PSCI 6343: LAW AND THE POLICY PROCESS
SPRING 2013; WEDNESDAY 4:00-6:45; GR 3.606

Instructor: Dr. Banks Miller
Office Hours: GR 3.526 (Wednesday 1:30-2:30)
Contact Information: millerbp@utdallas.edu; 972-883-2930

Course Pre-requisites, Co-requisites, and/or Other Restrictions

No prior knowledge of the judicial process is assumed, but some background is helpful. If you are not familiar with the workings of the courts, it may be helpful to read parts of a basic book on the judicial process. Some possibilities include: Baum, American Courts; Carp and Stidham, The Judicial Process in America; Glick, Courts, Politics and Justice; or Murphy, Pritchett and Epstein, Courts, Judges and Politics.

Course Description

This course examines the stages of the judicial processes that precede and follow decision making: litigation, the substance of judicial policies and the responses to those policies. It also considers lawyers as participants in the judicial process and the process of selecting and confirming judges. The focus is on American courts, although we will also discuss courts in other countries throughout the semester.

Student Learning Objectives/Outcomes

1. Students should be able to critically assess the academic literature in the various fields discussed over the semester.
2. Students should be capable of formulating concise and accurate summaries of the literature, including the ability to understand the application of theory to data.
3. Students will be able to locate readings related to work assigned in class.

Required Textbooks and Materials

Readings in this class are primarily taken from journal articles. In addition, three books are required. The first is Charles Epp’s The Rights Revolution: Lawyers, Activists and Supreme Courts in Comparative Perspective. We will take up this book in week 6 of the semester. The, we will read Howard and Steigerwalt’s Judging Law and Policy in week 8 (right after Spring Break). The other required book is Gerald Rosenberg’s The Hollow Hope: Can Courts Bring About Social Change (2nd ed.)? We will take up this book in class 13 of the semester. Please order these books from Amazon or another source so that you will receive them in sufficient time to have read them for class. I have reserved
copies of the Epp book at the campus bookstore, but you will need to order the other two books online in time to have them read. Journal articles that are not available online through JSTOR or another source will be made available.

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Assignments & Academic Calendar

A. Participants in the Judicial Process

1. Lawyers (January 23rd)
   
   
   

2. State Court Judicial Selection (January 30th)
   
   
   
   

3. Federal Court Judicial Selection (February 6th)
   


B. Litigation

4. Decisions to Litigate (February 13th)


5. Theories of Interest Group Litigation (February 20th)


6. Interest Group Litigation and Rights (February 27th)


C. Policy Outputs

7. Outcomes of Litigation/Winners and Losers (March 6th)


**No class March 13th — Spring Break**

8. Policy and American Courts (March 20th)


D. Responses to Court Policies

9. Lower Courts (March 27th)


**10. Administrative Agencies (April 3rd)**


**No Class April 10th**

**11. Public Opinion & the Courts (April 17th)**


12. American Political Development and Legal Change (April 24th)


13. Societal Impact (May 1st)


Grading Policy

1. Attendance and Participation: regular attendance and thorough preparation are mandatory in this graduate-level seminar. I will excuse one missed class session. Any additional absences will result in a decrease in your final grade.

In addition, each student will be responsible for facilitating class discussion by bringing several questions to class to stimulate discussion. You are responsible for posting to the course website in eLearning (under the Discussion tab) a set of questions that will constitute how you plan to frame the readings no later than 3 p.m. on Wednesdays before class. Class participation and the quality of your questions will account for 25% of your grade in the course—take it seriously.

2. Short Reaction Papers: At the beginning of each class students must submit one type-written summary for one paper (or the book in those weeks with assigned books) they choose from each week of the class (one-inch margin, double-spaced, 12-pt. font). The summary must explicitly state: (1) the article’s primary research question; (2); the research and null hypotheses in the paper; (3) a brief discussion of how the research hypotheses are motivated (where do they come from); (4)
how strong the evidence is in support or against the hypothesis/hypotheses. The summaries cannot be longer than one page nor deviate from the above formatting requirements. The grades on these papers constitute 40% of your grade. I will excuse two missed class assignments, but that is all. An example is posted on the course website.

THESE PAPERS ARE DUE AT BEGINNING OF THE CLASS PERIOD IN WHICH WE ARE SCHEDULED TO READ THE ARTICLE. THEY MUST BE TURNED IN IN-PERSON. I WILL NOT ACCEPT PAPERS THAT ARE EMAILED TO ME.

Grading for these assignments is as follows: \( \sqrt{+} \) (excellent summary, including accurate statement of research question, hypothesis and motivation for research), \( \sqrt{ } \) (adequate summary, but some portion of the summary is incorrect of incomplete), and \( \sqrt{-} \) (the summary is inadequate; two or more sections are incorrect or incomplete).

3. **Bibliographic Essay:** By **May 10th** you will complete a bibliographic essay of 14-18 pages (double-spaced, 12-point font). I have posted a guide to the bibliographic essay on the course website and we will discuss this assignment in greater detail in class. In essence, this essay is a synthesis of the literature in a focused area of research. The objective is to compare and contrast various approaches to the topic you have chosen and to critically assess the readings. These types of essays frequently take on a “this is what we know, this is what we need to learn” type of dynamic. The wrong way to approach this assignment is to pick a few seemingly related articles and summarize them. The correct approach is to integrate your reading of the literature into a cohesive narrative that reflects knowledge of previous research but is simultaneously aware of its strengths and weaknesses. Your essay must contain a clearly stated thesis. In essence, your thesis is a statement that summarizes your vision of the themes, issues and problems of the research you are integrating. Multiple examples of this type of essay are available in the *Annual Review of Political Science*. You should know your topic, thesis and a few of the foundational readings by Spring Break. You will turn in a 1-2 page outline of your topic on **March 20th**. The bibliographic essay is worth 35% of your grade.

4. The grading scale for this class is as follows:

   
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<th>Grade</th>
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Additional UT DALLAS Policies may be found at: http://go.utdallas.edu/syllabus-policies