

PBPL 377-01

Gender & Law

Spring 2025

Public Policy & Law Program
Trinity College

1 Instructor Information

Shane A. Gleason, Ph.D.
Email: shane.gleason@trincoll.edu
Office: McCook 204A
Phone: 860.297.2417

Office Hours: Mondays 4:45pm-5:45pm
Tuesdays: 2:00pm-4:00pm
Wednesdays: 2:00pm-4:00pm
and by appointment
Class Location: Seabury Hall S-204
Course Time: 6:30-7:45 MW

2 Course Description and Purpose

Clad in robes, judges project an aura of being above the fray of partisan politics. The popular ideal is their personal identity and experiences should not matter for outcomes. Is this realistic? Sonia Sotomayor's 2009 confirmation hearings would suggest not. Her hearings focused in part on comments then Judge Sotomayor made where she asserted "...a wise Latina woman with the richness of her experiences would more often than not reach a better conclusion than a white male who hasn't lived that life." Is this to say she pursues her policy preferences instead of following the law? Can a judge ever truly turn off her preferences and experiences? Ultimately, the answer to these questions is deeply nuanced and this course explores these complexities via the actors and institutional structures within the judiciary.

Our focus is on identity broadly defined. In particular, we examine jurists' and attorneys' behavior. We dedicate much of our time to gender (it is the largest part of the literature). But, we will also discuss identities such as race, lived experiences, and intersectionality. While we will spend considerable time on the U.S. Supreme Court, we will also include U.S. state courts, the lower federal courts, and judiciaries in other countries.

A key component of this class are your critical reading, writing, and organizational skills. Toward that end, we will read scholarly articles over the course of the semester to help build your critical thinking skills. I realize the scholarly literature can be daunting. To this end, we will step through articles in class so this becomes a transferrable skill you can take to future semesters and classes. Additionally, the emphasis in the exams is applying what we have covered in class to broader contexts. Since writing is a vital skill that is important regardless of your major or eventual career, you will produce a synthesis paper exploring an aspect of identity and the law of your choosing in greater depth. Feedback and direction will be provided on the synthesis paper throughout the semester.

Student Learning Outcomes

On completion of this course students will be able to:

1. Recall basic facts related to judicial behavior & identity politics.
2. Perform a literature review and craft a compelling synthesis paper on scholarly literature.
3. Identify and articulate broad course themes.

3 Course Format

This course is heavily readings based. While the class is technically lecture based, I find class is more fun when we have a seminar discussion rather than me talking for 75 minutes. Please come prepared to discuss the readings and with any questions you might have. It is okay if you don't understand them fully, but please give it your best effort and come to class with the questions you have.

4 Requirements

Text

There are *no required textbooks for this class*. We will read a combination of journal articles and chapters from *Open Judicial Politics*. All readings are posted on Moodle.

1. Solberg, Rorie Spill, Jennifer Segal Diascro, and Eric Waltenburg 2023. *Open Judicial Politics*. Corvallis, OR: Oregon State University, <https://open.oregonstate.edu/open-judicial-politics/>

Assessment

This course is worth 100 points which are broken up over several different items

- Midterm Exam: 10 points
- Synthesis Paper Project: 60 points
- Quizzes: 10 points
- “Tie Together” Paper: 10 points
- Participation: 10 points

1. **Midterm Exam (10 points)**—There is one exam worth 10 points. It consists of short identification terms and essays. It is take-home. One week before the due date for the exam, I will post to Moodle two essay questions and three identification terms. You must write on one of the essay questions and two of the identification terms. The exam are open book and open note, but you must work individually. It is due at 11:59pm on March 7.

2. **Synthesis Paper (60 points)**— Instead of a research paper, you will produce a synthesis paper that overviews the scholarly literature in one area of identity politics & law that is of interest to you. For instance, you might be really interested in the experiences of female attorneys at oral arguments or how intersectionality impacts judicial-decision making. I encourage you to write on the topic you find most interesting (research is more fun when you enjoy what you're researching!). Since this is a big project, it will be broken up into several smaller assignments spaced roughly evenly over the course of the semester. I will provide you feedback at each step along the way, which will help guide you as you move forward. Critically, you will also get feedback from your peers. More details are provided in the Synthesis Paper Project handout on Moodle.
3. **Quizzes (10 points)**— Periodically throughout the semester will have an associated Moodle quiz. All quizzes are due on Wednesdays 10 minutes before the start of class. The quiz will cover material from that week's readings and lectures (which includes the Wednesday readings we haven't discussed in class just quite yet. All quiz questions are multiple choice and open note. Since the quizzes are timed at 10 minutes, it is a good idea to review your notes and readings before you begin the quiz. The quizzes are designed such that if you do the readings and pay close attention to the lectures, the quizzes should be easy. A full schedule of quiz dates is available on Moodle.
4. **"Tie Together" Paper (10 points)**— During the semester we will hear from two legal practitioners. They will share their perspectives on the law and how identity shapes it. When our guests visit, take careful notes. Instead of a final exam, you will pick a themes from over the course of the semester and and compose a short paper linking those to both our readings and the guest speaker's comments. This is due at the end of the day on the scheduled final exam day (May 8). More details are available in the handout on Moodle.
5. **Participation (10 points)**— Class is more fun when it is not just me talking and I will accordingly call on students to provide summaries of the readings. I am aware, however, that not everyone is an outgoing person that enjoys talking. To this end, I consider active listening to be participation. A key component of participation is attending class.

Assessment Scale

A: >94	A-: 90-93.9	B+: 87-89.9	B: 84-86.9	B-: 80-83.9	C+: 77-79.9
C: 74-76.9	C-: 70-73.9	D+: 67-69.9	D: 64-66.9	D-: 60-63.9	F: <60

5 Course Policies

Contacting the Instructor

I am happy to help you either via e-mail, office telephone, or in-person during office hours. Of course, if office hours do not fit your schedule let me know and we can schedule a meeting at a time that is more convenient. If you come to office hours you should come prepared; bring your book, notes, and read the material in advance. If you contact me via e-mail, I will respond within 48 hours, though in most cases it will be faster. However, in any e-mail you must identify yourself and use proper format which consists of an opening (As simple as the recipient's name), a closing (as simple as your name), and a descriptive subject line. If you do not follow that convention or if you use Internet shorthand (ie: "u" instead of "you,") I will not reply to the message. Telephone

calls will be returned as soon as possible, though e-mail is usually quicker. Please note, the phone number listed is my office phone; it cannot receive text messages.

Make-up Exams and Assignments

To qualify for a make-up test a student must notify me of the absence in advance via e-mail and provide documentation. Make-up exams will be a written research paper.

Academic Honesty & Plagiarism

A crucial component of academic writing is effective use of sources. Using the words or ideas of others without granting them credit constitutes plagiarism. Plagiarism is not permitted on any assignment, whether a short entry on Moodle, a draft, a prospectus, or a final submission. Incidents of plagiarism and academic dishonesty will be addressed in accordance with college policies (Student Handbook) and may result in a failing grade and/or more serious consequences. Trinity asks that students sign a declaration on academic honesty at the beginning of the semester, which we will complete after the first day of class.

This class aims to equip you with critical thinking and writing skills, which can only be gained through practice. Therefore, you should independently draft and refine your own written work without using artificial intelligence or other shortcuts.

Please contact me with any questions regarding use of sources and, when in doubt, acknowledge assistance and cite.

Artificial Intelligence

Use of an AI Generator such as ChatGPT, MidJourney, DALL-E, etc. is explicitly prohibited in this class. The information derived from these tools is based on previously published materials. Therefore, using these tools without proper citation constitutes plagiarism. Additionally, be aware that the information derived from these tools is often inaccurate or incomplete. It's imperative that all work submitted should be your own. Any assignment that is found to have been plagiarized or to have used unauthorized AI tools may receive a zero and or be reported for academic misconduct.

Collaboration

As part of this class you will give feedback to your peers. Indeed, one of the best ways to learn methods is to learn from others and share what you know. You may discuss readings with classmates outside of class and consult associates at the Writing Center. Where such discussion or guidance significantly shapes your written product, students should acknowledge assistance in a footnote, in line with academic conventions. While discussion of ideas and peer review is strongly encouraged, **all writing and revising must be executed independently.**

Accommodations for Students with Disabilities

Trinity College is committed to creating an inclusive and accessible learning environment consistent with the Americans with Disabilities Act. Students with disabilities who may need some accommodation in order to fully participate in this class are urged to contact the Student Accessibility Resource Center as soon as possible to explore what arrangements need to be made to assure access. If you have approval for academic accommodations, please notify me by the end of week two of classes. For those students with accommodations approved after the start of the semester, a minimum of 10 days' notice is required. Student Accessibility Resources can be reached by emailing SARC@trincoll.edu.

Additional Assistance

As noted above, I am happy to see you for extra help by appointment. For additional assistance, you are encouraged to consult the Writing Center.

At the Trinity College Writing Center, specially trained peer tutors (called Writing Associates) will help you improve your writing no matter your skill level. Writers are welcome at all stages of the writing process, from the moment you receive an assignment, to when you've produced a draft, to the moment you're polishing up your final version. You can work with a Writing Associate in-person at 115 Vernon Street room 109, or upload your paper using our online scheduling system and receive feedback via an asynchronous eTutoring appointment. Visit the Writing Center web page for further information and procedures. Students can walk-in during our hours of operation or reserve appointments in advance online by registering here.

Aetna Quantitative Center: The Q-Center, located in MECC 172, is open for tutoring during the semester Mondays-Thursdays 4-10pm and Sundays 7-10pm. We usually offer support for QLIT 101, Calculus I, II, & III, Statistics, Economics 101 and 218, as well as other courses on demand. The Q-Center works primarily on a walk-in basis and we usually open for tutoring the second or third week of classes. Students can check our website for the schedule and opening days. If you have any questions, please contact the Center's director, Kaitlyn Gingras at kaitlyn.gingras@trincoll.edu.

Student Equity and Emergency Fund: The Fund provides students with financial assistance for emergency expenses that are temporary, significant, unforeseen, and unavoidable. Emergency expenses include but are not limited to: textbooks and other essential academic expenses; medications and other costs related to emergency medical care; food insecurity; summer internship funding; educational testing for accommodations; travel costs related to a death or illness in the immediate family; or replacement of essential personal belongings due to fire, theft, or natural disaster. Additional details on applying for funds may be found here:.

Trinity College Policy on Sexual/Gender Discrimination: Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex in educational programs and activities that receive federal financial assistance. Trinity College prohibits discrimination on the basis of sex in all of its programs and activities, including academics, employment, athletics, and other extracurricular activities. This prohibition includes gender-based harassment, sexual violence and other sexual harassment. Questions regarding Title IX may be referred to the College's Title IX Coordinator, Shannon Lynch, located at 208 Mather Hall, 300

Summit St. Hartford, CT 06106, or via email at titleixcoordinator@trincoll.edu. You can find more information here at the Title IX Office website

Classroom Courtesy

Classroom courtesy is an essential component of creating an effective learning environment. All students have the right to learn without unnecessary distractions. These distractions include: cell phones, talking during lectures (unless recognized by the instructor), reading newspapers, falling asleep, etc. If you need a cell phone for emergency purposes, leave it on vibrate. Entering and leaving are also significant sources of distraction. It is your responsibility to be on time and to stay for the entire period. In circumstances where you need to leave early, tell the instructor beforehand. Repeated disruptions of class will lead to a reduction in your final grade.

Most importantly, the syllabus includes many sensitive topics which can lead to strong feelings and heated debate. Because this is a college classroom, all discussion must be respectful and scholarly. This is to say you must be respectful, in both content and tone, of diverse opinions and not make personal or partisan attacks.

Acceptable Comments

- are respectful of diverse opinions and open to follow up questions and/or disagreement
- are related to class and/or the course material
- focus on advancing the discussion about issues related to the course and/or course material rather than personal beliefs, and
- are delivered in normal tones and a non-aggressive manner.

Unacceptable Comments

- are personal in nature. This includes attacks on a person's appearance, demeanor, or political beliefs.
- include interrupting the instructor or other students. Raise your hand and wait to be recognized.
- often use the discussion to argue for political positions and/or beliefs. If political discussions arise, they must be discussed in a scholarly way (see above).
- may include using raised tones, yelling, engaging in arguments with other students and being threatening in any manner.
- include ignoring the instructor's authority to maintain the integrity of the classroom environment.

Syllabus Change Policy

This syllabus is a guide for the course and is subject to change with advanced notice. These changes may come via e-mail. Make sure to check your university supplied email regularly. You are accountable for all such communications.

6 *Tentative* Course Schedule

A few notes about reading the course schedule:

- Please do the readings in the order listed on the syllabus

Course Introduction & Foundations

Monday January 20– **MARTIN LUTHER KING, JR. DAY**

- *No readings; class does not meet*

Wednesday January 22– Introduction to the Course

- *No readings*

Monday January 27– The Legal System in Brief

- Miller, Mark. 2015. *Judicial Politics*. “Structure of Courts in the United States” & “The Appellate Court Process.”
- Baum, Lawrence. 1994. “What Judges Want: Judges’ Goals and Judicial Behavior.” *Political Research Quarterly*. 47: 749-768.

Wednesday January 28– Why Study Identity?

- Badas, Alex and Katelyn E. Stauffer. 2018. “Someone Like Me: Descriptive Representation and Support for Supreme Court Nominees.” *Political Research Quarterly*. 71(1): 127-142.
- Campbell, David E. and Christina Wohlbrecht. 2006. “See Jane Run: Women Politicians as Role Models for Adolescents.” *Journal of Politics*. 68: 223-247.

Experience

Monday February 3– Lived Experiences From The Trailblazer Generation

- Peck, A. Susan. 2024. “Upcoming Survey on the Status of Connecticut Women in the Legal Profession 2024.” *CT Lawyer Magazine*. 35(1): 14-17.
- Moyer, Laura P. and Susan B. Haire. 2015. “Trailblazers and Those That Followed: Personal Experiences, Gender, and Judicial Empathy.” *Law & Society Review*. 49(3): 665-689.

Wednesday February 5– The Roots of Difference

- Holman, Mirya and Anna Mahoney. 2018. “Stop, Collaborate, and Listen: Women’s Collaboration in US State Legislatures.” *Legislative Studies Quarterly*. 43(2): 179-206.
- Gleason, Shane A. 2024. “I Can’t See You; Can You Hear Me?: Gender Norms, Non-verbal Communication, & Covid-19 at U.S. Supreme Court Oral Arguments.” *Politics & Gender*. 20(2): 318-345.
- **GUEST SPEAKER:** *Sinthia Chakma Krisna, Doctoral Student in Political Science, Western Michigan University.*

Monday February 10– Library Research Tutorial

- Powner, Leanne. 2015. *Empirical Research and Writing: A Political Science Student’s Practical Guide*. Congressional Quarterly Press: Washington. (Chapter 3)

The Actors

Wednesday February 12– Attorneys

- Collins, Todd A., Tao L. Dumas, and Laura P. Moyer. 2017. “Intersecting Disadvantages: Race, Gender, and Age Discrimination Among Attorneys.” *Social Science Quarterly*. 98: 1642-1658.
- American Bar Association. 2024. “Women in the Legal Profession.” *Profile of the Legal Profession 2024*. <https://www.americanbar.org/news/profile-legal-profession/women/>.

Monday February 17– The Importance of Context

- Kaheny, Erin B., John Szmer and Tammy A. Sarver. 2011. “Women Lawyers before the Supreme Court of Canada.” *Canadian Journal of Political Science*. 44(1): 83-109.
- Gleason, Shane A. and EmiLee Smart. 2023. “You Think; Therefore I Am: Gender Schemas & Context in Oral Arguments at the Supreme Court, 1979-2016.” *Political Research Quarterly*. 76(1): 143-157.

Wednesday February 19– Climbing the Legal Ladder

- Sen, Maya. 2014. “How Judicial Qualification Ratings May Disadvantage Minority and Female Candidates.” *Journal of Law & Courts*. 2(1): 33-65.
- Badas, Alex and Katelyn E. Stauffer. 2023. “Gender and Ambition Among Potential Law Clerks.” *Journal of Law & Courts*. 11(1):116-140.

Judges

Monday February 24– Getting the Nod (Federal)

- Boyd, Christina L., Paul M. Collins, and Lori A. Ringhand. 2024. "Gender, Race, and Interruptions at Supreme Court Confirmation Hearings." *American Political Science Review*. XX: 1-8.
- King, Jonathan M., Jessica A. Schoenherr, and Ian Ostrander. 2025. "Anchoring or Expanding? Gender and Judicial Nominations." *Political Research Quarterly*. XX: 1-16.

Wednesday February 26– Getting the Nod (State)

- Gill, Rebecca and Kate Eugenis. 2019. "Do Voters Prefer Women Judges? Deconstructing the Competitive Advantage in State Supreme Court Elections." *State Politics & Policy Quarterly*. 19(4): 399-427.
- Arrington, Nancy B. 2021. "Judicial Merit Selection: Beliefs about Fairness and the Undermining of Gender Diversity on the Bench." *Political Research Quarterly*. 74(4): 1152-1167.

Monday March 3– But Is She Qualified?

- Tillman, Elizabeth A. and Rachael K. Hinkle. 2018. "Of Whites and Men: How Gender and Race Impact Authorship of Published and Unpublished Opinions in the US Courts of Appeals." *Research & Politics*. 1-7.
- Gill, Rebecca D., Sylvia R. Lazos, and Mallory M. Waters. 2011. "Are Judicial Performance Evaluations Fair to Women and Minorities? A Cautionary Tale from Clark County, Nevada." *Law & Society Review*. 45(3): 731-759.

Decision-Making

Wednesday March 5– How Does She Decide?

- Songer, Donald R., Sue Davis, and Susan B. Haire. 1994. "A Re-Appraisal of Diversification in the Federal Courts: Gender." *Journal of Politics*. 58: 425-439.
- Boyd, Christina L. 2015. "She'll Settle It?" *Journal of Law & Courts*. 1(2): 193-219.

Monday March 10– Lived Experience Perspectives

- **GUEST SPEAKER:** Hon. A. Susan Peck, Hartford District Superior Court (ret.)
- Connecticut Bar Foundation. 2017. "History of Connecticut Women in the Legal Profession Project Interview with Hon. Susan Peck." <https://www.youtube.com/watch?v=bVfBWN1UFmg>

Wednesday March 12– When There Are Nine

- Collins, Paul M., Kenneth L. Manning, and Robert A. Carp. 2010. "Gender, Critical Mass, and Judicial Decision Making." *Law & Policy*. 32(2): 260-281.
- Kromphardt, Christopher D. 2017. "Evaluating the Effect of Law Clerk Gender on Voting at the United States Supreme Court." *Justice System Journal*. 38: 183-201.

Monday March 17– **SPRING BREAK**

- no readings; class does not meet

Wednesday March 19– **SPRING BREAK**

- no readings; class does not meet

Identity Beyond Gender

Monday March 24– Race

- Achury, Susan, Jason P. Casellas, Scott J. Hofer, and Matthew Ward. 2021. “The Impact of Racial Representation on Judicial Legitimacy: White Reactions to Latinos on the Bench.” *Political Research Quarterly*. 76(1): 158-172.
- Scheb, John M. and Hemant K. Sharma. 2024. “Race and the Death Penalty in Tennessee, 1977-2016.” *Open Judicial Politics*.

Wednesday March 26– Intersectionality

- Crenshaw, Kimberle. “The Urgency of Intersectionality.” *TED Talks*. <https://www.youtube.com/watch?v=ak0e5-UsQ2o>
- Goelzhauser, Greg. 2024. “Intersectional Representation on State Supreme Courts.” *Open Judicial Politics*.
- Collins, Todd and Laura P. Moyer. 2008. “Gender, Race, and Intersectionality on the Federal Appellate Bench.” *Political Research Quarterly*. 61(2): 219-227.

Monday March 31– Intersectionality (cont.)

- Szmer, John J., Robert K. Christensen, and Erin B. Kaheny. 2015. “Gender, Race, and Dissensus on State Supreme Courts.” *Social Science Quarterly*. 96(2): 553-575.
- Gonzalez, Aidan, Bailey R. Fairbanks, and Shane A. Gleason. 2021. “At the Intersection of Law and Identity.” *Open Judicial Politics*.

Wednesday April 2– Peer Review “How-To”

GUEST SPEAKER: *Prof. James Truman, Director of Peer Tutoring in Writing & Sr. Lecturer, Allan K. Smith Center for Writing and Rhetoric*

Monday April 7– Lived Experiences Revisited

- Rutowski, Adam G. 2024. “Identifying and Explaining the Prevalence of Political Backgrounds among U.S. Courts of Appeals Judges.” *Open Judicial Politics*.
- Allison P. Harris and Maya Sen. 2025. “How Judges’ Professional Experience Impacts Case Outcomes: An Examination of Public Defenders and Criminal Sentencing.” *Journal of Politics*. XX: 1-31. *Skip the appendices*
- Chakma, Sinthia Krisna. 2025. “Gendered Justice? A Critical Analysis of Indigenous Litigants in Women’s and Criminal Cases in the U.S. Courts of Appeals.” *Paper prepared for the 2025 Annual Meeting of the Southern Political Science Association*

Wednesday April 9– Experiences in the Law

- **GUEST SPEAKER:** *Ms. Madison K. Griffin, Esq., Bronx (NY) Legal Services*

Monday April 14– Synthesis Paper Meetings

Wednesday April 16– Synthesis Paper Meetings

Monday April 21– Maleness & Judicial Decision-Making

- Gill, Rebecca D., Michael Kagan, and Fatma Marouf. 2017. “The Impact of Maleness on Judicial Decision Making: Maculinity, Chivalry, and Immigration Appeals.” *Politics, Groups, & Identities*. 7: 509-528.
- Glynn, Adam N. and Maya Sen. 2015. “Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women’s Issues?.” *American Journal of Political Science*. 59(1): 37-54.

Wednesday April 23– Legal Consciousness

- Felstiner, William L.F., Richard L. Abel, and Austin Sarat. 1980-1981. “The Emergence and Transformation of Disputes: Naming, Blaming, Claiming.” *Law & Society Review*. 15(3/4): 631-654.
- Cardenas, Alan and Rebecca A. Reid. 2024. *Open Judicial Politics*.

Monday April 28– Courts in a Global Perspective

- Kang, Alice J., Miki Caul Kittilson, Valerie Hoekstra, and Maria C. Escobar-Lemmon. 2020. “Diverse and Inclusive High Courts: A Global and Intersectional Perspective.” *Politics, Groups, & Identities*. 8(4): 812-821.
- Johnson, Susan W. and Rebecca A. Reid. 2020. “Speaking Up: Women and Dissenting Behavior in the Supreme Court of Canada.” *Justice System Journal*. 41(3): 191-219,

Final Exam: Upload by midnight-ish May 8