



CRAFTING LAW ON THE SUPREME COURT

The Collegial Game

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Crafting Law On The Supreme Court The Collegial Game

**Robert A. Carp, Ronald
Stidham, Kenneth L. Manning**



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Crafting Law on the Supreme Court Forrest Maltzman, James F. Spriggs, Paul J. Wahlbeck, 2000-07-03 Material is gleaned from internal memos circulated among justices on the Supreme Court to systematically account for the building of majority opinions The authors argue that at the heart of this process are policy seeking justices who are constrained by the choices made by the other justices By strategically using threats signals and persuasion justices attempt to influence the behavior of their colleagues on the bench Evidence derived from the recently released papers of justices Brennan Douglas Marshall and Powell is used to test the authors theory of opinion writing The portrait of the Supreme Court that emerges stands in sharp contrast to the conventional portrait where justices act solely on the basis of the law or their personal policy preferences This book provides a fascinating glimpse of how the Court crafts the law

Making the Supreme Court Charles M. Cameron, Jonathan P. Kastellec, 2023 Making the Supreme Court The Politics of Appointments 1930 2020 tells the story of 90 years of Supreme Court appointments It examines what happened why it happened the consequences for the Supreme Court the future of appointments and the prospects for reform Based on massive data combined with rich qualitative evidence Making the Supreme Court employs new theories cutting edge technique and a novel perspective on political institutions Finally it provides a sharp lens on the social and political transformations that created a new American politics It will appeal not only to students of the Supreme Court but to anyone concerned with the origins and future of American politics

The Oxford Handbook of U.S. Judicial Behavior Lee Epstein, Stefanie A. Lindquist, 2017 The Oxford Handbook of U S Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U S Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts political and social context formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book Consultant Editor for The Oxford Handbooks of American Politics George C Edwards III

The Oxford Handbook of Law and Politics Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-10 The Oxford Handbooks of Political Science are the essential guide to the state of political science today With engaging contributions from major international scholars The Oxford Handbook of Law and Politics provides the key point of reference for anyone working on the interception between law and political science

The Oxford Handbook of Comparative Judicial Behaviour, 2024-10-18 These are momentous times for the comparative analysis of judicial behaviour Once the sole province of U S scholars and mostly political scientists at that now researchers throughout the world drawing on history economics law and psychology are illuminating how and why judges make the choices they do and what effect those choices have on society Bringing together leading scholars in the field The

Oxford Handbook of Comparative Judicial Behaviour consists of ten sections each devoted to important subfields fundamentals providing overviews designed to identify common trends in courts worldwide approaches to judging data methods and technologies staffing the courts advocacy litigation and appellate review opinions relations within between and among courts judicial independence court and society and frontiers of comparative judicial behaviour dedicated to expanding on opportunities for advancement Rather than focusing on particular courts countries or regions the organization of the individual chapters is topical Each chapter explores an important topic critically evaluating the state of that topic and identifying opportunities for future work While the forty two chapters share a common interest in explaining the causes and effects of judicial choices the range of approaches to comparative research is wide inclusive and interdisciplinary from contrasts and similarities to sophisticated research agendas reflecting the emerging field of judicial behaviour around the world

Constitutional Law for a Changing America Lee Epstein, Kevin T. McGuire, Thomas G. Walker, 2020-09-17 Excellent balance of case excerpts and author explanation highly appropriate for undergraduate students Dr Wendy Brame Briar Cliff University Political factors influence judicial decisions Arguments and input from lawyers and interest groups the ebb and flow of public opinion and especially the ideological and behavioral inclinations of the justices all combine to shape the development of constitutional doctrine Drawing on political science as much as from legal studies Constitutional Law for a Changing America A Short Course helps students realize that Supreme Court cases are more than just legal names and citations With meticulous revising the authors streamline material while accounting for recent landmark cases and new scholarship Ideal for a one semester course the Eighth Edition of A Short Course offers all the hallmarks of the Rights and Powers volumes in a more condensed format Students and instructors benefit from the online Con Law Resource Center which houses the supplemental case archive links to CQ Press reference materials a moot court simulation instructor resources and more

Researching Public Law in Common Law Systems Paul Daly, Joe Tomlinson, 2023-09-06 This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law a field of research in which research methods are becoming increasingly prominent and sophisticated Featuring thoughtful chapters written by leading scholars in the field this book provides a thorough explanation of the key features characteristics and challenges of distinct methodological approaches to public law research

The Oxford Handbook of Political Institutions R. A. W. Rhodes, Sarah A. Binder, Bert A. Rockman, 2008-06-13 The study of political institutions is among the founding pillars of political science With the rise of the new institutionalism the study of institutions has returned to its place in the sun This volume provides a comprehensive survey of where we are in the study of political institutions covering both the traditional concerns of political science with constitutions federalism and bureaucracy and more recent interest in theory and the constructed nature of institutions The Oxford Handbook of Political Institutions draws together a galaxy of distinguished contributors drawn from leading universities across the world Authoritative reviews of the literature and assessments of

future research directions will help to set the research agenda for the next decade

The Limits of Judicial

Independence Tom S. Clark, 2010-11-22 This book investigates the causes and consequences of congressional attacks on the US Supreme Court arguing that the extent of public support for judicial independence constitutes the practical limit of judicial independence First the book presents a historical overview of Court curbing proposals in Congress Then building on interviews with Supreme Court justices members of Congress and judicial and legislative staffers the book theorizes that congressional attacks are driven by public discontent with the Court From this theoretical model predictions are derived about the decision to engage in Court curbing and judicial responsiveness to Court curbing activity in Congress The Limits of Judicial Independence draws on illustrative archival evidence systematic analysis of an original dataset of Court curbing proposals introduced in Congress from 1877 onward and judicial decisions *Judicial Process in America, 9th Edition*

Robert A. Carp, Ronald Stidham, Kenneth L. Manning, 2014 Known for shedding light on the link between the courts public policy and the political environment the new ninth edition of Judicial Process in America provides a comprehensive overview of the American judiciary Considering the courts from every level the authors thoroughly cover judges lawyers litigants and the variables at play in judicial decision making This remarkably current revision will only solidify the book's position as the standard bearer in the field *The Oxford Handbook of Political Science* Robert E. Goodin, 2011-07-07 Drawing on the rich

resources of the ten volume series of The Oxford Handbooks of Political Science this one volume distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come **What's Law Got to Do With**

It? Charles Gardner Geyh, 2011-08-09 Top US legal scholars and political scientists examine how the law shapes judges behavior and decisions and what it means for society at large Although there is a growing consensus among legal scholars and political scientists significant points of divergence remain Contributors to What's Law Got to Do with It explore ways to reach greater accord on the complexity and nuance of judicial decision making and judicial elections while acknowledging that agreement on what judges do is not likely to occur any time soon As the first forum in which political scientists and legal scholars engage with one another on these hot button issues this volume strives to establish a true interdisciplinary conversation The inclusion of reactions from practicing judges puts into high relief the deep seated and opposing beliefs about the roles of law and politics in judicial work Praise for What's Law Got to Do with It Geyh associate dean for research

and John F Kimberling professor of law Indiana Univ School of Law is well qualified to edit this reader about the interaction of law and politics in contemporary society The contributors are among the very best scholars in the legal and political science realm The writing is lively and easy to follow for the somewhat sophisticated reader Highly recommended Choice Readers will find these essays fascinating thoughtful and sometimes infuriating as conventional disciplinary wisdom is defended modified and refuted The result is a terrific text for all students of the legal process Mark A Graber University of Maryland This volume pulls together an excellent cast to examine one of the most intriguing and most difficult questions in the study of law and politics today what role does law play in the job of judging There is a lot to learn in these pages and this book does a fine job of pushing the conversation forward Keith Whittington Princeton University *Elements of Judicial Strategy* Walter F. Murphy, 2016-06-01 *Tournament of Appeals* Roy B. Flemming, 2004 Canada's Supreme Court decides cases with far reaching effects on Canadian politics and public policies When the Supreme Court sets cases on its agenda it exercises nearly unrestrained discretion and considerable public authority But how does the Court choose these cases in the first place From the several hundred requests for judicial review filed every year how and why do the justices pick some cases but not others for review *Tournament of Appeals* investigates the leave to appeal process in Canada and explores how and why certain cases win a place on the Court's agenda and others do not Taking the approach that the process mimics a sports tournament this study raises several vital questions For example is there an elite Supreme Court bar that routinely wins the tournament Do the Court's rules affect the tournament's outcomes Or does winning and losing reflect the resources of the parties As players in this tournament how do the judges play the game and how does it affect their votes to grant or deny judicial review Drawing from systematically collected information on the process applications and lawyers that has never before been used in studies of Canada's Supreme Court Roy B Flemming offers both a qualitatively and quantitatively based explanation of how Canada's justices grant judicial review The first of its kind this innovative study will draw the attention of lawyers academics and students in Canada as well as in the Commonwealth and European countries whose high courts share many features of the appeals process in Canada *Apex Courts and the Common Law* Paul Daly, 2019-04-26 For centuries courts across the common law world have developed systems of law by building bodies of judicial decisions In deciding individual cases common law courts settle litigation and move the law in new directions By virtue of their place at the top of the judicial hierarchy courts at the apex of common law systems are unique in that their decisions and in particular the language used in those decisions resonate through the legal system Although both the common law and apex courts have been studied extensively scholars have paid less attention to the relationship between the two By analyzing apex courts and the common law from multiple angles this book offers an entry point for scholars in disciplines related to law such as political science history and sociology who are seeking a deeper understanding and new insights as to how the common law applies to and is relevant within their own disciplines **When Courts and Congress Collide** Charles Gardner Geyh, 2009-12-22 This

is quite simply the best study of judicial independence that I have ever read it is erudite historically aware and politically astute Malcolm M Feeley Claire Sanders Clements Dean s Professor Boalt Hall School of Law University of California at Berkeley Professor Geyh has written a wise and timely book that is informed by the author s broad and deep experience working with the judicial and legislative branches by the insights of law history and political science and by an appreciation of theory and common sense Stephen B Burbank David Berger Professor for the Administration of Justice University of Pennsylvania Law School With Congress threatening to go nuclear over judicial appointments and lawmakers accusing judges of being arrogant out of control and unaccountable many pundits see a dim future for the autonomy of America s courts But do we really understand the balance between judicial independence and Congress s desire to limit judicial reach Charles Geyh s *When Courts and Congress Collide* is the most sweeping study of this question to date and an unprecedented analysis of the relationship between Congress and our federal courts Efforts to check the power of the courts have come and gone throughout American history from the Jeffersonian Congress s struggle to undo the work of the Federalists to FDR s campaign to pack the Supreme Court to the epic Senate battles over the Bork and Thomas nominations If legislators were solely concerned with curbing the courts Geyh suggests they would use direct means such as impeaching uncooperative judges gerrymandering their jurisdictions stripping the bench s oversight powers or slashing judicial budgets Yet while Congress has long been willing to influence judicial decision making indirectly by blocking the appointments of ideologically unacceptable nominees it has with only rare exceptions resisted employing more direct methods of control *When Courts and Congress Collide* is the first work to demonstrate that this balance is governed by a dynamic equilibrium a constant give and take between Congress s desire to control the judiciary and its respect for historical norms of judicial independence It is this dynamic equilibrium Geyh says rather than what the Supreme Court or the Constitution says about the separation of powers that defines the limits of the judiciary s independence *When Courts and Congress Collide* is a groundbreaking work requiring all of us to consider whether we are on the verge of radically disrupting our historic balance of governance Charles Gardner Geyh is Professor of Law and Charles L Whistler Faculty Fellow at Indiana University at Bloomington He has served as director of the American Judicature Society s Center for Judicial Independence reporter to the American Bar Association Commission on Separation of Powers and Judicial Independence and counsel to the Judiciary Committee of the U S House of Representatives

The Oxford Handbook of Religion and American Politics Corwin E. Smidt, Lyman A. Kellstedt, James L. Guth, 2017 Over the past three decades the study of religion and politics has gone from being ignored by the scholarly community to being a major focus of research Yet because this important research is not easily accessible to nonspecialists much of the analysis of religion s role in the political arena that we read in the media is greatly oversimplified This Handbook seeks to bridge that gap by examining the considerable research that has been conducted to this point and assessing what has been learned what remains unsettled due to conflicting research findings and what important questions remain largely

unaddressed by current research endeavors The Handbook is unique to the field of religion and American politics and should be of wide interest to scholars students journalists and others interested in the American political scene Making Policy, Making Law Mark C. Miller, Jeb Barnes, 2004-08-23 The functioning of the U S government is a bit messier than Americans would like to think The general understanding of policymaking has Congress making the laws executive agencies implementing them and the courts applying the laws as written as long as those laws are constitutional Making Policy Making Law fundamentally challenges this conventional wisdom arguing that no dominant institution or even a roughly consistent pattern of relationships exists among the various players in the federal policymaking process Instead at different times and under various conditions all branches play roles not only in making public policy but in enforcing and legitimizing it as well This is the first text that looks in depth at this complex interplay of all three branches The common thread among these diverse patterns is an ongoing dialogue among roughly coequal actors in various branches and levels of government Those interactions are driven by processes of conflict and persuasion distinctive to specific policy arenas as well as by the ideas institutional realities and interests of specific policy communities Although complex this fresh examination does not render the policymaking process incomprehensible rather it encourages scholars to look beyond the narrow study of individual institutions and reach across disciplinary boundaries to discover recurring patterns of interbranch dialogue that define and refine contemporary American policy Making Policy Making Law provides a combination of contemporary policy analysis an interbranch perspective and diverse methodological approaches that speak to a surprisingly overlooked gap in the literature dealing with the role of the courts in the American policymaking process It will undoubtedly have significant impact on scholarship about national lawmaking national politics and constitutional law For scholars and students in government and law as well as for concerned citizenry this book unravels the complicated interplay of governmental agencies and provides a heretofore in depth look at how the U S government functions in reality The Elevator Effect Morgan L. W. Hazelton, Rachael K. Hinkle, Michael J. Nelson, 2023 Notes bibliogr bibliogr p 251 271 index *Sorcerers' Apprentices* Artemus Ward, David L Weiden, 2006-04-01 A behind the scenes look at the role of law clerks and their history at the U S Supreme Court Based on Supreme Court archives the personal papers of justices and other figures at the Supreme Court and interviews and written surveys with 150 former clerks *Sorcerers' Apprentices* is a behind the scenes look at the life of a law clerk and how it has evolved since its nineteenth century beginnings Artemus Ward and David L Weiden reveal that throughout history clerks have not only written briefs but also made significant decisions about cases that are often unseen by those outside of justices chambers Should clerks have this power they ask and equally important what does this tell us about the relationship between the Supreme Court's accountability to and relationship with the American public *Sorcerers' Apprentices* not only sheds light on the little known role of the clerk but also offers provocative suggestions for reforming the institution of the Supreme Court clerk Anyone that has worked as a law clerk is considering clerking or is interested in

learning about what happens in the chambers of Supreme Court justices will want to read this engaging and comprehensive examination of how the role of the law clerk has evolved over its long history Praise for *Sorcerers Apprentices* A rare book that is both a meticulous piece of scholarship and a good read Law and Politics Book Review Helps illuminate the inner workings of an institution that is still largely shrouded in mystery The Wall Street Journal Online Provides excellent insight into the inner workings of the Supreme Court how it selects cases for review what pressures are brought to bear on the justices and how the final opinions are produced Library Journal

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