

MURAJ: In Focus – The Odyssey of a Court Junkie

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Abstract: An esteemed scholar of the United States Supreme Court, Dr. Timothy R. Johnson identifies himself as a “court junkie,” someone who lives and breathes the study of courts. I spoke with Dr. Johnson to discuss his odyssey from an undergraduate student interested in international politics to one of the leading scholars on oral argument in American judicial politics. We discussed his research agenda, his advice on how to get involved in undergraduate research, and how seriously he takes teaching. Always eager to help, Dr. Johnson has surprised many of his students by replying to email questions before students can exit out of their email page. As a student, research assistant, and coauthor of Dr. Johnson, I left our conversation ecstatic and motivated to continue my own pursuit of a career as a political scientist.

Although his love for the scientific study of American judicial politics runs deep, it was not until graduate school that Dr. Johnson garnered his fascination for the American judiciary. Influenced by the political turmoil at the end of the Cold War, Dr. Johnson majored in both political science and Russian studies as an undergraduate student at Gustavus Adolphus College. An avid debater and thoroughly fascinated by politics, Dr. Johnson always wanted to study political science. His initial interests focused on law, jurisprudence (the theoretical study of law), and transitions to democracy in Central and Eastern Europe. After being an international finalist for a Fulbright Scholarship to study the drafting of the new Czechoslovakian constitution, Dr. Johnson took his desire to study eastern Europe to graduate school at Washington University

(WashU) in St. Louis, Missouri to earn a PhD in political science.

It was at WashU that Dr. Johnson’s interests completely switched gears. Taken under the wing of renowned political scientist and judicial politics scholar Dr. Lee Epstein, Dr. Johnson fully embraced the political and behavioral study of the U.S. Supreme Court and the American judiciary. In graduate school, Dr. Johnson began studying and publishing about the processes of decision making in the U.S. Supreme Court. With guidance from Dr. Epstein, Dr. Johnson was able to combine his love for debate and

his newfound fascination with the Supreme Court into a fruitful research agenda about the Court's oral argument. Specifically, he began to examine how the Court's oral argument — the one-hour case presentation and interchange between the Justices and attorneys — affects the decisions the Justices make.

After earning his PhD, Dr. Johnson was an Assistant Professor for two years at Southern Illinois University. Becoming a faculty member at an R1 university was always a goal of Dr. Johnson's. When a position opened in the Political Science Department at the University of Minnesota, Dr. Johnson did everything he could to get an interview. When he eventually landed the job, Dr. Johnson seized the opportunity to move back to Minnesota, the state where he went to undergrad and where he had family.

In the field of political science, Dr. Johnson is an *Americanist*, which means he studies American politics. He is also an *Institutionalist* which means two things: he studies a political institution — in his case the U.S. judiciary and more specifically the U.S. Supreme Court — and how the rules of that institution and their norms of behavior affect interactions between people, citizens, and political actors. Research about oral argument accounts for the vast majority of Dr. Johnson's publications, so much so that he has been dubbed by his colleagues as “the oral argument guy” for his compelling interest in studying its effects on judicial decision making.

Dr. Johnson thinks of his research agenda like juggling, the goal being to keep everything in the air at the same time. Ideally,



Figure 1: Dr. Timothy R. Johnson, Horace T. Morse Distinguished Professor of Political Science and Law

Dr. Johnson likes to juggle two big projects and around three smaller projects at the same time. The first of two big projects he is working on right now is an examination of how the media responded to the Court's move to livestream oral arguments in May 2020. Previously, oral arguments could only be heard live by being physically present in the courtroom in Washington D.C. The COVID-19 pandemic prompted the Justices to make an exception until October 2021.

The second big project is called SCOTUS (Supreme Court of the United States) Notes, which Dr. Johnson is working on with Dr. Ryan C. Black at Michigan State University. The project examines approximately 33,000 images of notes taken by former Justices Brennan, Blackmun, and Powell during the Supreme Court's private conferences. Over the course of several years, Dr. Johnson, Dr. Black, and a few other colleagues took pictures of the actual notes while at each of the three Justices' personal

archives at the Library of Congress, Washington and Lee Law School, and Yale Law School. The goal of the project is to understand how the Justices interact with each other during their private conferences and to find out how the conference affects other aspects of the decision-making process at the Court.

Again, the only way to attend one of these private conferences and hear what the Justices say is to physically be in the conference room. However, the more difficult caveat to overcome is that these private conferences are reserved for the nine Justices alone; no clerks, no assistants, no waiters, you name it. In fact, the only known interaction the Justices have with the outside world during these conferences runs through the most Junior Justice, currently Justice Amy Coney Barrett, who is responsible for answering the door if someone has to bring the Justices documents, briefs, or even coffee. This rule is so ingrained in Supreme Court tradition—hazing as some of the Justices have called it—that even when Justice Sonia Sotomayor was the Junior Justice with a broken ankle, she still had to answer knocks on the door.

A smaller project Dr. Johnson is currently working on aims to understand how the gestures and facial expressions made by the judges on the Ninth Circuit Court of Appeals imply how they are thinking about the arguments made by the attorneys during oral argument. Dr. Johnson is working on this project with Dr. Amanda Bryan at Loyola University Chicago and

Dr. Ryan Owens at the University of Wisconsin-Madison. This team is also

partnered with members of the medical school at Arizona State University to help them understand and interpret the facial expressions and gestures of the judges.

Another project examines how the Court's move to telephonic oral arguments affected decision making. The Court traditionally hears oral argument in their courtroom in Washington D.C.; however, once the COVID-19 pandemic began, the Justices started hearing oral arguments on their home telephones, deliberating the law for over a year via speaker phone. Not only does this paper examine how the use of the telephone affects the dynamics of oral argument, but it also investigates how institutional rule changes in the Justice's oral argument questioning structure affects decision making. Previously, questions by the Justices during oral argument was an unstructured free for all. During the telephonic oral arguments, the Justices changed this rule and started asking their questions in order of seniority.

The final project in the hopper examines the use of judicial symbols in state courts of last resort, which are the court(s) of final appeal in each of the fifty states and D.C. When people appear in courts of law, they are often met with an abundance of judicial symbols inside the courtroom, such as the bench the Judges or Justices sit at or the robes they wear. Research suggests these symbols can affect peoples' perceptions of the judiciary and their decisions. There are, however, numerous inconspicuous judicial symbols in courtrooms, such as the height of the bench, courtroom décor like paintings and seals, and many more that have gone

unstudied. Given that each state is unique and has its own court(s) of last resort, Dr. Johnson and his coauthors, Dr. Black, and University of Minnesota undergraduate student Matt Cota, seek to understand how these inconspicuous judicial symbols vary in these courtrooms and if they pose an effect on court perception.

Dr. Johnson is particularly proud of a 2006 paper about Justice Harry Blackmun's attorney grades during oral argument. Justice Blackmun employed three different grading scales for attorneys during his time on the bench: A-F from 1970 to 1974, 1-100 from 1975 to 1977, and 1-8 from 1978 to 1993. Dr. Johnson called this article the "coolest, best, most fun paper I've ever written." Dr. Johnson and his co-authors used Justice Blackmun's grades to predict case outcomes and showed that the attorney earning a higher grade from Blackmun was more likely to prevail in the case. Dr. Johnson still receives calls from lawyers on a semi-frequent basis asking him what grade Justice Blackmun gave them when they argued at the Court nearly fifty years ago. This piece displays Dr. Johnson's love for taking archival data, which could be seen as non-systematic or anecdotal, and turning it into quantitative data to give systematic explanations for how decisions are made at the Supreme Court.

Dr. Johnson recommends students interested in getting involved in research begin by finding a professor they think is particularly interesting and talking to them! Once that dialogue begins, the student can make a large university, like the University of Minnesota, feel very small. Building good relationships with your professors through

office hours and class participation is a great way to get on a professor's radar for potential research positions. Offer to work on one of their projects first and learn everything you can. Then, take another step and apply for one of the scholarships offered by the Office of Undergraduate Research to pursue your own research interests under that professor's guidance. Once the professor knows that you are interested and that you are dedicated to research work, they will want to work with you and help you develop your research skills.

Alongside his research, Dr. Johnson takes teaching very seriously, receiving multiple awards and distinctions for his efforts. He comes from a family of teachers, so the art of teaching quite literally runs through his veins. For Dr. Johnson, research and teaching are intertwined. He believes he learns as much from his students as they learn from him. Many of the ideas and questions Dr. Johnson explores in his books, articles, chapters, and other publications have been sparked by questions or discussions in graduate seminars or undergraduate classes. The seriousness with which Dr. Johnson approaches teaching comes from his training at Gustavus, WashU, and the dedication of the University of Minnesota's Department of Political Science to put high quality teaching at the forefront of their educational mission.

Beyond teaching in the classroom and researching, Dr. Johnson believes that part of the job of an academic is to teach the world. He strongly believes that academics have the power to affect the real world. Teaching and research know no bounds and go way beyond

the classroom, Dr. Johnson believes, and he wishes more academics would adopt that mindset. Dr. Johnson frequently gives talks to non-educational organizations such as the League of Women Voters and senior groups around Minnesota.

Dr. Johnson sincerely believes in the power of research, data, and evidence to help combat abrasive political discourse in the United States. “In this massively, terribly, awfully polarized country of ours, to be able to look at data, to be able to look at research, [and] to be able to listen to other people are all traits that are becoming rare in the United States these days.” Further advocating for the power of social sciences, Dr. Johnson said the following:

“I don’t know everything,” he told me, but the talks he gives are to “help people better understand the world and better be able to communicate with one another about politics. That’s something that we need to get back to in the United States, and that’s something that political scientists specifically, and social scientists more generally, can give to the world.”

Dr. Johnson concluded our discussion with a fundamental piece of advice about politics: “We need to do a whole lot more reading, listening, and talking with one another about politics,” he said. “Listen, listen, listen.”

Authors note

I would like to sincerely thank Dr. Johnson for his teaching, apprenticeship, and overwhelming kindness as one of his many undergraduate students. Dr. Johnson’s devotion to my political science education

has inspired me to embark into his field with a fervent eagerness to ignite the same flame in future political science students as he sparked in me my sophomore year of college. Finally, like some of his previous students, I would like to thank him for getting me interested in this courts racket.

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Dr. Timothy R. Johnson is the Horace T. Morse Distinguished Professor of Political Science and Law in the College of Liberal Arts at the University of Minnesota. His research interests include judicial decision making, oral argument, Executive/Judiciary relations, Supreme Court nominations and confirmations, and Supreme Court precedent.