



# Law and Courts Newsletter

## Hello From Section Chair

JULIE NOVKOV - UNIVERSITY AT ALBANY SUNY

I'm honored and happy to be writing to the members of the Law and Courts section and hope that section members are all managing their Falls. Those of us who teach, write, or publicly comment about the US Supreme Court have certainly had our hands full. I'm grateful to those section members who have spent their time and energy explaining the confirmation process in public and private and helping people to put Kavanaugh hearings into various larger contexts. While many of us may be tempted to sit back and enjoy all the midterm grading and other consuming obligations while colleagues and friends who study US elections take the hot seat, the issues of the day in the United States and in various comparative contexts continue to invite our professional commentary and concern, and look to be likely to do so for some time to come.

The section has a busy year ahead. In addition to our usual tasks of identifying outstanding work and outstanding people, we are tackling a comprehensive review and reform of our bylaws, developing a policy for creating and naming awards, and looking more deeply at the section's lack of diversity and possible means of addressing this.

I've begun to form the committees that will do this work, but if you are interested in being involved, please let me know as soon as possible.

Thanks again to past chair Isaac Unah, and last year's team; I'm grateful that incoming chair Kirk Randazzo has already been engaging with section business.



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## Notes from APSA 2018

CHRSTOPHER KROMPHARDT - CORNELL COLLEGE



There are many important conferences throughout the year, but none seems to occupy quite the same place as APSA. This short essay describes a conference in Boston that honored a legacy of achievement in law and courts and laid a foundation for a strong future for the subfield.

APSA is a place to commemorate monumental contributions. Perhaps no pairing is as iconic within the subfield as “Segal and Spaeth,” so it was appropriate that each member of the duo’s legacy was honored. It was announced that a new award focusing on data collection will bear Harold Spaeth’s name, befitting his herculean effort launching the now ubiquitous Supreme Court Database. His fellow attitudinalist Jeffrey Segal was honored with the lifetime achievement award. Listening to the panel of speakers commemorating Segal’s career, I was struck by the scope of his achievement and influence going well beyond the paradigmatic accomplishment of *The Supreme Court and the Attitudinal Model*.

APSA is also the place to go if you want to get a preview of the future. The vibrancy of the subfield was on fine display in Boston. I’d like to highlight two intriguing studies that I found especially forward-looking, although I was impressed by all of the interesting work I saw presented.

The first noteworthy paper is by Amanda Driscoll (Florida State University) and Michael Nelson (Pennsylvania State University), for which I served as a discussant on a panel about public opinion

and legitimacy. At the core of their analysis is a question about whether citizens punish court curbing by elected officials. This question implicates a foundational assumption for work on judicial legitimacy, although (by my reading) Driscoll and Nelson’s analysis suggests maybe we should rethink this. One of the most exciting aspects of this piece was its experimental design. Driscoll and Nelson conducted a thoughtful, distinctive experiment to generate a large amount of data. I won’t get into the specifics of the paper here, but those interested in how law and courts scholars can use experiments effectively should definitely check their paper out.

The second paper I’d like to draw attention to is by Elizabeth Lane (Michigan State University), a co-panelist of mine in a session on judicial decision making. Her innovative analysis of the legal quality of arguments draws upon a massive data-collection undertaking. The degree of influence of the law on decision making is a perennial question, and Lane’s work will infuse new evidence into the debate. Her research also inspired a robust discussion among those in attendance, and I suspect pursuit of many of the questions raised will spill over into the pages of journals for years to come.

APSA is an opportunity to honor the past and look to the future. The 2018 conference in Boston was no exception, and it was a real treat to experience it along with so many friends and colleagues.

# Introducing SCOTUSOA.com

TONJA JACOBI- NORTHWESTERN UNIVERSITY PRITZKER SCHOOL OF LAW  
 MATTHEW SAG - LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

In August of this year we launched ScotusOA.com, a new blog devoted to empirical analysis of oral argument before the U.S. Supreme Court. Our analysis mines the content of every argument transcript stretching back to 1955 and gives us new tools to probe traditional questions relating to judicial behavior, as well as the ability to ask some entirely new questions.

Websites such as SCOTUSBlog provide excellent coverage of current Supreme Court cases using traditional modes of legal analysis: close reading and expert opinion. Other empirically minded scholars have shown that oral argument can be important in judicial decision-making and some have used transcript data in their research. But ScotusOA.com offers something new. The analysis of current Supreme Court cases at ScotusOA combines our own close listening of cases as they are argued with empirical analysis that goes well beyond the content of cases.

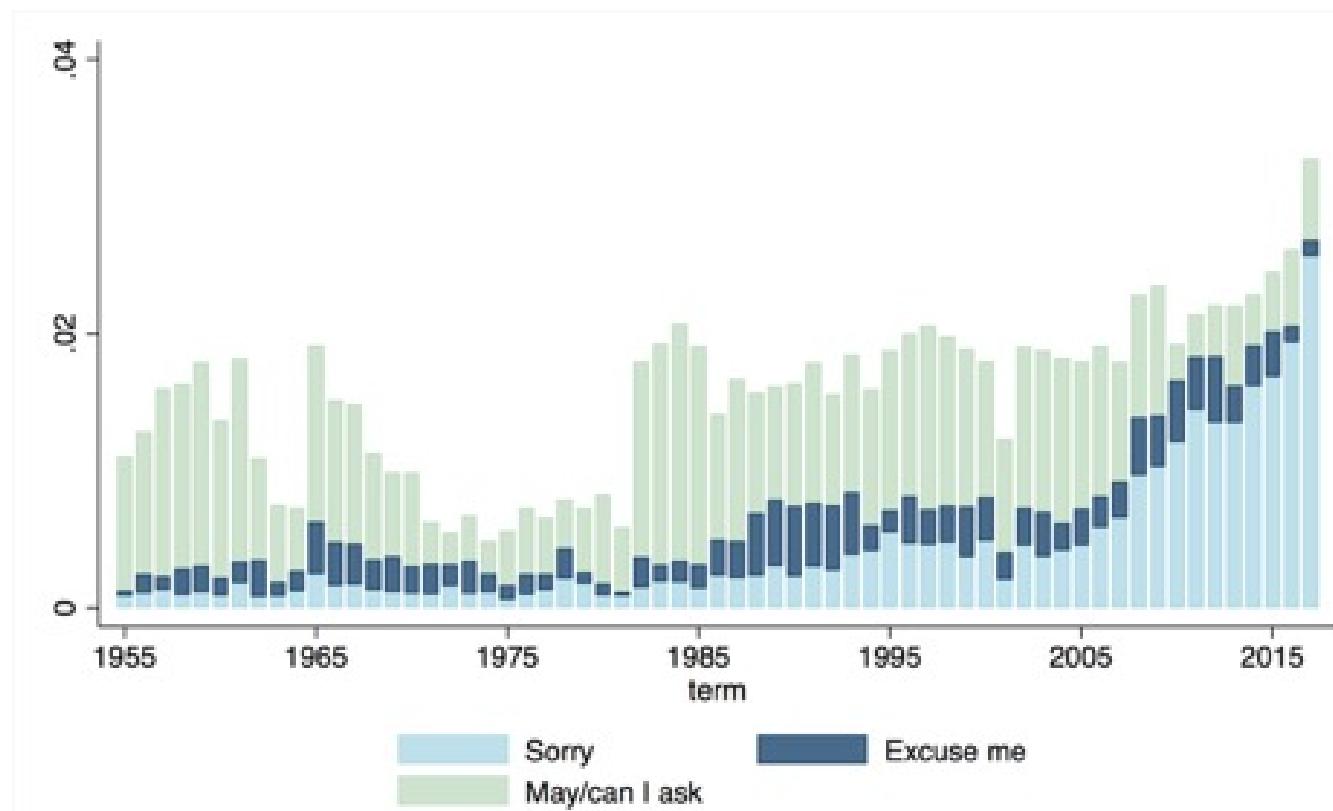
Unlike other commentators, we make voting predictions for each justice as the cases are heard. Predicting outcomes is always treacherous, as even a largely accurate model will have variation and noise. Consequently, we buttress our empirical analysis by listening to the oral arguments, in order to follow the nuances of each case and to understand what the justices think they are communicating, but we also track a number of predictive metrics that provide an additional layer of information of which the justices themselves may be unaware. We use multiple models for different justices to predict their votes based on oral argument, but one of the easiest to explain is also one of the best. Based on the 2017 Term, Justice Gorsuch is the most easily predictable justice on the current Court, using just one variable: he votes against the side of the argument he interrupts the most in 92% of cases. What is more, adding additional features to our Gorsuch model only reduces its accuracy. The same model is only about 70% accurate for Justices Kagan, Ginsburg, and Alito, and even less for the other justices. But for Gorsuch, the direction of his interruptions is close to a perfect signal of his likely future votes.

Viewing oral argument through an empirical lens offers insight as well as prediction. The Supreme Court merits attention in this era of intense political polarization for reasons that go beyond the outcomes of individual cases or broader issues of methodology and jurisprudence. The justices themselves have become icons—or demons—representing the moral future of the country. Ruth Bader Ginsburg's visage appears on cups, T-shirts, and various other paraphernalia, and the late Antonin Scalia and his version of originalist interpretation is fetishized equally by the right.

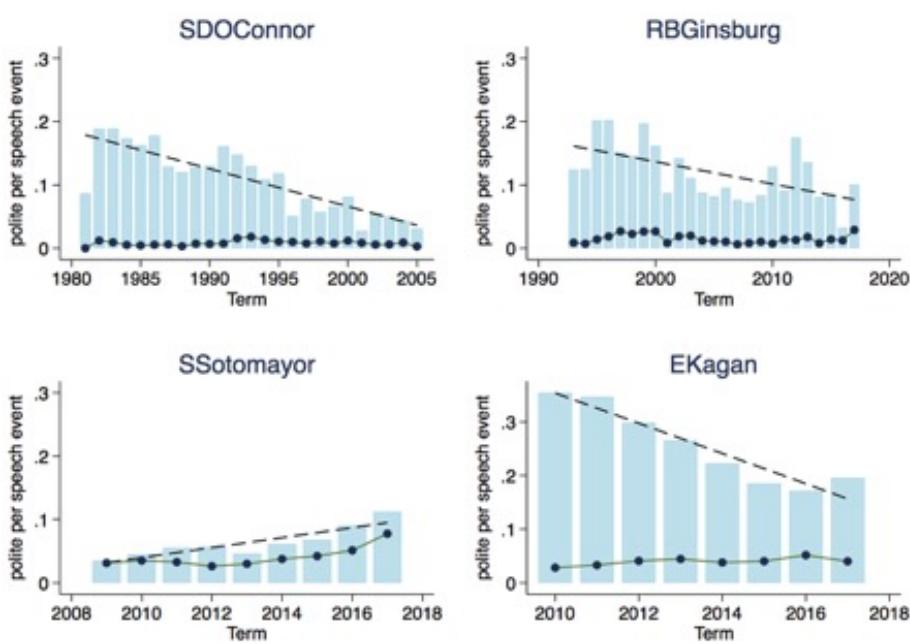


The two most recently appointed associate justices were subject to extraordinary confirmation processes. Gorsuch holds a “stolen” seat in the eyes of some, and Kavanaugh is defective in character and temperament, according to others. In a divided country where justices are feted and demonized with equal fervor, the public is now paying close attention to every aspect of the Court’s decision-making process, down to the meanings attributed to every word uttered. Oral argument deserves attention because it is the one public part of the Court’s process, and because it is public it gives us an opportunity to more rigorously assess aspects of judicial character that would otherwise be matters of supposition.

One way to explore those more amorphous judicial traits is to look at the language justices use in the relatively unguarded arena of oral argument, as compared to tightly scripted case opinions. Is the Court becoming more fractious? Our data tells us that in the last 20 years, the number of justice-to-justice interruptions has approximately quintupled. But at the same time, as the figure below shows, polite language has also increased as a proportion of speech episodes, and most of that increase has been through justices more frequently saying “sorry.” Many of these findings open up even more questions: for instance, at the same time as use of “sorry” has increased, justices using the advocates’ names to insert themselves into the conversation has considerably decreased—whether these two different terms are simple substitutes, or whether “sorry” lends itself to greater sarcasm, and thus reflects a decrease rather than an increase in politeness, remains to be explored.



Some of these inquiries have significance beyond the Court, also. For instance, on the same theme, an article by one of us in the Virginia Law Review showed that the female justices are interrupted approximately three times as often as the male advocates, by both the male justices and the male advocates. The fact that even women at the highest pinnacle of a high status profession are disproportionately interrupted by their subordinates tells us something important about gender relations in society. That same article noted how the language employed by the female justices appeared to change over time in response to this experience. Following up on that analysis, the figure below shows how three of the four female justices have significantly decreased their use of calling advocates by name as prefatory words to a speech event (included in the dashed line), whereas other forms of politeness have not dramatically changed over time (captured in the solid circles).



Blogs are no substitute for more traditional academic outlets, but they are excellent forums to highlight findings that deserve further study. We have no explanation for why Sotomayor's language would become more polite while Kagan's was becoming less so, but we hope that by presenting the data we might provoke someone else's research agenda.

Text mining oral arguments is not limited to the justices. We have just begun to analyze advocate behavior, including advocate effectiveness. And [ScotusOA.com](#)

is not limited to our own work—we welcome contributions from other Court scholars who want to present new findings or communicate existing ones to a wider audience. Our ultimate objective with ScotusOA.com is to illustrate how text data mining, empirical analysis, and legal analysis can be combined to analyze individual cases and broader trends across time, and scholars are welcome to buttress their empirical analysis with qualitative analysis of oral arguments.

The ScotusOA team consists of Tonja Jacobi, Northwestern University Pritzker School of Law ([t-jacobi@law.northwestern.edu](mailto:t-jacobi@law.northwestern.edu)) and Matthew Sag, Loyola University of Chicago School of Law ([msag@luc.edu](mailto:msag@luc.edu)).

## Better Get to Know a Law and Courter

RYAN C. BLACK - MICHIGAN STATE UNIVERSITY

Hello gentle reader! It's episode three here on "Better Get to Know and Law and Courter." My subjects this issue were incredibly generous to provide responses over the summer vacation, so a big thanks to Allison Harris and Susan Haire for letting us better get to them! Questions, comments, or suggestions – don't hesitate to let me know ([rcblack@msu.edu](mailto:rcblack@msu.edu)).

-RCB

P.S., Copy/paste got the better of me on Larry's short bio in the previous issue. It should have read "Larry Baum is Professor Emeritus of Political Science at the Ohio State University (<https://polisci.osu.edu/people/baum.4>). He earned his Ph.D. in political science from the University of Wisconsin in 1973." Sorry!

ALLISON HARRIS

PENNSYLVANIA STATE UNIVERSITY



Allison Harris is Assistant Professor of Political Science at Pennsylvania State University (<https://www.allisonpharris.com>). She earned her Ph.D. in political science from the University of Chicago in 2016.

**Tell me a little about your background and how you got to where you are today.**

It took a long time. My undergraduate major was urban studies. I took City Politics with Jim Morone during my freshman year at Brown University, and I was hooked. I spent two summers interning at local housing authorities and then took a job in finance, because they recruited on campus and I needed a job. After two years, and a very brief period as a professional dancer, I went back to school for my M.P.P. at Rutgers University. One of my professors, Jocelyn Crowley (who is an amazing mentor), encouraged me to pursue doctoral training in political science. It was something I had never previously considered, and I didn't know what it entailed other than spending a very long time in school. After graduating from policy school, I worked in state government and public management consulting. During that time, I found that what I enjoyed most about each of my jobs was research. So, several years after college, I went back to graduate school.

**If you weren't a political scientist, what would you be instead?**

I'd be a performer on Broadway! That is, if they'd have me. More realistically, I would enjoy working as a program officer at a foundation or in higher education administration.

**What are you working on now?**

I'm working on a series of projects about diversity among judges and sentencing outcomes. In these projects, I'm interested in understanding how diversity—with respect to race, gender, and partisanship—within a group of judges affects

individual judge's sentencing decisions. In the first paper, I find that as judges gain more Black colleagues, White and Black judges become more lenient toward Black defendants and White judges become more punitive toward White defendants. Overall, this results in more equitable sentencing outcomes for Black and White defendants. I'm in the process of testing this experimentally as well (with Amir Fairdosi). I'm also working on a project about the relationship between budget shortfalls and discriminatory policing (with Elliott Ash and Jeffery Fagan) and another (with Ariel White and Soumyajit Mazumder) that asks whether judges respond to protests. Then there are all of the new projects I want to start, but know I shouldn't yet!

### **Best book on your office shelves people may be surprised by?**

*Between Families and Frankenstein: The Politics of Egg Donation in the United States*, by Erin Heidt-Forsythe. It's a fascinating overview of the politics of egg donation in the U.S. that upends the misconception that politics don't influence egg donation practices. I didn't realize how little I knew about egg donation or the policies around them.

### **What's some good work other than your own that you've read recently and would recommend?**

I finally finished *Locking Up Our Own* (by James Forman, Jr.) and *Crook County* (by Nicole Gonzalez Van Cleve) this summer. I highly recommend both, and especially enjoyed *Crook County*. I had recently finished a project using criminal data from Cook County, IL, but the richness of the information Nicole Van Cleve collected over years working in the county is just amazing!

### **What's your workspace setup like?**

My office is in desperate need of some decoration. Otherwise, it's pretty standard—L-shaped desk with one large monitor. I have three bookshelves (though not even one is full), a white board, small table and chairs, and a picture of Cape May. I'm from New Jersey and spent every summer going to the shore. The most interesting thing in my office is a scrabble stand with pieces that spell out my name glued to it. I went to a wedding where the couple used these instead of place cards, and knew right away it was going on my desk.

### **What apps, software, or tools can't you live without?**

The usuals: LaTex, Stata, R, Microsoft Office programs. But, most of all, my bullet journal. A mentor put me on to bullet journaling in May, and it changed my life. I could go on forever, but I'll spare the readers and just say it's been a life saver for me in terms of managing time *and* anxiety.

### **What do you listen to while you work?**

When I'm reading—modern classical. When I'm coding or prepping for class it varies from 90's and early 2000's hip hop and R&B to showtunes. I also have a soft spot for 80's ballads and Drake. When I'm writing—nothing.

### **Favorite research and teaching hacks?**

I don't think I have any yet, but I'd like some! One thing that I've found surprisingly useful is social media. I used to get so nervous about reaching out to the broader political science community in that way, but they've been incredibly helpful from recommending books to providing suggestions for in-class activities and resources for students.

## **How do you recharge? What do you do when you want to forget about work?**

I start most mornings with a long walk while listening to a podcast or audiobook. It helps me wake up, and I really like starting the day with something that has nothing to do with work. I just listened to the first episode of *Bundyville*, and it was good! So, yeah, my next few walks are going to be awesome. I read a few pages of a novel most nights before I go to sleep, and I also make time for the few shows that I'm really into (*Westworld*, *Insecure*, *Better Call Saul*).

## **What everyday thing are you better at than everyone else? What's your secret?**

I can do a pretty good showtune. It's all in the jazz hands and the drama.

## **What's your biggest struggle in being a faculty member? How do you try to address it?**

Confidence, especially when rejection is such a big part of being an academic. I also struggle with time management, but the bullet journaling has helped a lot!

## **What's the best advice you ever received?**

Treat yourself with care.

## **What's the greatest idea you've had that you don't want to do yourself?**

I don't think I've thought this idea through enough to communicate it, but I'll try. I'd love to see a project on the intersections of gender, religion, class, race, geography, and multilevel marketing. Has this been done already? I was reading an article about the multilevel marketing companies that are popular in the West among women, especially White women with certain religious background. The article also referenced some of

the larger companies that are popular across the country with people from a variety of backgrounds (like Avon, Mary Kay, and Amway), but I've also seen advertisements for companies popular among Black Americans that weren't mentioned at all in the article and companies popular among well-educated high-income women. Anyways, I don't know exactly what this project should be, but I hope someone figures it out.

## **Is there anything else you'd like to add that might be interesting to readers?**

Send me your research and teaching hacks! Also, @AlliPatter!

## **Fill in the blanks: I'd love to see \_\_junior person\_\_ and \_\_senior person\_\_ answer these same questions.**

Abby Matthews and Susan Haire (ed. note: donezo!)

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**SUSAN HAIRE**

UNIVERSITY OF GEORGIA

Susan Haire is Professor of Political Science and Director of Criminal Justice Studies at the University of Georgia. She earned her Ph.D. in political science from the University of South Carolina in 1993.



**Tell me a little about your background and how you got to where you are today.**

If there is a “normal” path to academia, I clearly did not follow it. I initially thought that I wanted to go to law school until I took a course as an undergraduate here at UGA, from Chuck Bullock, on legislative politics and wrote my first research paper on congressional efforts to override Supreme Court decisions dealing with civil rights. An internship in the Georgia General Assembly heightened my interest in politics. I later landed a job with a research arm of a brokerage firm in DC. After several years in DC, I decided that I wanted to shift my perspective to become a serious student of American politics. With my husband in his first year of law school and a five-month old daughter, I naively thought that it would be a good time to start a PhD program at South Carolina. Over the next four years, I honed my skills in sleep deprivation and time management while immersed in scholarship on American politics and public admin. More importantly, I learned how to conduct research in judicial politics with a patient, generous major professor: Don Songer. My first job was at UNC-Greensboro (a great place) but when a position came open at my alma mater, we returned to Georgia in 1995. With the exception of a two-year stint at NSF, I have been at UGA since that time.

**If you weren't a political scientist, what would you be instead?**

That's a tough one...Growing up, I was influenced by my parents: a psychologist and an artist/art teacher. The artistic gene completely skipped over me, but the psychology perspective did not. I often view the world from a psychological perspective, although I don't know if I could have been a clinician like my father. Given my work experience in DC, I believe that research is something that I would have pursued

even if I had not become a political scientist. Perhaps a career in another discipline in the decision sciences...behavioral economics?

**What are you working on now?**

Currently, I am working with Laura Moyer (Univ of Louisville), John Szmer (UNC-Charlottesville), and Rob Christensen (BYU) on an NSF-funded project that explores how the demographic transformation of the federal appellate judiciary has affected decision making processes, including deliberative outputs. In addition to examining these questions through traditional ways that focus on case outcomes and voting behavior, we consider how judicial diversity affects the content of opinions and patterns in oral argument.

**Books on your office shelves people may be surprised by?**

I'm so predictable that it is hard to think of a best book that would surprise someone. One possible selection: *How Courts Govern America* by Richard Neely. Neely was a former Chief Justice of the West Virginia Supreme Court and a pretty outrageous figure who managed to insult almost everyone. I have saved a quote about an ad that he once placed in a legal circular: “West Virginia’s infamous once and future Chief Justice Richard Neely, America’s laziest and dumbest judge, seeks a bright person to keep him from looking stupid. Preference will be given to U.Va. law students who studied interesting but useless subjects at snobby schools. If you are dead drunk and miss the interviews, send letters.” I used to assign a portion of this book in my class on judicial process—it is well-written, but now a little dated.

### **What's some good work other than your own that you've read recently and would recommend?**

These are hard questions! I would recommend reading more works published by scholars from other subfields in American politics and other social science disciplines. For example, I have started going back and reading through those works that won the Victoria Schuck award (APSA) for the best book on women and politics. I also scan through the American Psychology-Law Society (APA) web page ("Research in the News").

### **What's your workspace setup like?**

I have two offices...one is pristine (it is new and I have not had a chance to break it in) and the other is messy because it is my administrative office where students and staff come and go. It is always a mess that can be easily cleaned up in a day...something that I do about 2–3 times a year. In fact, to avoid finishing my responses to these questions, I spent an afternoon cleaning it up.

### **What apps, software, or tools can't you live without?**

I have always relied on statistical software that allows the user some flexibility with database management so that you can come up with variables that come close to measuring what you want to measure. (I really don't like "point and click" things). In graduate school and early on in my career, it was SAS. Now, it is STATA. Perhaps that will shift someday soon (R?). I am also trying out new tools developed by scholars in linguistics (LIWC, for example).

### **What do you listen to while you work?**

I like music but I am too easily distracted by it. Years ago, I used to listen to my children while I was working at home. I still enjoy the sounds of kids playing, especially laughter, while I am working because it forces me to stop and reflect

rather than get too wrapped up in whatever I am working on.

### **Favorite research and teaching hacks?**

1. Reading this newsletter.
2. Collaboration. I think that every research project with colleagues has provided an opportunity to learn something new, whether it was being exposed to software, a statistical model, new ways of interpreting effects. For a few years, I team-taught a class with a former UGA colleague, Arnie Fleischmann. I learned so much about teaching from this experience--during a time when I thought that I was a pretty seasoned instructor.
3. Service to the discipline and the University. At my institution and as an external reviewer, I have read through many (15 plus?) tenure and promotion dossiers. It is an important responsibility; but, it is also an opportunity to learn what others are doing. Service on law and courts section award committees provide all of us with invaluable opportunities to read research being conducted by our colleagues. When I was a panelist and then a program director at NSF, I reviewed countless proposals and each one was a learning experience, particularly those that were from other disciplines. In addition to being an invigorating intellectual experience, it offered an opportunity to dig out of the parochialism that accompanies scholarly expertise and think more creatively about research questions.

### **How do you recharge? What do you do when you want to forget about work?**

At this stage of my life, it would have to be travel. Last year, we spent the most relaxing ten days in Hawaii. This year we did something completely

different: walking Hadrian's Wall where we experienced some beautiful scenery, overcame my fear of walking through livestock, and met some wonderful travelers along the way.

**What everyday thing are you better at than everyone else? What's your secret?**

Patience. Having raised (teen aged) children requires that you learn how to de-escalate potentially uncomfortable situations and treat people with consideration...even if they are the ones behaving badly.

**What's your biggest struggle in being a faculty member? How do you try to address it?**

There are not many women who are full professors in my field, institution, etc. I know that it is important for me to participate when asked so I generally say "yes." I address this dilemma by telling everyone about this struggle and hope that any guilt that they feel will ensure that I only get asked when I am needed.

**What's the best advice you ever received?**

Sleep on it. Any "big" decision requires some time to think it through but there are a number of "small" decisions that should not be rushed. Some decisions are easy to make but, if you have any reservations about a choice, give yourself some time.

**What's the greatest idea you've had that you don't want to do yourself?**

Political scientists need to direct more attention to understanding processes and outcomes associated with treatment and accountability courts. These are under-studied institutions,

although there is some good applied research on these courts. For a variety of reasons, our law and courts field (in political science) has largely ignored problem solving courts, but this is one area where I think that we could make scholarly contributions that also have a broader impact.

**Is there anything else you'd like to add that might be interesting to readers?**

Two unusual things about me that have nothing to do with me as an academic. 1) I did not play baseball, but I loved watching/going to Braves' games as a child and then later as an adult at Turner Field. I was in the stands when Hank Aaron broke the Babe's home run record and will always remember that moment. For related reasons, I cannot bring myself to go see the "Cobb" Braves (anyone from Atlanta will understand this). 2) I have been married since I was 21 (gasp) to a member of the military service who became a two-star general (he is now retired). It sounds like a cliché but we were really lucky--finding the right match at an early age and then making life decisions that tended to put the other one first.

**Fill in the blanks: I'd love to see \_\_\_ (junior person) and \_\_\_ (senior person) answer these same questions.**

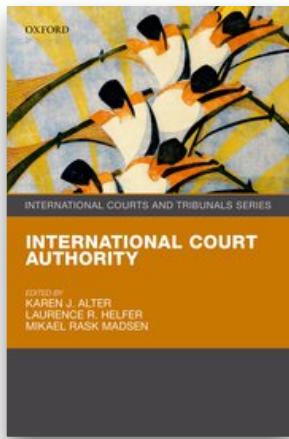
Junior persons: Gbemende Johnson and Morgan Hazelton

Senior persons: Kevin McGuire and Greg Caldeira

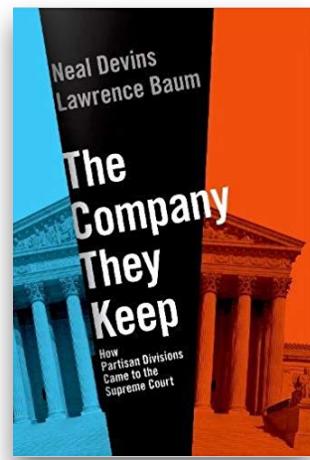
## Books to Watch For

DREW LANIER- UNIVERSITY OF CENTRAL FLORIDA

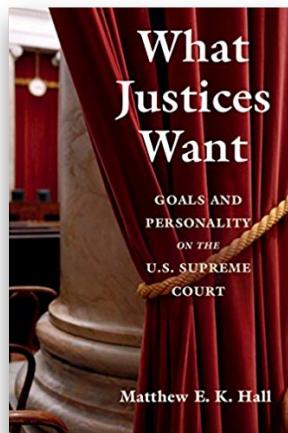
**Karen J. Alter** (Northwestern University), **Laurence R. Helfer** (Duke University), and **Mikael Rask Madsen** (Duke University) have co-edited *International Court Authority* (Oxford University Press, ISBN 978-0-198-79559-9). “An innovative, interdisciplinary and far-reaching examination of the actual reality of international courts, *International Court Authority* challenges fundamental preconceptions about when, why, and how international courts become important and authoritative actors in national, regional, and international politics. A stellar group of scholars investigate the challenges that international courts face in transforming the formal legal authority conferred by states into an actual authority in fact that is respected by potential litigants, national actors, legal communities, and publics. Alter, Helfer, and Madsen provide a novel framework for conceptualizing international court authority that focuses on the reactions and practices of these key audiences. Eighteen scholars from the disciplines of law, political science and sociology apply this framework to study thirteen international courts operating in Africa, Latin America, and Europe, as well as on a global level. Together the contributors document and explore important and interesting variations in whether the audiences that interact with international courts around the world embrace or reject the rulings of these judicial institutions.”



**Neal Devins** (College of William & Mary) and **Larry Baum** (The Ohio State University) have co-authored *The Company They Keep: How Partisan Divisions Came to the Supreme Court* (Oxford University Press, ISBN 978-0-190-27805-2, forthcoming). “The period since 2010 is the first in which the Supreme Court has been divided along ideological lines that coincide with party lines. The book links that change to political polarization in its various forms among social and political elites. The growth in polarization has elevated the role of ideological considerations in the selection of justices. It has also changed the social identities of the justices, and the impact of that change merits special attention. The justices are oriented primarily toward other members of the political and social elites. In the eras of the Warren and Burger Courts, the elites that were most relevant to the justices leaned in a liberal direction, and that leaning helps to explain the unexpected moderate and liberal positions of several Republican appointees to the Court. Since that time these elites increasingly have been divided along partisan and ideological lines, and with that development Republican and Democratic appointees have become part of separate groupings that reinforce their pre-existing ideological tendencies. The result has been to solidify party-defined ideological blocs on the Court. However, legal elites as reference groups continue to help limit the degree of partisanship and ideological division in the Court compared with the other branches of government.”

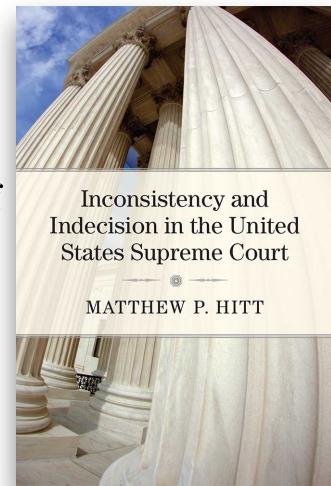


**Matthew E.K. Hall** (University of Notre Dame) has published *What Justices Want: Goals and Personality on the U.S. Supreme Court* (Cambridge University Press, ISBN 978-1-108-46290-7). “The most sophisticated theories of judicial behavior depict judges as rational actors who strategically pursue multiple goals when making decisions. However, these accounts tend to disregard the possibility that judges have heterogeneous goal preferences—that is, that different judges want different things. Integrating insights from personality psychology and economics, this book proposes a new theory of judicial behavior in which judges strategically pursue multiple goals, but their personality traits determine the relative importance of those goals. This theory is tested by analyzing the behavior of justices who served on the US Supreme Court between 1946 and 2015. Using recent advances in text-based personality measurement, Hall evaluates the influence of the ‘big five’ personality traits on the justices’ behavior during each stage of the Court’s decision-making process. *What Justices Want* shows that personality traits directly affect the justices’ choices and moderate the influence of goal-related situational factors on justices’ behavior.”

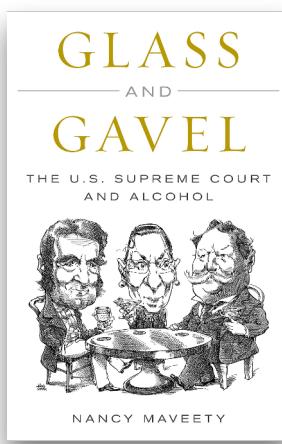


**Matthew P. Hitt** (Colorado State University) will soon publish *Inconsistency and Indecision in the United States Supreme Court* (University of Michigan Press, forthcoming, ISBN 978-0-472-13136-5). “The United States Supreme Court exists to resolve constitutional disputes

among lower courts and the other branches of government, allowing elected officials, citizens, and businesses to act without legal uncertainty. American law and society function more effectively when the Court resolves these ambiguous questions of constitutional law. Since lower courts must defer to its reasoning, the Court should also promulgate clear and consistent legal doctrine, giving a reason for its judgment that a majority of justices support. Yet, a Court that prioritizes resolving many disputes will at times produce contradictory sets of opinions or fail to provide a rationale and legal precedent for its decision at all. In either case, it produces an unreasoned judgment. Conversely, a Court that prioritizes logically consistent doctrine will fail to resolve many underlying disputes in law and society. *Inconsistency and Indecision in the United States Supreme Court* demonstrates that over time, institutional changes, lobbied for by the justices, substantially reduced unreasoned judgments in the Court’s output, coinciding with a reduction in the Court’s caseload. Hence, the Supreme Court historically emphasized the first goal of dispute resolution, but evolved into a Court that prioritizes the second goal of logically consistent doctrine. As a result, the Court today fails to resolve more underlying questions in law and society in order to minimize criticism of its output from other elites. In so doing, (Hitt argues that) the modern Court often fails to live up to its constitutional obligation.”

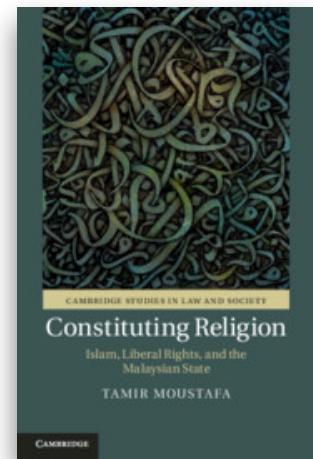


**Nancy Maveety** (Tulane University) has authored *Glass and Gavel: The U.S. Supreme Court and Alcohol* (Rowman & Littlefield, ISBN 978-1-538-11198-7). "In *Glass and Gavel*, Maveety has written the first book devoted to alcohol in the nation's highest court of law, the United States Supreme Court. Combining an examination of the justices' participation in the social use of alcohol across the Court's (and the Republic's) history with a survey of the Court's decision on alcohol regulation, she illustrates the ways in which the Court has helped to construct the changing culture of alcohol. 'Intoxicating liquor' is one of the few things so plainly material to explicitly merit mention, not once, but twice, in the amendments to the U.S. Constitution. Maveety shows how much of our constitutional law—Supreme Court rulings on the powers of government and the rights of individuals—has been shaped by our American love/hate relationship with the bottle and the barroom. From the tavern as a judicial meeting space, to the bootlegger as both pariah and patriot, to the individual freedom issue of the sobriety checkpoint—there is the Supreme Court, adjudicating but also partaking in the temper(ance) of the times. In an entertaining and accessible style, Maveety shows that what the justices say and do with respect to alcohol provides important lessons about their times, our times, and our 'constitutional cocktail' of limited governmental power and individual rights."



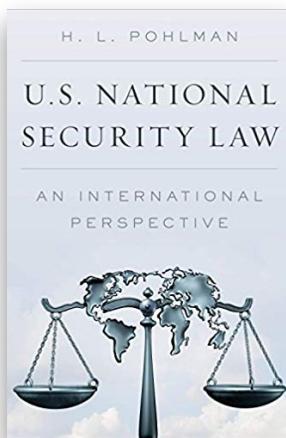
**Tamir Moustafa** (Simon Fraser University) has published *Constituting Religion: Islam, Liberal Rights and the Malaysian State* (Cambridge

University Press, ISBN 978-1-108-43917-6). "Most Muslim-majority countries have legal systems that enshrine both Islam and liberal rights. While not necessarily at odds, these dual commitments nonetheless provide legal and symbolic resources for activists to advance contending visions for their states and societies. Using the case study of Malaysia, *Constituting Religion* examines how these legal arrangements enable litigation and feed the construction of a 'rights-versus-rites binary' in law, politics, and the popular imagination. By drawing on extensive primary source material and tracing controversial cases from the court of law to the court of public opinion, this study theorizes the 'judicialization of religion' and the radiating effects of courts on popular legal and religious consciousness. The book documents how legal institutions catalyze ideological struggles, which stand to redefine the nation and its politics. Probing the links between legal pluralism, social movements, secularism, and political Islamism, *Constituting Religion* sheds new light on the confluence of law, religion, politics, and society."

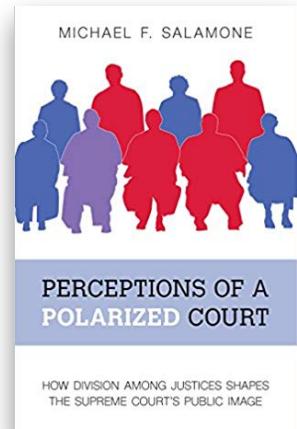


**H. L. Pohlman** (Dickinson College) has authored *U.S. National Security Law: An International Perspective* (Rowman & Littlefield, ISBN 978-1-538-10403-3). "The rise of international terrorism in today's globalized world has focused attention on the degree to which international law should shape U.S. national security law and policy. This unique textbook of readings explores how international law relates

to U.S. constitutional and statutory law in terms of the right to wage war, the law of armed conflict, combatant status, interrogation of detainees, military commissions, covert action, targeted killing, electronic surveillance, and cyber war. Each chapter is composed of a chronological set of core readings followed by a set of provocative questions, with commentary linking one reading to the next. Written in a lively and engaging manner, *U.S. National Security Law* makes challenging subject matter accessible for undergraduate students outside of a law school classroom.”



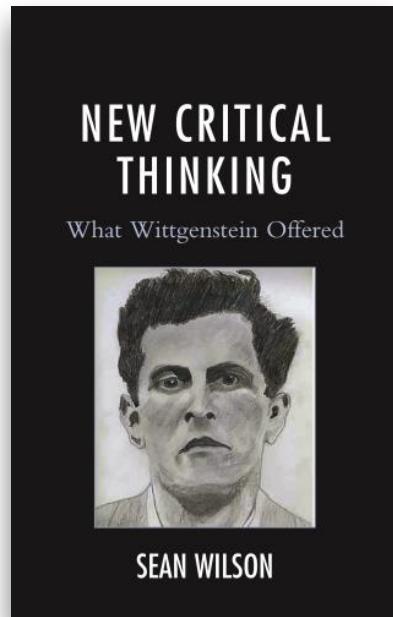
decisions and public opinion toward the Court’s rulings to show how public acceptance is (or is not) affected. The author contends that judicial polarization has had an impact on the manner in which journalists report on the Supreme Court. However, contrary to expectation, Court dissent may help secure public support by tapping into core democratic values.”



**Michael F. Salamone** (Washington State University) has written *Perceptions of a Polarized Court: How Division among Justices Shapes the Supreme Court's Public Image* Temple University Press, ISBN 978-1-439-91694-0). “Like our divided nation, the Supreme Court is polarized. But does a split among Supreme Court justices—particularly when it occurs along ideological lines—hurt public perception and the Court’s ability to muster popular support for its rulings? *Perceptions of a Polarized Court* offers the first comprehensive, empirical analysis of how divisiveness affects the legitimacy of the Court’s decisions. Salamone (analyzes) specifically...the Roberts Court years—which are characterized by unprecedented ideological and partisan polarization among the justices—to evaluate the public consequences of divided Supreme Court rulings. He also analyzes both the media’s treatment of Supreme Court

**Sean Wilson** (Wright State University) will soon publish *New Critical Thinking: What Wittgenstein Offered* (Rowman & Littlefield, ISBN 978-1-498-58359-6). “Ludwig Wittgenstein changed everything. To understand how, we need to understand what he did to the subject of critical reasoning. Wittgenstein didn’t leave us ‘philosophy’; he left a pathway for a more perspicuous intellect. This was caused by a psychological condition that made him meticulous and hypersensitive. He could abnormally perceive three natural phenomena: (a) the social traits implicated in word use; (b) the task-functions signified in communication; and (c) the pictures that flash before the mind’s eye. With this unique acuity, he showed us how post-analytic thinking was to occur. And this discovery changes everything. It revolutionizes how we must argue with one another and what we believe is “true.” Instead of focusing primarily upon premises or facts, we must point people to how their intellect behaves during a speech act—something called “therapy.” And this has radical implications for analysis, conceptual investigation, value judgments,

political ideology, ethics and even religion. This book is both an explanation of, and a blueprint for, the new critical thinking. Written for both a lay and special audience, and for all fields of study, it shows what Wittgenstein invented and how it affects us all.”



# INFORMATION FOR CONTRIBUTORS

## General Information

Law and Courts publishes articles, notes, news items, announcements, commentaries, and features of interest to members of the Law and Courts Section of the APSA. Law and Courts publishes three editions a year (Fall, Summer, and Spring). Deadlines for submission of materials are: April 1 (Spring), July 1 (Summer), and November 1 (Fall). Contributions to Law and Courts should be sent to the editor:

Amanda Bryan  
Editor – Law and Courts Newsletter  
Loyola University Chicago  
amanda.clare.bryan@gmail.com

## Articles, Notes, and Commentary

We will be glad to consider articles and notes concerning matters of interest to readers of Law and Courts. Research findings, teaching innovations, release of original data, or commentary on developments in the field are encouraged.

Footnote and reference style should follow that of the American Political Science Review. Please submit your manuscript electronically in MS Word (.docx) or compatible software and provide a “head shot” photo. In addition to bibliography and notes, a listing of website addresses cited in the article with the accompanying page number should be included.

## Symposia

Collections of related articles or notes are especially welcome. Please contact the Editor if you have ideas for symposia or if you are interested in editing a collection of common articles. Symposia submissions should follow the guidelines for other manuscripts.

## Announcements

Announcements and section news will be included in Law and Courts, as well as information regarding upcoming conferences. Organizers of panels are encouraged to inform the Editor so that papers and participants may be reported. Developments in the field such as fellowships, grants, and awards will be announced when possible. Finally, authors should notify BOOKS TO WATCH FOR EDITOR, Drew Lanier, of publication of manuscripts or works that are soon to be completed.

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