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Newsletter  
of the  
Law & Courts  
Section  
of the  
American  
Political  
Science  
Association

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## From the Section Chair

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When I was approached by colleagues about whether I would consider being nominated to be chair of the Law and Courts section I was reticent (to say the least). However, after some cajoling and long discussions I agreed that it might be nice to follow in the footsteps of some of the greats of our field. I am glad I agreed and am humbled to have been selected. I also do not have buyer's remorse, even though there is a good deal of administrative busy work involved in this position. I rather enjoy the hours I spend communicating with colleagues around the nation about a wide variety of issues. Interestingly, while almost all of the work a chair does (along with the executive committee) is behind the scenes, there are times that such work can and may have a great effect on the field. Consider two examples.



The section chair determines who will sit on each of the awards committee for a given year. Certainly this can be a burden if members are unwilling to serve but my experience choosing these committees was delightful. Almost everyone I asked in the first round agreed to serve and I believe I put together outstanding committees composed of some excellent junior and senior colleagues across a wide variety of subfields from our section. These small groups of colleagues decide on our section awards – from the best book published, to the best graduate paper written in the past year, to the lifetime achievement award. We should all appreciate the work done by the committees.

The chair also runs the annual executive committee meeting and therefore has the prerogative to set the agenda. However, given that there is usually very little “important” policy to discuss and given that most of the meeting is about announcements and awards, this smidgen of power is even more slight than is setting the award committees.

Strangely, and perhaps luckily, I find myself chair at a time of great change in our section. Indeed, when I took over for Kevin McGuire (who still counsels me when I have questions) it became clear quickly that several of our strong leaders were ready to end their tenure in three key positions. So allow me to begin by honoring and thanking these three for their service to the section and the subfield.

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### Officers: Law and Courts Section

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**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: February 1 (Spring), June 1 (Summer), and October 1 (Fall). Contributions to **Law and Courts** should be sent to the Editor:

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Instructions to  
Contributors

**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 (.doc) 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.

First, I thank David Klein – who has been editor of *The Journal of Law and Courts* since its inception in 2013 and who will be stepping down in the coming year. David shepherded this newly minted journal through five volumes and ten issues. From all accounts he has been a meticulous editor with a keen eye for publishing the highest quality research for our section. As a result, in these few short years David has brought this journal to a high level of respectability by publishing work from some of our most preeminent scholars as well as by some of the brightest up and coming stars in the discipline. The section owes a large debt of gratitude to David for all his work.



a researcher naturally breeds a capacity for identifying what is necessary for effective publication in a scholarly journal.” In addition, Kevin has been an editor in a variety of capacities – from being an editor of a major book series, to editing a volume of essays, to serving on the editorial board of a major political science journal. All of this suggests to me that our journal is in good hands and will be for years to come!

Second, Todd Collins has been the editor of the *Law and Courts Newsletter* since the fall of 2013. This job is perhaps just as difficult as the job of a typical journal editor. During his time, Todd did so with aplomb, despite having to work with four different section chairs – including the most recent! He has also had to solicit many of the articles that appear in then newsletter, something that a typical journal editor does not have to do. In addition, Todd coordinated with “Books to Watch for” editor and had to make sure he was apprised of all events within the section and beyond. Finally, he had to actually put together the newsletter including editing, formatting and proofreading it. I know we are all grateful for this stellar contribution.



As summer turns to fall in 2017 the *Newsletter* will turn its editorial office to Loyola University, Chicago where Amanda Bryan will take over as editor.

Amanda is an assistant professor with an expertise in Supreme Court decision making and the separation of powers. She sits on the editorial board of the *Law and Society Review* and serves as grant writing coordinator for her department. In addition, Amanda has a large network within the subfield which will allow her to solicit a wide variety of articles, symposia, and features.

Third, I thank Art Ward for his eight-year service as the section webmaster. While it may be hyperbole, Art was largely responsible for bringing our section into the 21st century in a technological sense. He took over for his predecessors in keeping up the section website but he soon added us to the world of social media. Immediately in 2009 Art created the section Facebook page. This page includes announcements, links to media appearances by our members, and articles of interest in law and politics. Then, in 2015 Art created our twitter account. Again, this gives Law and Courts a presence in the social media sphere! As an aside, we should all begin to follow both these pages to build support for our section.

Finally, Charles Gregory (Stephen F. Austin University) will take over as our webmaster. Currently, Charles is an assistant professor as well as the pre-law and moot court advisor. As an advisor, one of his main responsibilities was to create and maintain the SFA Pre-Law website. He built this page using RedDot, which is the Content Management System used for creating and maintaining websites at SFA. In addition, Charles created his own website using Textwrangler and then uploaded it using Filezilla. In short, he has the experience necessary to keep up the website and he is also excited to continue working on keeping us all up to date via Twitter and Facebook.

So let me reiterate. We owe much gratitude to David, Todd, and Art for all they have done for the section. Your contributions will not be forgotten.

These are exciting times for our section and I truly believe that Kevin, Amanda, and Charles will continue to make it the best of APSA. Please join me in welcoming them to their new positions!

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Now allow me to announce the new chapter in our section’s history as I am excited to announce our new editors for *The Journal of Law and Courts* and *The Law and Courts Newsletter* as well as our new webmaster.

All the best,

Timothy R. Johnson

I am pleased to report that the executive board has accepted Kevin’s McGuire’s (UNC-Chapel Hill) to be the new *JLC* editor. Kevin brings a breadth of experience that makes him well qualified for this position. First, he is an active scholar within the subfield and has published in a variety of general and subfield journals. This means, as he puts it, “...success as

## Meet the Editors

For the spring edition, we asked the editors of several journals with a focus on law and courts scholarship to share their thoughts, advice, and impressions of their roles as editors. We are grateful to Nancy Reichman (*Law & Policy*), Amy Steigerwalt (*Justice System Journal*), and Susan Sterett, Jeannine Bell, and Margo Young (*Law & Society Review*) for contributing.



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*The Justice System Journal* seeks to publish high-quality, social scientific research on any issue related to law and courts. *Justice System Journal* differs a bit from more generalist journals, as well as the section journal, given its ties to the National Center on State Courts. The journal was founded by the NCSC in 1976 and is currently published collaboratively by the NCSC and Taylor & Francis. The journal is published four times a year. It originally focused more on issues affecting state courts, and particularly those related to state court administration. Over the past decade, however, its mission has evolved to more broadly encompass research on almost any issue related to law and courts. As the *Journal's* "Aims & Scope" states, "*Justice System Journal* is an interdisciplinary journal that publishes original research articles on all aspects of law, courts, court administration, judicial behavior, and the impact of all of these on public and social policy."

While other journals have begun to publish more research focused on state courts or lower federal courts, *JSJ* has done so from the beginning and will continue to do so. This mission also means that *Justice System Journal* welcomes submissions from those in other disciplines, whether it be court administration, criminal justice, sociology, or others. The journal also is open to the use of various methodologies and has recently published articles utilizing survey experiments, content analysis, archival analysis, and elite interviews. Again, from the "Aims & Scope," "Open as to methodological approaches, *The Justice System Journal* aims to use the latest in advanced social science research and analysis to bridge the gap between practicing and academic law, courts and politics communities."

More about the *Journal*, as well as the full Aims & Scope, can be found online here: <http://tandfonline.com/loi/ujsj20>. Manuscript submissions should be made directly through the ScholarOne Manuscripts site, located at <http://mc.manuscriptcentral.com/ujsj>.

I am honored to have taken over the *Journal* this past summer from Mark Hurwitz; he, as well as past editor Robert Howard, leave me with some very big shoes to fill. As readers may note, the *Journal's* recent editors have all been members of the Law & Courts section, and many of the articles published in recent issues are also by section members. We wish to ensure that the *Journal* continues to offer an outlet open to all of those who study in the field of law and courts, broadly defined. Our wish is for the journal to be widely read across disciplines, and across any remaining methodological divides, and to be seen as a necessary first stop to read the most cutting-edge research in law and courts. In many ways, the Law & Courts community is a reflection of this broader microcosm, and we hope *JSJ* continues to be a home for the variety of research on law and courts produced by section members.



What are some best practices? For submissions, pay close attention to the *Journal's* submission guidelines. Make clear your contribution to the literature, and also defend your choices, whether in terms of underlying assumptions, the overall theory, hypotheses, measurements, methods, or conclusions. Given that the Law & Courts community is a vast one, authors need to ensure they speak to a broad audience. In our most recent issue alone (Volume 38, Issue 1, available

online here: <http://www.tandfonline.com/toc/ujsj20/38/1?nav=tocList>) we published two articles on state courts and one on federal administrative law judges, as well as articles about the Italian and Swiss judicial systems. These articles also spanned the gamut as to scope and methodology. Successful articles are those that recognize our community is broad and complex, and seek to engage all of its members.

We also recognize that, as a sub-field journal, authors may have previously submitted their manuscripts to other outlets – that said, I’m also thrilled by the increase in the number of submissions where we were scholars’ first choice for publication. If you have received previous feedback, utilize it. No article is perfect, and there are always ways to make a project better.

The other issue is that a scholar may be asked to review the same manuscript for multiple journals. Failing to heed their suggestions is not only a lost opportunity for strengthening your manuscript, but also something that reviewers note. Last, but perhaps most importantly, edit carefully! Grammar and syntax mistakes obscure one’s arguments, and also signal to reviewers and the editor that perhaps the manuscript is not truly ready for publication.

For reviewers, the goal is to provide helpful feedback and suggestions for improving the project, while also assessing its current status in terms of readiness for publication. As Editor, I depend heavily on our peer reviewers – thanks to all of you who have reviewed and/or will be called to do so in the future! Reviewers provide the vital function of assessing the strength and contribution of manuscripts. I try very hard to

match manuscripts and reviewers, seeking out reviewers who have published in the area or utilized the methodology employed. Ask yourself, what kind of feedback would I find most helpful? That is precisely what you want to provide to others. And, I think we all highly undervalue the degree to which our own publications have benefitted greatly from the advice of anonymous reviewers. Reviewing is a true service to our community, and also a chance to “pay it forward” and provide the type of aid that you yourself have received (or wished that you had). I’ve learned that the law and courts community takes this job seriously, producing careful, detailed reviews offering tangible suggestions and edits that are truly about providing constructive criticisms to the authors.

Finally, *Justice System Journal* is available through many library sources, including JSTOR and the Hein Online Law Journal Library. *JSJ*’s viability is dependent, however, on being available in as many outlets as possible. Subscription information for *JSJ* can be access online here: [http://www.tandfonline.com/pricing/journal/ujsj20#.VFfmJxCwU\\_k](http://www.tandfonline.com/pricing/journal/ujsj20#.VFfmJxCwU_k). Recommending to your institutional library a subscription to *JSJ* helps ensure that *JSJ* will continue to support the work of law and courts scholars well into the future.

Many thanks to those of you who already read, support, and contribute to the *Justice System Journal*. The *Journal*’s growth and increasing reputation is due in many ways to the continued support of the Law & Courts community. Please feel free to send me any questions you may have. I look forward to seeing even more submissions to *JSJ* from the Law & Courts community.

LAW & POLICY

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### Law & Policy Content

International and interdisciplinary in scope, and grounded squarely within the tradition of socio-legal studies, *Law & Policy* publishes critical, theoretically informed and methodo-

logically innovative scholarship that interrogates the law in action. Founded in 1979 as the *Law & Policy Quarterly*, articles published in *Law & Policy* understand law and policy as contextual, contingent, contested, and often ambiguous in terms of its mismatch (either accidental or intentional) between policy intent or actual achievement. An underlying premise of past and present editorial teams is that no simple private/public or state/non-state distinction is sustainable as a basis for delineating the journal’s field of interest. Readers of the journal will also find a mixture of theoretically informed methodologies; no methodological approach dominates. The international focus of the journal is equally mixed, including comparative, transnational and local approaches to traversing the field of law and policy. Well over half of the articles we published last year have an interna-

tional perspective.

The current editors of *Law & Policy* are committed to the arguably eclectic, non-specialty flavor of the journal. Over the last year, articles in *Law & Policy* have addressed such diverse issues as legal mobilization and the juridification of immigration claims in European courts, the use of choice architecture (“nudge”) as form of governance and social control, the consequences of poverty and the high cost of compliance in the global south, distrust in a local family court, extra-legal factors that influence when expert witness evidence in arson cases will be admitted at trial, death penalty reform in China, street level bureaucrats’ decision making on clients vulnerability and eligibility for social welfare, comparative compliance of digital piracy in the United States and China, as well as the consequences of small group dynamics on the outcomes of appellate courts. We encourage more cross-disciplinary work that finds political scientists studying policing, economists and anthropologists studying judicial decision-making as well as sociologists studying legal evidence and formal legal process.

From its earliest days, the editors of *Law & Policy* also had the ambition not only to publish outstanding research, but also to demonstrate how academic scholarship could re-think and re-frame the analysis of and solutions to pressing policy problems. The current editorial team encourages the submission of rigorous theoretical and empirical socio-legal work that addresses the following from local, national, and global perspectives: immigration, criminal justice reform, climate change, human rights, poverty, employment, housing, transportation, education, and health disparities. Analyses of legal institutions in times of transition and uncertainty are welcome. We are particularly interested in work that addresses the intersection of policy spheres, for example, immigration and criminal justice (crimmigration), poverty and employment, climate change and inequality, as well as work that examines how policy impact is distributed across different social positions and locations.

### ***Law & Policy* Publication formats**

[Law & Policy](#) began publication in an online format in 2016. Each year, the journal formally publishes four issues. Fully copyedited articles, including all figures and tables are available before the release of the formally compiled issue in [Early View](#). Unedited articles accepted for publication can be found on the [Accepted Articles](#) page. Both Early View and

Accepted Articles are fully citable. *Law & Policy* articles are disseminated quickly through the journal’s broad network of indexing services and can be accessed using conventional search engines such as Google. From time to time, *Law & Policy* publishes “virtual issues,” a compilation of previously published articles on a topic. In the near future, look for virtual issues on the topics of immigration and street-level bureaucracy. In the interest of engaging deeply with various topics, we also welcome proposals for special issues – especially proposals where the included articles deliberately engage in conversations with each other. We encourage faculty to consider both the virtual and special issues for their courses and welcome suggestions for other virtual issue topics. As part of our commitment to articles that in one way or another address the pressing issues of the time across the globe, we will on occasion publish “forum” articles, typically shorter articles (5,000–6,000 words), that effectively harness socio-legal scholarship to inform contemporary policy debates. All articles published in *Law & Policy* are subject to a double-blind peer review process. This includes articles that are part of a special issue, forum pieces, as well as traditional submissions.

### **The *Law & Policy* Team**

The production of *Law & Policy* is a community affair. We are located at the University of Denver and our current editorial team includes the following University of Denver faculty representing sociology and criminology, political science, socio-legal studies and law: Editor Nancy Reichman, Associate Editors Joshua Wilson, César Cuauhtémoc García Hernández, Lisa Martinez, and Managing Editor Michael Walsh. Our fantastic editorial board is composed of sociologists, political scientists, anthropologists, criminologists, and legal scholars who share our commitment to rigorous empirical and theoretically informed scholarship. Our biggest assets, of course, are our reviewers. Many of you who read this newsletter are among those who have graciously taken on this task. We appreciate the care and attention, and even timeliness, of the reviews you submit. Please do not hesitate to contact us with questions about the submission process.



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asked how empirical approaches to law might illuminate how law could best align with justice. Sociolegal scholars broadened their task to analyze how, why and where law and legal institutions did and did not live up to law’s promise. A belief that understanding how law builds meaning requires understanding what it does in substantive areas--in criminal law, employment discrimination, inheritance, domestic violence, immigration--grounds much of the work published in *Law and Society Review*. The *Review* also publishes work in civil rights and liberties and constitutional powers, concerning appellate courts, areas that may be more familiar to more of the members of the Law and Courts section.

While institutions that work with law include courts, both trial and appellate, much of what happens with law happens elsewhere. Multiple individuals and organizations work with law. Places where law matters include streets and offices. We all rely on legal paperwork, we all talk law, and we all interpret circulating meanings of law that we find in newspapers, on websites, at work and in our communities. This work cuts across disciplinary boundaries, but it is still central to questions of how governing works, a matter of analysis for members of APSA’s Law and Courts section.

These topics and approaches may look less familiar as political science questions to some members of Law and Courts. However, they follow from the work of Law and Courts lifetime achievement award winners Martin Shapiro (2001) and Robert Kagan (2012), both of whom have made the same points. The APSA Law and Courts section has also recognized the importance of sociolegal scholarship by awarding the *Law and Society Review* articles by William Felstiner, Richard Abel and Austin Sarat, “Naming Blaming Claiming: the emergence and transformation of disputes” (1980-1981), and by Lynn Mather and Barbara Yngvesson, “Language, Audience and the Transformation of Disputes” (1980-1981), with lasting contribution awards, in 2011 and 2014 respectively. Felstiner, Abel and Sarat analyze how and when people walk away from the law, and how legal institutions dampen demands for legal intervention. Mather and Yngvesson range across history and across cultures, discerning patterns in how institutions shape claims.

*Law and Society Review* (LSR) is in its 51st year as an interdisciplinary journal publishing peer reviewed research with roots in legal realism, broadly conceived. The journal publishes 4 issues per year with an acceptance rate that hovers around 10-15% of the over 300 submissions that come in each year. While the term “legal realism” often references intellectual movements in the United States in the early twentieth century, scholars and public administrators in areas as far apart as Europe and in China participated in thinking through what law does, including what designing constitutions might accomplish. Understanding how law works, including how it dampens, mobilizes or frames justice claims, brings scholars not only to appellate courts, often the objects of study in political science, but to all the people and institutions who circulate legal practices and arguments.

When LSR began, many hoped that law could be on the forefront of movements for social justice. Law and development research also



In addition to a focus on courts and judges, sociolegal scholars study what people and organizations do with their problems, including how problems become legal. In recent years, the journal has seen increasing submissions on human rights as interpreted in domestic and supranational legal institutions around the world. Since *LSR*'s mission is advancing understanding what we do with law and what law does, the journal's reach may be slightly different from that of United States political science journals such as *Journal of Politics* or *Political Research Quarterly*.

How we govern with law does not come boxed in one theoretical framework, nor is it limited to one set of institutions. Flexibility allows scholars to follow innovations in law's deployment. For example, data analytics and automation are raising hopes in local governments and regulatory agencies that we can enforce and predict law violation absent politics or racism. Questioning that hope requires knowing something about how data are produced and how policing works. How enforcement and regulation work has been long a subject of study in sociolegal scholarship.

As editors, we intend to publish the finest sociolegal work we can. We treat manuscripts developmentally: we look for excellent questions and interesting arguments with thoughtful presentation of evidence. We are happy to work with writers as they refine their work. We would like to especially encourage scholars who may not have seen themselves as submitting manuscripts to *LSR* to do so. We aspire to expand the base of those who publish in the journal, and those who regularly read the journal.

Many excellent books advise writers and some people get excellent coaching from colleagues about how to review. For those who don't, or who could use reminders, our current favorite practical writing and reviewing advice book is Wendy Belcher's *Writing Your Journal Article in Twelve Weeks* (2009). Below, we'll borrow from her book.

### Advice to writers

Before you submit a manuscript, look at the journal, and make sure you frame your work appropriately: we are an interdisciplinary journal that combines theoretical insight with

empirical analyses. Obvious but necessary advice: make your writing as clear as it can be, and treasure the colleague or friend who helps. Decisions are generally made in about two months. Don't get discouraged if your manuscript is rejected, or if requested revisions are many and substantial. This happens to everyone. If you go through multiple rounds of revision, persist, if you see your work as suited to the journal. Sadly, we cannot publish every promising manuscript we receive. Don't take it personally, and submit another manuscript later.

### Advice to reviewers

Remember how important timely decisions and expertise are for authors. We can't decide in a timely fashion if we don't get reviews. If you say you will do a review, please do it. Editors are counting on you. In the academic climate in which we work, people's careers can hinge on rapid turnaround for manuscripts. We truly appreciate the thoughtful and rich reviews we get.

Authors can always improve their work. Help us all improve our work, and help the editors work with authors. A review that says 'accept now' and only praises the work doesn't help improve it, nor does it aid in the editorial process. A brief reference to your favorite theoretical framework that you wish the author used also does not help. To use Belcher's subheadings concerning advice to reviewers: start with the positive, be specific, focus on responding, always suggest, and focus on the macro. Macro points for feedback include the argument, the evidence, the structure, the findings and the methods (Belcher, 2009: 225-227). Trust that the writer can fix misplaced commas, though it could be helpful in a review to say that a piece needs a thorough edit, if it does.

So, submit a manuscript and review when asked; we look forward to reading your work.

Thanks to Todd Collins for inviting us to reflect on editing.

# The 2016 Law & Courts Demographic Survey



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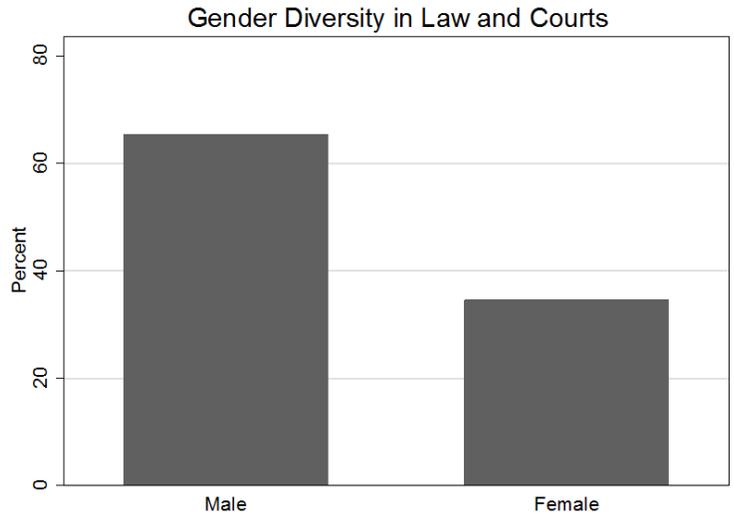
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this is likely due to relatively few graduate students becoming dues-paying members of the section so early in their career. At the other extreme, our members over the age of 65 comprise nearly 15% of the discipline.

**Figure 1: Gender Diversity in Law and Courts**



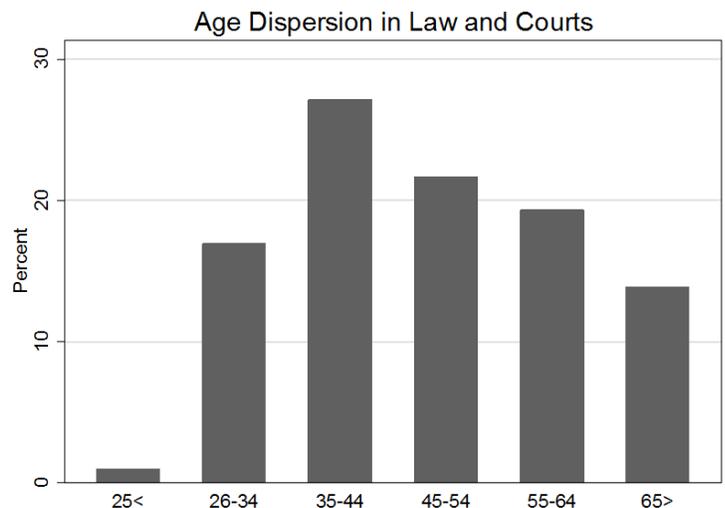
Despite much of the recent attention to diversity within academia, little empirical information exists for the demographics of our public law section. For this reason, we sent a survey via email to all 480 Law and Courts Section members (including all due-paying members of APSA’s Law and Courts section as of April 2, 2016) to establish the basic demographics of our section membership. We received 295 responses, a 61% response rate, to a series of five questions. These questions inquired about an individual’s gender, age, ethnicity, employment situation, and academic affiliation. We present the raw results of the survey as well as some commentary concerning how our section compares to academia more generally.

Of the five demographic questions, we turn first to gender. Women are approximately 35% of the Law and Courts membership, as depicted in Figure 1. While this is generally higher than the percentage of woman in APSA generally (29% in 2010), it is lower than the percentage of female faculty across all academia in 2013 at 49% (Fraga, Givens, and Punderhughes 2011; Toven 2015). Hence, a 14% gap exists between the proportion of female faculty in the public law than in academia more generally.

The Law and Courts section has a modal age between 35-44 years, while the median is between 45-54 years. Our number of members under the age of 25 is small, though

In terms of employment, nearly 85% of our membership is tenured or holds a tenure-track position. Over 55% of our membership is tenured and still active at a college or university. However, around 17% of our membership are either graduate students or are employed in a non-tenure track capacity. As this survey was only sent to current members, the actual number of non-tenure track individuals working within our subfield could be significantly high-

**Figure 2: Age Dispersion in Law and Courts**



**Table 1: Employment Status in Law and Courts**

<b>Employment Status</b>	<b>Frequency</b>	<b>Percent</b>
Grad. Student	24	8.16
Post-Doc	4	1.36
Adjunct/VAP	15	5.1
Assistant Prof.	59	20.07
Associate Prof.	65	22.11
Full Professor	99	33.67
Fulltime Non-TT	8	2.72
Retired	20	6.8
<b>Total</b>	<b>294</b>	<b>100.00</b>

er, as membership could be cost prohibitive to them. Looking at affiliation, the overwhelming majority of our membership, 60%, is employed at Ph.D granting institutions. Nearly 19% are employed at institutions with no graduate program, and 15% are at a program with a terminal master’s degree. The remaining 5% is spread relatively evenly between two-year colleges/community colleges and law schools.

Examining the ethnic diversity of our membership reveals that there is significant progress to be made. Nearly 90% of our membership is non-Hispanic white. Compared to data from the Department of Education, only 75% of all full-time faculty identified as white in 2013 (U.S. Department of Education 2015). This represents a 15% gap between our sub-field and higher education more broadly. As another example, in 2011, Hispanics and African-Americans made up nearly 10% of all APSA membership (Fraga, Givens, and Punderhughes 2011). In 2016, however, Hispanics and African-Americans barely comprised 5% of the membership in the Law and Courts section. Asian Americans represent roughly 4% of our membership. This survey also reveals that

only one member identifies as American Indian/Alaskan Native, and one member identifies as Pacific Islander. These demographics thus reveal a stark lag and lack of representation of minority public law scholars.

Combining ethnicity and gender, our survey reveals that, of the male population of our section, 90% are non-Hispanic white while 1% of males are African American. Four percent of male public law scholars identify as Asian or Asian American, while less than 4% of males identify as Hispanic. The single American Indian/Alaskan Native member and single Pacific Islander member are both male. With regard to the female population, 89% identify as non-Hispanic white. In fact, women mainly represent only three categories of ethnicity: white (89.22%), Asian or Asian American (3.92%), and African-American (6.86%). Only one person (an author, who did not participate in the survey) is a Hispanic female, and no female represents American Indian/Alaskan or Pacific Islander ethnicities.

We recognize that aggregate numbers only tell part of the story of our section. For example, while women comprise a

**Table 2. Academic Affiliation in Law and Courts**

<b>Academic Affiliation</b>	<b>Frequency</b>	<b>Percent</b>
Two Year/Community Col.	6	2.05
Four Year with no Grad.	58	19.86
Four Year with M.A.	44	15.07
Four Year with Ph.D.	176	60.27
Law School	8	2.74
<b>Total</b>	<b>292</b>	<b>100.00</b>

lower percentage of our subfield compared to higher education generally, it would be hard to come up with a list of most influential current scholars in our section without including numerous women. However, the results of the survey are telling.

As scholars who teach and study at a minority-serving institution, we feel that there is much that should be done—by both our members and our section leadership—to help diversify our section. We believe increased diversity will increase the scope (and reach) of our research agendas by introducing new perspectives, focusing on different geographical regions, and including different linguistic capabilities. Not only do diverse faculty bring into the field their own experiences and perspectives, but they are more likely to engage in research that extends our knowledge of issues related to race, ethnicity, gender, and social power dynamics than their white colleagues (Milem 1999). Furthermore, an increase in diversity also means an increase in membership. Increasing diversity aids in student recruitment and retention as well as increases members' identification and satisfaction with the profession and field (Tanaka 1996; Milem 2003).

While there may be some immediate changes that could be instituted quickly, most solutions will likely require longer-term strategies. The onus, however, falls on each of us. Diversity is important for our research and teaching, as well as is fundamental for the perpetuation for our field in attracting and retaining students and scholars. We are sending a very clear message, intentionally or otherwise, to students and scholars who see little to no diversity in public law faculty or in our section leadership. Our field's openness to diversity is measured by both the degree to which it welcomes and values minority individuals and by the degree to which it values minority perceptions, values, research, teaching styles, and leadership. A perceptible lack of diversity implies a lack of openness and hinders the growth and progress of our section and field. It is our students who will ultimately become section members and fellow colleagues. As such, our ability to attract, communicate, motivate, and inspire students from

diverse backgrounds will determine the future of our section.

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### Books to Watch For – Spring 2017

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**Christopher P. Banks** (Kent State University) has published *The American Legal Profession: The Myths and Realities of Practicing Law* (CQ Press/Sage, ISBN 978-1-5063-3312-0). "While emphasizing that lawyers fulfill a vital but often misunderstood public function in society, the work dispels some of the common misconceptions about the legal profession to show that the reality of being a lawyer is much different from what many students believe it to be. Many students know

little about what law school is like or how it differs from undergraduate study, and this book corrects common myths about graduating from law school and life after passing the bar. This brief primer is a nuts-and-bolts analysis of what it is really like to go into the legal profession, from start to finish, giving students considering a career in law a realistic overview of their potential legal careers."

**Larry Baum** (The Ohio State University) has written *Ideology in the Supreme Court* (Princeton University Press, 2017, ISBN 978-0-69117-5-522), which will be published this May. The book analyzes the process by which the ideological stances of U.S. Supreme Court justices translate into the positions they take on the issues that the Court addresses. The book argues that the links between ideology and issues are not simply a matter of reasoning logically from general premises. Rather, these links reflect the development of shared understandings among political elites, including the justices. And these understandings reflect not just broad values about matters such as equality, but also affect toward social groups, such as the business community, and political groups, such as the Republican and Democratic parties. The book probes these sources of shared understandings by analyzing three issues on which the positions of liberal and conservative justices relative to each other changed during the period from 1910 to 2013: freedom of expression, criminal justice, and government takings of property. Several other issues are examined more briefly. The most striking finding is the powerful role of the justices' affect toward groups in establishing and changing the lines of division between conservatives and liberals on the Court. Based on its findings, the book's conclusions suggest some ways that we might think about ideology and decision making in the Court.

**Marla Brettschneider** (University of New Hampshire), **Susan Burgess** (Ohio University), and **Christine Keating** (University of Washington) have co-edited *LGBTQ Politics: A Critical Reader* (NYU Press, forthcoming August 2017). This critical reader gathers together contemporary essays in political science that address LGBTQ politics in the context of a variety of issues, including activism, law, coalition building, community, education, erotics, technology, marriage and families, globalism, intersections with other progressive movements, the politics of political science professional associations, teaching issues, public opinion, organizational strategies, right-wing resistance, and visions for the future. These themes are approached from a variety of subfields in political science as it is studied in the United States, including comparative politics, political theory, American politics, public law, and international relations. Taken together, these essays provide a snapshot of the contemporary study LGBTQ politics in the discipline of political science in the nation. This vol-

ume analyzes both the successes and obstacles involved in building the LGBTQ movement over the past twenty years, and offers analyses that point to potential directions that the movement might take in the future. Rather than aiming for a seamless narrative, the volume presents a wide range of methodological, ideological, and substantive approaches to LGBTQ politics that exist in political science. Essays that focus on more mainstream institutional and elite politics appear alongside contributions grounded in grassroots movements and critical theory. While some essays are celebratory of the movement's successes and prospects, others express concerns that the democratic basis of the movement has become undermined by a focus on funding power over people power and on legal and state-centered rights over community solidarities. Some contributors suggest that mainstream successes have diminished the transformative potential of the LGBTQ movement and corroded its linkages to overlapping and allied progressive movements.

**Leslie F. Goldstein** (University of Delaware) will soon publish *The U.S. Supreme Court and Racial Minorities: Two Centuries of Judicial Review on Trial* (Edward Elgar, ISBN 978-1-7864-3882-9, forthcoming August 2017). "The U.S. Supreme Court and Racial Minorities: Two Centuries of Judicial Review on Trial offers an in-depth, chronologically arranged look at the record of the U.S. Supreme Court on racial minorities over the course of its first two centuries. It does not pose the anachronistic standard, "Did the Supreme Court get it right" but rather, "How did the Supreme Court compare to other branches of the federal government at the time?" Have these Justices, prevented against removal from office by discontented voters (in contrast to the President and the members of Congress), done any better than the elected branches of government at protecting racial minorities in America? Goldstein examines treatment of four racial minorities (Indians, Blacks, Asians, and Hispanics) in this investigation of the life-tenured Supreme Court's comparative willingness to protect racial minorities. She finds that judicial review, while no panacea, did help America's racial minorities: when the Court was willing to help, it was particularly willing to act to check state-level oppressive policies and federal-level administrative abuses. She also documents the Supreme Court's leadership role on the civil rights of Black Americans from 1911-1989. This book will be a critical resource not only for scholars of political science and law, but for anyone interested in the history of the treatment of racial minorities by the U.S. government and the value of judicial review as a protector of minority rights."

**Sarah Cote Hampson** (University of Washington Tacoma) has published *The Balance Gap: Working Mothers and the Limits of the Law* (978-1-5036-0005-8, Stanford University Press). “In recent decades, laws and workplace policies have emerged that seek to address the “balance” between work and family. Millions of women in the U.S. take some time off when they give birth or adopt a child, making use of “family-friendly” laws and policies in order to spend time recuperating and to initiate a bond with their children. [Hampson’s work] traces the paths individual women take in understanding and invoking work/life balance laws and policies. Conducting in-depth interviews with women in two distinctive workplace settings—public universities and the U.S. military—Sarah Cote Hampson uncovers how women navigate the laws and the unspoken cultures of their institutions. Activists and policymakers hope that family-friendly law and policy changes will not only increase women’s participation in the workplace, but also help women experience greater workplace equality. As Hampson shows, however, these policies and women’s abilities to understand and utilize them have fallen short of fully alleviating the tensions that women across the nation are still grappling with as they try to reconcile their work and family responsibilities.”

**Susan Gluck Mezey** (Loyola University Chicago) has published *Beyond Marriage: Continuing Battles for LGBT Rights* (Rowman & Littlefield, ISBN 978-1-4422-4862-5). “In this book, Mezey examines LGBT policymaking over the last several decades, highlighting advances in LGBT rights as well as formidable challenges that still confront the LGBT community. With an emphasis on courts, she traces developments in the struggles for LGBT rights in the United States and abroad. The chapters focus on employment discrimination, transgender rights, marriage equality, and the ongoing battles over discrimination against same-sex couples and transgender persons in education, employment, and public accommodations. It also adds a global perspective by appraising issues affecting LGBT rights in other parts of the world, discussing claims of discrimination in the Canadian and South African courts as well as in the European Court of Human Rights. Mezey provides a succinct and accessible guide to the debates over sexual orientation and gender identity, evaluating the roles played by state and federal courts, legislatures, and chief executives in formulating and implementing LGBT policy. Suitable as an up-to-date resource for anyone interested in LGBT rights, *Beyond Marriage* will also help students in upper-level classes focusing on judicial politics, public policymaking, family law, civil rights, gender policy, and minority group politics understand ways forward for the LGBT community in the political realm.”