



Law and Courts Newsletter

Hello From Section Chair

KIRK RANDAZZO - UNIVERSITY OF SOUTH CAROLINA

Thank you for the opportunity to offer some thoughts as we move into this academic year. First, let me thank the members of last year's Executive Committee for all of their hard work. In particular, let me thank Section Chair Julie Novkov (SUNY Albany) for her dedication and efforts on behalf of our section.

Second, let me congratulate (again) our several award winners from the 2019 APSA meeting in Washington, DC. **Allison Harris** (Best Conference Paper), **Anna Gunderson** (Best Graduate Student Paper), **Elizabeth Lane** (Best Graduate Student Paper), **John Kastlelec** (Best Journal Article), **Daniel Brinks** and **Abby Blass** (C. Herman Pritchett Book Award), **Frank Baumgartner**, **Derek Epp**, and **Kelsey Shoub** (C. Herman Pritchett Book Award), **Alec Stone Sweet** (Lasting Contribution), **Tamir Moustafa** (Lasting Contribution), **Julie Novkov** (Service Award), **Virginia Hettinger** (Teaching and Mentoring Award), and **Gary Jacobsohn** (Lifetime Achievement Award). All of these individuals are doing amazing work and the Section is extremely proud and grateful to them.



In moving forward there are some items that the Section will address during this year. One of our top priorities is to build upon our efforts at promoting diversity and inclusion. As you are aware, last year we had an ad hoc committee provide several recommendations concerning the Section. These recommendations were reviewed by the Executive Committee and a consensus emerged that changes are necessary to improve the Section. To address these recommendations, we are continuing the work of this committee (though with some additional members) with the goal that we either implement changes or develop an implementation plan.

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Another issue that we must address is the operation of the Section listserv. Our current List Moderator, Paul Collins, presented the results of a survey he conducted among list users. Unfortunately, the conclusions from this research were not reflective of the principles and values that constitute our Section. More specifically, a significant proportion of respondents indicated that the current format of the listserv allows, and potentially fosters, for behavior that is extremely unprofessional. Therefore, a vote was approved during the Business Meeting to change the format of the listserv from its current configuration to an announcements-only list. We are now searching for a moderator to replace Paul Collins who will implement this change. Thank you to Paul for his years of service as Moderator.

Finally, this summer saw a change in the Editor of our journal, the *Journal of Law and Courts*. Thank you to Kevin McGuire for his service as the previous Editor, and to Justin Wedeking for stepping in and serving as Interim Editor. We are starting a formal search for a permanent editor and will send out solicitations for proposals from candidates in the very near future. In the meantime, Justin requested that individuals continue to submit their research to the *JLC* and continue to serve as reviewers when requested.

As these changes go into effect, I am extremely excited about the direction of the Section. Our members continue to produce cutting-edge research on important questions and serve in various capacities that make a fundamental difference in our profession and our communities. Thank you for the opportunity to serve as Chair for this academic year!

Best,

Kirk

UPCOMING 2020 CONFERENCES:

Southern Political Science
Association Annual Meeting:
January 9-11
San Juan, PR

Western Political Science
Association Annual Meeting:
April 9-11
Los Angeles, CA

Midwest Political Science
Association Annual Meeting:
April 16-19
Chicago, IL

American Political Science
Association Annual Meeting**:
September 10-14
San Francisco, CA

** Submission Deadline January
14

Better Get to Know a Law and Courter

RYAN C. BLACK - MICHIGAN STATE UNIVERSITY

Hello to everyone out there in the law and courts universe! We've made it to episode five! A big shout out and thanks to both Chris Kromphardt and Sara Benesh for answering my questions in this installment. As always, I eagerly await your questions, comments, or suggestions (rcblack@msu.edu).

-RCB

CHRIS KROMPHARDT
NORTHEASTERN UNIVERSITY

Chris Kromphardt is an Instructor, Doctor of Law and Policy Program at Northeastern University (<https://kromphardt.weebly.com>). He earned his



Ph.D. in Political Science from the University of Alabama in 2015.

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

I like to say that I'm a "former future law student." Like many political science undergraduates, I had planned on going to law school. I even took the LSAT before I took the GRE. However, upper-level political science courses—including a constitutional law course with Sheldon Goldman while I was on National Student Exchange, who I didn't realize going in to the course was such an influential scholar—showed me a fascinating way that I

could pursue my interests in studying both law and politics at the same time. After completing graduate school and holding teaching positions in Alabama and Washington state, I had the chance to return to the Midwest, where I'm currently teaching at University of Northern Iowa.

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

I've had a lot of different summer jobs, whether it was working at a hardware store or cutting meat in a grocery store. But I imagine that I would probably be some sort of writer.

What are you working on now?

I have been finishing up a few long-term projects. My coauthors and I just sent back a revise-and-resubmit on a project analyzing how evangelical Protestants view the Supreme Court's legitimacy. A coauthor and I are just wrapping a two-paper project where we analyze an interesting data set of media requests to televise made to the Ninth Circuit, one of the few federal courts that allows its proceedings to be televised. After these, I'm starting a new project that looks at how different generations of justices interact with different generations of female law clerks. This idea was inspired by learning more about trailblazer theory and by Brett Kavanaugh being the first justice to hire four female clerks.

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

Maybe *Storming the Court*. It's a true story about a group of law students working for Haitian refugees being detained at Guantanamo Bay during the Nineties. It's a great read, and I've loaned it out to students going to law school to supplement their bingeing of *One L* and *The Paper Chase*.

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

I'm really glad I read an article by Morgan Hazelton, Rachael Hinkle, and Jee Seon Jeon in *American Politics Research* ("Sound the Alarm? Judicial Decisions Regarding Publication and Dissent," 2016). Not only was the publication extraordinarily well done and interesting, but I'm sure it saved me from making some mistakes that an eventual Reviewer 2 would've been all too happy to draw my attention to. Jim Gibson and Michael Nelson's *Black and Blue: How African Americans Judge the U.S. Legal System* was a tremendous catalyst to my coauthors' and my thinking as we worked on a revise-and-resubmit this summer. I also really enjoyed Christopher Krewson's article in *Political Research Quarterly* that used a clever research design to suss out the effects of public speeches made by Supreme Court justices ("Save this Honorable Court: Shaping Public Perceptions of the Supreme Court off the Bench," 2019).

What's your workspace setup like?

I don't really have one workspace. I like to work in coffee shops, so I haul around a lot of the

essentials (laptop, headphones, notebook, whatever I'm reading in print) in a backpack. When I'm working at home or on campus, this all comes out of the backpack. At home, I'm a sucker for maps and Chicago Cubs memorabilia that I like to hang on the walls.

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

I should probably say R, but the truth is rainymood.com. It's like white noise to help me concentrate, but better.

What do you listen to while you work?

See #7.

I will listen to music when I want something upbeat, but it can't have singing in it. Bands like Tycho and sleepmakeswaves do tend to put me in a good headspace while I work.

Favorite research and teaching hacks?

Whatever I'm starting, whether it's planning a class session or beginning a draft of a paper, I love to freehand ideas on a blank legal pad.

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

Lately, I've been watching way too much of Guy Fieri's television oeuvre on demand. I also read a lot for fun, and I agonize frequently over what the post-2016 Cubs are doing.

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

I don't know if it's something that I should be proud of, but I'm pretty good at groan-inducing puns. The secret is having no shame.

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

As an adjunct or visiting faculty member, I love that I've gotten to work on campuses across the country and with wonderful new colleagues. Sometimes it's learning the little things, like the intricacies of Blackboard versus Moodle or who to call when a copier malfunctions, that can blindside you. Fortunately, I'm not shy about asking for help.

What's the best advice you ever received?

To keep a lot of irons in the fire while setting one-month-long goals in order to keep all of the things moving. Also (and I'm paraphrasing an off-color maxim here), to know when it's time to stop fussing over a project and get it out the door.

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

Writing a screenplay based on Jill Lepore's New Yorker article about the mysterious disappearance of Felix Frankfurter's papers. (Michael Douglas, reuniting with director David Fincher, would be a perfect Frankfurter in flashbacks.)

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

Probably not.

Fill in the blanks: I'd love to see __junior person__ and __senior person__ answer these same questions.

Michael Nelson; Sally Kenney

SARA BENESH

UNIVERSITY OF WISCONSIN - MILWAUKEE

Sara Benesh is Associate Professor and Chair of Political Science at the University of Wisconsin - Milwaukee

(<https://sites.uwm.edu/sbenesh/>). She



earned her Ph.D. in Political Science from Michigan State University in 1999.

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

I grew up in a small town in Wisconsin, just north of Green Bay, and went to a small private liberal arts college (St. Norbert), just south of Green Bay. After getting over thinking I'd go on to law school, and beginning my education

degree by taking Introduction to American Politics (I was going to be a high school English teacher), I decided that what I actually wanted to be was my political science professor, Maureen Manion. I headed to Michigan State University for a PhD because they offered me money and it was in the Midwest (seriously, my only two criteria – my choice was between MSU and Notre Dame), happening upon one of the foremost experts in my chosen field in the process. The rest, as they say, is history.

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

I'm still working on finding a way to get paid to read novels. Does anyone out there know how to get paid to read novels? I guess I could find work as an editor of fiction? (My BA is in English...) Or become a reviewer for the *New York Times Book Review*? Or, perhaps I could do a *little* work between reading and become a librarian for a small local library? Maybe I could be a bookstore proprietor for however much longer they exist? As you might be able to tell, I frequently daydream about this...Could I make money on YouTube talking about novels, do you think?? Hm. Not sure the kids are excited about the novels...

What are you working on now?

Dude, I was just elected Chair. I'm working on EMAILS. Seriously, though, I've got a project on Supreme Court justice appearances as well as a project on the consequences of recusal rules for state supreme court campaign contributions on which I'd love to make some progress. Most everything I work on or read lately has some connection with legitimacy, though a new graduate student just got me thinking about Supreme Court oral arguments again...

Books on your office shelves people may be surprised by?

Fanny Hill? I sometimes teach a course on Obscenity and the First Amendment...

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

I recently read an interesting paper by Joshua Darr, Johanna Dunaway, and Matthew Hitt that argued that part of the explanation for our increased political polarization is the closure of local newspapers. They suggest that, when local papers close, people focus instead on the national media and the national media is far more focused in its coverage on conflict. I'm a big fan of clever research designs that seek to answer interesting questions, and their study is a great example of that. (Sorry it's not in the area of law & courts...I'm sure I've read tons of great judicial stuff lately that I just can't conjure right this moment...But Matt is a law & courts scholar, so that counts, right?)

What's your workspace setup like?

Well, about the only benefit I've discerned so far about this Chair gig is that I have a pretty nice corner office. Three windows, great East-facing morning light, a big old wooden desk, and a nice stand/sit desk with my Mac and an extra screen on it. (What did I do before I had two screens???)

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

The dual monitors are a big deal. I finally got the same setup in my home office. Life-changing. I don't know about apps, software, or tools. I really like the electronic

deposit feature on my phone from USAA...and Facebook...

What do you listen to while you work?

I tend not to play music when I work. I distract myself by singing along.

Favorite research and teaching hacks?

I'm not sure about hacks beyond coauthoring with people smarter than you (research) and employing a variety of media types in class to incite student interest (teaching), but one thing I'm coming to realize more fully, now that I've been doing this a long time and my daughter is in high school, is that you can be nice to students and still challenge them. I think, as a young woman, I felt I needed to establish authority and did so, very consciously. Now, I'm far more prone to just expect and demand a lot, but also to be friendly and kind and entertaining, and I think my teaching has improved with that attitude shift. I get a lot out of my students, and though they kick and scream, they end up satisfied at the end with their experience. We just need to remember that these are, for the most part, still KIDS, and I hope that my daughter has a professor that cares about her and is nice to her even while challenging her when she leaves me for college. (OMG she's going to leave me for college!!!!)

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

I may have mentioned I like to read novels. I do that, with a nice mug of coffee (cream, no sugar) or a lovely red wine (currently a big fan of red blends), curled up in a comfy chair with a blanket or out in the backyard by my outdoor fireplace (if it's nice out and there are no mosquitos). My husband is a Master Gardner

and our backyard is GORGEOUS, so I might be found just wandering around looking at perennials and eating raspberries and watching the bees and the butterflies. Unless it's winter, in which case, it's the wine and the blanket and the novel.

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

I'm a really good singer. I mean, I was anyway. I've not done much singing recently, but I did once sing back-up for Poison. I also sang at Carnegie Hall. NBD.

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

Ugh, I'm terrible at work/life balance!! I feel guilty when I work a lot, and guilty when I don't work. I feel guilty when I'm not spending time with my kids, and guilty when I take the day off to do so. I feel like I let everyone down and I don't do anything well. Other than that, I'm fine. <Insert laughing emoji here.>

What's the best advice you ever received?

"Just breathe." (From my Dad, at some point during graduate school.) "Take things day by day." (From my Mom, at some point during graduate school. And yesterday.)

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

I'm fascinated with legitimacy and I'm especially interested in how it develops. We all know that the Court is the most-loved institution, but I've been thinking about the process by which we socialize children into thinking about the Court differently.

I talked to Virginia Hettinger about this project, actually, years ago, right Virginia?? We discussed interviewing kids and reviewing textbooks to try to figure out at what point and how we teach kids about courts and how that might matter to legitimacy even later in life. A colleague talked me out of it, arguing it was just too difficult and messy, but I still think it'd be fascinating to see what we'd come up with.

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

I'm currently the boss of everything and I'm exhausted. (Department Chair, President of the Board of the Saukville Community Food Pantry, President of the Port Washington High School Music Boosters, CEO of the Pashak Family, etc, etc) I wonder if I need to learn how to say no?? (But I LOVE all of those roles...except maybe Department Chair! J/K, it's not so bad. Unless...)

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

Allison Harris (Ed. Note: See Volume 28, Issue 2) and Jim Gibson

Books to Watch For

DREW LANIER- UNIVERSITY OF CENTRAL FLORIDA

Courtenay W. Daum (Colorado State University) has written *The Politics of Right Sex: Transgressive Bodies, Governmentality, and the Limits of Trans Rights* (SUNY Press, ISBN 978-1-4384-78876). "While the growing attention to trans rights and the development of trans-specific interest groups suggest that the time is right for a trans rights movement akin to prior civil rights movements, the work explores the limitations of rights-based mobilization and litigation for advancing the interests of trans communities. Synthesizing critical theory, transgender studies, and extant law and society research, Daum argues that trans individuals, particularly those situated at the intersection of gender, race, class, and immigration status, are regulated by myriad forces of governmentality that work to maintain the sex and gender binaries and associated power hierarchies. Because many informal practices and norms are located beyond the reach of civil rights laws, a trans politics of rights may produce some modest legal and legislative reforms but will not eliminate the disciplinary forces that work to subject trans individuals. It will also privilege those who are able to conform with dominant gender norms at the expense of the interests of those individuals who are gender nonconforming, gender queer, trans people of color, and others unable or unwilling to embrace a transnormative presentation of self and/or lifestyle. In order to disrupt the dominant discourse and hierarchical power arrangements in pursuit of collective liberation for all as opposed to rights for some, the book

advocates for a more confrontational approach that directly engages and challenges the hegemonic power structures that govern and discipline trans individuals."

Brad Epperly (University of South Carolina) has published *The Political Foundations of Judicial Independence in Dictatorship and Democracy* (Oxford University Press, ISBN 978-0-1988-45027).

"This book argues that explaining judicial independence-considered the fundamental question of comparative law and politics-requires a perspective that spans the democracy/autocracy divide. Rather than seeking separate explanations in each regime context, in the work, Epperly argues that political competition is a salient factor in determining levels of de facto judicial independence across regime type, and in autocracies a factor of far greater import. Blending formal theory, observational and instrumental variables models, and elite interviews of leading Hungarian legal scholars and judges, Epperly offers a new framework for understanding judicial independence that integrates explanations of both de jure and de facto independence in both democratic and autocratic regimes."

Helen J. Knowles (State University of New York at Oswego), **Bruce E. Altschuler** (State University of New York at Oswego), and **Jaclyn Schildkraut** (State University of New York at Oswego) have co-published *Lights, Camera, Execution!: Cinematic Portrayals of Capital Punishment* (Rowman & Littlefield, ISBN 978-1-4985-7966-7). The work "fills a prominent void in the existing film studies and

death penalty literature. Each chapter focuses on a particular cinematic portrayal of the death penalty in the United States. Some of the analyzed films are well-known Hollywood blockbusters, such as *Dead Man Walking* (1995); others are more obscure, such as the made-for-television movie *Murder in Coweta County* (1983). By contrasting different portrayals where appropriate and identifying themes common to many of the studied films – such as the concept of dignity and the role of race (and racial discrimination) – the volume strengthens the reader’s ability to engage in comparative analysis of topics, stories, and cinematic techniques. The authors each have extensive experience teaching, and writing about the death penalty, film studies, and criminal justice. The work is deliberately designed for both classroom use and general readership.”

Herbert Kritzer's (University of Minnesota) *Justices on the Ballot: Continuity and Change in State Supreme Court Elections* (originally published in 2015) has now been released by Cambridge University Press in both paperback (ISBN 978-1-1074-62991) and Kindle editions. The Kindle edition (which can be used with iOS, Android, PC, and Mac apps as well as the Amazon Kindle device) is also available as a 120-day rental for less than \$10. “The book examines patterns in state supreme court elections, including retention elections, for the period 1946-2012, with some notes about 2014. It shows that there has been less change than often believed in states that have not changed their selection system.”

Michael K. Romano (Shenandoah University) and **Todd A. Curry** (University of Texas at El Paso) have co-published *Creating the Law:*

State Supreme Court Opinions and The Effect of Audiences (Routledge, ISBN 978-1-1386-16837). “Written opinions are the primary means by which judges communicate with external actors. These sentiments include the parties to the case itself, but also more broadly journalists, public officials, lawyers, other judges, and increasingly, the mass public. In this work, Romano and Curry examine the extent to which judges tailor their language in order to avoid retribution during their retention, and how institutional variations involving intra-chamber dynamics may influence the written word of a legal opinion. Using an extensive dataset that includes the text of all death penalty and education decisions issued by state supreme courts from 1995–2010, the authors are the first to examine the connection between retention incentives and language choices. They utilize text analysis techniques developed in the field of communications and apply them to the text of judicial decisions. In doing so, they find that judges write with their audience in mind, and emphasize dueling strategies of justification and persuasion in order to please diverse audiences that may be paying attention. Furthermore, the process of drafting a majority opinion is a team exercise, and, when more individuals are involved in its crafting, the product will reflect this complexity.

This book gives students the tools for understanding how institutional variation affects judicial outcomes and shows how language relates to decision-making in the judiciary more specifically.”

Gerald N. Rosenberg (University of Chicago), **Sudhir Krishnaswamy** (Azim Premji University), and **Shishir Bail** (Columbia University) have co-edited *A Qualified Hope: The Indian Supreme Court and Progressive Social*

Change (Cambridge University Press, ISBN 978-1-1084-7450-4). “The Indian Supreme Court is widely seen as a vanguard of progressive social change. Yet there are no systematic studies of whether its progressive decisions actually improve the lives of the relatively disadvantaged. This book presents the first collection of original empirical studies on the impact of the Indian Supreme Court’s most progressive decisions. Combining original datasets with in-depth qualitative research, the chapters provide a rigorous examination of the conditions under which judicial decisions can make a difference to those in need. These studies reveal that the Indian Supreme Court, like its US counterpart, is largely constrained in its efforts. Yet, through the broad sweep of constitutional rights in the Indian Constitution, the Court’s procedural innovations, and its institutional independence, the Indian Supreme Court can sometimes make a difference in the lives of those most in need.”

Stephan Stohler (State University of New York, Albany) has published *Reconstructing Rights:*

Courts, Parties, and Equality Rights in India, South Africa, and the United States (Cambridge University Press, ISBN 978-1-1084-9318-5). “Judges often behave in surprising ways when they re-interpret laws and constitutions. Contrary to existing expectations, judges regularly abandon their own established interpretations in favor of new understandings. In this work, Stohler offers a new theory of judicial behavior that demonstrates that judges do not act alone. Instead, the author shows that judges work in a deliberative fashion with aligned partisans in the elected branches to articulate evolving interpretations of major statutes and

constitutions. The book draws on legislative debates, legal briefs, and hundreds of judicial opinions issued from high courts in India, South Africa, and the United States in the area of discrimination and affirmative action. These materials demonstrate judges’ willingness to provide interpretative leadership. But they also demonstrate how judges relinquish their leadership roles when their aligned counterparts disagree. This pattern of behavior indicates that judges do not exercise exclusive authority over constitutional interpretation. Rather, that task is subject to greater democratic influence than is often acknowledged.”

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

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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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