

Judicial Politics (Spring 2025)

POLS 381-1 (CRN: 43543)

Department of Political Science
College of Liberal Arts
University of Louisiana at Lafayette

Professor: David A. Hughes, Ph.D.
Meeting Times: T/TH, 2:00 to 3:15 pm (Mouton Hall 110)
Office: Mouton Hall 120
Office Hours: T/TH, 11:00 am to 12:00 pm and 1:00 pm to 2:00 pm
Email: david.hughes@louisiana.edu

Course Overview: This course offers a rigorous analysis of one of the three major political institutions in American politics—the judiciary. We will study how the U.S. Constitution institutionalizes the judiciary, how judges work as policy-makers in the American political system, and how the inherently political nature of the judiciary has payoffs for American politics. As such we will study judicial institutions, policy-making, appointments, decision-making, retirements, and much more. We will also draw parallels from the federal judiciary to other judicial institutions such as those in the American states. By the time you complete this course, you should have a rigorous appreciation for how law and politics are inextricably interwoven in the American judiciary.

Prerequisites: There are no prerequisites for enrolling in this course aside from standing as a University of Louisiana at Lafayette undergraduate student.

Student Learning Objectives: By the time students complete this course, they should be able to: (1) Explain and apply prevailing theories related to law and courts, (2) Analyze how political actors and institutional rules affect legal outcomes, and (3) Summarize, explain, and evaluate judicial politics research.

Textbooks and Materials: There is one required text for this course. It is available for free electronically from the UL Library.

- Miller, Mark C. 2014. *Judicial Politics in the United States*. Routledge: Taylor & Francis Group. ISBN: 978-0-8133-4679-3. Access available [here](#).

I will occasionally assign other readings. You can access journal articles via the [UL Library](#) (such as JSTOR). Any book photocopies I will make available on [Moodle](#).

Email: I encourage you to contact me via email as needed. Please note, however, that I observe ordinary working hours and will not necessarily respond to your email on a weekend, a university-observed holiday, or outside the hours of 8:00 am to 5:00 pm.

Academic Dishonesty: Students are encouraged to review the university's policies on academic dishonesty [here](#). In this course, any act of academic dishonesty will result in a grade of "zero" on the assignment in question. Subsequent cases of academic dishonesty will be handled on a case-by-case basis but might result in a course grade assignment of "F," along with referral to the relevant university authorities for further disciplinary action.

Disability Accommodations: Students needing academic accommodations for a disability must first be registered with the Office of Disability Services (ODS) to verify the disability and to establish eligibility for accommodations. Students may call 337-482-5252 or visit the ODS office in Agnes Edwards Hall (Conference Center), room 126. Once registered, students should then schedule an appointment with the professor to make appropriate arrangements. Please note that accommodations cannot be made retroactively.

Course Requirements: The following assignments are intended to provide students with numerous opportunities to demonstrate achievement of the course objectives. Specific requirements are as follows:

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| 1. Exams: | 60% |
| 2. Discussion Leadership: | 30% |
| 3. Attendance/Participation: | 10% |

Exams: There are three scheduled exams throughout the term. Each assesses your knowledge of the contents of the previous academic unit (i.e., the final exam is *not* cumulative). Each exam consists of three parts. The first is multiple choice and is worth 20% of your grade on each exam. This portion will typically ask fact-based questions (e.g., “Which of the following describes a system of law that incorporates judicial precedents?”). The second part of each exam involves short-answer responses and is worth 30% of your grade on each exam. Here, I will typically ask you to define or identify concepts in one to three sentences (e.g., “attitudinal model”). The final portion will include an essay and will be worth 50% of your grade on each exam. Here, you will respond to a prompt that will require you to reflect upon some of the broader aspects of a given unit (e.g., “What affects the decisions that U.S. Supreme Court justices make in their vote on the merits? Explain the various models we discussed related to this issue, along with some of the key findings of these literatures, and assess validity of each.”). For each exam, you are permitted to bring a 5” x 7” notecard with whatever information you like on both sides. Finally, each student must bring a blue book for each exam.

Discussion Leadership: Throughout the semester, you will be assigned to serve as a discussion leader on two occasions. On the days that you are the discussion leader, you will come to class prepared to lead the class in the engagement of that day’s assigned readings. You will be assessed on this component based upon your ability orally to communicate your knowledge of these subjects. You should come to class prepared to discuss the central point of each assigned reading, any theoretical arguments they make and the logic underlying them, any critiques they have of the established literature, the data they use to test their claims (including how each variable is measured), the results they report from these tests, and the central take-a-ways from the work. I will post additional information about my expectations regarding this assignment at a later date via Moodle, along with the schedule for discussion leadership. We will also devote some class time to practicing these skills. If you are absent for your discussion leadership date, you may make it up if and only if you have an excused absence (see “Makeup Assignments” Below). If you are unprepared to engage in discussion leadership on your assigned date, you will receive a zero for your grade. Each discussion leadership is worth 15% of your final grade, so do not needlessly sacrifice these points.

Attendance/Participation: I monitor attendance and classroom participation as part of your grade. Unexcused absences (absences that are *not* properly documented with me for illness, religious observances, family emergencies, and so forth) will count against your grade on this component. Your grade will reflect not only the proportion of meetings you attend but also the degree to which you engage with the course materials, including (but not limited to) lecture materials, discussion of readings, discussion with classmates, and so forth. Please note that excessive unexcused absences could result in a grade of “FS,” which is explained below. You can review the university’s policies on attendance [here](#).

Late and Makeup Assignments: I do not accept late work for unexcused discussion leadership assignments or exams. I do allow for makeup assignments for full credit provided that you properly document the reason you were unable to complete an assignment by its due date and that you complete this makeup within seven days of the time you were cleared to resume university activities. For example, if you missed an exam that was scheduled for February 1st due to illness, I will allow for a makeup exam provided that you bring a doctor's note, and if that doctor's note says you are well enough to resume attending class starting February 3rd, you would be required to complete your makeup exam no later than February 10th. Anything later will be marked as a zero.

Final Grades: Your final grade will be assessed according to the following scale:

A	89.5 +
B	79.5 to 89.4
C	69.5 to 79.4
D	59.5 to 69.4
F	Below 59.5

Grades of "FS": If a student fails the course and has missed more than half of all class meetings (unexcused absences), then the instructor will assign a grade of "FS."

Schedule: A tentative schedule appears on the following page. Assigned readings should be completed before the date on which they are assigned. Readings marked with an asterisk (*) are available digitally on Moodle under the section titled, "Readings." Readings that appear as hyperlinks can be accessed by clicking on them. Please note that the schedule is subject to change. Please note that we will not meet on **March 4, 2025** for the Mardi Gras holiday, and we will not meet between **April 22-24** for the spring break holiday.

Date	Topic	Readings
January 16-21	Introduction Syllabus	Miller, Ch. 1
January 23	Structure of US Courts	Miller, Ch. 2
Models of Judicial Decision-Making¹		
January 28-30	The Legal Model	Spriggs and Hansford (2002) Richards and Kritzer (2002) Hansford, Spriggs, and Stenger (2013) Segal and Spaeth (2002), Ch. 7*
February 4-6	The Attitudinal Model	Pritchett (1949)* Segal and Spaeth (2002), Ch. 8* Segal and Cover (1989) Gibson (1978)
February 11-13	The Strategic Model	Epstein and Knight, Chs. 1-2* Spriggs, Maltzman and Wahlbeck (1999) Maltzman and Wahlbeck (1996) Wahlbeck, Spriggs, and Maltzman (1998)
February 18	Exam 1	
Judicial Selection, Departures, and Agenda-Setting²		
February 20-25	Federal Court Appointments State Court Selection	Nemacheck (2012)* Kastellec, Lax, and Phillips (2010) Howard and Hughes (2022) Hall and Bonneau (2008) Hughes (2019)
March 6	Deciding to Leave	Ward (2003)* Vining (2009) Hughes (2019)
March 11-13	Deciding to Decide Repeat Players The 10 th Justice <i>Amicus Curiae</i> Oral Arguments	Perry (1991)* McGuire (1995) Bailey, Kamoi, and Maltzman (2005) Johnson, Wahlbeck, and Spriggs (2006) Caldeira and Wright (1988) Collins (2007) Black et al. (2011)

¹ For this unit, you should read Miller, Ch. 8 prior to our first class on February 4th.

² For this unit of the course, you should read Miller, Ch. 3.

March 18	Exam 2	
External Constraints on Judicial Power		
March 20-25	The Separation of Powers	Miller, Chs. 10-11 Gely and Spiller (1990) Segal (1997) Segal, Westerland and Lindquist (2007) Clark (2009)
March 27 to April 1	Public Opinion Legitimacy Theory Mass Media	Miller, Ch. 9 Gibson, Caldeira, and Baird (1998) Mishler and Sheehan (1996) Huber and Gordon (2004) Brace and Boyea (2008) Gibson (2008) Cann and Wilhelm (2011) Johnson and Strother (2021)
April 3-8	The Hollow Hope	Rosenberg (2008)* Peltason (1971)* Hall (2014)
Identify, Litigants, and Judges		
April 10-17	Race and Courts Gender and Courts	Kastellec (2013) Hurwitz and Lanier (2003) Boyd (2013) Boyd (2016) Collins and Moyer (2008) Scherer and Curry (2010)
April 29 to May 1	Litigants and Attorneys	Galanter (1974) Wedeking (2010) Black and Owens (2021)
May 6	Exam 3 (11:00 to 1:30)	