This seminar provides an introduction to current research on Supreme Court decision making. Specifically, the primary focus of the seminar is on why the Justices decide cases in the way that they do. However, we will also look at the Justices’ decisions on writs of certiorari, and at the process by which the Justices are nominated and confirmed to the Court.

To understand the Justices’ decision making, we will look both at the secondary literature on the Court and at different kinds of primary evidence, for example: Supreme Court opinions, the Justices’ estimated preferences, the ideological direction of the Court’s judgments, the character of the laws that come before the Court, and the preferences of members of Congress and the President. A primary goal of the seminar is to frequently engage you with these primary materials to try to make sense of the Court’s decisions.

Seminar requirements include one group project, two individual projects, and a final research paper. The projects and paper will be discussed in class.

Grading: Grading will be based on the above, plus seminar participation.

Books/Packet:

The following books are available for purchase at the NYU Bookstore:

Jeffrey A. Segal, *The Supreme Court and the Attitudinal Model Revisited (SCAMR)* (Cambridge 2002)


In addition, a packet containing the remaining course readings is available for purchase at New University Copy on Waverly St., near Mercer.
Week 1: Introduction

January 16
January 18

SCAMR, Chapter 1, pp. 223-244
The Supreme Court, Chapter 1, pp. 106-114

Week 2: The Commerce Clause

January 23 Mock Trial: United States v. Lopez
January 25


Week 3: The 14th Amendment, Section 5

January 30 Mock Trial: City of Boerne v. Flores
February 1

City of Boerne v. Flores (1997)

Week 4: The 11th Amendment

February 6 Mock Trial: Seminole Tribe of Florida v. Florida
February 8


Week 5: Explaining Judicial Decisionmaking: The Legal Model

February 13
February 15

SCAMR, Chaps 2, 7
The Supreme Court, pp. 114-120

Week 6: Explaining Judicial Decisionmaking: The Policymaking Model

February 20
February 22
Week 7: Testing the Policymaking Model: The Dependent Variable

February 27
March 1 Project #1: Judgment Codes and Constitutional Cases


Week 8: Testing the Policymaking Model: The Independent Variable

March 6
March 8


SPRING BREAK

March 13
March 15

Week 9: Opinion Assignment and the Opinion Author

March 20 PROJECT #1 DUE
March 22

SCAMR, Chapter 9
The Supreme Court, pp. 132-142

Week 10: The Court and Separated Institutions, Sharing Powers (SOP)

March 27
March 29 Project #2: SOP Models and Constitutional Cases

SCAMR, pp. 97-114, 326-356, Chapters 10-11
The Supreme Court, pp. 142-155, 163-181, 187-226
Week 11: Testing SOP Models

April 3
April 5


Week 12: Certiorari

April 10  PROJECT #2 DUE
April 12

SCAMR, pp. 244-278
The Supreme Court, Chapter 3, pp. 156-163

Week 13: The Appointments Process

April 17
April 19

SCAMR, Chapter 5
The Supreme Court, Chapter 2, pp. 181-184
Advice and Consent, Chapters 1-3

Week 14: Wrapping Up

April 24
April 26

Advice and Consent, Chapters 4-6

Final Paper Due: Tuesday, May 8, 10 AM