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Statement of Research Interests

At its core, my research focuses on the role of courts in the policy-making systems in American politics. Beginning with my dissertation, I intend to focus on the place of the state high court in the policy-making structures of the American states. I also explicitly examine the interaction of all three branches of government and their interactions with the public. My research is driven by an examination of how these citizens and institutions compete against and constrain each other as they try to develop and implement public policy.

Dissertation

In my dissertation, I address three general research questions: 1) what role does the court play in the policy-making in the American states? 2) what is included in state high court opinions, and what does this content mean for the decision-making and strategic behavior of state high court justices? and 3) what effect does the institutional legitimacy of state high courts have on the courts' decision-making and their role in the separation of power system? As a result, I am working to address and engage multiple literatures in my dissertation, including those on courts, legislatures, bureaucracies and public policy. From this dissertation, I expect to produce three journal articles of publishable quality as well as an impetus for further research questions.

In my dissertation I examine the research goals and questions outlined above. In the first empirical chapter I specify a two-stage theory of review and delegation. I argue that courts first decide whether to consider the constitutionality of a statute, and that this decision is a strategic one, where they must concern themselves with the preferences of the other branches of government. In the second stage (if the court considers the constitutionality of a statute), the court must decide whether or not to overturn the statute and must also decide who maintains control of the final policy outcome. By examining state high court opinions from all fifty states, I am able to show that state high courts can, and do delegate in this way. I theorize and find evidence that this review and delegation is a result of the courts' need to balance two main goals: implementing their policy preferences, and maintaining the legitimacy of their institution.

In the second empirical chapter I develop a measure of legitimacy that can be implemented to further analyze the role of institutional legitimacy in the decision-making of state high courts. Like many public opinion measures in the states, gauging the citizen's beliefs about the court is difficult due to the national nature of most public opinion polls. I am creating an improved measure that is both reliable and comparable across the states using newly developed multi-level modeling techniques. As a result, both myself and other researchers will be able to more clearly determine the role of legitimacy in the decision-making processes of justices on state high courts.

Finally, in the third empirical chapter of my dissertation I examine who, specifically, the state high court delegates policy control to. I ask: does the court delegate to the state legislature, or to administrative agencies in the executive branch? I argue that this decision is based on political conditions as well as the informational capacities of each branch. I focus on the institutional differences between the state bureaucracy and legislatures and why these differences would lead the court to delegate to one branch over the other. This chapter further develops the theory of the first chapter and outlines specific conditions under which the court should give policy-making and implementing power to one branch over another.

Research Agenda Building from Dissertation: Legitimacy and Courts

Much of my dissertation centers on the institutional legitimacy of state high courts. I expand on this, and further examine how the institutional legitimacy courts have (or do not have) affects their place in the separation of powers systems. We know that the institutional legitimacy the Supreme Court enjoys has an important effect on compliance with their decisions, not only by Congress, but also by the public. I am currently working on a co-authored project where we examine how state legislators view state high courts. Using an original dataset derived from a survey of state legislators, we find that some of the more ‘political’ activities that justices engage in can hurt the courts’ standing as legitimate institutions. These conclusions fall in line with other research that examines how elections for state high courts can affect the institutional legitimacy of these institutions. Using the measure of legitimacy developed in my dissertation, I will further address whether or not state high courts can enjoy levels of legitimacy that can lead to acceptance of their decisions by the state legislatures and the public. More broadly I intend to answer a range of general questions, for example: how does this legitimacy affect both state high court decision-making and policy making abilities?

Opinion Writing on State High Courts

A second research agenda focuses on the opinions written by state high courts. I am currently revising a paper and working on a larger project where I examine legal citations in state high court opinions. The written opinions courts produce are where they outline the legal, constitutional and policy implications of their decision. As such, these opinions provide vast amounts of information on the courts, their decisions, and even how they view their role in government. Examining the opinion writing stage on state high courts can provide valuable information about the strategic decisions justices make to have their policy preferences implemented. This is most interesting because state high courts operate in a context where they must be aware of the ability of the state government to ignore or not comply with their decisions as well as the ability of the U.S. Supreme Court to overturn their decisions. Therefore, I hope to examine these state high court opinions and determine if and to what extent state high courts use these opinions to avoid being overturned by the U.S. Supreme Court.