State Courts	<p>Bonneau, Chris W. and Melinda Gann Hall. 2017. <i>Judicial Elections in the 21st Century</i> p. 9-12</p> <p>Nelson, Michael. 2017. "Judicial Elections and Support for State Courts." In <i>Judicial Elections in the 21st Century</i>.</p> <p>Judicial Selection and Death Penalty Decisions. Brandice Canes-Wrone, Tom S. Clark And Jason P. Kelly. <i>The American Political Science Review</i>. Vol. 108, No. 1 (February 2014), pp. 23-39</p> <p>Huber, Gregory A. and Sanford C. Gordon. 2004. "Accountability and Coercion: Is Justice Blind when it Runs for Office?" <i>American Journal of Political Science</i> 48(2): 247-263.</p> <p>Gibson, James L. 2009. "'New-Style' Judicial Campaigns and the Legitimacy of State High Courts," <i>Journal of Politics</i> 71: 1285-1304.</p>
11/1	The political environment and Separation of Powers	<p>Bailey, Michael A. and Forest Maltzman. "Goldilocks and the Supreme Court." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Whittington, Keith E. "'Interpose Your Friendly Hand': Political Supports for the Exercise of Judicial Review by the United States Supreme Court". <i>American Political Science Review</i> 99.4 (2005): 99, 4, 583-596.</p> <p>Clark, Tom S. 2009. "The Separation of Powers, Court-curbing, and Judicial Legitimacy," <i>American Journal of Political Science</i> 53(4):971-989</p>

11/8	What role do advocates play in the judiciary?	<p>Black, Ryan C. and Ryan J. Owens. "Solicitor General Influence and Agenda Setting on the U.S. Supreme Court." <i>Political Research Quarterly</i>. Vol 64(4), pp. 765-778</p> <p>Collins, Paul M. "Interest Groups and their Influence on Judicial Policy." In <i>New Directions in Judicial Politics</i> ed. Kevin T. McGuire. Routledge</p> <p>Johnson, TR, PJ Wahlbeck, JF Spriggs. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." <i>American Political Science Review</i>. pp. 99-113.</p>
11/15	What incentives do prosecutors have and how does this impact their decisions?	<p>Davis, Angela J. 2001. "The American Prosecutor: Independence, Power, and the Threat of Tyranny." <i>Iowa Law Review</i>. Issue 86. pp. 395-465</p> <p>Gordon, Sanford & Gregory Huber. "Citizen Oversight and the Electoral Incentives of Criminal Prosecutors." <i>American Journal of Political Science</i> Vol. 46, No. 2 (Apr., 2002), pp. 334-351</p> <p>Boldt, Ethan D. and Christina L. Boyd. 2018. "The Political Responsiveness of Violent Crime Prosecution." <i>Political Research Quarterly</i>. pp 1-13</p>
11/29	Racial Bias in Criminal Justice	<p>Anwar, Shamena, Patrick Bayer, and Randi Hjalmarsson. 2012. "The Impact of Jury Race in Criminal Trials." <i>Quarterly Journal of Economics</i> 127(2): 1017-1055</p> <p>Knowles, John, Nicola Persico, and Petra Todd. 2001. "Racial Bias in Motor Vehicle Searches: Theory and Evidence." <i>Journal of Political Economy</i> 109(1): 203-229.</p> <p>Joshua Fischman and Max Schanzenback, "Racial Disparities Under the Federal Sentencing Guidelines: The Role of Judicial Discretion and Mandatory Minimums," <i>Journal of Empirical Legal Studies</i>, Vol. 9, Issue 4, pp. 729-764, 2012</p>
12/6	Are courts capable of affecting major social change?	<p>Rosenberg, Gerald. <i>The Hollow Hope</i>. Ch. 1, 2 & 8.</p> <p>Liptak, Adam. "Supreme Court Ruling Makes Same-Sex Marriage a Right Nationwide." <i>New York Times</i>, June 26, 2015.</p>

Course Policies

Collaboration:

Students should feel free to discuss their work with one another, but all submitted materials must comply with the Academic Code of Conduct. Suspected violators of the Code will be referred to the Dean's office.

Attendance:

- Be present in class- both physically and mentally. Phones should be silenced and put away.
- Plan to stay for the entirety of class. If you must leave early for some reason, talk to the professor before class starts that day.
- Gathering class notes missed due to absence is the student's responsibility.

Technology:

Tablets and laptops may be used for note taking. If it becomes clear that these devices are a disruption or distraction I will withdraw my permission for their use.

Course Communication:

The professor will be available by email. Students are expected to check their BU email every day. Student emails will be responded to within 1 business day.

Course Website:

You can view your grades, obtain course materials, and submit assignments via the Blackboard site for this course.

Grading Scale

A 93 -100	C 73-76
A- 90-92	C- 70-72
B+ 87-89	D+ 67-69
B 83-86	D 63-66
B- 80-82	D- 60-62
C+ 77-79	F 0-59

Late Assignments may be submitted with a penalty. For each day the assignment is late you will receive a 10% grade reduction, beginning immediately after the assignment is due.

Grade Disputes:

If you wish to register a grade dispute or have your materials re-evaluated, contact the professor by email with a written explanation

Materials:

You do not need to purchase any books for this class. All course materials will be made available on the Blackboard course site.

BU Academic Policies

Disability Services: Students with documented disabilities, including learning disabilities, may be entitled to accommodations intended to ensure that they have integrated and equal access to the academic, social, cultural, and recreational programs the university offers. Accommodations may include, but are not limited to, additional time on tests, staggered homework assignments, note-taking assistance. If you believe you should receive accommodations, please contact the Office of Disability Services to discuss your situation. This office can give you a letter that you can share with instructors of your classes outlining the accommodations you should receive. The letter will not contain any information about the reason for the accommodations.

If you already have a letter of accommodation, you are encouraged to share it with your instructor as soon as possible. <http://www.bu.edu/disability/>

Bereavement: In the event of the death of an immediate family member, you should notify your advisor, who will help you coordinate your leave. You will be automatically granted five weekdays of leave, and if necessary, your advisor will help you to petition the Dean for additional leave time. You may also request a leave of absence due to bereavement. Please contact your advisor, who will help you with the process.

Incomplete Grades: An incomplete grade (I) is used only when the student has conferred with the instructor prior to the submission of grades and offered acceptable reasons for the incomplete work. If you wish to take an incomplete in this class, please contact the instructor as soon as possible but certainly before the submission of final grades. To receive an incomplete, you and your instructor must both sign an “Incomplete Grade Report” specifying the terms under which you will complete the class.

<https://www.bu.edu/academics/policies/incomplete-coursework/>

Academic Conduct: All Boston University students are expected to maintain high standards of academic honesty and integrity. It is your responsibility to be familiar with the Academic Conduct Code, which describes the ethical standards to which BU students are expected to adhere and students’ rights and responsibilities as members of BU’s learning community. All instances of cheating, plagiarism, and other forms of academic misconduct will be addressed in accordance with this policy. Penalties for academic misconduct can range from failing an assignment or course to suspension or expulsion from the university.

<https://www.bu.edu/academics/policies/academic-conduct-code/>