

POS 4931: SPECIAL TOPICS (JUDICIAL POLITICS)

Fall 2025

Instructor:	J.S. Truscott	Email:	jaketruscott@ufl.edu
Class Time:	MWF 9:35-10:25	Class Location:	Anderson 0034
Office:	Anderson 317	Office Hours:	W 1:00-3:00

Course Description

This course serves to answer an important question: *How do we empirically examine judicial actors and institutions in the United States and globally?* Perhaps the best place to start is by acknowledging a few important concepts:

1. Judges are policy-oriented actors whose positions grant them considerable political power.
2. Judicial decision-making hardly exists in a vacuum and can serve to uphold or upend social and political understandings of *what the law is*.
3. A critical understanding of legal actors and institutions is about more than just the caselaw.

Rather than focus on caselaw, this course will largely view judicial processes, behaviors, and institutions through the lens of empirical social science. In particular, we will explore how a multitude of competing elements shape the American judiciary, especially as it relates to the federal system and the United States Supreme Court. Upon successful completion of this course, students will retain a critical understanding of, among other things:

- Origins and Structures of American Legal Institutions.
- Core theories of Judicial Decision-Making.
- Judicial Selection and Retention.
- How Judicial Institutions Coexist in a *Separation of Powers* System.
- The Role of Extra-Judicial Groups and Actors (e.g., Lawyers, Clerks, Interest Groups, etc.).
- How Courts Influence Public Discourse and Perceptions of Legal Actors and Institutions.
- Contemporary Empirical Strategies for Studying Judicial Behavior.

Required Readings

- Carp, R. A., Manning, K. L., Holmes, L. M., & Stidham, R. (2019). *Judicial process in America*. 11th Edition. CQ Press (**JPA**)

Note: I will be teaching from the **11th Edition** of **JPA** – It is *not* the most recent version but will fit our purposes nicely. Please do *not* feel compelled to purchase the most recent version.

Recommended Readings

- McGuire, K. T. (Ed.). (2012). *New directions in judicial politics*. New York: Routledge. (**NDJP**)
- Epstein, Lee and Jack Knight. 1998. *The Choices Justices Make*. Washington, D.C.: CQ Press.
- Segal, Jeffrey A. and Harold J. Spaeth. 2002. *The Supreme Court and the Attitudinal Model Revisited*. Cambridge University Press.

Any other required readings indicated in the *Course Schedule* will be provided on Canvas. Please have each week's readings completed before arriving for our class period.

Grading Policy

Midterm Exam	25%
Final Exam	25%
Participation	10%
Critical Response Essay	20%
Quizzes	20%

Grading Scale

100-93 A	79-77 C+	63-60 D-
92-90 A-	76-74 C-	59-0 F
89-87 B+	73-70 C-	
86-83 B	69-67 D+	
82-80 B-	66-64 D	

Evaluation

Examinations

The Midterm and Final examinations will encompass using a combination of critical analysis skills for responding to multiple-choice and short written prompts relating to the content we have covered to that point. More instructions will be provided closer to the examination periods.

Quizzes

There will be two short quizzes administered during the semester at the (approximate) midpoint intervals between the larger midterm and final examinations. More instructions will be provided closer to the examination periods.

Critical Response Essay

You are required to complete one critical response essay prompt that will be submitted via Canvas. There will be (2) prompts posted to Canvas with individual due dates – I would highly recommend that you consider which of the prompts interest you more, or which fits better with your broader schedule. You are only required to complete **one** – *however*, if you complete both, only the submission with higher marks will count towards your final grade.

A general rubric, essay tips, and samples will be made available in the Course Materials section of Canvas. Your responses should be approximately 6-8 pages double-spaced (12 pt font, Times New Roman). I have no preference for which citation style you use, so long as it is consistent and present. All I ask is that you only use reputable sources (i.e., no *Wikipedia*, *Encyclopedia Britannica*, etc.). If you have specific essay questions, please don't hesitate to ask!

Participation

Your participation will be gauged primarily by your attendance and participation in the weekly meeting periods. ***This definitely considers whether you have done the reading(s).*** You will be given (2) free absences before it begins impacting your participation grade.

University Policies & Resources

This course complies with all UF academic policies. For information on those policies and for resources for students, please see [HERE](#).

Student Evaluations (GatorEvals)

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online. Students can complete evaluations in three ways: (1) The email they receive from GatorEvals; (2) Their Canvas course menu under GatorEvals; or (3) The central portal at <https://my-ufl.bluera.com>. Guidance on how to provide constructive feedback is available at <https://gatorevals.ua.ufl.edu/students/>. Students will be notified when the evaluation period opens. Summaries of course evaluation results are available to students at <https://gatorevals.ua.ufl.edu/public-results/>.

Note: Starting in Spring 2025, the central portal changed to <https://my-ufl.bluera.com>. The previous GatorEvals link (<https://ufl.bluera.com/ufl/>) will redirect to the updated portal for one year.

Communication with Instructor

If you need to contact me for any reason, I do ask that you aim to primarily use your UF email address rather than Canvas. I am generally very good about responding to emails quickly, but please understand that I likely will not respond until the next day if the message is sent late in the night.

Email: jaketruscott@ufl.edu

Course Attendance Policy

If you need to miss class because of a legitimate reason that would accompany an excused absence (e.g., sickness, family or personal emergency, etc.), that is entirely fine. I just ask that you keep an open line of communication with me as things happen. I have much greater flexibility to help you if I am made aware of outlying circumstances as early as possible. However, I will only be taking attendance at random throughout the semester and you will be given (2) free absences before it starts impacting your participation grade.

Key Dates

- Fri 9/19 (Quiz 1)
 - Sun 9/28 (Critical Response Essay 1 Due)
 - Fri 10/10 (Midterm Exam)
 - Fri 11/7 (Quiz 2)
 - Sun 11/16 (Critical Response Essay 2 Due)
 - Wed 12/10 (Final Exam)
-

Course Schedule

Week 0 (8/22)

Topic: Introduction & Syllabus

Readings: Syllabus

Week 1 (8/25-8/29)

Topic: Origins & Structure of the American Judiciary

Readings:

- Declaration of Independence
 - Federalist No. 78
 - US Constitution (Pre-Amendments)
 - [Overview of Judiciary Act of 1789](#)
 - **JPA** Ch. 2-4
 - *Skim* Baum, L. (2023). The Supreme Court. CQ press. (**Chapter 1**)
 - *Skim* [Overview of Federal Court System \(DOJ\)](#)
-

Week 2 (9/3-9/5)

Topic: Intro to the Legal Process

Readings: **JPA** Ch. 1, 9-11

Week 3 (9/8-9/12)

Topic: The Legal Process (Cont.)

Readings:

JPA Ch. 1, 9-11

Week 4 (9/15-9/19)

Topic: Empirical Research in Judicial Politics

Readings:

- Dahl, R. A. (1957). Decision-making in a democracy: The Supreme Court as a national policy-maker. *J. Pub. L.*, 6, 279.
- Martin, A. D., & Quinn, K. M. (2002). Dynamic ideal point estimation via Markov chain Monte Carlo for the US Supreme Court, 1953–1999. *Political analysis*, 10(2), 134-153. **(SKIM...)**
- Krewson, C. N., & Owens, R. J. (2017). Historical development of Supreme Court research. In *Routledge Handbook of Judicial Behavior* (pp. 97-113). Routledge.
- Epstein, L., & Segal, J. A. (2000). Measuring issue salience. *American Journal of Political Science*, 66-83.
- Clark, T. S., Lax, J. R., & Rice, D. (2015). Measuring the political salience of Supreme Court cases. *Journal of Law and Courts*, 3(1), 37-65.

Quiz 1 (Friday 9/20)

Week 5 (9/22-9/26)

Topic: Judicial Nominations, Confirmations, and Retirements

Readings:

- **JPA** Ch. 5-7
- Cameron, C. M., & Kastellec, J. P. (2023). *Making the Supreme Court: The Politics of Appointments, 1930-2020*. Oxford University Press. (**Chapter 1**)
- Epstein, L., Lindstädt, R., Segal, J. A., & Westerland, C. (2006). The changing dynamics of Senate voting on Supreme Court nominees. *The Journal of Politics*, 68(2), 296-307.
- Truscott, J. S. (2023). Analyzing the Rhetoric of Supreme Court Confirmation Hearings. *Journal of Law and Courts*, 1-22.
- Vining Jr, R. L. (2009). Politics, pragmatism, and departures from the US courts of appeals, 1954–2004. *Social Science Quarterly*, 90(4), 834-853.

Recommended:

- **NDJP** Ch. 1-3

Critical Response Essay 1 Due (Sun 9/28)

Week 6 (9/29-10/3)

Topic: Theories of Judicial Decision-Making

Readings:

- **JPA** Ch. 13
- Bonica, A., & Sen, M. (2021). Estimating judicial ideology. *Journal of Economic Perspectives*, 35(1), 97-118. **(SKIM)**
- George, T. E., & Epstein, L. (1992). On the nature of Supreme Court decision making. *American Political Science Review*, 86(2), 323-337.

- Segal, J. A., & Cover, A. D. (1989). Ideological values and the votes of US Supreme Court justices. *American Political Science Review*, 83(2), 557-565.

Recommended Readings:

- Epstein, L., & Knight, J. (1997). *The choices justices make*. Sage.
- Segal, J. A., & Spaeth, H. J. (2002). *The Supreme Court and the attitudinal model revisited*. Cambridge University Press.

Week 7 (10/6-10/10)

Topic: Certiorari & Agenda Setting

Readings:

- **JPA** Ch. 9
- Black, R. C., & Boyd, C. L. (2012). US Supreme Court agenda setting and the role of litigant status. *The Journal of Law, Economics, & Organization*, 28(2), 286-312.
- Black, R. C., & Owens, R. J. (2009). Agenda setting in the Supreme Court: The collision of policy and jurisprudence. *The Journal of Politics*, 71(3), 1062-1075.
- Lane, E. A. (2022). A Separation-of-Powers Approach to the Supreme Court's Shrinking Caseload. *Journal of Law and Courts*, 10(1), 1-12.

Recommended Readings:

- **NDJP** Ch. 6-8

Midterm Exam (Fri 10/10)

Week 8 (10/13-10/15)

Topic: Oral Arguments & Institutionalization

Readings:

- Truscott, J. S. (2022). The Supreme Spectacle: An Analysis of Public Attendance at the Supreme Court. *Justice System Journal*, 43(3), 470-481.
- Johnson, T. R., Wahlbeck, P. J., & Spriggs, J. F. (2006). The influence of oral arguments on the US Supreme Court. *American Political Science Review*, 100(1), 99-113.
- Dietrich, B. J., Enos, R. D., & Sen, M. (2019). Emotional arousal predicts voting on the US supreme court. *Political Analysis*, 27(2), 237-243.

No Class 10/17

Week 9 (10/20-10/24)

Topic: Briefs, Attorneys, and Interest Groups

Readings:

- Collins Jr, P. M. (2018). The use of amicus briefs. *Annual Review of Law and Social Science*, 14, 219-237.
- Bailey, M. A., Kamoie, B., & Maltzman, F. (2005). Signals from the tenth justice: The political role of the solicitor general in Supreme Court decision making. *American Journal of Political Science*, 49(1), 72-85.

- Galanter, M. (1974). Why the haves come out ahead: Speculations on the limits of legal change. *Law & Soc'y Rev.*, 9, 95.
- Collins Jr, P. M. (2018). The use of amicus briefs. *Annual Review of Law and Social Science*, 14, 219-237.

No Class 10/24

Week 10 (10/27-10/31)

Topic: Opinion Writing

Readings:

- Kerr, O. S. (2007). How to read a legal opinion: a guide for new law students.
 - Rohde, D. W. (1972). Policy goals, strategic, choice and majority opinion assignments in the US Supreme Court. *Midwest Journal of Political Science*, 652-682.
-

Week 11 (11/3-11/7)

Topic: Public Opinion & Legitimacy

Readings:

- Jaros, D., & Roper, R. (1980). The US Supreme Court: Myth, diffuse support, specific support, and legitimacy. *American Politics Quarterly*, 8(1), 85-105.
- Caldeira, G. A., & Gibson, J. L. (1992). The etiology of public support for the Supreme Court. *American journal of political science*, 635-664.
- King, J. M., & Schoenherr, J. A. (2024). A Matter of Opinion? How Unexpected Opinion Authors Influence Support for Supreme Court Decisions. *Journal of Law and Courts*, 1-21.

Quiz 2 (Fri 11/8)

Week 12 (11/10-11/14)

Topic: The Courts in Popular Media

Readings:

- Strother, L. (2017). How expected political and legal impact drive media coverage of Supreme Court cases. *Political Communication*, 34(4), 571-589.
- Hitt, M. P., & Searles, K. (2018). Media coverage and public approval of the US Supreme Court. *Political Communication*, 35(4), 566-586.
- Sill, K. L., Metzgar, E. T., & Rouse, S. M. (2013). Media Coverage of the US Supreme Court: How do journalists assess the importance of court decisions?. *Political Communication*, 30(1), 58-80.
- Vining Jr, R. L., & Marcin, P. (2014). An economic theory of Supreme Court news. *Political Communication*, 31(1), 94-111.

Critical Response Essay 2 Due (Sun 11/16)

Week 13 (11/17-11/21)

Topic: Impact of Judicial Decision-Making & Contemporary Issues

Readings

- **JPA** Ch. 14-15
-

Week 14 (11/24-11/28)

No Class – Thanksgiving

Week 15 (12/1-12/3)

Topic: Final Exam Review

Final Exam: (12/10)