

GOV 357L: Judicial Process and Behavior

University of Texas at Austin
Mon/Weds 2:30-3:45 PM — CAL 100
Spring 2024

Contact information

Instructor: Matthew Martin (he/him)

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Office location: Batts 1.118

Office hours: TBD

I strongly encourage you to come by my office hours. I want to get to know my students! I am happy to discuss course material, questions, your research ideas, or life in general. Moreover, [research](#) shows a correlation between individual support, like office hours, and student achievement. I hope to have at least one meeting with each of you over the semester. If you are busy during my office hours, I am happy to find another time. If you would prefer to meet over Zoom, we can make that work, too.

Outside of office hours, the best way to contact me is via email. You can also contact me via Canvas if you prefer. During the week, I will respond to your message with 24 hours. During the weekend, I may take longer to respond. I usually respond to messages during normal business between 8:00 AM and 6:00 PM, Monday through Friday.

Course description

This course provides an in-depth exploration of judicial behavior and the judicial process. Together we explore models of judicial decision-making, court structures, legitimacy, impact, and the social and political contexts in which judges operate, among other topics. Assignments focus on reading and analyzing opinions from Supreme Court cases. These opinions reveal judicial reasoning and illustrate how the judicial process works. This course is ideal for students seeking a substantive understanding of the U.S. legal system, as well as those considering law school or graduate studies.

Learning Objectives

1. Increase students' understanding of:
 - a. The operation of the U.S. civil and criminal justice system
 - b. Judicial decision-making (normative and empirical approaches)
 - c. Relevant constitutional doctrines
2. Expand students' ability to:
 - a. Understand, comprehend, and critique textual materials
 - b. Think logically, analytically and creatively
 - c. Draw useful information from empirical data about judicial behavior
 - d. Create cogent arguments about issues we cover

Required materials

You are not required to purchase any textbooks for this course. [As of 2021-22](#), the average postsecondary student spends between \$628 and \$1,471 annually for books and supplies. All required readings on the course schedule have been uploaded to Canvas. You can find them under the “Files” tab in the “Readings” folder. The files are organized by lecture date. If you have any issues accessing files, please let me know. “I couldn’t find the readings” is not an acceptable excuse for coming to class unprepared.

Assignments and grading

Assignments	Due date	Percent of grade
Exam 1	February 26	20%
Exam 2	March 27	20%
Exam 3	April 24	20%
Case brief 1	February 19	15
Case brief 2	April 10	15%
Class attendance	Every session	10%

Final grades

Percentage range	Grade	Percentage range	Grade
93.0% - 100%	A	77.0% - 79.9%	C+
90.0% - 92.9%	A-	73.0% - 76.9%	C
87.0% - 89.9%	B+	70.0% - 72.9%	C-
83.0% - 86.9%	B	60.0% - 69.9%	D
80.0% - 82.9%	B-	0% - 59.9%	F

Note: Final course grades are calculated based on a percentage rounded to the nearest tenth of a percent. For example, a final score of 92.95% is rounded to 93.0% and is an A. 82.91% is rounded to 82.9% and is a B-. This grading policy is not subject to appeal.

Late submissions

Essays are accepted for late submission. For each date late, however, you will receive a penalty of five points. Exceptions to this policy are subject to my discretion. If you are physically able, please contact me before the due date to request an extension. Assignments must be completed as soon as possible after the original due date and cannot be accepted after the graded ones have been returned.

Make-ups

One exam may be completed late for a legitimate reason such as a medical emergency. Please provide a doctor’s note if applicable. I will schedule one make-up time for students to take the exam. Due to the challenges of booking rooms, I cannot accommodate individual make-up times.

Grade appeals

After the return of a graded work, you must wait three (3) days before contacting me about an appeal. After the waiting period, you have eleven (11) days to appeal a grade. Appeals must be made in writing via email or Canvas and provide specific evidence for the change. In total, the time frame for an appeal is fourteen (14) days from the day the graded assignment is returned.

Absences

You are expected to be present for every class session. Class attendance makes up a significant portion of your final grade (10%). Moreover, the exams are heavily based on what we discuss in class. Therefore, I strongly encourage you to come to class. If you anticipate need to arrive to class late or leave early for any reason over the course of the semester, please talk to me, and we can find a solution.

COVID-19/Illness

You should not come to class if you are ill or have been exposed to COVID-19 (or any other illness). You will have the opportunity to make up any missed work without penalty. Missing class due to illness will not affect your participation grade. If you have to miss class due to illness, please notify me beforehand, or as soon as possible. Your health should always come first!

Religious holidays

If you plan to miss class to observe a religious holiday, please notify me at least one week prior to the date of observance. If you miss an assignment, you will be given an opportunity to complete the missed work within a reasonable time after the absence.

Disabilities

If you have a disability or other condition that may affect your attendance or academic performance, you may request relevant accommodations from UT's [Services for Students with Disabilities](#). Please make sure the relevant documentation is on file, and come to me as soon as possible to discuss your specific accommodation needs.

Misc.

Academic honesty

All written work must be your own. I will bring any incident of academic dishonesty to the Dean of Students, which can result in severe [penalties](#) such as a failing grade in this course. Some examples of plagiarism include copying someone else's work, using artificial intelligence (AI), buying a paper, and copying and pasting text. You can be held responsible and penalized even if you plagiarize accidentally. For more information, visit the [Dean of Students](#).

Artificial intelligence

Using artificial intelligence (AI) such as ChatGPT for the purpose of any of your written assignments is strictly prohibited unless it is explicitly part of the instructions for the assignment. I have uploaded the prompts from the two take-home exams to ChatGPT, so if you use the program to generate your response, I will know, and you will be penalized.

Additional resources

The [University Resources for Students Canvas site](#) offers a list of various resources (e.g., disability and access, mental health support, University Health Services, emergency services, etc.) that are important for students as you engage with your course and the university.

Syllabus changes

This syllabus is only a guide for the course and is subject to change with advanced notice. I will notify you of any changes as soon as possible by making an announcement on the Canvas course page.

Course schedule and readings

Week 1: Judicial selection

Monday, February 5:

- “Appointing Federal Judges” by Nancy Scherer
- “Changing Backgrounds of U.S. District Court Judges” by Russell Wheeler

Wednesday, February 7:

- “Appointing Supreme Court Justices” by Christine Nemacheck
- “Judicial Elections: Judges and their “New-Style” Constituencies” by James L. Gibson and Michael J. Nelson

Week 2: Judicial elections/Models of judicial behavior

Monday, February 12:

- “Judicial Elections: Judges and their “New-Style” Constituencies” by James L. Gibson and Michael J. Nelson
- Pages 152-159 from Chapter Four: Judicial Selection and Retention of Courts, Judges, and Politics (pages 345-352 in the course packet online).

Wednesday, February 14:

- “Integrity in Law” by Ronald Dworkin
- *Lawrence v. Texas*, 539 U.S. 558 (2003)

Week 3: Models of judicial behavior

Monday, February 19:

- “Decision-making in democracy: The supreme court as national policy-maker” by Robert Dahl
- *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937)

Wednesday, February 21:

- “Judicial Behavior” by Jeffrey A. Segal
- *Bush v. Gore*, 531 U.S. 98 (2000)

Week 4: The Strategic Model

Monday, February 26

- Exam 1

Wednesday, February 28:

- “A Strategic Account of Judicial Decisions Actions” by Lee Epstein and Jack Knight from *The Choices Justices Make*
- *Craig v. Boren*, 429 U.S. 190 (1976)

Week 5: Legitimacy and Oral Arguments

Monday, March 4:

- “The Legitimacy of the US Supreme Court: Conventional Wisdoms and Recent Challenges Thereto” by James Gibson and Michael Nelson
- Pages 864-869 (Section C) of *Planned Parenthood v. Casey*, 505 U.S. 833 (1992)

Wednesday, March 6:

- “Oral Arguments” by Timothy Johnson and Thomas Pryor
- Introduction and conclusion only of “Justice, Interrupted: The Effect of Gender, Ideology, and Seniority at Supreme Court Oral Arguments” by Tonja Jacobi and Dylan Schweers

Week 6: Spring break

Monday, March 11:

- No class

Wednesday, March 13:

- No class

Week 7: Opinion Writing and Courts of Appeals

Monday, March 18:

- “Opinion Writing in the U.S. Supreme Court” by Pamela Corley and Artemus Ward

- *United States v. Nixon*, 418 U.S. 683 (1974)

Wednesday, March 20:

- “The Courts of Appeals” by Susan Haire, Reginald S. Sheehan, and Ali S. Masood
- *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011)

Week 8: District Courts

Monday, March 25:

- “U.S. District Courts” by Christina Boyd and Ethan Boldt

Monday, March 27:

- Exam 2

Week 9: Law and Society

Monday, April 1:

- “The Support Structure of the U.S. Rights Revolution” from *The Rights Revolution* by Charles Epp
- *Monroe v. Pape*, 365 U.S. 167 (1961)

Wednesday, April 3:

- Pages 95-124 and 149-151 of “Why the Haves Come out Ahead: Speculations on the Limits of Legal Change” by Marc Galanter
- Majority opinion of *Leegin Creative Leather Products, Inc. v. PSKS, Inc.*, 551 U.S. 877 (2007)

Week 10: Law and Society

Monday, April 8:

- “The Law’s Majestic Equality? The Distributive Impact of Judicializing Social and Economic Rights” by Daniel Brinks and Varun Gauri

Wednesday, April 10:

- Chapter one of *Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization* by Michael McCann
- *County of Washington v. Gunther*, 452 U.S. 161 (1981)

Week 11: Impact

Monday, April 15:

- Chapter one and Conclusion of *The Hollow Hope* (2nd edition) by Gerald Rosenberg

Wednesday, April 17:

- “Beyond Backlash: Assessing the Impact of Judicial Decisions on LGBT Rights” by Thomas Keck

Week 12: Impact

Monday, April 22:

- “Will Courts Be Bulwarks of Democracy in the United States?” from *Can Courts be Bulwarks of Democracy?* (2022) by Jeffrey K. Staton, Christopher Reenock, and Jordan Holsinger

Wednesday, April 24:

- Exam 3

Week 13: Wrap-up

Monday, April 27:

- Course review and wrap-up