



Law & Courts

NEWSLETTER OF THE LAW & COURTS SECTION OF
THE AMERICAN POLITICAL SCIENCE ASSOCIATION

A Letter from the Section Chair

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Greetings from the Law and Courts Section. It's an exciting time to be studying law and courts! So many interesting news items compete for our attention, including the possibility of new Supreme Court appointments; the inspiring story of Pakistani lawyers defending the independence of their own High Court; the coming close to the Supreme Court's term with attendant decisions on state judicial elections and the constitutionality of the Voting Rights Act. Studying and teaching about legal institutions and judicial behavior offers a veritable "intellectual feast" – as Judge Bork rightly observed! And we are poised to enjoy the products of our own intellectual enterprises at this year's annual meeting; Georg Vanberg and Mark Brandon have received hundreds of proposals that will surely give rise to an exciting program in Toronto.

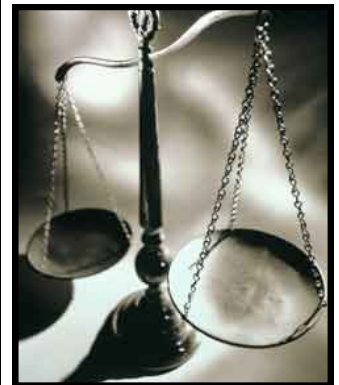
Thanks to the authors' outstanding efforts and Art Ward's editorial expertise, we also have a very interesting set of essays in this newsletter. Several contributors, including Bob Howard, Vanessa Baird, Tobias Gibson and Ron Nelson, offer insightful advice on publication and success in achieving tenure. Todd Curry provides useful information for prospective students interested in selecting a graduate program in judicial politics.

And one additional essay in particular is highly relevant to our ongoing discussions about a section journal. As I mentioned in my previous column, I have appointed a committee, chaired by Larry Baum, to consider whether the Section should sponsor a journal focusing on the judiciary. I appreciate that the idea has provoked both positive and negative reactions and Larry's committee will certainly consider all sides to the debate. Pertinent to our discussions, of course, is the empirical evidence regarding how frequently judicial scholars are published in the leading political science journals. Todd Collins has helpfully analyzed the rate at which judicial/legal articles published in the six highly ranked generalist journals, finding that in the top two journals (APSR and AJPS), judicial articles comprise less than 5% of all published papers. Other journals are far more receptive to our work, including PRQ, in which more than 10% of all articles published from 2000 to 2007 were au-

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To
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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** is published three times a year in Winter, Spring, and Summer. Deadlines for submission of materials are: November 1 (Winter), March 1 (Spring), and July 1 (Summer).

Contributions to **Law and Courts** should be sent to the editor:

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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, 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 Rich Text Format (.rtf). Contact the editor or assistant editor if you wish to submit in a different format. Graphics are best submitted as separate files. 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**: Bruce Peabody, bgpeabody@msn.com of publication of manuscripts or works soon to be completed.

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authored by members of our subfield. Such data will be extremely helpful to us as we consider the direction we would like to take on this issue of importance to the Section.

Symposium: *Professional Development*

Publishing for Jobs and Tenure in Judicial Politics

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I was asked to be on two different panels at the Southern Political Science Association's 2009 Annual meeting. One was on Conducting Judicial Research, while the other was on Publishing Law and Courts research. I was invited to speak to the latter panel in my capacity as Editor of the Justice System Journal. My prepared remarks to both panels were similar as my comments were directed at the problems, pitfalls and benefits of publishing in judicial politics and public law.

The judicial research panel went beyond research and publication and became a wide ranging discussion for and with graduate students and recently tenured faculty. The topics ranged from job searches and presentations to publication requirements and professional conduct, to nearly every aspect of transitioning from graduate studies to academic political science. The advice offered covered appropriate behavior on a job interview, publication strategies, generating research ideas and transforming those ideas into a research agenda, and preparing tenure files.

I was glad to contribute my thoughts to all of these topics, but my primary focus for both panels was on publication, and for the purposes of the Law and Courts Newsletter I want to write about this particular topic, both from the perspective of a journal editor, and from the perspective of one who has sat on both hiring committees and promotion and tenure committees. I will leave it to other panel members to comment on the other important aspects of our discussion.

One of the wonderful and troubling aspects of judicial politics and public law is the multiple approaches and audiences that we have in the discipline. There are different methodological approaches within the discipline as well as different audiences and outlets. We can speak not just to an audience of political scientists, but to those in the legal profession and other academic disciplines, such as sociologists, criminologists, historians and psychologists.

The ability to speak to more than one audience is a tremendous benefit to those of us who research and write in judicial politics and public law. Your work can have an impact beyond political science. It is very satisfying to see your work cited and discussed by those outside the discipline. Beyond the satisfaction of seeing your research influence the scholarly work of others, it helps in establishing a national reputation, always a critical part of tenure and promotion decisions.

However, you must be careful to consider the weight of various publication outlets, make sure your department will give you credit for those publications, and consider whether potential employers want publications in journals outside of political science. One thing I have noticed in conducting job searches over the past several years is the increase in the number of law review articles published by candidates for judicial politics and public law positions. However, since these

are not peer reviewed, how much weight should a hiring committee give to these types of publications? It is often difficult for hiring committees to assess law review articles.

While a non peer reviewed publication shows effort and offers evidence of the ability to publish, it is difficult to assess the article and compare it to a work that has gone through peer review. While the peer review process is often harsh it tends to produce an article much improved over its original version. Political scientists are familiar with the hierarchy of political science journals and can infer information and potential quality of the article from the journal in which a peer reviewed article is published. Most departments usually have one or at most two faculty specializing in public law and judicial politics. Because of this, most departmental search committee members have only a vague idea of the submission and publication process for law reviews, or how to assess their worth. Many of my non judicial departmental colleagues think of them as the equivalent of other non peer reviewed publications such as book reviews and book chapters. I think this can be unfair because many times law review articles have gone through an informal peer review process through presentation at symposia and because they are often available online prior to publication in the law review and thus accessible for comments and suggestions. However, because of this attitude my recommendation is to concentrate on peer reviewed submissions when building a record for a first job out of graduate school or for a job in another political science department while untenured.

The same is true for building up a tenure file. I would assume most political science departments want you to establish a reputation in the discipline of political science and your subfield of public law and judicial politics before you try to establish a reputation in law or criminal justice. The best way to establish your reputation is through the publication of peer reviewed articles. Candidates for tenure have to be approved by the departmental promotion and tenure committee, then in many institutions by a standing committee on promotion and tenure in the College or school, and then by the Dean, the provost, and possibly the president. The internal committee, external reviewers and the subsequent committees within the university structure will rely heavily on your record of peer reviewed publications.

That means getting published in political science journals, and if you do public law, specialty journals such as the *Law and Society Review*, *Judicature* and the journal that I now edit, the *Justice System Journal*. Obviously the major general journals such as the *American Political Science Review*, the *American Journal of Political Science* and the *Journal of Politics* are the most important, most read, and most cited, within the discipline. Most of us seek to publish in these broad journals.

However, there are dangers in only submitting to generalist journals. The acceptance rate is very low for the top journals in our field and if your article is submitted and rejected by all three you can have wasted more than a year trying for publication. Most tenure track assistant professors must undergo a third year review and then go up for tenure by the fifth or sixth year. To get tenure you need a record of accomplishment. Having “stuff” is important and having a productive and accomplished record of both generalist and subfield peer reviewed publications can be critical in obtaining tenure and building a commendable record. Thus, specialized journals can be very important to your career. Time moves very quickly and you have to be careful how long the process can be before articles get accepted for publication. It is not unreasonable for two years to go by from the time you begin a research project until publication. Thus, you should be submitting articles for publication throughout your first few years on the job, and getting them accepted well before the third year review.

I am not suggesting that you avoid submitting manuscripts to major journals. They are important and critical for tenure at many universities. I think the first thing you have to think about is whether or not the article is of general or special interest. I realize this is easy to say and hard to know, we all think our work is great and important, and that everyone will want to read it, but you can waste a lot of time going through the submission process for the general journals of political science, what I refer to as the “Big 3” and then what I call the “Mid Majors” before knowing or deciding to publish in a more specialized public law/judicial politics journal. Usually the general, discipline-wide journals seek some broad theoretical advancement and some finding that most political scientists will find interesting and worthwhile beyond something that is just of interest to those of us in law and courts. If you determine that it is of general interest, the next question to ask is how important and noteworthy is your topic and finding. Decide if it is appropriate for one of the two or three major journals or if it is more likely to get published in the second tier of political science outlets.

Then there are articles we write that are meant for more specialized audiences and this is where specialized subfield

journals become important. There is a lot of interesting stuff we write that is published in narrower outlets. This material can become well read and well cited, particularly now in the age where most articles are available in digital format.

The journal that I edit is a quality outlet for more specialized law and courts articles. The Justice System Journal is a peer reviewed public law and judicial politics journal that publishes articles on courts and court administration, which is very broadly defined. The journal is available online through Westlaw and Hein on Line. We serve two audiences. First we have an audience of court administrators and court professionals. These readers want information both practical and theoretical about the state of courts and court administration as well suggestions as to how to improve performance. Our second audience, and the one most of you would be interested in, is that of social scientists and those in the legal profession. We seek quality social science work, and will accept different methodological approaches.

We publish most work found in judicial literature, including judicial decision-making, policy impact and the like. As part of our mission we will do book reviews of leading public law/judicial politics books and we keep an active “of note” section where we provide synopses of public law/judicial politics articles published in other social science and court journals. We also provide legal notes and commentary on important cases on courts and court administration. For example, our legal note editor, Mark Hurwitz, recently wrote a piece about the Massachusetts Supreme Judicial Court’s upholding of a \$2 million defamation award against a Boston newspaper, while Jack Green, another contributor, reviewed a unique series of events that centered on the efforts of a retiring Chief Justice of the Connecticut Supreme Court to secure the appointment of a friend and Associate Justice on the Court to the position of Chief Justice. We welcome submissions such as these.

The Justice System Journal is published under the auspices of the National Center for State Courts (NCSC) located in Williamsburg, Virginia. The National Center was established, funded and organized under the driving force of former Chief Justice Warren Burger and designed to professionalize the work and management of state court administrators and the state judiciary as well as work to improve public trust and confidence in state courts and state court administration. Among other projects, the NCSC sponsors two court management conferences per year and publishes several periodicals, including Court Communiqué, Court Manager, Benchmark and Court Review. In addition to these publications, the NCSC compiles all sorts of wonderful information and data on state courts and state court administration and creates reports with this data. Every article published in the Justice System Journal is categorized and available online through the national center. If you do work on state courts, the NCSC has a very helpful library staff.

Many submissions that the Justice System Journal receives have been submitted elsewhere. I recognize that we all want to publish in as high ranked journals as possible and submissions rejected elsewhere, having gone through the peer review process, are usually much better when submitted to the Justice System Journal than they were upon their initial submission to these other journals. However, based on my experiences with reviewers I would advise those who previously submitted articles to another journal to take care to respond to at least some of the prior reviewer’s comments, even if you disagree with them, before submitting your article to the Justice System Journal.

First, those suggestions often lead to a much stronger manuscript. That is the nature of the peer review process. Second, there is a strong probability that one or more of the same reviewers will be asked to review your manuscript at the subsequent journals to which you submit. I cannot speak for other editors but I certainly look for those scholars either cited directly in the manuscript or those whose work is in the same general area as the submitted manuscript. I assume most editors use a similar process. If the reviewer is the same, most often those reviewers will reject the newly (re)submitted manuscript unless changes they sought in previous versions submitted to other journals were incorporated in the current submission. Whether that is fair or not is a different question and I think an issue that could be debated. What is not debatable is that is the review process that authors must confront.

In closing I would like to express my appreciation to the audience and the other panelists. I think the audience and the panel enjoyed the discussion and advice. I am happy to receive comments, suggestions and of course, submissions to the Journal through the dedicated email, poljsj@langate.gsu.edu.

* I would like to thank Mark Hurwitz, Scott Graves and Shenita Brazelton for their suggestions, comments and corrections.

Advice to Graduate Students and Young Faculty for Prospering in the Field of Judicial Politics

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I have been asked about advice to give to younger scholars in the field of judicial politics from the perspective of someone who has had recent success in the tenure process. These are some thoughts I put together.

Collect your own data. One piece of advice that I can give for any field, but particularly true in our field is to go ahead and put the upstart resources into collecting original data. This came up time and time again in my evaluations from the college (and so I am told, my outside readers in my tenure letters). I remember asking a senior colleague at a prestigious institution, “What are you looking for when hiring?” He replied that, “we are looking for someone who can do more than just download data sets and test hypotheses.” Now, this does not mean that you cannot build a career off of using public data sets creatively, but there is some worth in going through the effort at least once of collecting your own data.

Think of your career as though you are running a business. There is the obvious manufacturing part of the job – this is what you are doing when you are working on your projects. But there are also marketing considerations. Ask questions. Go to conferences and panels to find out what the new buzz is (or is not). Take consideration of the sales aspect of your job. There are ways to make sure that people find out what you are doing. Send your work to people who might find it interesting (especially to senior colleagues who might be writing your tenure letters). They may not read it, but they will at least know what you are up to. If you get a well placed publication, send the off prints to people. If you publish your own book, buy several copies and mail them to people in your field with a personal note. Talk about your work to people outside of political science; this will give you practice talking to political scientists who are not in your field. Apply for awards – and even teaching awards.

Have a wow factor. This advice is related to the above advice, since the purpose of collecting original data is to increase the “wow” factor of the findings of your research. You are going to be giving a job talk to a general group of political scientists who have never heard of strategic models of judicial decision making, for example. Your research must have something to say about our understanding of politics, how minorities get protected, how to make institutions more (or less) accountable or representative, ways to increase human happiness or decrease human suffering. The trick is to be conservative or at least realistic about what your findings show, but you can be speculative about what your results could mean. This is true as long as you are careful to couch these kinds of comments as speculative. If your research is about procedural justice perceptions, say how this may have implications for how human beings become attached to institutions in general. Making a big impact with one idea is better than having many publications that make extremely small contributions. I heard another scholar in the judicial field at a prestigious institution say, “you can get tenure off of a single APSR article – as long as the idea is good enough.” Now, that does not mean that you need to put all your eggs in a single basket – and it does not mean that most schools will give tenure for one good article – most will not. From personal experience, in my reading the summaries of my outside tenure letters, people were responding more to what my work has taught them and the field in general than with how many articles I had or where my books were published.

Have a life. This may sound inconsistent with the first two pieces of advice. Something has to give somewhere, right? My advice is to find some sort of balance. Find something that you love outside of political science. This could be developing a hobby or having children or friends. But with all the rejections that come with this job, you need something in life to offset the enormous downs that come with grant, article and book rejections. Until I got tenure, I used to follow the rule that I would not work after 5pm on Fridays. During graduate school, I took up running. As a new faculty member, I started a university wide “New Faculty Happy Hours” (for which I receive service credit!). Whatever it is, get some balance and stick with it.

Time saving teaching techniques. We have several perspectives here on how to balance teaching with research. The colleague who said “scantrons are your friend” said this because she says, “When the university puts 200 people in a class, they are communicating to you their priorities.” This makes a good deal of sense. More generally, I would say that neither how much the students learn nor how well you do on teaching evaluations is necessarily correlated with how much time you put into teaching. Being dynamic and enthusiastic in the classroom does not take any extra time. This is not to say that you should not spend any time on teaching; you obviously need to be well prepared.

On the other hand, there are really nice time saving techniques. For one, if you write a multiple choice test well, it can test for critical thinking abilities. Another time saving idea is to have the students do a good deal of writing without your having to grade all the essays. One trick that I did in one class was to have students write weekly journals being critical of the reading. I have a computer program randomly assign each student to three or four weeks during the semester that would tell me when I would grade their essay for quality. They would never know which essay was being graded for quality, so they have an incentive to write every essay well. In this way, students get a huge benefit without a great deal of cost for me. Another thing I do is to encourage email questions and then I reproduce questions (anonymously) and answers and I send them to the entire class. In grading papers, I cut and paste all my comments into a general comments file and send all the comments to the whole class. Use your own research in class. This allows students to be part of the research process and you are likely to be more animated about it. It feels like cheating because you have to prepare less, but the students will be learning more. This is why students attend a research institution: to take class from faculty who are actively engaged in scholarly work.

Don't be a jerk. This may sound obvious, but it is unbelievable how many people are completely oblivious to how debilitating being a jerk is for their careers. I have seen many graduate students and new faculty sabotage their careers – or come close to sabotaging their careers – by being jerks. I have read letters of recommendation that say, “this is a really solid student but has a real ego problem and is hard to work with.” If you think you are the first person with an oversized ego to bless political science with your presence, think again. Being a jerk, as much as it may feel like it, is not original. People will not hire you, they will not work with you on collaborative projects and they will not work hard to retain you if you act like a jerk. Moreover, students will give you low teaching evaluations. Have some humility and have some fun with this job. In concrete terms, this means saying things like “Oh, that is interesting. My perspective is a little different...” As one of my colleagues in this set of articles said, “This is a great gig!” Enjoy it and try to reduce the amount of suffering you cause others.

Publishing While Teaching at a Small Liberal Arts College

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I am an assistant professor at a small, Midwestern liberal arts college. Monmouth College has about 1300 students, and is located in west central Illinois. I tell you all this because I want to say up front that this article will discuss publication strategies that I have learned in a short time at a particular type of liberal arts college. While there are some limitations to this portion of the symposium, I believe there are wide applications for the particular lessons I've learned at Monmouth.

The first lesson is that you must *love* to teach to work at a liberal arts college. Part of that love for teaching must also mean that you are willing to do less research than if you were employed at a large, research intensive university. Everyone seems to acknowledge the difference between the institutions, but I think a full understanding will not occur until after you have set foot on campus. And, I think the transition from graduate school—where you have learned to research, present at conferences, publish, and finish your dissertation—to settling into the steady rhythm of a 4/3 or 4/4 teaching load can be somewhat disconcerting to newly minted Ph.D.s

Luckily, for those professors who love to teach *and* to research, there is no sign on the campuses of liberal arts colleges

that reads “Abandon all hope, ye who enter here.” In fact, research is increasingly important at these institutions as well. Trustees and administrations want proof that they have hired a quality commodity. As competition for the best students becomes increasingly fierce, faculty are often judged by their reputation in their fields. Publications also allow the college itself to be promoted to regional, national, or international venues via publications. All of this means that many liberal arts colleges nationwide are supporting, and requiring, publication in ways they did not a few years ago.

So, how do you have an active research agenda and publication record when you are required to have 21 hours or more of teaching every year? The answer is... be creative. For the remainder of this article, I will share with you some strategies that I have employed since becoming a faculty member at a liberal arts college.

1. Despite the increasing importance of publications at smaller institutions, this does not translate into “publish or perish.” This means that you can publish less often, and in second or third tier journals. A liberal arts college will be excited when you publish in a peer reviewed journal. Any peer reviewed journal. This can be liberating, because you need not accumulate points for tenure... points which are only available via the *APSR*, *AJPS* or *JOP*. That does not mean, of course, that you can’t or shouldn’t submit your work to the top tier journals.
2. Because liberal arts colleges are not research intensive, you can find creative outlets for your work. The publications at a liberal arts college need not be peer reviewed, where only articles in first tier journal count toward the tenure decision. Book chapters, book reviews, encyclopedia entries, and professional outlets such as *Law & Courts* count, because you are still addressing a professional audience. My recent third year review letter specifically mentioned my contribution to an earlier *Law & Courts* symposium and the encyclopedia entries I have penned since joining the faculty. These activities are seen as a positive contribution on a liberal arts campus, not as a distraction from “real” work.
3. At most liberal arts colleges, you will not be the judicial scholar. Most likely you are also the political theorist, Americanist, comparativist, and very likely the pre-law advisor. This means that you need not limit your scholarship to “judicial” politics. This, too, can be liberating. I do a fair amount of research on the presidency, in addition to working on judicial questions. This breadth is encouraged by my senior colleagues and administration, precisely because liberal arts colleges want breadth. This also means that questions that arise in a variety of classes that you teach can become part of your research agenda. For example, I have a Congress paper that I plan to work on, coming out of a question I discovered while I was teaching that class. Had I not been teaching a class beyond my strict expertise, I never would have discovered this new research idea.
4. Use your interests in your publication strategy. In fact, this can be especially complementary at a liberal arts college, because disciplines are not viewed as distinct. For example, a colleague in the education department and I have submitted a research note on the difference of perception of sports injuries between male and female athletes and this is likely to become a long term project. This is particularly exciting to me because I get to research and write about sports. This project also shows my Dean that I can communicate across disciplines. Moreover, if this project becomes long term, there is a real possibility for multiple, peer reviewed, publications.
5. Liberal arts colleges want the professors to engage the students. I was able to do this by writing a sports column for the student newspaper for three semesters. Many people across campus commented on the pros and cons of my view of sports. I am also told that some trustees were reading the column, and it served as an introduction to the athletic department, so I was able to serve on the hiring committee for the new basketball coach. That does not happen at a large research school.
6. These colleges want the professors to engage the surrounding community. This means that, because of the research you do and the classes you teach, you can become the local expert on all manner of political goings on, and the community would like to hear your voice. Embrace the opportunity to be interviewed for the local newspapers and on the radio. By all means, feel free to write an op-ed piece for the local newspaper. If the Rotary Club or the Kiwanis want you to speak at their meetings, jump at the chance.
7. Finally, and perhaps most importantly, liberal arts colleges are increasingly interested in having their undergraduates students do research, in particular with a professor. The good news here is that there are many excellent students at these colleges. I have the good fortune of working on a project with two of my best students. That work has already been presented at a conference, and with some luck will be submitted for publication soon. This is important because across my campus, and many other liberal arts campuses, there is a movement to get our undergraduate students active in professional level research.

What I have discussed here is based primarily on my experiences, but I would like to add that professors at liberal arts colleges also get sabbaticals, which allows a great deal of research to be done. Both of my senior colleagues are working on book manuscripts during their sabbaticals. If you want to write a book, that option still exists.

It should also be noted that as a junior faculty member, you will also be asked to be on committees and have many other campus service expectations and requirements. While these are important, research is too. It is extremely important to learn when to say yes, and what to turn down. It is also paramount to be creative with your scheduling. Be sure to reserve a morning, two afternoons, or a whole day for your research. Close your door... if you don't you will inevitably have a student or colleague looking for you. Seek out your senior colleagues, and ask them for scheduling advice, which committees are good choices, and use them as sounding boards for your work. Both of my senior department colleagues, Farhat Haq and Ira Smolensky, have been extremely supportive of my work.

There is a great deal to love about working at a small liberal arts college. One of my favorite parts is that you can have a rich, diverse, and interesting research agenda without losing sleep about which journal you are going to submit a particular piece or which press will publish your book. If you teach at a liberal arts college, but also desire to do research, with a little imagination you can have a long, and excellent, publication record.

Views on Judicial Research from the Personal, Professional, and Parental Perspectives

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I recently attended a regional conference panel organized around the topic of conducting judicial research in the public law field. The panel was thought provoking from several perspectives. The presentations began with a commentary on the field in general: "This is a great gig" as well as a cautionary note regarding the first rule for receiving tenure: "Don't be a jerk." These opening comments were followed by practical insights from the panelists regarding public law research strategies. As the panel progressed, the discussion turned toward research as a component of the tenure path of graduate students and assistant professors. This aspect of the discussion, in particular, caught my attention. Having just recently submitted my tenure packet, I had a personal/professional perspective on the comments. From this perspective, I found the panel's advice regarding building a research program cogent and useful. The advice offered stressed the need for a strategic approach to research and the pursuit of tenure. For example, the panelists advised those in the track to be realistic with respect to potential journal outlets and suggested examining back issues to get a feel for what type of articles are the choice of the editors. Caution was the word with respect to embarking on a book project during the tenure track years because of the long lead-time generally required for publishing a book. The panelists also strongly suggested that always keeping several projects in the pipeline was essential to maintaining a continuing published article stream for the pre-tenure period.

The panelists then discussed the tenure-seekers' need to limit non-research commitments. This aspect of the discussion also caught my attention. The panelists suggested that those on the tenure track should be mindful of time constraints—particularly time constraints imposed by undergraduate teaching. A number of strategies were proposed as a means of coping with time spent on undergraduates. For example, the panel noted that the exclusive use of the scantron and objective examinations as well as the avoidance of essay assignments can all effectively save time. Another suggestion involved limiting office hours as a means to save time for research projects. Limiting the variety of courses offered and thereby cutting prep-time was also noted. These teaching related time saving techniques suggested by the panel discussion called into play my personal/parental perspective. As a teacher and the father of teenage twins who will soon be graduating from high school, I am particularly concerned about what happens on the student side of the college lectern. And, as the college hunt and application process looms ahead for me as well as my future freshmen, the reality-based advice offered by the panelist gave me pause.

In thinking back on the panel, I find a personal/professional/parental quandary. The basic advice offered by the panel makes practical sense from the tenure seeking personal/professional perspective. But, from the personal/parental perspective, the advice brings about serious concerns regarding what my soon-to-be freshmen will experience. Is it necessary that our discipline's primary teachers of freshmen and sophomores (assistant professors and graduate students) never use anything but the scantron; avoid essay assignments; limit office hours and student contact; and limit course selections? What does this say about our field and discipline? While the academic life may be a "great gig," is it a great gig from all perspectives, i.e., the professional, the parental, and the personal? Is there a necessary irony in that the great gig for the academic is not so great a place for the academic's own children? I suppose I will have to address this quandary as the college decisions regarding my own two teens approaches.

The Paper Trail of Success - Law and Courts' Publishing in the Top Generalist Journals

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Editor's Note — Section chair Stefanie Lindquist has appointed a committee to explore the idea of creating a journal for the Law and Courts section, with the task of helping the Executive Committee in its decision on this question. The committee's members are Tim Johnson, Bert Kritzer, Laura Langer, Lynn Mather, Art Ward, and Larry Baum (who is chairing). The committee is gathering information about existing journals in the law and courts field and journals sponsored by APSA sections, and later in the year we will survey the membership about the idea of a Section journal. We look forward to getting members' ideas and opinions.

Competition is not a foreign concept in academia. While the public's view of academics may be that scholars sit in lofty chairs above the more ruthless and self-serving private sector, as readers of this newsletter know, academicians compete all the time. Although we may not be sparing one-on-one to climb the corporate ladder, we indeed compete from our "ivory towers" for faculty positions, promotions, and prestige.

One way we "compete" is through our continual use of rankings. Whether we are ranking our journals (Garand and Giles 2003), our departments (Ballard and Mitchell 1998), or individuals (Lingemann, Grofman, and Campagna 1989), some new scoring method appears almost yearly. Underlying these department and individual rankings and career opportunities lies the paper trail – an individual's impact on the discipline, most readily recorded by publications. Documenting one's success with a well-established and recognizable research agenda is crucial to decisions regarding hiring, tenure, and promotions. While those reading this newsletter would instantly recognize the merit of contributions to some of our reputable subfield journals, personnel decisions at the department and university levels are often made by individuals outside of one's subfield. This, of course, means competing for a limited number of openings within the generalist journals.

In some ways, this may place those who specialize in a particularized subfield, such as law and courts, at a noteworthy disadvantage. Within the study of political institutions, such as in our basic American government undergraduate classes, discussion of the courts is often an afterthought. We have all probably heard the strategies from our non-judicial peers who intentionally place the text chapters covering courts or civil liberties at the end of the semester in hopes that they can "run out the clock" and skip these important topics. Perhaps this has been ingrained in our political system from the start, as even the Framers themselves treated Article III of the Constitution as almost a postscript when compared to the structures and powers given to the legislative and executive branches. Even further removed from the "mainstream political discussions" of elections, Congress, and executive powers would be those specialized issues within the subfield, such as research examining state courts, interest group participation within the courts, or other more

specific topics.

Yet at most institutions, judicial scholars are held to the same tenure and promotion standards as others within their departments. As research standards are increasing across the board, tenure standards place an emphasis on publishing in the top journals, particularly the top three journals: *American Political Science Review*, *American Journal of Political Science*, and the *Journal of Politics*. The question of scholarly productivity is especially important in a climate of limited budgets, and the end of the “golden age” of university life (Rojstaczer 1999). However, if the major generalist journals wish to target a wider audience, articles analyzing the significance of a party’s capacity to litigate or strategic retirements from state courts of last resort may not appeal to many outside of this newsletter’s readership.

Alternatively, one could make the argument that we are not unique. Perhaps a congressional or presidential scholar is under the same pressures to champion their ideas within a very limited number of generalist publication outlets. However, it is possible that some subfields may receive more attention than other areas. For example, one recent study found that 16% of all articles in six top generalist journals between 1996-2005 concerned research on political parties (Reiter 2006). It would be difficult to imagine room for all subfields at this level.

To examine judicial scholars’ success in the journals, I conducted an examination of law and courts related articles in six of the top generalist journals. This examination stems from a larger project on recent trends in political science publishing. Two colleagues and I coded every article published in the leading political science journals, including those generalist journals that received the highest impact ratings, as reported in Garand and Giles (2003), and the nine journals affiliated with the American Political Science Association’s organized sections from 2000 to 2007.ⁱ From these extensive data, I examined the number of law and courts articles published in the top six ranked generalist political science journals included in our data: *American Political Science Review*, *American Journal of Political Science*, *Journal of Politics*, *British Journal of Political Science*, *Political Research Quarterly*, and *Political Science Quarterly*. The coding of what constituted a law and courts article stemmed from the article’s title and an examination of those articles where the titles appeared to relate to law and courts but were ambiguous.ⁱⁱ I also used a broad definition of what constituted a law and courts article. For example, an article examining trends in criminal sentencing rates, which some may categorize as criminal justice, would be included as a law and courts article.ⁱⁱⁱ The articles’ subject matters generally included topics such as judicial behaviors, judicial selection, court structures, interest group activity related to the courts, and other judicial issues, again broadly defined.

Examining the numbers, we find that law and courts articles comprise 5.8% of all the articles published by these six generalist journals between 2000 and 2007. These percentages were relatively consistent across all years. If we examine only the top three journals (*APSR*, *AJPS*, and *JOP*), the overall average drops just slightly to 5.6%. Over 62% of the law and courts articles were co-authored works, with 38% of the articles being solo publications. This percentage of co-authorship in law and courts articles is slightly higher than the overall averages, as our data shows that 44% of the published articles across all subfields are co-authored projects. These percentages suggest that we may be slightly more likely to co-author research projects, as compared to the rest of the discipline. As for the specific numbers for the six generalist journals, Table 1 suggests the trends and variation within each journal. We can see that few law and courts articles appear in the *British Journal of Political Science*, which is perhaps expected given its somewhat comparativist perspective. More law and courts articles appear in *Political Research Quarterly* and the *Journal of Politics*. This is particularly interesting in the case of the *Journal of Politics* since it is often though at one of the top three generalist journals.

Journal	Percentage Law and Courts Articles
<i>American Political Science Review</i>	4.8 %
<i>American Journal of Political Science</i>	4.6 %
<i>Journal of Politics</i>	7.1 %
<i>British Journal of Political Science</i>	1.3 %
<i>Political Research Quarterly</i>	10.4 %
<i>Political Science Quarterly</i>	3.4 %
All Six Journals	5.8%

Once the law and courts articles were identified, I then attempted to determine what type of court (if any) the article discussed. Again, this was accomplished through an examination of the articles' title and, when necessary, looking up the articles themselves. Not surprisingly, articles exclusively examining the U.S. Supreme Court appeared more often than those articles that examined other specific courts. Over 35% of all the law and courts articles published in these six journals concerned some aspect of the U.S. Supreme Court. Articles that dealt with multiple courts, such as an article examining all federal judicial appointments or civil liberties claims in both federal and state courts, accounted for another 31% of these articles. About 12% of these articles exclusively examined an issue involving U.S. state courts. International and non-US courts represented about 12% of the law and courts articles included in the data. About 4% of these articles examined just the federal courts of appeals, and less than 1% of these articles examined only the U.S. district courts. The remaining 5% did not examine a specific court, such as articles discussing judicial philosophy.

For comparison purposes, I also attempted to categorize the issues surrounding other articles in the top three generalist journals. As mentioned above, Reiter (2006) suggests that 16% of all articles in six top generalist journals within his study concerned research on political parties.^{iv} To examine further subject-matter trends, I noted which articles in the top three journals (*APSR*, *AJPS*, and *JOP*) examined electoral behavior (broadly defined) and legislative activity. I attempted to exclude from electoral behavior those articles that appeared to focus just on political parties, but there may undoubtedly be some overlap with those articles categorized by Reiter as partisan articles. Included as electoral behavior articles were any articles that mentioned elections, campaigns, voter behavior, turnout, and other election topics regardless of whether the focus was a domestic or foreign. To examine another branch of government, I noted any articles that dealt with legislative activities (but not legislative elections). This category included such topics as roll call votes, legislative structures and organizations, legislative-executive interactions, and other topics related to legislative behavior, again foreign or domestic. One could argue within any of these categorizations that some articles within these groupings may belong to a specific area within a subfield, but my purpose here is to provide a general sense of what is being published.

From these percentages and Reiter's (2006) political party analysis, it would appear that law and courts articles do not share the same amount of space as research on political parties, electoral behaviors, or legislative activities, providing credence to some of our concerns. As noted in TABLE 2, electoral behavior, broadly defined, exhibits a very high share of the number of articles. Perhaps, given the frequency of elections as compared to highly salient court activities, such as U.S. Supreme Court appointments or landmark cases, this may be expected. Yet, our subfield also lags behind legislative studies, perhaps again because of the continual salience of changing laws and congressional reforms.

Article Subfield	Percentage of All Articles
<i>Electoral Behavior</i>	19.3%
<i>Legislative</i>	9.5%
<i>Law and Courts</i>	5.6%

While the overall rates may look low, another way to assess these publication rates is to examine these numbers as they compare to the number of judicial scholars in political science. While we may lack the exact number of political scientists that would call themselves legal scholars, we do have records based on APSA memberships. As of March 3, APSA has 14,009 total members, with the Law and Courts Section possessing 766 members.^v This indicates that we represent roughly 5.5% of all APSA members. If we examine only those with “professional” APSA memberships (9416), the percentage of Law & Courts Section membership rises to just over 8%. Of course, not all judicial scholars are members of the Law and Courts Section, just as some political scientists (both judicial or otherwise) may not be members of APSA.

Presuming these membership numbers reflect a sufficient estimate of the percentage of judicial scholars, one could argue that we are getting about our fair share in the generalist journals, based on our overall proportion of the profession. However, this also means that a tremendous amount of scholarship that does not appear in the top generalist journals will find a home in our specialist journals. For law and courts scholars, this may indeed put many of us in the daunting position of having to argue that an article in a specialized law and courts journal should carry some (perhaps a significant) proportion of the weight for tenure and promotion decisions. For those untenured scholars that may publish their work in law reviews, this is even a tougher uphill battle.

Yet, judicial scholars should continue their good work in providing key insights into these important topics. Quality work from judicial scholars is clearly making its way into the top generalist journals, as our ideas and research compete with the best works of those in other subfields. Intriguing new questions and innovative techniques for studying the judiciary will find their way into good journals. However, we must continue to stress, particularly to those outside of our section, that significant contributions to our discipline are indeed made in our topical journals and that the trail of a scholar’s impact on the discipline does not necessarily begin and end in the generalist journals.

Notes

ⁱ A special thank you to Dr. H. Gibbs Knotts and Dr. Chris Cooper, both of Western Carolina University, for their permission to use our data for this project.

ⁱⁱ Surprisingly, we are a pretty efficient lot in titling our articles. The vast majority of articles used some version of “court” or “judge” within the titles.

ⁱⁱⁱ Obviously, there may be the chance of some error here, depending on one’s definition of “law and courts.” My goal was to spread the net wide to provide a “best case scenario” of law and court publishing.

^{iv} Reiter (2006, 614 FN1) examined the *American Political Science Review*, *American Politics Quarterly*/*American Political Research*, *British Journal of Political Science*, *Comparative Political Studies*, *Journal of Politics*, and *Midwest Journal of Political Science*/*American Journal of Political Science*. Since I am examining only three journals for this comparison section, there is the possibility that these findings may not exactly coincide with the six journals Reiter examined.

^v A special thanks to Linda Davis, Member Services Manager at APSA, for providing the overall membership and professional membership numbers. The number of Law and Courts section members stems from Stephanie Lindquist’s “A Letter from the Section Chair,” from our Winter 2009 newsletter.

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A Quantitative Analysis of Public Law Programs Revisited

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When applying to public law programs nearly four years ago, I encountered difficulty determining the top 10 programs. Both advisors and colleagues gave a plethora of responses based upon their own unspecified criteria and personal perceptions of the sub-field. Looking back, I realize this experience likely occurs in many departments across the nation, to advisors and students alike.

It is difficult to rank programs in public law. Foremost, public law as a sub-field is not defined by a single dominant methodology; programs which examine jurisprudence are markedly different from those which examine judicial behavior. Second, measuring a quality such as "prestige" is problematic, as reasonable individuals can easily disagree with regards to what makes a quality program. Third, the ranking of public law programs contains a temporal component, making it complicated to assign a ranking when only looking at a particular snapshot in time. Finally, any ranking based only on one criterion contains a possible bias towards over inclusion of some programs over others. To this end, the following study attempts to form a ranking of public law programs based on what I consider to be objective criteria and takes into account the changing nature of the discipline over time.

This study follows in the path of previous attempts to rank programs within the sub-field. In 1998, this newsletter published a quantitative ranking of public law programs by Ashlyn Kuersten. Kuersten used only one source of data for the ranking she constructed; four major journals in political science generally accepted to be the most prestigious of the field (*American Journal of Political Science*, *American Political Science Review*, and *Political Research Quarterly*).

While these four journals by no means contain all the important scholarship done in the sub-field of public law, in the wider field of political science they are generally recognized as being among the top 25 journals with a general focus (Giles and Garand 2007). Furthermore, these journals accept public law scholarship using a wide range of theoretical traditions including historical analysis, jurisprudence, and judicial behavior. These characteristics, in addition to the primacy of these journals with regards to tenure decisions, make these publications a useful starting point to creating an objective, systematic ranking of public law programs.

But I argue that publications in these journals should be only part of the rankings of public law graduate programs. Increasingly, external funding in the form of grants is an expected contribution of scholars in political science to the larger university environment. And since external grants are increasingly used for tenure decisions, who receives these grants are important for future students of public law to consider when choosing graduate programs. While the NSF is not the only external funding institution for the field of public law, it has a tradition of funding some of the most recognizable research in political science, including the American National Election Study, the General Social Survey, and both the Spaeth and Gibson databases on the Supreme Court and will be analyzed here for purposes of ranking.

The quality of the programs contained within this study is therefore based upon two data sources; publication in one of the four journals listed above and the reception of external funding via the National Science Foundation. The programs

will be evaluated based upon both publication and reception of a grant either by the faculty in the field of public law, or by the graduates of the program in the subfield. To qualify for inclusion into this study the articles published or grants awarded must have the field of law and courts as its central focus and was determined by examining the abstracts of each. To take into account the temporal factor, individuals are classified as students of a specific school only if they have received their Ph.D within the past 15 years. The authors' CVs were used as the primary source to determine where and when they received their Ph.D. In circumstances where the authors' CVs were not listed on their universities website, or the individual has left the discipline, the APSA Directory of Members was used. I collected this data from January 1997 through December 2008 and weighted single-authored, co-authored, and multi-authored publications and grants equally. Further, articles and grants which were authored by a faculty member and a graduate student accumulated one point for the faculty and one for their graduate students. While different faculties employ different techniques when it comes to co-authoring with students, this study is provided as a resource to would-be graduate students and advisors whom presumably would value such publication opportunities. As an additional resource to possible graduate students, I am including a simple count of the number publications or grants that were received by women faculty. While this may seem an arbitrary inclusion, this may be a decisive factor for some future graduate students.

This study is not intended to serve as the definitive word on the ranking of public law programs in political science, of course. There are some possible shortcomings of this review. Most notably, by only examining these four journals, this analysis may miss scholarship which had a large impact on the field that was published elsewhere, either in books or other journals. Also, the available measure does not indicate the quality of the education students received while at their Ph.D granting institution. It is hoped, however, that the measure of publication activity and receipt of NSF grant money by former students will serve as an accurate proxy for this.

Table 1 and Table 2 presents the rank of public law programs based upon faculty and graduate student productivity when publishing in the four journals surveyed. In order to facilitate direct comparisons to the rankings produced by Keursten (1998) are contained within the tables.

Table 1

Publications – Author's Home Institution at Time of Publication, 1997-2008				
Ranking	Prev. Rank	School	Count	Female
1	8	George Washington University	20	2
2	8	Washington University, St. Louis	18	7
3	3	University of South Carolina	17	2
4	1	Ohio State University	14	2
5	1	SUNY at Stony Brook	12	1
6	n/a	University of California, Davis	11	0
7	n/a	Texas A&M University	10	0
8	4	Michigan State University	9	7
8	n/a	University of Pittsburg	9	2
8	11	Emory University	9	1

Table 2

Publications – Author’s Ph.D Granting Institution, 1997 - 2008				
Ranking	Prev. Rank	School	Count	Female
1	3	Washington University, St. Louis	30	1
2	3	Michigan State University	16	7
3	2	Ohio State University	14	4
4	8	SUNY at Stony Brook	13	4
5	5	University of Minnesota	12	3
6	n/a	Stanford University	9	1
7	1	University of South Carolina	6	5
8	12	University of Houston	5	3
8	8	Emory University	5	3
10	12	Florida State University	4	3
10	n/a	University of California, Davis	4	0

As both tables indicate, the past 11 years have been defined both by continuity and change. Comparing the updated rankings with the previous ranking, there are only four new departments which were previously unranked; Stanford University, Texas A&M University, University of California, Davis, and University of Pittsburg. In terms of ranking high on both scales based upon publication, Washington University, St. Louis, Michigan State University, Ohio State University, SUNY, at Stony Brook, and University of South Carolina are at or near the top of both lists.

Turning to rankings based upon NSF grants, while some new institutions appear, many of those in the top 10 are familiar faces. Vanderbilt University, University of Georgia, New York University, Princeton University, and University of California, Berkley did not appear in the publication rankings yet appear to have large numbers of faculty who are successful in obtaining grants. In terms of consistency in the top 5, Washington University, St. Louis, Michigan State University, and University of South Carolina appear on both rankings based upon NSF grants.

Table 3

NSF Grants – Author’s Home Institution at Time of Acceptance 1997 – 2008			
Ranking	School	Count	Female
1	Washington University, St. Louis	15	6
2	Michigan State University	14	3
3	Vanderbilt University	8	2
4	University of Georgia	6	3
4	University of South Carolina	6	0
6	Emory University	5	1
7	George Washington University	4	0
7	University of Michigan	4	3
9	New York University	3	1
9	Ohio State University	3	0
9	SUNY at Stony Brook	3	0
9	University of Arizona	3	2

Table 4

NSF Grants – Author’s Ph.D Granting Institution, 1997 - 2008			
Ranking	School	Count	Female
1	Washington University, St. Louis	14	1
2	University of South Carolina	6	6
3	Michigan State University	4	2
3	Princeton University	4	1
5	Ohio State University	3	1
5	SUNY at Stony Brook	3	1
7	Florida State University	2	2
7	Stanford University	2	0
7	University of California, Berkley	2	2
7	University of Minnesota	2	0

Overall, taking into account all four methods of ranking programs, there are five schools which appear within the top ten of each list consistently; Michigan State University, Ohio State University, SUNY at Stony Brook, University of South Carolina, and Washington University in St. Louis. Emory University is the only institution to rank in the top ten in three of the four lists.

While future graduate students of public law may decide to utilize different criteria to determine which schools are producing either the most productive future faculty members, or which have current faculty who are highly productive, this analysis provides a good starting point.

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Fellowship Announcement

Research Fellow Position - Center for the Study of the Legal Profession Georgetown University Law Center

The Center for the Study of the Legal Profession at Georgetown University Law Center (CSLP) invites applications for the position of Research Fellow for the 2009-2010 academic year. The Fellow will be based at Georgetown Law Center and will collaborate with CSLP leadership on new and ongoing empirical projects of the Center, as well as pursue her/his own independent research relating to the legal profession. Research Fellows are invited to participate in CSLP and Law Center activities, including those directed to students and to the research community.

CSLP promotes interdisciplinary scholarship on the profession informed by the challenges of contemporary legal practice; participates in the debate about regulation of the legal profession, both in the US and internationally; and investigates the role of globalization as it relates to the profession generally, law firms and other practice organizations and legal education. Our current projects include a wide-scale survey of Georgetown law graduates, including international graduates; a symposium on the future of the global law firm (fall 2009); an interview research project exploring how formal policies and informal norms shape law firm culture; and a conference on US approaches to regulation of the legal profession in the wake of changes in foreign regulatory structures governing lawyers. CSLP also aims to provide students with a sophisticated understanding of the opportunities and challenges of a modern legal career and to furnish members of the profession, particularly those in organizational decision-making positions, with rigorous research that provides broad perspectives on trends and developments in practice. For more information on CSLP and its activities, please review our website at <http://www.law.georgetown.edu/legalprofession/>.

Applicants must have earned a JD or its equivalent and/or have earned or be working on a PhD in a relevant discipline (including sociology, economics, political science, business, anthropology). In addition, applicants must have expertise in qualitative or quantitative empirical research. To apply for the position, please submit a CV and a statement (3 pages maximum) describing your educational background, empirical research skills and experience, and research interests, and explaining how your background and interests relate to the activities of CSLP. Please also address how the position fits into your overall career goals.

We will begin reviewing applications in March and will continue until the position is filled. The Research Fellow will be appointed to a twelve-month term beginning in the summer of 2009.

The Research Fellow will earn a stipend of \$62,500 plus benefits.

Please submit your application by email to Carole Silver at silver@law.georgetown.edu. No phone inquiries, please.

BOOKS TO WATCH FOR

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In 2009, environmental law is something we tend to take for granted as an important feature of our political and legal landscape. But where did this body of law come from? While many associate the growth of our environmental law with the 1970s, in **Before Earth Day: The Origins of American Environmental Law, 1945-1970** (University Press of Kansas), **Karl Boyd Brooks** (University of Kansas) argues that these protections and regulations emerged well before the first Earth Day in 1970, often in unexpected places far from Capitol Hill. Surveying the landscape from the end of World War II to Earth Day 1970, the author takes readers into legislative hearing rooms, lawyers' conferences, and administrators' offices in describing how Americans forged a new body of law built around concerns about air pollution, deforestation, and other environmental dangers.

The Fourth Amendment's protection against unreasonable search and seizure provides the bulwark for police regulation and many other government functions in the United States. The amendment is both controversial and among the most frequently adjudicated provisions of constitutional law. In **The Fourth Amendment: Origins and Original Meaning, 1602-1791** (Oxford University Press), **William J. Cuddihy** (independent scholar) tells the story of the Fourth Amendment's complex lineage, including its intellectual roots in England. This book has particular relevance today given new surveillance measures undertaken by the federal government in recent years, including the USA Patriot Act and the National Security Administration wiretapping program.

In **The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South** (University of North Carolina Press) **Laura F. Edwards** (Duke University) argues that in the half-century following the Revolutionary War, the "logic of inequality" underwent a profound transformation within the southern legal system. Drawing on archival research in North and South Carolina, the author illuminates those changes by revealing the importance of localized legal practice. Placing slaves, free blacks, and white women at the center of the story, *The People and Their Peace* recasts traditional narratives of legal and political change and reconsiders key issues in U.S. history, including the persistence of inequality, particularly slavery, in the face of expanding democracy.

Albion Tourgee was the lead plaintiff's counsel in *Plessy v. Ferguson*, as well as a Civil War officer, Reconstruction "carpetbagger," best-selling novelist, and champion of equal rights. In **Color Blind Justice: Albion Tourgee and the Quest for Racial Equality from the Civil War to Plessy v. Ferguson** (Oxford University Press), **Mark Elliott** (Wagner College) has written a biography detailing how Tourgee's writings as a lawyer and judge created a wall of dissent against the prevailing tide of racial oppression. Long after most Americans had abandoned the ideals of Reconstruction, the author argues, Tourgee continued to fight for racial equality.

In **Free Expression and Democracy in America: A History** (University of Chicago Press), **Stephen M. Feldman** (University of Wyoming) charts the course of free expression alongside the nation's political evolution, from the birth of the Constitution to the end of the Vietnam War, detailing how our basic liberties are determined not only by the Supreme Court, but also by cultural, social, and economic forces. Throughout the book, the author shows a recurring pattern in which two rival traditions in American culture—suppression of speech and dissent as a form of speech—interact.

John Minor Wisdom served as a member of the U.S. Court of Appeals for the Fifth Circuit from 1957 until 1999, and wrote many of the landmark decisions instrumental in desegregating the American South.. **Joel William Friedman's** (Tulane University Law School) new book **Champion of Civil Rights: Judge John Minor Wisdom** (Louisiana State University Press) provides a biographical account of how Wisdom used this important legal and historical setting to

advance significant legal change. In the tumultuous two decades following *Brown v. Board of Education*, the Supreme Court issued only a few civil rights decisions, preferring instead to affirm Fifth Circuit Court opinions or let them stand without hearing. Judge Wisdom, therefore, authored many of the decisions that transformed the South and broke down many barriers for African Americans.

Daniel W. Hamilton (University of Illinois College of Law) and **Alfred L. Brophy** (University of North Carolina School of Law) are the editors of, and contributors to, **Transformations in American Legal History: Essays in Honor of Professor Morton J. Horwitz** (Harvard University Press). In this book, seventeen authors use Hurwitz's two volume legal and economic history of the U.S. as touchstones for re-examining legal history from America's colonial era to the late twentieth century. The authors explore how legal doctrine, thought, and practice are shaped by the interests of the powerful, as well as by the ideas of lawyers, politicians, and others. The essays in this new volume address current questions in legal history, from colonial legal practice to questions of empire, civil rights, and constitutionalism in a democracy.

Lori Hausegger (Boise State University), **Matthew Hennigar** (Brock University), and **Troy Riddell** (University of Guelph) are the authors of **Canadian Courts: Law, Politics, and Process** (Toronto: Oxford University Press Canada). This book examines the structures and processes of the Canadian judiciary, their relationship to emerging forms of alternative dispute resolution, and the policy impact of judicial decisions. The volume also considers the identity and roles of three main actors in the court system: the judges (including their decision-making processes, selection, independence and accountability), interest group litigants, and governments. Taking a cross-cultural, comparative approach, the authors showcase Canada's legal system by illustrating the ways it differs and agrees with other systems worldwide.

Constitutional Rights in Two Worlds: South Africa and the United States (Cambridge University Press) by **Mark S. Kende** (Drake University) examines the South African Constitutional Court to determine how it has functioned during South Africa's transition from the Apartheid era, and compares its rulings to those of the U.S. Supreme Court. The Constitutional Court has issued internationally prominent decisions abolishing the death penalty, enforcing socio-economic rights, allowing gay marriage and promoting equality. These decisions are striking given the country's Apartheid past and the absence of a grand human rights tradition. By contrast, the author argues, U.S. Supreme Court has generally ruled more conservatively on similar questions. The book also analyzes the scholarly debate about the Constitutional Court taking place in South Africa and engages the arguments of international scholars who contend that constitutional courts do not generally bring about social change.

In **Distrust American Style: Diversity and the Crisis of Public Confidence** (Prometheus Books), **Sheila Suess Kennedy** (Indiana University Purdue University in Indianapolis) explores the question of whether declining political trust in the United States can be traced to failures in our social and political institutions. The author concludes that the problem of distrust is not a function of our growing diversity as some scholars contend, but stems from our inability to rely upon the proper functioning of our governing institutions. She calls for reform of our government, including a "bailout" of its central institutions and a renewal of our constitutional ideals. More specifically, the author makes the case for changes to our electoral systems to eliminate gerrymandering and ensure that every vote counts, improved governmental accountability, and legal and policy changes that will refurbish our social "safety net," in ways that will improve our economy and ease social anxieties.

The retirement of Sandra Day O'Connor in 2006 focused attention on Associate Justice Anthony Kennedy as the presumed new ideological pivot point for the United States Supreme Court. In **The Tie Goes to Freedom: Justice Anthony M. Kennedy on Liberty** (Rowman & Littlefield), **Helen J. Knowles** (State University of New York, Oswego) offers the first book-length analysis of Kennedy's role on the Rehnquist and Roberts Courts. The author challenges the perception that Kennedy's jurisprudence is inconsistent and incoherent. Using the hot-button issues of privacy rights, race, and free speech, this book investigates how Kennedy articulates a libertarian constitutional vision. In so doing, this work addresses two underexplored areas of scholarship—examinations of the jurisprudence of the individual at the ideological center of the Supreme Court, and studies of the relationship between an expansive judicial role and libertarian political theory.

The relationship between the states and the national government is among the most contested issues in the United States. In **Robert A. Schapiro's** (Emory University School of Law) book **Polyphonic Federalism: Toward the Protection of Fundamental Rights** (University of Chicago Press) the author defends the advantages of multiple perspectives in government, arguing that the resulting "polyphony" creates a system that is more efficient, democratic, and protective of liberties. According to the author, contemporary views of federalism are plagued by outmoded dualist notions that seek to separate state and federal authority. Instead, this book emphasizes the interaction of state and federal law and depicts how multifaceted governmental approaches can help protect fundamental rights.

In **The Birthright Lottery: Citizenship and Global Inequality** (Harvard University Press), **Ayelet Shachar** (University of Toronto) attempts to transcend the standard emphasis on status, rights, and identity in the study of political membership. Instead, this work treats birthright citizenship in an affluent society as a form of property inheritance: a valuable entitlement transmitted by law to a restricted group of recipients under conditions that perpetuate the transfer of this prerogative to their heirs. Offering a comparative study of citizenship law and developing the conceptual analogy to property inheritance, the author advances concrete legal and institutional designs for addressing the most glaring global inequality and democratic legitimacy concerns that arise from the "birthright lottery."

The Supreme Court and the American Elite, 1789-2008 (Harvard University Press) by **Lucas A. Powe, Jr.** has just been published. It is 350 textual pages situating the Court within American politics and culture and patterned after Powe's previous book "The Warren Court and American Politics" (Harvard 2000).

Upcoming Conferences

Conferences

New England Political Science Association Annual Meeting

<http://www.neu.edu/nepsa>

Dates: May 8-9, 2009

Location: Portland, Maine

Submission Deadline: December 19, 2008

2009 APSA Annual Meeting

http://www.apsanet.org/content_2665.cfm

Dates: September 3–6, 2009

Location: Toronto, ON, Canada

Submission Deadline: December 15, 2008

2009 Pacific Northwest Political Science Association Annual Meeting

[http:// www.lclark.edu/~pnwpsa/](http://www.lclark.edu/~pnwpsa/)

Dates: October 15-17, 2009

Location: Fairmont Empress Hotel, Victoria, BC

Submission deadline: August 7, 2009

Georgia Political Science Association Annual Meeting

<http://www.gpsanet.org>

Dates: November 11-14, 2009

Location: Callaway Gardens, Georgia

Submission Deadline: July 1, 2009

Northeastern Political Science Association 2009 Annual Meeting

<http://www.northeasternpsa.com/>

Dates: November 19-21, 2009

Location: Philadelphia, PA

Submission Deadline: June 15, 2009