

Fall 2004  
Prof. Nancy Maveety  
317 Norman Mayer Hall, 862-8300  
nance@tulane.edu  
www.tulane.edu/~polisci/Faculty/faculty\_pages/maveety.html  
Office Hours: Tu 3-5

POLA 629 JUDICIAL PROCESS  
MW 3-4:15 Mayer 200A

Course Description: This course examines theories of judicial decision making as applied to the voting behavior and opinion writing of multi-member, collegial appellate courts, focusing on the U.S. Supreme Court. The course is modeled on a judicial behavior field seminar for graduate students in political science.

Expectations regarding scholarship befitting young professionals and compliance with the requirements of the Tulane Student Honor code apply to all work done for the class.

Course Texts (required):

Baum, *The Puzzle of Judicial Behavior*  
Clayton & Gillman, *Supreme Court Decision Making: New Institutional Approaches*  
McGuire, *Understanding the U.S. Supreme Court: Cases and Controversies*  
Segal & Spaeth, *The Supreme Court and the Attitudinal Model Revisited*  
O'Brien, *Judges on Judging: Views from the Bench*  
Klein, *Making Law in the U.S. Courts of Appeals*  
Johnson, *Oral Arguments and Decision Making on the U.S. Supreme Court*

Course Texts on Digital Reserve, Howard Tilton Library:  
"Judicial Nomination Wars," [Extensions](#) (Spring 2004)

Course Requirements: Students will be responsible for weekly readings and for participation in seminar discussions. Students will be permitted no more than three absences from class; student with more than three recorded absences will receive an "F" for the course. No exceptions.

Assignments for the course, due dates, and values of assignments toward students' final grades will consist of the following:

| Assignment              | Description   | Due Date | Value |
|-------------------------|---|----------|-------|
| Literature review paper | Analytic discussion of two journal articles on a topic in the study of law and courts | Sept. 15 | 15%   |
| Mid-semester Exam       | In-class essay questions on reading material through Oct. 13                          | Oct. 18  | 25%   |
| Seminar paper #1        | Critical summary of class reading, Oct. 20-27   | Oct. 27  | 10%   |
| Seminar paper #2        | Critical summary of class reading, Nov. 1-3   | Nov. 3   | 10%   |
| Seminar paper #3        | Critical summary of class reading, Nov. 8-10  | Nov. 10  | 10%   |
| Seminar paper #4        | Critical summary of class reading, Nov. 15-17   | Nov. 17  | 10%   |
| Final Project           | Oral Arguments Analysis   | Dec. 8   | 20%   |

No late assignments will be accepted; failure to submit or be present for a required assignment will result in an “F” for that assignment. No exceptions.

Course meetings schedule: No class is scheduled for the following days:

W Sept. 1—instructor attends academic conference

M Sept. 6—holiday

W Nov. 24—holiday

## Course Topics and Readings:

W Aug. 25—day 1: discussion of course requirements

### **Topic: Introducing the Study of the Judicial Process**

M Aug. 30—Baum, ch. 1; O’Brien, ch. 3

### **Topic: the Legal and Policy Goals of Judges**

W Sept. 8—Baum, chs. 2,3; Gillman & Clayton, ch. 9

### **Topic: What is a political science of judging?**

MW Sept. 13-15—McGuire, ch. 1; Segal & Spaeth, pp. 1-12; O’Brien, ch. 6 *Wednesday’s discussion will be devoted to the literature review papers, due in class.*

### **Topic: Are judges “sincere” or strategic policy seekers?**

MW Sept. 20-22—Segal & Spaeth, ch. 2 & pp. 86-97

MW Sept. 27-29—Baum, ch. 4; Segal & Spaeth, pp. 97-113; Gillman & Clayton, ch. 2

### **Topic: Do institutions shape what judges do?**

MW Oct. 4-6—Gillman & Clayton, intro & chs. 1,4,6

### **Topic: Or does “the law?”**

MW Oct. 11-13—O’Brien, Part III

**Exam:** M Oct. 18<sup>th</sup> *Bring bluebook to class.*

### **Topic: Theory in Service of Explanation: Staffing and Behavioral Expectations (Or, Where do judicial goals come from?)**

W Oct. 20—*Extensions*, “Judicial Nomination Wars” (e-reserve)

MW Oct. 25-27—McGuire, ch. 2; Segal & Spaeth, ch. 5

### **Topic: Theory in Service of Explanation: Appellate Court Decision Making and Goal-Oriented Behavior (Fear of reversal?)**

MW Nov. 1-3—Klein (selections) but esp. chs. 1,2,5,7

### **Topic: Theory in Service of Explanation: External Environmental Impacts on Judicial Decision Making**

MW Nov. 8-10—McGuire, ch. 5; Gillman & Clayton, chs. 10,12

### **Topic: Theory in Service of Explanation: Determinants of the Content of Judicial Decisions**

MW Nov. 15-17—McGuire, ch. 4; Segal & Spaeth, pp. 312-331, ch 7

### **Final Topic: Studying the judicial process, an exercise**

#### **Project: Do Oral Arguments Matter?**

M Nov. 22—Johnson, TBA

MW Nov. 29-Dec. 1—Johnson, entire

**Final Exam Period:** W Dec. 8<sup>th</sup>, 8:00-12:00; final projects due by noon.