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**GOV 355M**  
**Judicial Politics**  
**University of Texas at Austin**  
**Department of Government**  
**Spring 2026**

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TR: 8:00am-9:30am  
MEZ 2.124  
[Canvas Page](#)

**Instructor:**  
Dr. Anthony Taboni  
anthony.taboni@austin.utexas.edu

**Office Hours:**  
[DATE/TIME]  
[LOCATION]

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## Overview

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This course explores courts and judges through the lens of political science. This is not a course on constitutional law. Rather, we will evaluate how the structure of American courts shapes the law and how the preferences of judges influence the decisions they make. The topics of study include: what do courts do; what do judges want; the U.S. judicial system; how justices are appointed/elected; the separation of powers; and the future of the Supreme Court. The focus of this course is on the American legal system in particular.

### Learning Outcomes

In this course, students will learn to:

- Understand and critique theories of judicial behavior
- Interpret evidence of the factors that shape judges' decisions
- Critically evaluate claims about the role of courts and the motivations of judges

**Prerequisites:** None

### Books and Readings

You do not need to purchase any materials for this class. All readings are available through Canvas.

## Grading

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Your grade in this class will be based upon the following:

- Practice Questions: 10% - **Due Weekly**
- Discussion Paper 1: 10% -**Due March 5th**
- Discussion Paper 2: 10% - **Due April 21**
- In-person Midterm Exam: 30% - **March 12th**
- In-person Final Exam: 40% - **TBD<sup>1</sup>**

Note that while participation is not a part of your final grade, it will be very difficult to do well in the class without attending lecture. I will try to make lecture as interactive as possible. Participation in lecture will be appreciated. If you have a question at any time, please ask it.

Grades will be assigned using the below scale. I will generally not round beyond these cutoffs.

A	93% – 100%	A-	90% – 92.9%	B+	87% – 89.9%
B	83% – 86.9%	B-	80% – 82.9%	C+	77% – 79.9%
C	73% – 76.9%	C-	70% – 72.9%	D+	67% – 69.9%
D	63% – 66.9%	D-	60% – 62.9%	F	0% – 59.9%

### Practice Questions

At the end of each week, you will submit 3 practice questions based upon the lecture material/readings from the week. These practice questions are due by 11:59 the Friday of the week. There are no questions due the first week of class or the week of March 8 as we have the midterm. The questions are pass-fail. Each week is worth  $\frac{5}{6}\%$  of your final grade.

### Discussion Papers

Twice during the semester, you will write a discussion paper relating the course material to recent developments in American courts. The papers will be assigned on February 19th and April 7th respectively. Both papers should be 3-4 pages, 12p font, double spaced. Course material should be properly cited; however, you are free to use whichever style of citation you prefer.

### Exams

There are two exams for this course. The midterm will test you on material covered in the first half of the semester. The final will primarily focus on material from the second half of the semester; however, it may reference concepts and ideas learned before the midterm.

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<sup>1</sup>When we are assigned a final exam date, it can be found here: [https://utdirect.utexas.edu/apps/registrar/course\\_schedule/final\\_exam/nlogon/](https://utdirect.utexas.edu/apps/registrar/course_schedule/final_exam/nlogon/)

The exam format will consist of short answer, identifications and essay questions.

## Course Policies

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### Recording Devices in Classrooms

Audio or visual recordings of lectures and classroom discussion are prohibited. The only exceptions are for students who have received an accommodation through Disability and Access that permits them to electronically record class.

### Generative Artificial Intelligence Tools

In this course, every element of class assignments must be fully prepared by the student. The use of generative AI tools for any part of your work will be treated as plagiarism. If you have questions, please contact me.

### Academic Integrity

Students who violate University rules on academic misconduct are subject to the student conduct process. A student found responsible for academic misconduct may be assigned both a status sanction and a grade impact for the course. The grade impact could range from a zero on the assignment in question up to a failing grade in the course. A status sanction can include a written warning, probation, deferred suspension or dismissal from the University. To learn more about academic integrity standards, tips for avoiding a potential academic misconduct violation, and the overall conduct process, please visit the Student Conduct and Academic Integrity website at: <http://deanofstudents.utexas.edu/conduct>.

### Disability and Access

The university is committed to creating an accessible and inclusive learning environment for students with disabilities consistent with university policy and federal and state law. Please let me know if you experience any barriers to learning so I can work with you to ensure you have equal opportunity to participate fully in this course. If you are a student with a disability, or think you may have a disability, and need accommodations please contact Disability and Access (D&A). Please refer to D&A's website for contact and more information: <http://disability.utexas.edu/>. If you are already registered with D&A , please deliver your accommodation letter to me as early as possible in the semester so we can discuss your approved accommodations and needs in this course.

### Office Hours

I will hold regularly scheduled office hours from [DATE/TIME] in [LOCATION]. I request that you sign-up ahead of time for a slot using the link on the first page or provided here: [LINK]. This ensures that you do not have to wait while I am meeting with another student. You can sign up for appointments until 90 minutes before the start time. If you are unable to make office hours, please email me and we can schedule a different time to meet.

## University Policies and Resources for Students

<https://utexas.instructure.com/enroll/TP964H>

## Schedule

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### January 13: Introduction

### January 15: Studying Courts in Political Science

- Cameron, “What is Political Science?” in *A Quantitative Tour of the Social Sciences*, ed. Andrew Gelman and Jeronimo Cortina, pp. 207-222
- Cameron, Charles M. *Veto Bargaining: Presidents and the Politics of Negative Power*. Cambridge University Press, 2000. Ch. 3

### January 20th: Courts

- Shapiro, Martin. *Courts: A Comparative and Political Analysis*. University of Chicago Press, 1986. Ch. 1

### January 22: Judicial Process

- Miller, William. *A Primer on American Courts*. Routledge, 2015. Ch. 2,3

### January 27: The American Judicial System: Part 1

- Article 3 US Constitution
- Federalist 78
- Farnsworth, E. Allan. *An Introduction to the Legal System of the United States*. Oxford University Press, 2010. Pgs. 35-44

### January 29: The Supreme Court

- Frankfurter, Felix, and James McCauley Landis. *The Business of the Supreme Court: A Study in the Federal Judicial System*. New York: Macmillan, 1927. Ch.1

### February 3: Politics and Precedent at the Supreme Court

- Murphy, Walter F. and Charles Herman Pritchett. *Courts, Judges, and Politics: An Introduction to the Judicial Process*. Fourth Edition New York: Random House, 1961. Ch 10.0, 10.1, 11.0, 12.0

### February 5: Models of Judicial Decision-Making Part 1

- Segal, Jeffrey A., and Harold J. Spaeth. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press, 2002., pg. 48-97

### **February 10: Models of Judicial Decision-Making Part 2**

- Epstein, Lee, and Jack Knight. *The Choices Justices Make*. Sage, 1997, Ch. 1,3

### **February 12: Choosing Cases**

- Perry, Hersel W. *Deciding to Decide: Agenda Setting in the United States Supreme Court*. Harvard University Press, 2009. Ch. 2

### **February 17: Opinion Bargaining**

- Clark, Tom S. “Bargaining and Opinion Writing on the US Supreme Court.” In *New Directions in Judicial Politics*, pp. 186-204. Routledge, 2012.

### **February 19: Dissents Readings**

- Rice, Douglas R. “Issue Divisions and US Supreme Court Decision Making.” *The Journal of Politics* 79, no. 1 (2017): 210-222.

### **Assignments**

- Discussion paper 1 assigned

### **February 24: The Shadow Docket**

- Vladeck, Stephen. *The Shadow Docket: How the Supreme Court Uses Stealth Rulings to Amass Power and Undermine the Republic*. Basic Books, 2023., Ch. 2

### **February 26: Influencing the Court Part 1**

- Hazelton, Morgan LW, and Rachael K. Hinkle. *Persuading the Supreme Court: The Significance of Briefs in Judicial Decision-Making*. University Press of Kansas, 2022. Ch 2.

### **March 3: Influencing the Court Part 2**

- Bailey, Michael A., Brian Kamoie, and Forrest Maltzman. “Signals from the Tenth Justice: The Political Role of the Solicitor General in Supreme Court Decision Making.” *American Journal of Political Science* 49, no. 1 (2005): 72-85.

### **March 5: Public Opinion and Legitimacy Readings**

- Gibson, James L., and Michael J. Nelson. "Is the US Supreme Court's Legitimacy Grounded in Performance Satisfaction and Ideology?." *American Journal of Political Science* 59, no. 1 (2015): 162-174.
- Clark, Chelsey S., Elizabeth Levy Paluck, Sean J. Westwood, Maya Sen, Neil Malhotra, and Stephen Jessee. "Effects of a US Supreme Court Ruling to Restrict Abortion Rights." *Nature Human Behaviour* 8, no. 1 (2024): 63-71.

### **Assignments**

- Discussion paper 1 due by 11:59pm

### **March 10: Review/Catch-Up**

### **March 12: In-Class Midterm**

### **March 17 & 19: Spring Break, No Class**

### **March 24: The Judicial Hierarchy Part 1**

- Kestel, John P. "The Judicial Hierarchy." Oxford Research Encyclopedia of Politics. 25 Jan. 2017.

### **March 26: The Judicial Hierarchy Part 2**

- Benesh, Sara C., and Wendy L. Martinek. "Lower Court Compliance with Precedent." In *New Directions in Judicial Politics*, pp. 259-276. Routledge, 2012.

### **March 31: Circuit Splits**

- Beim, Deborah, and Kelly Rader. "Legal Uniformity in American Courts." *Journal of Empirical Legal Studies* 16, no. 3 (2019): 448-478.

### **April 2: Collegial Courts**

- Nelson, Michael J., Morgan LW Hazelton, and Rachael K. Hinkle. "How Interpersonal Contact Affects Appellate Review." *The Journal of Politics* 84, no. 1 (2022): 573-577.

### **April 7: Panel Effects**

#### **Readings**

- Boyd, Christina L., Lee Epstein, and Andrew D. Martin. "Untangling the Causal Effects of Sex on Judging." *American Journal of Political Science* 54, no. 2 (2010): 389-411.
- Kestel, Jonathan P. "Racial Diversity and Judicial Influence on Appellate Courts." *American Journal of Political Science* 57, no. 1 (2013): 167-183.

### **Assignments**

- Discussion paper 2 assigned

### **April 9: State Courts**

- Canes-Wrone, Brandice, Tom S. Clark, and Jee-Kwang Park. “Judicial Independence and Retention Elections.” *The Journal of Law, Economics, & Organization* 28, no. 2 (2012): 211-234.

### **April 14 Judicial Review**

- Bickel, Alexander M. *The Least Dangerous Branch: The Supreme Court at the Bar of Politics*. Yale University Press, 1986. Ch. 1
- Whittington, Keith E. “Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court.” *American Political Science Review* 99, no. 4 (2005): 583-596.

### **April 16: Court Curbing**

- Clark, Tom S. “The Separation of Powers, Court Curbing, and Judicial Legitimacy.” *American Journal of Political Science* 53, no. 4 (2009): 971-989.

### **April 21: Supreme Court Nominations**

- Cameron, Charles Metz, and Jonathan P. Kastellec. *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press, 2023. Pgs. 3-35
- Kastellec, Jonathan P., Jeffrey R. Lax, and Justin Phillips. “The Role of Public Opinion in Supreme Court Confirmations.” In *New Directions in Judicial Politics*, pp. 20-37. Routledge, 2012.

### **Assignments**

- Discussion paper 2 due by 11:59pm

### **April 23: The Future of The Supreme Court**

- Cameron, Charles Metz, and Jonathan P. Kastellec. *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press, 2023. Ch. 13
- Biden, Joesph R. “My Plan to Reform the Supreme Court and Ensure No President is Above the Law,” Washington Post. July 29, 2024.
- McConnell, Mitch. “Term Limits for the Supreme Court Would End Our Independent Judiciary,” Washington Post. August 2, 2024.

### **TBD: Final Exam**