

Courts Judges And Politics An Introduction To The Judicial Process 5th Edition

Examines the history and daily operations of the courts, discussing their role, pyramid structure, relationship with the other branches of government, important personnel, and key decisions over their two-hundred-year history.

The Politics of Precedent on the U.S. Supreme Court offers an insightful and provocative analysis of the Supreme Court's most important task--shaping the law. Thomas Hansford and James Spriggs analyze a key aspect of legal change: the Court's interpretation or treatment of the precedents it has set in the past. Court decisions do not just resolve immediate disputes; they also set broader precedent. The meaning and scope of a precedent, however, can change significantly as the Court revisits it in future cases. The authors contend that these interpretative authorities are not neutral. From this premise, they build an explanation of precedent that yields novel predictions about the nature and timing of legal change. Hansford and Spriggs test their hypotheses by examining how the Court has interpreted the precedents it set between 1946 and 1999. This analysis provides compelling support for their argument, and demonstrates that the justices' ideological goals and the role of precedent are inextricably linked. The two prevailing, yet contradictory, views of precedent--that it acts as Court--are incorrect. This book shows that while precedent can operate as a constraint on the justices' decisions, it also represents an opportunity to foster preferred societal outcomes.

With its often vague legal concepts and institutions that operate according to unfamiliar procedures, judicial decision-making is, in many respects, a highly enigmatic process. New Directions in Judicial Politics seeks to demystify the courts, offering readers the insights of empirical research to address questions that are of genuine interest to students. In addition to presenting a set of conclusions about the way in which courts operate, this book also models the craft of political research, illustrating how one can account for a variety of factors that might affect volume invite critical thinking, not only about the substance of law and courts in America, but also about the way in which we study judicial politics.

The judicial system in a liberal democracy is deemed to be an independent branch of government with judges free from political agendas or societal pressures. In reality, judges are often influenced by their economic and social backgrounds, gender, race, religion, and sexuality. This volume explores the representation of different identities in the judiciary in the United States. The contributors investigate the pipeline, ambition, institutional inclusion, retention, and representation of groups previously excluded from federal, state, and local judiciaries. This study dem

bolsters confidence in the legitimacy of the courts, and provides a vital voice in decision-making power for formerly disenfranchised populations.

Judges as Lawyers and as Public Officials

Studyguide for Courts, Judges, and Politics

Making Law and Courts Research Relevant

The Supreme Court, 11th Ed. + Judges on Judging, 4th Ed. Package

An Introduction to the Judicial Process

Judicial Roles in Global Perspective

The Least Dangerous Branch

For nearly a decade, a team of researchers was busily at work preparing a data base on the decisions of the United States Supreme Court. This book documents those efforts. Specifically, this book is a codebook and a user's guide to the data. In addition to documenting each of the codes in the data set, this book also provides specific details on how the variables were coded, as well as information about the reliability of the results. Three major aspects of these decisions are addressed: the values expressed in the opinions of the Court (including concurrences, dissents, etc.), the attributes of the litigants in each case, and the nature and extent of participation in the litigation by amicus curiae.

Comparative Judicial Politics provides insights into and raises critical questions about how courts at all levels and in divergent settings around the world intersect with politics and charts the implications of what can occur when law, courts, and politics meet.

Over the last two decades courts have become major players in the political landscape in Asia. This book assesses what is driving this apparent trend toward judicialization in the region. It looks at the variations within the judicialization trend, and how these variations affect political practice and policy outcomes. The book goes on to examine how this new trend is affecting aspects of the rule of law, democratic governance and state-society relations. It investigates how the experiences in Asia add to the debate on the judicialization of politics globally; in particular how judicial behaviour in Asia differs from that in the West, and the implications of the differences on the theoretical debate.

While common-sense attitudes towards the United States Supreme Court have been focused on what decisions they are likely to make, this book aims to focus on the impacts of other politicized elements of the Court. Through statistical modeling and other quantitative analyses, Justin DePlato examines the ability of the presidency and the Senate to influence and shape policy through the Court's nomination process, docket selection, and judicial retirements. The Court operating as a political institution threatens to affect, where it hasn't already outright intervened, civil liberties and social issues in the modern era and represents a controversial mechanic in the workings of American statecraft.

Judicial Nominations and the Politics of America's Highest Court

An Introduction to the Judicial Process by Epstein, ISBN 9780070441675

The Politics of Judicial Appointments

Confirmation Politics and Judicial Performance

Courts and Gender in the Religious-Secular Conflict in Israel

Law, Courts, and the Politics of Institutional Development

High Courts in Global Perspective

Presents a novel theory explaining how and why politicians and lawyers politicize courts.

Known for shedding light on the link between the courts, public policy, and the political environment, Judicial Process in America offers you a clear but comprehensive overview of today's American judiciary. Considering the courts from every level, the authors thoroughly cover judges, lawyers, litigants, and the variables at play in judicial decision-making. The highly anticipated Eleventh Edition offers updated coverage of recent Supreme Court rulings, including same-sex marriage and health care subsidies; the effect of three women justices on the Court's patterns of decision; and the policy-making role of state tribunals as they consider an increasing number of state programs and policies.

A sitting justice reflects upon the authority of the Supreme Court. Now that authority was gained and how measures to restructure the Court could undermine both the Court and the constitutional system of checks and balances that depends on it. A growing chorus of officials and commentators argues that the Supreme Court has become too political. On this view the confirmation process is just an exercise in partisan agenda-setting, and the jurists are no more than politicians in robes. Their ostensibly neutral judicial philosophies mere camouflage for conservative or liberal convictions. Stephen Breyer, drawing upon his experience as a Supreme Court justice, sounds a cautionary note. Mindful of the Court's history, he suggests that the judiciary's hard-won authority could be marred by reforms premised on the assumption of ideological bias. Having, as Hamilton observed, "no influence over either the sword or the purse," the Court earned its authority by making decisions that have, over time, increased the public's trust. If public trust is now in decline, one part of the solution is to promote better understandings of how the judiciary actually works: how judges adhere to their oaths and how they try to avoid considerations of politics and popularity. Breyer warns that political intervention could itself further erode public trust. Without the public's trust, the Court would no longer be able to act as a check on the other branches of government or as a guarantor of the rule of law, risking serious harm to our constitutional system.

The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

How Constitutional Courts Affect Political Transformations

Judges, Generals, and Presidents in Argentina

Judicial Process in America

Preserving Independent Courts in Angry Times

The Judicialization of Politics in Asia

Supreme Court Justices in the Post-Bork Era

Judicialization of Politics and Politicization of the Judiciary

We live in an age where one person's judicial "activist" legislating from the bench is another's impartial arbiter fairly interpreting the law. After the Supreme Court ended the 2000 Presidential election with its decision in Bush v. Gore, many critics claimed that the justices had simply voted their political preferences. But Justice Clarence Thomas, among many others, disagreed and insisted that the Court had acted according to legal principle, stating: "I plead with you, that, whatever you do, don't try to apply the rules of the political world to this institution; they do not apply." The legitimacy of our courts rests on their capacity to give broadly acceptable answers to controversial questions. Yet Americans are divided in their beliefs about whether our courts operate on unbiased legal principle or political interest. Comparing law to the practice of common courts, Keith Bybee explains how our courts not only survive under these suspicions of hypocrisy, but actually depend on them. Law, like courts, furnishes a means of getting along. It frames disputes in collectively acceptable ways, and it is a habitual practice, drummed into the minds of citizens by popular culture and formal institutions. The rule of law, thus, is neither particularly fair nor free of perceptual tensions, but it endures. Although pervasive public skepticism raises fears of judicial crisis and institutional collapse, such skepticism is also an expression of how our legal system ordinarily functions.

This 2005 book is a study of how institutional instability affects judicial behavior under dictatorship and democracy.

Federal judges are not just robots or politicians in robes, yet their behavior is not well understood, even among themselves. Using statistical methods, a political scientist, an economist, and a judge construct a unified theory of judicial decision-making to dispel the mystery of how decisions from district courts to the Supreme Court are made.

How Constitutional Courts Affect Political Transformations - legal scholars, political scientists, and judges - take a fresh look at this problem. To date, research has concentrated on the legitimacy, or the effectiveness, or specific decision-making methods of constitutional courts. By contrast, the authors here explore the relationship among these three factors. This book

presents the hypothesis that judicial review allows for a method of reflecting on social integration that differs from political methods, and, precisely because of the difference between judicial and political decision-making, strengthens democratic governance. This hypothesis is tested in case studies on the role of constitutional courts in political transformations, on the methods of these courts, and on transnational judicial interactions.

United States Supreme Court Judicial Data Base, Phase II

The Authority of the Court and the Peril of Politics

The Normative Implications of Empirical Research

The Supreme Court

The Politics of Precedent on the U.S. Supreme Court

The United States Supreme Court and Politics

Acceptable Hypocrisies and the Rule of Law

One of the more enduring topics of concern for empirically-oriented scholars of law and courts—and political scientists more generally—is how research can be more directly relevant to broader audiences outside of academia. A significant part of this issue goes back to a seeming disconnect between empirical and normative scholars of law and courts that has increased in recent years. Brandon L. Bartels and Chris W. Bonneau argue that being attuned to the normative implications of one's work enhances the quality of empirical work, not to mention makes it substantially more interesting to both academic and non-academic practitioners. Their book's mission is to examine how the normative implications of empirical work in law and courts can be more visible and relevant to audiences beyond academia. Written by scholars of political science, law, and sociology, the chapters in the volume offer ideas on a methodology for communicating normative implications in a balanced, nuanced, and modest manner. The contributors argue that if empirical work is strongly suggestive of certain policy or institutional changes, scholars should make those implications known so that information can be diffused. The volume consists of four sections that respectively address the general enterprise of developing normative implications of empirical research, law and decisionmaking, judicial selection, and courts in the broader political and societal context. This volume represents the start of a conversation on the topic of how the normative implications of empirical research

in law and courts can be made more visible. This book will primarily interest scholars of law and courts, as well as students of judicial politics. Other subfields of political science engaging in empirical research will also find the suggestions made in the book relevant.

In the first century, courts have become versatile actors in the governance of many constitutional democracies, and judges play a variety of roles in politics and policy making. Assembling papers penned by academic specialists on high courts around the world, and presented during a year-long Andrew W. Mellon Foundation John E. Sawyer Seminar at the University of California, Berkeley, this volume maps the roles in governance that courts are undertaking and the ways they have come to matter in the political life of their nations. It offers empirically rich accounts of dramatic judicial actions in the Americas, Europe, the Middle East and Asia, exploring the political conditions and judicial strategies that have fostered those assertions of power and evaluating when and how courts' performance of new roles has been politically consequential. By focusing on the content and consequences of judicial power, the book advances a new agenda for the comparative study of courts.

When the Supreme Court's effectively decided the presidential election of 2000, it decision illustrated a classic question in American politics: what is the appropriate role for the Supreme Court? The dilemma is between judicial activism, the Court's willingness to make significant changes in public policy, and judicial restraint, the Court's willingness to confine the use and extent of its power. While the Framers of the Constitution felt that the judiciary would be the "least dangerous branch" of government, many have come to the conclusion that courts govern America, a notion at odds with democratic government.Richard Pacelle traces the historical ebb and flow of the Court's role in the critical issues of American politics: slavery, free speech, religion, abortion, and affirmative action. Pacelle examines the arguments for judicial restraint, including that unelected judges making policy runs against democratic principles, and the arguments for judicial activism, including the important role the court has played as a protector of minority rights. Pacelle suggests that there needs to be a balance between judicial activism and restraint in light of the constraints on the institution and its power. Stimulating and sure to generate discussion, The Supreme Court in American Politics is a concise supplemental text for American Government and Judicial Politics course.

The problem, Wittes argues, lies both in the extortionate quality of modern confirmations - in which senators make their votes contingent on reassurance by the nominees about substantive areas of concern - and in the possibility that the breakdown of the confirmation process represents a far larger effort by the Senate to rein in judicial power."--BOOK JACKET.

Courts, Judges, and Politics

Local Courts in the Governmental Process

Comparative Judicial Politics

Building the Judiciary

Judicial Retirements, the Docket, and the Nomination Process

People, Process, and Politics

An Empirical Analysis of the Federal Judiciary

Conceptual blending, say Fauconnier (cognitive science, U. of California-San Diego) and Turner (behavioral sciences, U. of Maryland), is a great mental capacity that in its most advanced, double-scope form, gave human ancestors superiority and allowed them to develop art, science, religion, culture, sophisticated tools, and language. They investigate its principles, dynamics, and role in human life. Annotation copyrighted by Book News Inc., Portland, OR. How did the federal judiciary transcend early limitations to become a powerful institution of American governance? How did the Supreme Court move from political irrelevance to political centrality? Building the Judiciary uncovers the causes and consequences of judicial institution-building in the United States from the commencement of the new government in 1789 through the close of the twentieth century. Explaining why and how the federal judiciary became an independent, autonomous, and powerful political institution, Justin Crowe moves away from the notion that the judiciary is exceptional in the scheme of American politics, illustrating instead how it is subject to the same architectonic politics as other political institutions. Arguing that judicial institution-building is fundamentally based on a series of contested questions regarding institutional design and delegation, Crowe develops a theory to explain why political actors seek to build the judiciary and the conditions under which they are successful. He both demonstrates how the motivations of institution-builders ranged from substantive policy to partisan and electoral politics to judicial performance, and details how reform was often provoked by substantial changes in the political universe or transformational entrepreneurship by political leaders. Embedding case studies of landmark institution-building episodes within a contextual understanding of each era under consideration, Crowe presents a historically rich narrative that offers analytically grounded explanations for why judicial institution-building was pursued, how it was accomplished, and what--in the broader scheme of American constitutional democracy--it achieved.

Leading authorities present the latest cutting edge research on state judicial elections. Starting with recent transformations in the electoral landscape, including those brought about by U.S. Supreme Court rulings, this volume provides penetrating analyses of partisan, nonpartisan, and retention elections to state supreme courts, intermediate appellate courts, and trial courts. Topics include citizen participation, electoral competition, fundraising and spending, judicial performance evaluations, reform efforts,attack campaigns, and other organized efforts to oust judges. This volume also evaluates the impact of judicial elections on numerous aspects of American politics, including citizens' perceptions of judicial legitimacy, diversity on the bench, and the consequences of who wins on subsequent court decisions. Many of the chapters offer predictions about how judicial elections might look in the future. Overall, this collection provides a sharp evidence-based portrait of how modern judicial elections actually work in practice and their consequences for state judiciaries and the American people.

Lewis, Texas A&M University * Chien-Chih Lin, Academia Sinica, Taiwan * Sunita Parikh, Washington University in St. Louis * Russell Smyth, Monash University, Australia * Christopher Zorn, Pennsylvania State UniversityConstitutionalism and Democracy

How Politics Keeps the Smartest Judges Off the Bench

Judicial Politics in the United States

Judicial Power and National Politics

User's Guide

Courts, Politics, Rights

Supreme Court State Politics

The Judicial Branch of Federal Government

"A must-read for anyone interested in the Supreme Court."—MIKE LEE, Republican senator from Utah Politics have always intruded on Supreme Court appointments. But although the Framers would recognize the way justices are nominated and confirmed today, something is different. Why have appointments to the high court become one of the most explosive features of our system of government? As Ilya Shapiro makes clear in Supreme Disorder, this problem is part of a larger phenomenon. As government has grown, its laws reaching even further into our lives, new appointments as though everything were at stake. It's because it is. When decades of constitutional corruption have left us subject to an all-powerful tribunal, passions are sure to flare on the infrequent occasions when the political system has an opportunity to shape it. And so we find the process of judicial appointments verging on dysfunction. Shapiro weighs the many proposals for reform, from the modest (term limits) to the radical (court-packing), but shows that there can be no quick fix for a judicial system suffering a crisis of legitimacy. And in that rebalances, our constitutional order.

Should the Supreme Court have the last word when it comes to interpreting the Constitution? The justices on the Supreme Court certainly seem to think so--and their critics say that this position threatens democracy. But Keith Whittington argues that the Court's justices have not simply seized power and circumvented politics. The justices have had power thrust upon them--by politicians, for the benefit of politicians. In this sweeping political history of judicial supremacy in America, Whittington shows that presidents and political leaders of all stripes have interpreters of the Constitution. Whittington examines why presidents have often found judicial supremacy to be in their best interest, why they have rarely assumed responsibility for interpreting the Constitution, and why constitutional leadership has often been passed to the courts. The unprecedented assertiveness of the Rehnquist Court in striking down acts of Congress is only the most recent example of a development that began with the founding generation itself. Presidential bids for constitutional leadership have been rare, but reflect the temporary power and encouraging its activism. Challenging the conventional wisdom that judges have usurped democracy, Whittington shows that judicial supremacy is the product of democratic politics.

From Louis Brandeis to Robert Bork to Clarence Thomas, the nomination of federal judges has generated intense political conflict. With the coming retirement of one or more Supreme Court Justices--and threats to filibuster lower court judges--the selection process is likely to be, once again, the center of red-hot partisan debate. In Advice and Consent, two leading legal scholars, Lee Epstein and Jeffrey A. Segal, offer a brief, illuminating Baedeker to this highly important procedure, discussing everything from constitutional background, to crucial differences in the nominees. Epstein and Segal shed light on the role played by the media, by the American Bar Association, and by special interest groups (whose efforts helped defeat Judge Bork). Though it is often assumed that political clashes over nominees are a new phenomenon, the authors argue that the appointment of justices and judges has always been a highly contentious process--one largely driven by ideological and partisan concerns. The reader discovers how presidents and the senate have tried to remake the bench, ranging from FDR's controversial "court pack" allowing the Democrats to shape the judiciary for years. The authors conclude with possible "reforms," from the so-called nuclear option, whereby a majority of the Senate could vote to prohibit filibusters, to the even more dramatic suggestion that Congress eliminate a judge's life tenure either by term limits or compulsory retirement. With key appointments looming on the horizon, Advice and Consent provides everything concerned citizens need to know to understand the partisan rows that surround the judicial nominating process.

Never HIGHLIGHT a Book Again! Virtually all of the testable terms, concepts, persons, places, and events from the textbook are included. Cram101 just the FACTS101 studyguide give all of the outlines, highlights, notes, and quizzes for your textbook with optional online comprehensive practice tests. Only Cram101 is Textbook Specific. Accompany: 9780070441675 .

The New Terrain of International Law

Judicial Process and Judicial Politics

Trial Courts in Urban Politics

Model Rules of Professional Conduct

Confirmation Wars

Consequential Courts

Evidence, Methodologies, and Findings

Judicial Politics in the United States examines the role of courts as policymaking institution, and their interactions with the other branches of government and other political actors in the American political system, helping students understand how and why courts are such important legal and political institutions in the United States. Not only does this book cover the nuts and bolts of our judicial system, from the functions, structures and processes of courts to the details of the legal profession, it goes well beyond other judicial process books by examining how the courts interact with executives, legislators, and state and federal bureaucracies. It also includes a chapter devoted to how the courts interact with interest groups, the media, and general public opinion, and a chapter examining how U.S. courts and the judges who serve on those courts interact with other judiciaries around the world, exposing students to issues beyond our borders. Judicial Politics in the United States balances coverage on the courts and judicial processes with discussions of broader issues of the courts' interactions with our larger political universe and with courts abroad, making it the quintessential text for all students of judicial processes and politics.

In 1989, the Cold War ended, there were six permanent international courts. Today there are more than two dozen that have collectively issued over thirty-seven thousand binding legal rulings. The New Terrain of International Law charts the developments and trends in the creation and role of international courts, and explains how the delegation of authority to international judicial institutions influences global and domestic politics. The New Terrain of International Law presents an in-depth look at the scope and powers of international courts operating around the world. Focusing on dispute resolution, enforcement, administrative review, and constitutional review, Karen Alter argues that international courts alter politics by providing legal, symbolic, and leverage resources that shift the political balance in favor of domestic and international actors who prefer policies more consistent with international law objectives. International courts name violations of the law and perhaps specify remedies. Alter explains how this limited power--the power to speak the law--translates into political influence, and she considers eighteen case studies, showing how international courts change state behavior. The case studies, spanning issue areas and regions of the world, collectively elucidate the political factors that often intervene to limit whether or not international courts are invoked and whether international judges dare to demand significant changes in state practices.

This book examines how the judicialization of politics, and the politicization of courts, affect representative democracy, rule of law, and separation of powers. This volume critically assesses the phenomena of judicialization of politics and politicization of the judiciary. It explores the rising impact of courts on key constitutional principles, such as democracy and separation of powers, which is paralleled by increasing criticism of this influence from both liberal and illiberal perspectives. The book also addresses the challenges to rule of law as a principle, preconditioned on independent and powerful courts, which are triggered by both democratic backsliding and the mushrooming of populist constitutionalism and illiberal constitutional regimes. Presenting a wide range of case studies, the book will be a valuable resource for students and academics in constitutional law and political science seeking to understand the increasingly complex relationships between the judiciary, executive and legislature.

The failed nomination of federal appeals court judge Robert Bork to the U.S. Supreme Court led to conclusions that the confirmation process for Supreme Court nominees had been forever changed. Commentators speculated that future nominations would be characterized by intense media coverage, heavy interest group involvement, and the selection of either «alt» nominees or non-controversial judicial moderates. This book examines the four subsequent nominations - David Souter, Clarence Thomas, Ruth Bader Ginsburg, and Stephen Breyer - to assess whether the Bork episode has had this long-term impact. Supreme Court Justices in the Post-Bork Era also focuses on the justices' actual performance on the Court in light of the confirmation process, and the author speculates about the future of Supreme Court confirmation politics.

Political Foundations of Judicial Supremacy

Dumbing Down the Courts

Courts Under Constraints

Judicial Elections in the 21st Century

The Presidency, the Supreme Court, and Constitutional Leadership in U.S. History

Judges and Politics in a Metropolitan County

Are Judges Political?

Over the past two decades, the United States has seen an intense debate about the composition of the federal judiciary. Are judges "activists"? Should they stop "legislating from the bench"? Are they abusing their authority? Or are they protecting fundamental rights, in a way that is indispensable in a free society? Are Judges Political? cuts through the noise by looking at what judges actually do. Drawing on a unique data set consisting of thousands of judicial votes, Cass Sunstein and his colleagues analyze the influence of ideology on judicial voting, principally in the courts of appeal. They focus on two questions: Do judges appointed by Republican Presidents vote differently from Democratic appointees in ideologically contested cases? And do judges vote differently depending on the ideological leanings of the other judges hearing the same case? After examining votes on a broad range of issues--including abortion, affirmative action, and capital punishment--the authors do more than just confirm that Democratic and Republican appointees often vote in different ways. They inject precision into an all-too-often impressionistic debate by quantifying this effect and analyzing the conditions under which it holds. This approach sometimes generates surprising results: under certain conditions, for example, Democrat-appointed judges turn out to have more conservative voting patterns than Republican appointees. As a general rule, ideology should not and does not affect legal judgments. Frequently, the issue is unclear and judges simply implement it, whatever their political commitments. But what happens when the law is unclear? Are Judges Political? addresses this vital question.

Uses the case of Israel to examine the circumstances that lead national courts to engage heated political issues.

Supreme Disorder

The Judicial Tug of War

Advice and Consent

Race, Gender, Sexuality, and the Politics of the American Judiciary

Judicial Power

The Behavior of Federal Judges

All Judges Are Political--Except When They Are Not