

POLS 3336/5323

Fall 2016

State Court Systems

Tuesday 7:00 – 9:50 PM

Room: 14 University Hall (August 30th)

(All later classes will be in 455 University Hall)

Instructor: Dr. Brent Boyea

Office: 409 University Hall

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Faculty Profile: <https://www.uta.edu/profiles/brent-boyea>

Office Hours: Tuesday and Thursday, 11:15AM-12:00PM and by appointment.

I. Introduction:

This is a joint undergraduate/graduate course intended to familiarize students with questions, approaches, and issues involved in the study of state courts, including the politics and policies associated with how state courts make decisions. Topics during the semester will be far ranging, including an in-depth look at the contemporary forces affecting the selection of state judges, the considerations used by judges when making decisions, and an evaluation of the policies affected by state courts. Attention will be directed to several tiers of state courts, however, state high courts will be used as a comparison to the federal courts and the US Supreme Court.

A major advantage of studying courts in the states is the leverage one can gain on important theoretical questions that are central to the study of law and politics, not just state politics. At its best, the states offer the opportunity to ascertain with clarity the impact of such things as political and social context, public opinion, and institutional design on political and legal outcomes. Studies of the state courts offer answers to questions that may elude most other subfields in political science as they benefit from unique and important differences across the states. While single nation and single court studies make inferences from very limited quantities of data and observations, studies of state courts avoid the vexing problem of few comparative opportunities and allow a rich source of cross-state and institutional evaluation.

II. Required Text:

There are six books required for this course, which are available for purchase at the University Bookstore or through an on-line bookseller. If purchasing on-line, please use expedited shipping as readings will begin very early in the semester. Additionally, there may be prepared readings available through the university library's reserve service. We will use readings from this collection immediately.

1. Damon Cann and Jeff Yates. 2016. *These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making*. New York: Oxford University Press. (ISBN-9780199307210)
2. Robert A. Carp, Ronald Stidham, and Kenneth L. Manning. 2010. *The State Courts*. Washington, DC: CQ Press. (ISBN-9781608714155)
3. Greg Goelzhauser. 2016. *Choosing State Supreme Court Justices: Merit Selection and the Consequences of Institutional Reform*. Philadelphia: Temple University Press. (ISBN 9781439913406)
4. Melinda Gann Hall. 2014. *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*. Stanford, CA: Stanford University Press. (ISBN – 9780804793087)

5. G. Alan Tarr. 2012. *Without Fear or Favor: Judicial Independence and Judicial Accountability in the States*. Stanford, CA: Stanford University Press. (ISBN-9780804760409)
6. G. Alan Tarr and Mary Cornelia Aldis Porter. 1988. *State Supreme Courts in State and Nation*. New Haven, CT: Yale University Press. (ISBN-0300039123)
7. Prepared Readings on Blackboard. To access Blackboard, log in with your UTA NetID and password at <https://elearn.uta.edu/webapps/login/>. If you experience difficulty when accessing Blackboard, visit <http://www.uta.edu/blackboard/students/index.php> or contact the [Office of Information Technology Help Desk](#) at 817-272-2208.

III. Course Requirements:

1. Attendance and Participation – Attendance is mandatory. Students are expected to attend each class and to arrive on time prepared to discuss the current week's readings. Class participation should reflect careful thinking about the readings. Each student will be a readings leader during several weeks of the semester; whereby, students will be responsible for leading the discussion of the readings for that week. While all students are expected to complete the assigned readings and be prepared to discuss them, participation as the readings leader will provide students with an opportunity to demonstrate their broader command of the week's subject. As noted in the schedule, some of the articles are posted on Blackboard. Lastly, personal computers or tablets are not permitted in class. While the benefits of laptops and tablets are numerous, they generally are a distraction during seminars.
2. Topic papers – Each student is required to write three full-length double-spaced four-page papers. The schedule for topic papers and reading leaders will be assigned on September 6th. Each paper should comment on the readings for the week, describing the primary arguments, hypotheses, and summary conclusions of the different articles and/or books. Higher level analysis, an expectation for this course, will synthesize the readings and their key points, comparing and critiquing the different readings in respect to each other. Weekly papers are due at the beginning of class. Late weekly papers will *not* be accepted.
3. Research Paper – Each student is required to write a semester research paper related to one of the themes of the course (e.g., judicial selection, money in state court elections, judicial behavior, etc.). Research should be independent and include the general components of a research design, including a research question, literature review, and several well-stated and theoretically sound hypotheses. Further, introductory quantitative analysis is expected as a component of the paper, meaning the use of data and state-level datasets to test theoretical assumptions using descriptive statistics and simple causal statistics (i.e., chi-squared test) if desired. A single-spaced one-page research prospectus that describes the specific research question, several primary hypotheses, relevant non-class literature, the source of the data, and the justification for the topic is due on October 11th. Failure to submit the prospectus in class (not by email) will result in a two-grade penalty (20 points) on the final paper grade. Completed papers are due on December 6th. Late papers will *not* be accepted.
4. Examinations – There will be one final examination that will include two broad essay questions. All students will take the examination at the assigned time with no make-up exam allowed except for situations such as medical emergencies, deaths in the family, etc. In such situations, students are expected to contact the instructor no later than the day of the exam and will be required to present proof in the case of a medical emergency. Failure to take an examination will result in a failing grade (0) for the examination.

IV. Grading:

Grades will also be posted on Blackboard. To access the extra-credit quizzes and your grades on Blackboard, log in with your UTA NetID and password at <https://elearn.uta.edu/webapps/login/>. If you

have difficulty with Blackboard, visit <http://www.uta.edu/blackboard/students/index.php> or contact the Office of Information Technology Help Desk at 817-272-2208. The grade components of the course are:

1. Attendance and Participation – 20%
2. Topic Papers – 20%
3. Research Paper – 30%
 - a. Prospectus Due on October 11th
 - b. Final Research Paper Due on December 6th
4. Final Examination – 30%

The grading scale is as follows:

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|--------|---|
| 90-100 | A |
| 80-89 | B |
| 70-79 | C |
| 60-69 | D |
| 0-59 | F |

Policy on incomplete grades (I's): Since an incomplete grade can be permanent, incompletes are strongly avoided. An incomplete grade will be assigned only in the most extreme cases of sickness that occur after the university's withdrawal deadline.

V. Class Schedule:

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| Week 1: | August 30 Introduction to State Judicial Politics |
| Week 2: | September 6 Controversies with State Judicial Selection Robert Carp, Ronald Stidham, and Kenneth Manning. 2010. <i>The State Courts</i> , pp. 1-52. Charles Geyh, 2003, "Why Judicial Elections Stink", http://www.repository.law.indiana.edu/facpub/338 Sandra Day O'Connor, 2007, "Justice for Sale: How Special-Interest Money Threatens the Integrity of our Courts" in Blackboard. Melinda Gann Hall, 2001, "State Supreme Courts in American Democracy: Probing the Myths of Judicial Reform", http://www.jstor.org/stable/3118123 Damon Cann, Greg Goelzhauser, and Kaylee Johnson, 2014, "Analyzing Text Complexity in Political Science Research" in Blackboard. Graduate Reading: Sandra Day O'Connor and Ruth McGregor, 2010, "Judicial Selection Principles: A Perspective", http://search.ebscohost.com.ezproxy.uta.edu/login.aspx?direct=true&db=a9h&AN=80031360&site=ehost-live |
| Week 3: | September 13 Judicial Independence and Accountability G. Alan Tarr, 2012, <i>Without Fear or Favor: Judicial Independence and Judicial Accountability in the States</i> . |
| Week 4: | September 20 Voting and Political Competition in State Judicial Elections |

David Klein and Lawrence Baum, 2001. "Ballot Information and Voting Decisions in Judicial Elections", <http://www.jstor.org/stable/449231>
 Herbert Kritzer, 2011, "Competitiveness in State Supreme Court Elections, 1946-2009", <http://onlinelibrary.wiley.com/doi/10.1111/j.1740-1461.2011.01208.x/abstract>
 Chris Bonneau, 2005, "Electoral Verdicts: Incumbent Defeats in State Supreme Court Elections", <http://apr.sagepub.com/content/33/6/818.abstract>
 Matthew Streb and Brian Frederick, 2009, "Conditions for Competition in Low Information Judicial Elections: The Case of Intermediate Appellate Court Elections.", <http://www.jstor.org.ezproxy.uta.edu/stable/40232398>
 Melinda Gann Hall and Chris Bonneau, 2013, "Attack Advertising, the *White* Decision, and Voter Participation in State Supreme Court Elections", <http://prq.sagepub.com/content/66/1/115.abstract>

Graduate Reading: Richard Vining and Teena Wilhelm, 2011, "The Causes and Consequences of Gubernatorial Endorsements: Evidence from State Supreme Court Elections", <http://apr.sagepub.com/content/early/2011/05/06/1532673X11409666>

Week 5: September 27
 Campaign Advertisements post-*Republican Party of Minnesota v. White*
 Melinda Gann Hall, 2014, *Attacking Judges: How Campaign Advertising Influences State Supreme Court Elections*.

Week 6: October 4
 Money in State Court Races
 Kyle Cheek and Anthony Champagne, 2000, "Money in Texas Supreme Court Elections: 1980-1998" in Blackboard.
 Chris Bonneau, 2005. "What Price Justice(s)? Understanding Campaign Spending in State Supreme Court Elections", <http://www.jstor.org/stable/40421604>
 Melinda Gann Hall and Chris Bonneau, 2008, "Mobilizing Interest: The Effects of Money on Citizen Participation in State Supreme Court Elections", <http://www.jstor.org/stable/25193827>
 Damon Cann, 2007, "Justice for Sale? Campaign Contributions and Judicial Decision-making", <http://www.jstor.org/stable/40405604>

Graduate Reading: Brent Boyea, N.d., "Individual Contributions to State Supreme Court Campaigns: Context and the Impact of Institutional Design" in Blackboard.

Research Prospectus Due: October 11th

Week 7: October 11
 The Legitimacy of State Courts
 Damon Cann and Jeff Yates, 2016, *These Estimable Courts: Understanding Public Perceptions of State Judicial Institutions and Legal Policy-Making*.

Graduate Reading: Stephen Choi, G. Mitu Gulati, and Eric Posner, 2010, "Professionals or Politicians: The Uncertain Empirical Case for an Elected Rather than Appointed Judiciary", <http://jleo.oxfordjournals.org/content/26/2/290.abstract>

Week 8: October 18
 Judicial Characteristics

Greg Goelzhauser, 2016, *Choosing State Supreme Court Justices: Merit Selection and the Consequences of Institutional Reform*.

Graduate Reading: Kathleen Bratton and Rorie Spill, 2004, "Moving Up the Judicial Ladder: The Nomination of State Supreme Court Justices to the Federal Courts", <http://apr.sagepub.com/content/32/2/198>

Week 9: October 25
State Court Agendas and the Consensual Norms of Courts
Carp, Stidham, and Manning, 2010, *The State Courts*, pp. 83-109.
Robert Kagan, Bliss Cartwright, Lawrence Friedman, and Stanton Wheeler, 1977, "The Business of State Supreme Courts, 1870–1970", <http://www.jstor.org/stable/1228176>
Herbert Kritzer, Paul Brace, Melinda Gann Hall, and Brent Boyea, 2007, "The Business of State Supreme Courts, Revisited" in Blackboard.
Paul Brace and Melinda Gann Hall, 1993, "Integrated Models of Judicial Dissent", <http://libproxy.uta.edu:2055/stable/pdfplus/2131942.pdf>
Meghan Leonard and Joseph Ross, 2014, "Consensus and Cooperation on State Supreme Courts" in Blackboard.

Week 10: November 1
Representation of Constituents
Melinda Gann Hall, 1987, "Constituent Influence in State Supreme Courts: Conceptual Notes and a Case Study", <http://libproxy.uta.edu:2055/stable/2130788>
Melinda Gann Hall, 1992, "Electoral Politics and Strategic Voting in State Supreme Courts", <http://www.jstor.org/stable/2132033>
Paul Brace and Brent Boyea, 2008, "State Public Opinion, the Death Penalty and the Practice of Electing Judge", <http://www.jstor.org/stable/25193818>
Brandice Canes-Wrone, Tom Clark, and Jason Kelly. 2014. "Judicial Selection and Death Penalty Decisions", <http://dx.doi.org.ezproxy.uta.edu/10.1017/S0003055413000622>
Tao Dumas and Stacia Haynie, 2012, "Building an Integrated Model of Trial Court Decision Making: Predicting Plaintiff Success and Awards across Circuits" in Blackboard.

Graduate Reading: Benjamin Kassow, Donald Songer, and Michael Fix, 2012, "The Influence of Precedent on State Supreme Courts" in Blackboard.

Week 11: November 8
Litigation Patterns and Attention to State Courts
Carp, Stidham, and Manning. 2010. *The State Courts*, pp. 70-82.
Theodore Eisenberg and Michael Heise, 2009, "Plaintiphobia in State Courts? An Empirical Study of State Court Trials on Appeal", http://scholarship.law.cornell.edu/lsrc_papers/79
Paul Brace, Jeff Yates, and Brent Boyea, 2012, "Judges, Litigants, and the Design of Courts", <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-5893.2012.00504.x/abstract>
Lee Epstein, 1994, "Exploring the Participation of Organized Interests in State Court Litigation", <http://www.jstor.org/stable/449014>
Richard Vining, Jr. and Teena Wilhelm, 2010, "Explaining High Profile Coverage of State Supreme Court Decisions", <http://onlinelibrary.wiley.com/doi/10.1111/j.1540-6237.2010.00715.x/abstract>

- Week 12: November 15
Qualitative Descriptions of State Courts
G. Alan Tarr and Mary Cornelia Aldis Porter, 1988, *State Supreme Courts in State and Nation*.
- Week 13 November 22
Class Canceled for Research Paper
- Week 14 November 29
Policymaking in State Courts
Carp, Stidham, and Manning. 2010. *The State Courts*, pp. 110-122.
Paul Brace and Laura Langer, 2001, "The Florida Supreme Court in the 2000 Presidential Election: Ambiguity, Ideology, and Signaling in a Judicial Hierarchy",
<http://www.jstor.org/stable/1353553>
Christine Roch and Robert Howard, 2008, "State Policy Innovation in Perspective: Courts, Legislatures, and Education Finance Reform",
<http://www.jstor.org/stable/20299736>
Teena Wilhelm, 2009, "Strange Bedfellows: The Policy Consequences of Legislative Judicial Relations in the American States",
<http://apr.sagepub.com/cgi/content/abstract/37/1/3>.
Scott Barclay, 2010, "In Search of Judicial Activism in the Same-Sex Marriage Cases: Sorting the Evidence from Courts, Legislatures, Initiatives and Amendments",
<http://www.jstor.org/stable/25698518>
- Graduate Reading: Laura Langer, 2003, "Strategic Consideration and Judicial Review: The Case of Workers' Compensation Laws in the American States",
<http://www.jstor.org/stable/30025868>
- Research Paper Due: December 6th
- Week 15 December 6
Final Exam Review/Discussion
- Final Examination: December 13th from 8:15-10:45PM (Time is subject to change)

VI. A Note on the Readings

From time to time, the website links in the schedule will change or stop working. Please remember that publication links are provided as a courtesy. Each of these articles can be found through online databases managed by the university, including JSTOR, the Worldwide Political Science Abstracts, or Academic Search Complete. If you have questions about searching for an article or would like a tutorial on database research, please contact the university library. The library's liaison to the Department of Political Science is John Dillard (dillard@uta.edu).

Remember that links often work best when physically at the university. Otherwise, I advise using an off-campus connection that utilizes a virtual private network (VPN). VPN software can be downloaded through UTA's Office of Information Technology (<http://www.uta.edu/oit/cs/software/vpn/index.php>).

VII. Special Notes

1. Cell Phones and Electronic Devices – Students are instructed to turn off their cell phones prior to class. See the comments about cell phone usage in the Citizenship section. Usage of a cell phone or other non-permitted electronic device during an examination or quiz will result in a grade of zero on that examination or quiz.
2. Test Conduct – All materials must be removed from one's desk during an examination or quiz. Additionally, headwear (e.g., hats), sunglasses, and earphones are not permitted during an examination.
3. Academic Integrity - All students are expected to obey the civil and penal statutes of the State of Texas and the United States, the Regents' Rules and Regulations of The University of Texas System, the rules and regulations of the University, and the orders or instructions issued by an administrative official of the University or U.T. System in the course of his/her duties, and to observe standards of conduct that are compatible with the University's function as an educational institution. Any student found to engage in cheating, plagiarism, or collusion will be sanctioned.
4. Inclement Weather – If a class is canceled due to inclement weather, its subject will be delayed until the following class. Similarly, all tests canceled because of inclement weather will be delivered during the following class. For information related to weather related class cancellations please call (972) 601-2049.
5. Emergency Exit Procedures - Should we experience an emergency event that requires us to vacate the building, students should exit the room and move toward the nearest exit, which can be found to the left and right behind the lecture podium. When exiting the building during an emergency, one should never take an elevator, but should use the stairwells. Faculty members and instructional staff will assist students in selecting the safest route for evacuation and will make arrangements to assist individuals with disabilities.
6. Campus Carry - Effective August 1, 2016, the Campus Carry law (Senate Bill 11) allows licensed individuals to carry a concealed handgun in buildings on public university campuses, except in locations the University establishes as prohibited. Under the new law, openly carrying handguns is not allowed on college campuses. For more information, visit <http://www.uta.edu/news/info/campus-carry/>.
7. Students with Disabilities - Any student with a documented disability needing academic accommodations is requested to speak with the instructor during the first two weeks of class. All discussions will remain confidential.
8. Discrimination Policy – The University of Texas at Arlington does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disabilities, genetic information, and/or veteran status in its educational programs or activities it operates. For more information, visit uta.edu/eos.
9. Title IX Policy - The University of Texas at Arlington is committed to maintaining a learning and working environment that is free from discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in educational programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act (SaVE Act). Sexual misconduct is a form of sex discrimination and will not be tolerated. For information regarding Title IX, visit www.uta.edu/titleIX or contact Ms. Jean Hood, Vice President and Title IX Coordinator at (817) 272-7091 or jmhood@uta.edu.
10. Student Support Services - The University of Texas at Arlington provides a variety of resources and programs designed to help students develop academic skills, deal with personal situations, and better understand concepts and information related to their courses. These resources include tutoring, major-based learning centers, developmental education, advising and mentoring, personal counseling, and federally funded programs. Among the support services on campus, the IDEAS Center (2nd Floor of Central Library) offers free tutoring to all students with a focus on transfer students, sophomores,

veterans and others undergoing a transition to UT Arlington. To schedule an appointment with a peer tutor or mentor email IDEAS@uta.edu or call (817) 272-6593. For more information, students may contact the Maverick Resource Hotline at 817-272-6107 or visit www.uta.edu/resources.

11. Syllabus Changes – The instructor reserves the right to change the syllabus at any time during the semester.