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Teaching Judicial Politics Through a Supreme Court Simulation

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ABSTRACT

This article describes various iterations of a Supreme Court simulation that we developed for undergraduate political science classes. We address when simulations should be used to introduce a topic to students, and when simulations should be used to develop students' understanding of a topic after introducing it. In the simulations, we played the role of attorneys delivering oral arguments before the Supreme Court, while students played the role of Supreme Court justices. Students questioned attorneys, deliberated in groups, voted on the merits of the case, and explained their decisions. We varied when the simulation was conducted, with one class doing the simulation before a lesson on judicial decision making and two classes doing the simulation following a lesson on judicial decision making. We evaluate the simulation by using results from student questionnaires that assessed the students' interest in judicial politics, their knowledge of the Supreme Court, and their understanding of judicial decision making. We find that the simulation most effectively accomplished the intended learning outcomes when the simulation was conducted after a lesson on decision making in the Supreme Court, rather than before the lesson. In addition, our results demonstrate that the simulation increased students' interest in the Supreme Court and their desire to learn more about the institution. Our results have implications for political scientists aiming to enhance student learning through simulations.

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Introduction

Simulations have the potential to be useful tools within a college instructor's toolkit. Indeed, simulations place students in situations related to the course and can thereby prompt students to discover and experience the course concepts in ways that make a positive impact on their learning (Forsyth 2016). However, when using simulations, instructors have a choice to make. Should they use simulations as a way to introduce students to a given topic? Or should instructors opt to use simulations to develop and apply the knowledge that students have already obtained about a given topic? In other words, should simulations be used before or after students have a general understanding

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Color versions of one or more of the figures in the article can be found online at www.tandfonline.com/upse.

of a given topic? These questions guide our analysis of a Supreme Court simulation we developed for our introductory American government courses.

In their book on media coverage of the United States Supreme Court, Slotnick and Segal (1998, 231) write that "the federal judiciary is the most invisible branch of our national government and the branch about which the public is most ill-informed." These aspects of the judiciary raise the stakes for instructors teaching about the U.S. Supreme Court and the American judicial system. The poorly informed nature of the public increases the importance of educating students about how the courts work. At the same time, the invisible nature of the judiciary increases the degree of difficulty for instructors seeking to teach about this branch of government in engaging, impactful ways. The federal judiciary is not as readily observable as Congress or even the presidency, meaning that instructors may experience difficulty in showing students how the courts work and how justices make decisions.[1]

These considerations motivated us to develop a Supreme Court simulation for the introductory American government courses we have taught over the past several years. In this article, we describe our motivations in more detail by emphasizing the general pedagogical benefits of simulations, as well as the specific benefits of using a simulation to teach students about the Supreme Court. We then explain the intended learning outcomes and procedures of our simulation. We emphasize the ways in which we differed the simulation among the four different times we used it in our classes. Next, we evaluate how the simulation influenced our students' understanding of the Supreme Court and judicial decision making, as well as their interest in the Supreme Court. We conclude by summarizing the broader lessons our Supreme Court simulation conveys about the utilization of simulations in political science courses.

We find that the simulations significantly increased our students' reported interest in the Supreme Court and their desire to learn more about the Court. In addition, we find that achieving the intended learning outcomes required priming students with a lesson on judicial decision making so they could apply different models of decision making in the simulation. Using the simulation on its own, without priming students, resulted in students reaching conclusions about judicial decision making that diverged from the conclusions of political science research. However, when students were presented with a lesson on judicial decision making in advance of the simulation, students updated their mental models of judicial decision making in accordance with the political science literature.

Simulations and judicial politics in the political science classroom

Many strong arguments have been advanced to support the utilization of simulations in political science courses. The growing emphasis on active learning in college courses makes these arguments even more compelling and worthy of consideration. When we refer to active learning, we are referring to any teaching method that involves prompting students to do something related to the learning outcomes of the course, and to think about what they are doing. Students become participants in developing their understanding and set of skills related to the class. Examples of active learning include discussions, collaborative group learning, and simulations or games that prompt

students to apply what they are learning. In sum, active learning involves students participating in tasks that help them engage in higher-order thinking. Students are put in situations that prompt them to do the work of learning through solving problems, exchanging ideas, and working with their peers. Passive learning, by contrast, involves students acting as recipients of knowledge transmitted to them by the instructor (Hativa 2001).

Simulations are excellent examples of active learning. The experiential nature of simulations helps students perceive the relevance of the material in an engaging manner, as simulations enhance the vividness of the course concepts and increase student interest in the lesson (Hertel and Millis 2002). Indeed, simulations require students to be actively engaged in the learning process while also enabling students to observe the outcomes of this process. For these reasons, Raymond and Usherwood (2013, 158) write that "simulations are thought to improve students' motivation to learn by delivering information to students in a way that heightens their interest in understanding it."

Simulations have become increasingly common elements of the political science classroom, and for good reason. Political processes are often complex and abstract, so they can be somewhat difficult for students to comprehend within a passive learning environment. Rather than relying exclusively on passive learning methods to teach complicated, abstract political processes, numerous scholars have acknowledged the benefits of designing simulations that enable students to apply the concepts and ideas they have encountered in readings or lectures (Asal and Blake 2006; Brock and Cameron 1999).

This discussion of simulations offers competing expectations for how the timing of simulations ought to influence student learning. Using a simulation as a method for introducing a topic may be justified through the idea that simulations capture students' interest and make students want to learn more about the topic. Given that motivation enhances student learning, and given that motivation can be increased by active learning techniques such as simulations, we can see a rationale for why introducing a topic with a simulation would lead to greater student learning. On the other hand, the complex and abstract nature of many political processes means that students may not have enough knowledge to properly contextualize and understand the simulation without first receiving instruction on the course material that is relevant to the simulation. This line of reasoning would prompt instructors to expose students to a topic through lectures and readings and then use a simulation to develop and enhance the students' understanding of the topic. In this case, students would be primed to think about and apply the somewhat complicated, opaque topic in the simulation.

The U.S. Supreme Court and judicial decision making seem to be particularly difficult concepts for students to grasp within the context of introductory American government courses. Oral arguments held before the Supreme Court are not televised, and the justices deliberate in private. Due to this lack of public exposure, as well as the complex nature of many judicial proceedings, little media coverage is devoted to the Supreme Court relative to Congress and the presidency, and the public is generally uninformed about how the Supreme Court works (Slotnick and Segal 1998). However, the Supreme Court's actions are enormously consequential for society, making it an important topic to address in introductory American government courses. As such, we need to find

methods to teach about the Supreme Court that can help students understand a branch of government that maintains a certain air of mystery. Thus, we developed a simulation to use when covering the Supreme Court and judicial decision making in our introductory American government courses.

We are not the first to perceive the benefits of simulations for the purposes of teaching about the U.S. Supreme Court and judicial decision making (Baker 1994; Woessner, Winters, and Kopko 2017[2]). Baker (1994) argues that judicial simulations are useful in dispelling myths about the judiciary, such as the idea that judges make decisions that are entirely neutral and free of any ideological or strategic considerations. By playing the role of a Supreme Court justice, students may experience for themselves why these ideas are, in fact, myths. In this sense, a Supreme Court simulation can help instructors create what Bain (2011) describes as a critical learning environment. These learning environments prompt students to confront problems, question their prior assumptions about the world, reexamine their mental models of how the world works, and potentially update these models.

Following Baker (1994), we were particularly interested in showing students alternatives to the legal model of judicial decision making. The legal model, which continues to have a central role in American legal education, assumes that justices coolly and objectively apply the doctrine produced by prior rulings to the cases they are deciding (George and Epstein 1992). Although decades of political science scholarship have disputed the legal model, many in the public believe that legal factors rather than political factors guide judicial decision making. In fact, survey research has found that those who are more educated are among the most likely to subscribe to the legal model (Scheb and Lyons 2000).

We intended for our simulation to help students understand the attitudinal and strategic models of judicial decision making. Segal and Spaeth (2002, 86) offer the following memorable explanation of the attitudinal model: "Simply put, Rehnquist votes the way he does because he is extremely conservative; Marshall voted the way he did because he is extremely liberal." In other words, judicial decisions are driven by judges' ideologies and policy preferences. The strategic model, meanwhile, asserts that judges are often motivated by their policy objectives but are also attentive and responsive to the decisions of other actors (such as other justices on the Court) and the constraints imposed by institutional arrangements (Epstein and Knight 1998).

The attitudinal and strategic models are the prevailing models of judicial decision making within political science. As such, we believe that students should leave an introductory American government course having gained an appreciation of these models and their implications for the judicial process. Because judicial decision making is not directly observable, we wanted students to experience judicial decision making for themselves within the context of a simulation. We now detail the simulations we conducted in our introductory political science courses.

Simulation Procedures

Beginning with the 2016 Summer Semester and continuing in Fall Semester 2016, Spring Semester 2017, and Fall Semester 2017, we conducted four Supreme Court

simulations in our POLI 100: Introduction to Government in the United States courses. With the goal of improving students' understanding of the Supreme Court, its processes, and the three models of judicial decision making, each simulation was designed to replicate the actual process of oral arguments before the Supreme Court. The four simulations were similar in a number of respects. First, for the initial three iterations of the simulation, we simulated the Supreme Court's landmark 2016 case *Whole Woman's Health v. Hellerstedt* (2016)[33] that challenged two provisions of a Texas law regulating abortion. This case represents the Court's most recent and significant ruling on abortion since 1992's *Planned Parenthood of Southeastern Pennsylvania v. Casey* (1992)[4] and was chosen due to its salience, subject matter, and likelihood of interest to students. For our most recent simulation, we varied the case that we simulated. In the place of *Whole Woman's Health,* we chose the 2016 affirmative action case, *Fisher v. University of Texas II* (2016) .[5] Like *Whole Woman's Health, Fisher* presents a salient legal issue that holds interest for students and presents an opportunity for us to subject our initial findings to further empirical scrutiny.

Second, prior to each simulation, students were provided with a number of reading materials and were instructed to familiarize themselves with the aspects of the case. Students were provided with petitioner's and respondent's briefs, *SCOTUSblog*[6] and *Vox*[7] analyses of the cases' significance, and a summary of the Supreme Court's actual oral arguments on the cases.[8] In the first three simulations, students also read an argument supporting Texas's restriction of abortion as an effort to protect women's health.[9] In the most recent simulation, students read articles arguing for and against the use of racial and ethnic preferences in university admissions.[10] Although students could have learned of the outcome of the case on their own, the instructors did not provide students with materials that revealed this information.

Third, in each simulation, the instructors portrayed the attorneys representing the petitioner and respondent, and the students were cast as Supreme Court justices. The instructors/attorneys were allotted a specified amount of time to present their case to the justices (10 minutes for Summer and Fall 2016 and 15 minutes for Spring and Fall 2017), and, to mimic the actual oral arguments' process, the students/justices were instructed to interrupt the instructors/attorneys whenever they had a question. Following the completion of oral arguments, students were given time to deliberate as a Supreme Court and then were asked to give their individual votes in the case.

Although each simulation followed the preceding framework, we varied a number of important components across semesters. First, because each class varied in the number of students enrolled, we adjusted the number of Supreme Courts voting on the case each semester. Specifically, a smaller number of students were enrolled in the Summer Semester 2016 class, so only one Supreme Court participated in the case. In Fall Semester 2016, 27 students participated in the simulation. Thus, students were divided into two Supreme Courts, with one group of 14 and another group of 13. In Spring Semester 2017, students were divided into three Supreme Courts, as 41 students participated in the simulation. Finally, in Fall Semester 2017, we divided the 44 participating students into 4 groups of 9 justices and one group of 8 justices, mimicking the size of the actual Supreme Court. These divisions were intended to replicate the small size of the real Supreme Court and to give students the opportunity to deliberate in small groups.

Second, in an effort to understand whether our simulation met our stated goals of improving students' interest in the Supreme Court, knowledge of the Court and its processes, and understanding of the three models of decision making, we asked students in our Fall 2016 and Spring and Fall Semester 2017 classes to fill out pre- and post-simulation questionnaires. These questionnaires asked students a variety of questions relating to their interest in and knowledge of the Supreme Court and knowledge of the models of decision making. The full questionnaires are reproduced in the appendix. The questionnaires were identical with respect to several questions. Each semester's pre- and post-questionnaires asked students to rate, on a 1–5 scale, their interest in the Supreme Court, the importance of legal, attitudinal, and strategic factors in judicial decision making, and the importance of oral arguments. Higher ratings indicate greater interest and importance. For the Fall 2017 simulation, we also added a question asking students to rate their interest in continuing to learn about the Supreme Court. Following previous research that finds simulations are an effective tool for increasing students' interest in course content, we expected that participating in the simulation will be associated with an increased interest in the Court and with an increased interest in learning more about the Supreme Court.

H1: Students' ratings of their interest in the Supreme Court will increase from pre- to post-questionnaires.

H2: Students' ratings of their interest in continuing to learn about the Supreme Court will increase from pre- to post-questionnaires.

We added two additional questions to the Spring and Fall 2017 questionnaires. We asked students to rate, on a 1 to 5 scale, their knowledge of the Supreme Court and its processes, and we asked students to rate their knowledge of the three judicial decision-making models. Higher ratings indicate greater knowledge. We expect that after the simulation students will rate their knowledge higher than they did prior to the simulation.

H3: Students' ratings of their knowledge of the Supreme Court and of the judicial decision making models will increase from pre- to post-questionnaires.

Our final variation tests whether changing when students learned about the three models affected their ratings of the importance of legal, attitudinal, and strategic factors on Court decision making. In Fall 2016, students learned about the history of the Supreme Court and its confirmation process, but not the three models of decision making, prior to the simulation. The assigned readings also did not cover the three models. By contrast, in the Spring and Fall 2017 Semesters, the instructor taught the three models and the assigned readings reinforced the models prior to the simulation. Due to the ubiquitous presentation of judges as neutral arbiters of law and the public's reverence toward the Supreme Court and its processes, we expect that students will rate highly the importance of legal factors when they are not taught the three models of decision making in advance of the simulation. Students' ratings of the importance of legal factors may even increase from pre to post-questionnaire, especially because attorneys ground their arguments in the language of undue burden, strict scrutiny, and other legal terminology. On the other hand, when students are taught the three models of judicial

decision making prior to the simulation, they may be primed to consider the relevance of nonlegal factors, such as their own attitudes and the preferences of their fellow justices as they participate in the simulation.

Thus, we expect that students' ratings of attitudinal factors will increase from pre- to post-questionnaire in Spring and Fall 2017 simulations compared to Fall 2016 simulation. In contrast, for the Fall 2016 simulation, we expect that students will rate the importance of legal factors as more important than attitudinal factors.

H4: Students' ratings of the importance of attitudinal factors will increase from pre- to post-questionnaires in Fall and Spring Semester 2017 but not in Fall Semester 2016.

H5: Students' ratings of the importance of legal factors will be greater for Fall Semester 2016 than Fall and Spring Semester 2017.

Moreover, we further explore the differences between the legal and attitudinal model in our Fall 2017 simulation by directly assessing how students used the three models in their own decisions. In the post-questionnaire, we asked students to rate how much their decision-making processes in the simulation reflected the legal, attitudinal, and strategic models. These measures go beyond what students think justices do by asking them to gauge how they arrived at their own decisions. Because we posit that the presentation of information on the models before the simulation increases the relevance and accessibility of the attitudinal model for students, we expect that:

H6: In the Fall 2017 simulation, students will be more likely to use the attitudinal model in their decision making than the legal model.

Finally, we also asked students to rate the importance of strategic factors for justices' decisions. However, in Fall 2016 and Spring 2017, we asked students only about the role that discussion with and cues from other justices play in informing decisions. Because the strategic model encompasses a number of potential constraints on the decision making of Supreme Court justices beyond these collegial discussions, in our most recent simulation, we asked students to rate the importance that other branches and a desire for compromise have on justices' decisions. Because strategic considerations are not as present during the oral arguments stage, the ability of our simulation to effectively capture strategic factors is limited. Thus, we do not have an expectation for students' ratings of strategic factors.

Results

To measure the effectiveness of the simulation in achieving our stated goals of improving students' understanding of the Supreme Court and the models of judicial decision making, we present both qualitative evidence, in the form of student-generated comments, and quantitative evidence, in the form of paired t tests. We begin with student feedback.

Qualitative Comments

Overall, feedback on the simulation was overwhelmingly positive, and we have sampled a number of student comments throughout this section.[11] A common refrain from students was how the simulation provided a fun and engaging look at the Supreme Court's process.[12] As one student wrote: "I liked how it let us actually experience how oral arguments in the Supreme Court work. It's one thing to read about it, but to actually play it out and experience it really helps with understanding the process." Another student echoed this sentiment: "This was particularly enjoyable because we didn't just learn about the Court but got to actively participate. It doesn't need improvement." These comments indicate that students appreciated the use of a nontraditional, active learning teaching tool that "makes the process more real-to-life" and serves as "an interesting way to learn about Supreme Court processes without reading from slides/the book."[13]

Student comments also provide qualitative evidence that the simulation succeeded in improving students' knowledge of the Supreme Court and the three decision making models. Students remarked that the simulation "helped greatly to understand the SC" and "made the models come alive and gave me a better understanding of them."[14] Other students wrote that the simulation improved their comprehension of the models because "I was able to see them in real time" and because the simulation "put together and demonstrated the topics that we have been studying for the last few classes."

Judging from these comments, we feel confident in the simulation's success as an effective, fun, and interesting teaching tool. Students expressed an improved understanding of the Supreme Court and the three judicial decision making models.

Quantitative

As described previously, questionnaires distributed before and after the simulation[15] asked students to rate, on a 1–5 scale, their interest in the Supreme Court, the importance of legal, attitudinal, and strategic factors in judicial decision making, the importance of oral arguments in judicial decision making, and their knowledge of the Supreme Court and the three decision making models.[16] Tables 1–3 present the means of the students' evaluations for each of the questionnaire items for Fall 2016, Spring 2017, and Fall 2017, respectively. Column 2 in each table presents the mean ratings for the pre-questionnaire, and column 3 presents the mean ratings for the post-questionnaire. Column 4 presents the mean difference, subtracting column 2 from column 3, and column 5 shows the standard deviation of the mean difference. Finally, column 6 presents the *t*-statistics from two-tailed, paired *t* tests.[17] These tests ask whether the differences in the means of the pre- and post-questionnaire ratings are statistically different from zero. Figure 1 presents

Table 1. Fall 2016 questionnaire results—two-tailed.

Questionnaire Item	Prequestionnaire	Postquestionnaire	Mean Difference	Standard Deviation	*t* Statistic
Interest in Supreme Court	3.519	3.759	0.240	0.507	2.467*
Importance of Legal Factors	4.148	4.204	0.056	0.881	0.328
Importance of Attitudinal Factors	3.778	3.685	−0.093	1.127	−0.427
Importance of Strategic Factors	3.278	3.648	0.370	0.916	2.102*
Importance of Oral Arguments	3.259	3.574	0.315	1.093	1.496

Note. Number of students =27.
*Indicates significance at $p < 0.05$.

Table 2. Spring 2017 questionnaire results–two-tailed.

Questionnaire Item	Prequestionnaire	Postquestionnaire	Mean Difference	Standard Deviation	*t* Statistic
Interest in Supreme Court	3.732	4.049	0.317	0.678	2.995*
Importance of Legal Factors	4.024	3.732	−0.292	0.894	−2.096*
Importance of Attitudinal Factors	3.171	3.866	0.695	1.078	4.131*
Importance of Strategic Factors	3.866	3.427	−0.439	1.231	−2.284*
Importance of Oral Arguments	3.988	4.175	0.187	1.030	1.152
Knowledge of Supreme Court	2.918	3.700	0.782	0.652	7.586*
Knowledge of Decision-Making Models	3.175	4.200	1.025	0.954	6.797*

Note. Number of students =41 for items 1-4 and 40 for items 5-7.
*Indicates significance at $p < 0.05$.

Table 3. Fall 2017 questionnaire results—two-tailed.

Questionnaire Item	Prequestionnaire	Postquestionnaire	Mean Difference	Standard Deviation	*t* Statistic
Interest in Supreme Court	3.682	4.034	0.352	0.687	3.402**
Interest in Learning More about the Court	3.784	4.000	0.216	0.554	2.585**
Importance of Legal Factors	3.841	3.739	−0.102	0.968	−0.701
Importance of Attitudinal Factors	3.364	3.660	0.296	1.138	1.723*
Importance of Other Justices	3.159	3.466	0.307	1.106	1.840*
Importance of Other Branches	2.648	2.545	−0.103	0.797	−0.852
Importance of Compromise	3.398	3.239	−0.159	0.854	−1.235
Importance of Oral Arguments	3.136	3.409	0.273	1.008	1.794*
Knowledge of Supreme Court	2.651	3.314	0.663	0.721	6.024**
Knowledge of Decision-Making Models	3.174	4.006	0.832	1.007	5.414**

Note. Number of students =44 for items 1-8 and 43 for items 9 and 10.
*Indicates significance at $p < 0.10$.
**Indicates significance at $p < 0.05$.

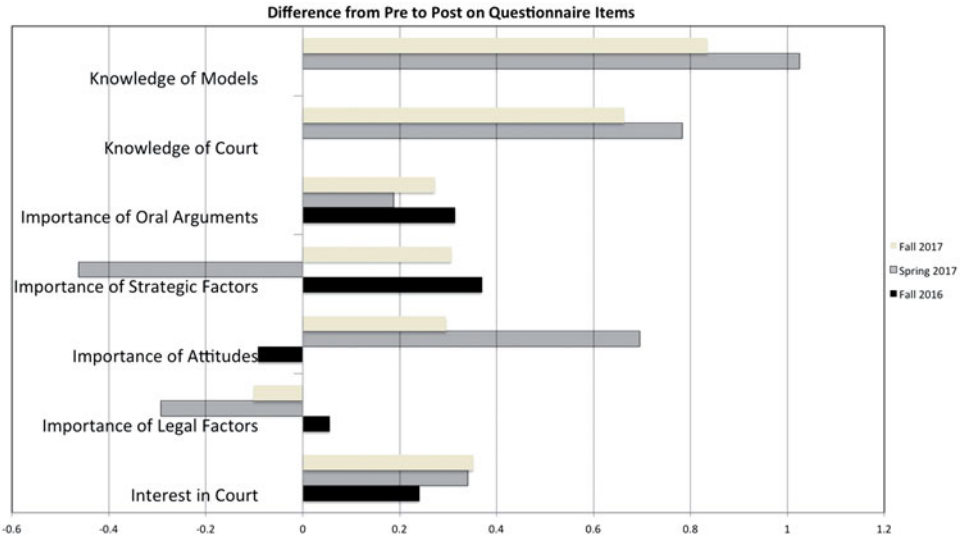

Figure 1. Graph displaying the difference from pre to post on questionnaire items in three simulations.

the differences across questionnaires for comparable items for Fall 2016, Spring 2017, and Fall 2017. The Importance of Strategic Factors item in the graph reflects students' ratings of the importance of other justices in decision making.

First, Hypotheses 1 and 2 find support in the data presented in the tables. All three tables demonstrate a statistically significant improvement in interest in the Supreme Court following the simulation, and Table 3 reports an increased interest in continuing to learn about the Court. Second, as expected, we observed very different results between the 2016 and 2017 simulations. In the 2017 simulations, when the three models were taught to students before the simulation, the mean rating of the importance of attitudinal factors increased by about 0.7 and 0.3 points, respectively, from pre- to post-questionnaire. This difference is statistically significant at conventional levels. However, in Fall 2016, when the models were taught in the class following the simulation, the mean rating of attitudinal factors decreased across questionnaires. Fall and spring classes also demonstrated differing results for their ratings of legal factors. The rating of legal factors had a marginal and statistically insignificant increase in the Fall 2016 simulation but a more sizable decrease in the 2017 simulations. This decrease is statistically significant in the Fall 2017 simulation. Thus, Hypotheses 4 and 5 are supported.

Moreover, although the importance of strategic factors decreased across questionnaires in Spring 2017, student ratings of such factors increased in the Fall 2016 simulation. These differences are statistically significant. For the Fall 2017 simulation, the results for strategic factors are mixed. For this simulation, we asked students to rate the importance of three types of strategic factors (other judges, other branches, and the desire for collegiality) on judges' decisions. The results for the importance of other branches and the desire for collegiality show statistically insignificant decreases in students' ratings. On the other hand, students' ratings of the importance of other judges significantly increases from pre- to post-questionnaire. This result compares favorably with the one obtained for Fall 2016. Finally, all classes' ratings of the importance of oral arguments increased across questionnaires, but this effect was only statistically significant for the Fall 2017 class.

As previously described, in our Fall 2017 simulation, we went further in exploring how students consider the three models of decision making. We asked students to rate the extent to which they relied upon the legal, attitudinal, and strategic model when they made their decisions in the case. The results are presented in Table 4. Of the three models, students appeared to rely more on the attitudinal model than either the legal or the strategic models. This result provides support for Hypothesis 6.

We believe the differing results between the classes, with respect to legal and attitudinal factors, can be attributed to when students were taught the legal and attitudinal models. In the Fall 2016 simulation, students learned about the three models of decision making in the class immediately following the simulation. In the Spring 2017 and Fall 2017 simulations, the instructor taught the three models in the class prior to the simulation and reviewed these models just before the simulation began. The students in the 2017 simulations were also expected to complete assigned readings on the decision making models before participating in the simulation. With knowledge of the models fresh in their minds, students were better able to consider the applicability of the models to the case at hand and to consider the models in their own decision making.

Table 4. Students' use of decision-making models.

Decision-Making Model	Mean Rating
Legal	3.148
Attitudinal	3.500
Strategic	2.410

Note. Number of Students =44.

Moreover, as we have noted, political science research in judicial politics argues for the primacy of the attitudinal model over the legal model. In the class prior to the 2017 simulations, students were presented with critiques of the legal model's reliance on court precedent, plain meaning of law, and original intent to explain decision making. Given these considerations, it is not surprising to see Spring and Fall 2017 students' ratings of the legal model's importance decrease from pre- to post-questionnaire and their ratings of the attitudinal model's importance increase across the questionnaires. Moreover, the fact that students relied more upon the attitudinal model than the legal model in their decisions in the Fall 2017 simulation reinforces this interpretation.

Meanwhile, we believe the differing results for the importance of strategic factors are less related to the timing of teaching the models and are more driven by the decision making environment students faced in the simulation. Since the Fall 2016 class learned about the models after the simulation, the instructor did not review the decision making models prior to the simulation. Thus, the Fall 2016 students were given more time to deliberate in their respective Supreme Courts and had greater opportunity to consider one another's opinions as they formed their own decisions. Therefore, the aspect of the strategic model that focuses on internal constraints on Court decision making was more prevalent for the Fall 2016 students than for the Spring 2017 students. Seen in this light, the reduced time given to the spring students to deliberate in their Courts decreased the primacy of strategic factors in their decision making and led these students to discount the role of strategic factors in their decisions. Comments from students support this result, as students noted the limited time available for deliberation and expressed a desire for smaller group discussion.

Results from our Fall 2017 simulation also provide some support for this notion. Of the three strategic factors that students were asked to rate, only one saw a statistically significant increase from pre- to post-questionnaire. The insignificant result for other branches is not surprising given that political actors such as the president and Congress played no role in our simulation. That students' ratings of the importance of other judges would increase, on the other hand, makes sense given that this strategic factor was immediately prevalent in the simulation.

Finally, as described above, we included two new questions in the 2017 questionnaires, as we asked students to rate, on a 1–5 scale, their knowledge of the Supreme Court and its processes and their knowledge of the decision making models. As expected, the mean students' ratings of both items increased across questionnaires for Spring and Fall 2017. In the spring questionnaire, mean ratings of Supreme Court knowledge increased by almost 0.8 points, and knowledge of the decision making models increased by over a point. In the fall questionnaire, mean ratings of Court knowledge increased by almost 0.7 points, and knowledge of the models increased by over 0.8 points. All differences are statistically significant from zero, granting support to

Hypothesis 3. Although these results are limited due to the small sample size of the classes participating, we see that varying when the instructor teaches students the decision making models leads to different results in student ratings of the importance of attitudinal, strategic, and legal factors. Moreover, these results are consistent across case type and across semester.

Limitations and improvements

Student comments also reveal opportunities for improvements. First, student comments from earlier simulations suggested that we should change the case we simulate.[18] Although *Whole Woman's Health v. Hellerstedt* is a landmark case in a salient and interesting area of Court jurisprudence, it could be argued that the provisions of the Texas law clearly constituted an undue burden on a woman's right to an abortion. Even though the Supreme Court outcome was certainly no landslide,[19] the class simulations have yielded lopsided, even unanimous, outcomes in favor of striking down the Texas law. Moreover, questions during oral arguments were overwhelmingly directed to the attorney arguing for the Texas law. Thus, we conducted the most recent version of our simulation using a different case, the recent affirmative action decision of *Fisher v. University of Texas* II (2016) .[20] This case presented an equally salient case that did yield more equitable attention to the attorneys representing either side. However, this more equitable questioning did not yield less lopsided outcomes, as four of the five "Supreme Courts" ruled in favor of the University of Texas. Importantly, as explored previously, the substantive results obtained from this most recent simulation corroborate the findings from the Spring 2017 simulation.

Second, we could alter the role played by the students. Rather than having the instructors play the role of attorneys, we could assign a team of students to play the attorneys that prepare and argue for each side and continue having the remainder of the students play the role of judges. A student wrote: "I think it would have been if we got to be more involved. For example, if we gave the speeches and proof and testimony." Other comments echoed this sentiment: "It may be interesting to allow students/volunteers to provide arguments."

Third, the most common limitation of the simulation reported by students was the request for greater deliberation time.[21] In earlier simulations, students also expressed a desire to deliberate in smaller groups (i.e., increase the number of Supreme Courts). In our most recent simulation, we sought to address this latter limitation by dividing students into groups of 9, rather than the 13 or 14 from previous semesters. However, the constraints of a finite class time make increasing deliberation time difficult.

Finally, providing more instructions on how to ask questions and the types of questions students should be expected to ask during oral arguments would be beneficial. Although the extent of student participation in questioning during oral arguments improved during the Fall 2017 simulation, providing "example type questions to get the students' mind in the right direction would be beneficial" because students may be "unaware of what to do or were uncomfortable doing it."

Discussion and conclusion

Our Supreme Court simulation demonstrates the benefits and limitations of using simulations in the political science classroom. Surveys of our students display that the simulation helped increase their interest in the Supreme Court, which is a pleasing outcome for us. We view generating and developing our students' interest in American politics as a core objective for our introductory American government courses, and our analysis has shown that simulations can be an excellent way to pursue this objective. Through a simulation that lasted roughly 1 hour, we were able to significantly increase our students' interest in a topic covered in the course, and we were able to significantly increase their desire to learn more about the topic. Relatively simple, brief simulations can be excellent tools for achieving these outcomes.

Our results also have implications for the ways in which simulations are best used in political science courses. Should simulations be used to introduce students to a topic, or should simulations be employed to develop students' understanding of a topic after this topic has already been covered in some manner? Our results reveal that this is an important question for instructors to ask themselves when using simulations in their courses. If an intended outcome of our simulation was enabling students to experience what political scientists believe—that attitudes are a crucial factor influencing judicial decision making—then our Spring 2017 and Fall 2017 simulations, where students heard a lecture and read about the models prior to the simulation, were much more successful than our Fall 2016 simulation.

Indeed, our Spring 2017 and Fall 2017 students' attitudes moved in the direction of the political science literature following the simulation. Through the Spring 2017 and Fall 2017 simulations, students came to view attitudinal factors as more important in judicial decision making and legal factors as less important in judicial decision making. Our two-step plan of introducing the decision making models in course readings and lectures, and then reinforcing this material in an active learning environment, resulted in students gaining an understanding of course concepts that reflected the prevailing views in the political science literature. In other words, the lectures and readings on the models of decision making provided the groundwork for students to advance their understanding of judicial decision making through the simulation. The lectures and readings provided the priming necessary for students to use the simulation to update their mental models of judicial decision making.

To be sure, our results from Fall 2016 indicate that simulations introducing a topic can spark interest in the topic and increase students' desire for further learning. We found similar results in the other two iterations of the simulation. However, the students in Fall 2016 did not necessarily learn the intended lessons from the simulation because they likely lacked the ability to contextualize their experience in the ways we desired. In the Fall 2016 simulation, the students had yet to learn the models of judicial decision making when they participated in the Supreme Court simulation. Because the myth of the purely objective judge is so pervasive, and because the course content had yet to chip away at this myth, we understand why students were unable to update their mental models of attitudinal and legal decision making through the simulation.

On the other hand, our Spring 2017 and Fall 2017 students had been shown that the legal model is not the exclusive model of judicial decision making. They had been introduced to competing models. Indeed, we had already begun the work of chipping away

at the powerful myth of the objective judge. As the results from our pre-simulation and post-simulation questionnaires indicate, the simulation helped refute this myth even further, while reinforcing the idea that judges use their own political attitudes and policy preferences in making decisions. Thus, our students had an easier time using the simulation to update their preexisting ideas about how judicial decision making works. Priming the students via lecture and assigned readings to consider various possible models of judicial decision making, therefore, was necessary to achieve the desired learning outcomes.

From our experiences and results, we can offer the following recommendation to instructors considering simulations for their courses: instructors wishing to challenge students' existing ways of thinking ought to consider if the simulation itself is designed in a way to accomplish this task on its own. Our simulation in Fall 2016 was not designed in such a way. Given the goal of having students see the importance of the attitudinal model in judicial decision making, our Fall 2016 results show that the simulation on its own did not accomplish this task. However, when preceded by a lesson on judicial decision making, our simulation helped reinforce the intended learning outcomes.

If students enter the class with powerful mental models of the topic that the simulation addresses, students may need to be given certain information or context in advance of the simulation in order for the simulation to challenge and alter students' thinking in the intended ways. Thus, after students had completed readings and been taught about the various models of judicial decision making, the active learning experience of the simulation helped students perceive judicial decision making in the ways that political scientists tend to perceive judicial decision making. The lecture and assigned readings prepared students to think about judicial decision making in more sophisticated ways, and this type of thinking was reinforced through experiencing a simulated judicial decision making process.

We are eager to continue using our Supreme Court simulation as a means of enabling students to experience the topics of judicial politics and decision making. Because the Supreme Court operates with such secrecy, we fear that students may view the Court as too obscure or mysterious to care about. We hope to challenge those perceptions by showing students that the Supreme Court functions in ways we can understand, so that we can explain judicial outcomes.

Notes

1. To be sure, Gibson, James L., and Gregory A. Caldeira (2009) provide evidence that the public is more well-informed about the Supreme Court than is commonly assumed. The authors argue that traditional open-ended questions asking respondents to identify Supreme Court personnel are not proper methods of gauging public knowledge of the Court.
2. Woessner, Winters, and Kopko (2017) use public law simulations to bridge divisions in interests between prelaw and political science students.
3. 579 U.S. (2016).
4. 505 U.S. __833.
5. 579 U.S. (2016).
6. Amy Howe, Justices enter the fray with grant in Texas abortion case: In Plain English, *SCOTUSBLOG.COM* (November 13, 2015), http://www.scotusblog.com/2015/11/justices-enter-the-fray-with-grants-in-texas-abortion-case-in- plain-english/.

7. Libby Nelson, Fisher v. Texas, the Supreme Court's Big Affirmative Action Case, Explained, *Vox.com* (December 9, 2015), https://www.vox.com/policy-and-politics/2015/12/9/9880914/fisher-v-texas-affirmative-action.
8. Lyle Denniston, Argument analysis: Two opinions on abortion law, *SCOTUSBLOG.COM* (March 2, 2016), http://www.scotusblog.com/2016/03/argument-analysis-two-options-on-abortion-law/. Lyle Denniston, Now, Three Options on College Affirmative Action, SCOTUSBLOG.COM (December 9, 2015), http://www.scotusblog.com/2015/12/argument-analysis-now-three-options-on-college-affirmative-action/. Adam Liptak, Supreme Court Justices' Comments Don't Bode Well for Affirmative Action, *The NewYorkTimes.com* (December 9, 2015), https://www.nytimes.com/2015/12/10/us/politics/supreme-court-to-revisit-case-that-may-alter-affirmative-action.html.
9. Mailee Smith, Symposium: Will the Supreme Court deliver a decisive victory for womens health and safety?, *SCOTUSBLOG.COM* (January 4, 2016), http://www.scotusblog.com/2016/01/symposium-will-the-supreme-court-deliver-a-decisive-victory-for-womens-health-and-safety/.
10. John Paul Schnapper-Casteras, Diversity Matters for All, *SCOTUSBLOG.COM* (September 10, 2015), http://www.scotusblog.com/2015/09/symposium-diversity-matters-for-all/. Roger Clegg, Getting Serious about Racial Discrimination, *SCOTUSBLOG.COM* (September 8, 2015), http://www.scotusblog.com/2015/09/symposium-getting-serious-about-racial-discrimination/.
11. We have provided more student comments in the appendix.
12. One student wrote: "The simulation gave a good introduction into the process of the Supreme Court. I enjoyed getting to hear both sides and being able to openly question each side on aspects of their arguments. I didn't feel that there were any aspects that needed improvement."
13. One student's comment particularly epitomizes the goal of active learning tools: "Anything interactive makes a lesson really stick."
14. Similarly, another student wrote: "I loved to see the material we learned in class come to life! I have a greater understanding of the different judicial models."
15. We are confident in the results obtained from these pre- and post-questionnaires. The post-questionnaire was administered immediately following the end of the simulation, so we can confidently attribute any change across questionnaires to the simulation. However, we recognize that the power of the simulation is in conjunction with the information provided to students prior to the simulation via lecture and reading materials.
16. We rely on self-assessments due to the complications involved with capturing, in an objective sense, the level of knowledge and interest people have of the Supreme Court. The veracity of self-assessments has been subjected to a great deal of empirical scrutiny (Boud and Falchikov 1989; Kruger and Dunning 1999; Dunning, Heath, and Suls 2004; Zell and Krizan 2014). These studies have evaluated the accuracy of respondents' assessment of their own abilities, performance, and knowledge. Although some research finds that self-assessment respondents overestimate their performance, abilities, and knowledge (Kruger and Dunning 1999; Chemers, Hu, and Garcia 2001, Crosby and Yarber 2001), self-assessments "are used as an evaluation criterion across a wide range of disciplines, including education, business, communication, psychology, medical education and foreign language acquisition" (Sitzmann et al. 2010, 170) and have a moderate correlation with performance outcomes (Zell and Krizan 2014). Research attempting to validate the accuracy of self-assessments is mixed, yet some studies find a moderate correlation between self-assessment measures and respondents' factual knowledge. Boud and Falchikov (1989) compare students' self-assessment of their performance with instructors' grading of the students' performance and found a modest relationship. Similarly, Chesebro and McCroskey (2000) found a moderate relationship between self-assessment measures and a multi-item measure of factual knowledge. Interestingly, the extent to which respondents inflate their self-assessments depends on their degree of competency, with more competent individuals less likely to inflate (Kruger and Dunning 1999). With respect to our study, we assert that the efficacy of self-assessments is buttressed by the consistency in results found for Spring

and Fall 2017 Semesters and by the addition of measures in our most recent simulation asking students to rate the extent to which they relied on the three models in their decision making.

17. We are using a paired *t* test because we are making before and after observations on the same subjects.
18. Student comments on this front included: "Give … a more winnable case. Do guns or affirmative action" and "Perhaps a less polarizing case would be an interesting simulation."
19. The Supreme Court struck down the two contested provisions of HB 2 by a 5–3 margin.
20. 579 U.S. (2016).
21. For example, "I did not like the fact that groups were so large … " and "I think maybe a larger amount of time for deliberating would help."

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Appendix

The questionnaires used in these simulations are reproduced as follows. The questionnaires are similar in a number of respects, except we included two additional questions for Spring 2017 and six new questions for Fall 2017. For Fall 2017, we include two more questions tapping the strategic model, three questions asking students about their use of the decision making models in their own decisions, and one question asking students about their interest in continuing to learn about the Supreme Court. Thus, the questionnaire used for Fall 2017 is reproduced below. The questions that are new to this simulation are presented in bold.

Questionnaire 1:

1. On a scale from 1 (not at all interested) to 5 (very interested), how would you rank your interest in the Supreme Court, its processes, and its history?
2. **On a scale from 1 (not at all interested) to 5 (very interested), how would you rate your interest in continuing to learn more about the Supreme Court?**

3. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think legal factors, including previous case law and the plain meaning of the law and Constitution, are for judges when deciding cases? Please briefly explain your answer.
4. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think judges' personal beliefs and attitudes are for judges when deciding cases? Please briefly explain your answer.
5. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think discussions with and cues from the other judges are in causing a judge to make a decision in a case?
6. **On a scale from 1 (not at all important) to 5 (extremely important), how important do you think the threat of retaliation from other branches is in causing a judge to make a decision in a case?**
7. **On a scale from 1 (not at all important) to 5 (extremely important), how important do you think the need to compromise and moderate their views in order to build a majority coalition are in causing a judge to make a particular decision in a case? Please briefly explain your answers to the above three questions**
8. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think oral arguments are for helping justices decide their vote in a case? Please describe your reasoning and list any examples that you relied on in your thinking.
9. On a scale from 1 (not at all informed) to 5 (very well informed), how would you rate your knowledge of the Supreme Court and its processes? Please describe your reasoning and list any examples that you relied on in your thinking.
10. On a scale from 1 (not at all informed) to 5 (very well informed), how would you rate your knowledge of the three judicial decision making models discussed in class? Please describe your reasoning and list any examples that you relied on in your thinking.

Questionnaire 2:

1. Please provide your feedback on the simulation. List and describe what you particularly enjoyed or found worthwhile regarding the simulation. What aspects of the simulation do you think need improving? How would you improve those aspects?
2. On a scale from 1 (not at all interested) to 5 (very interested), how would you rate your interest in the Supreme Court, its processes, and its history?
3. **On a scale from 1 (not at all interested) to 5 (very interested), how would your interest in continuing to learn about the Supreme Court?**
4. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think legal factors, including previous case law and the plain meaning of the law and Constitution, are for judges when deciding cases? Please briefly explain your answer.
5. **On a scale from 1 (did not use legal model at all) to 5 (entirely or almost entirely used the legal model), how much did your decision-making process in the simulation reflect the legal model?**
6. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think judges' personal beliefs and attitudes are for judges when deciding cases? Please briefly explain your answer.
7. **On a scale from 1 (did not use attitudinal model at all) to 5 (entirely or almost entirely used the attitudinal model), how much did your decision-making process in the simulation reflect the attitudinal model? Please briefly explain your answer.**
8. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think discussions with and cues from the other judges are in causing a judge to make a decision in a case?
9. **On a scale from 1 (not at all important) to 5 (extremely important), how important do you think the threat of retaliation from other branches is in causing a judge to make a decision in a case?**

10. **On a scale from 1 (not at all important) to 5 (extremely important), how important do you think the need to compromise and moderate their views in order to build a majority coalition are in causing a judge to make a particular decision in a case? Please briefly explain your answers to the above three questions.**
11. **On a scale from 1 (did not use strategic model at all) to 5 (entirely or almost entirely used the strategic model), how much did your decision-making process in the simulation reflect the strategic model? Please briefly explain your answer.**
12. Please describe the deliberation process of your group. What role (if any) did the other members (justices) in your group play in helping you reach your decision in this case?
13. On a scale from 1 (not at all important) to 5 (extremely important), how important do you think oral arguments are for helping justices decide their vote in a case? Please describe your reasoning and list any examples that you relied on in your thinking.
14. What role (if any) did oral arguments play in helping you make a decision in this case? How did the arguments presented to you affect your judgment? Were you convinced by the arguments of one side or the other?
15. To what extent do you believe your group's decision-making process reflects the process Supreme Court Justices go through? Explain
16. On a scale from 1 (not at all informed) to 5 (very well informed), how would you rate your knowledge of the Supreme Court and its processes? Please describe your reasoning and list any examples that you relied on in your thinking.
17. On a scale from 1 (not at all informed) to 5 (very well informed), how would you rate your knowledge of the three judicial decision making models discussed in class? Please describe your reasoning and list any examples that you relied on in your thinking.

Comments on Simulation

- "I enjoyed the topic of discussion-relevant to current events and a topic (women's rights) that many students are passionate about."
- "I liked the formality of the 2 arguments made and the effort to replicate the SC environment."
- "I thought the simulation was really helpful in understanding how the Supreme Court works. I also thought it was really interesting how you used two arguments directly from the Supreme Court case."
- "I liked the structure of the simulation with the oral arguments, then discussion, which offered a window into Supreme Court procedure."
- "It made me realize how talking amongst peers really made people change their minds."
- "I thought it was a good interactive way to discuss the Supreme Court."
- "This was fun and educational."
- "Fun and interesting."
- "I enjoyed the whole thing: proposing questions during the oral argument, discussing our views in our groups, and deciding whether or not to strike down HB 2. Also just learning about the Court process and the case specifics was fun."
- "I thoroughly enjoyed the simulation and it make me think differently about how Supreme Court justices come to a decision. All three models come into play at some point in time. I would not change anything with the simulation."
- It was a super entertaining approach for class! I was engaged the whole time, and it taught me a lot about what the Supreme Court looks like."
- "I thought the simulation was very helpful in understanding how decisions are made in legal cases. I thought it brought about a lot of further discussion on the ruling and how this process works in reality."
- "I enjoyed the language used. I feel as if a lot of it used real legal terminology which was cool. There is not much improvement to be made that I can see. Overall, I really enjoyed the simulation."

Comments on Improving Knowledge of Models

- "Actually using these models helped my understanding."
- "From what we learned in class and through the simulation, I understand the models a bit more and how it's difficult to keep them separated when debating your decision."
- "After going through this process in decision making, I definitely believe I understand them better."
- I could once again see an application of them which helped me see the different characteristics of these models."
- "I learned the various models and now have a firsthand account of a similar situation that the Court experiences."
- "I was able to get a better understanding of legal model, as well as how the Court makes decisions based on ideology, and how well each oral argument was given."