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Justice on the Brink Princeton University Press
The story of a convict's defense of his contention that a person on trial should not be denied the assistance of counsel

Leaving the Bench National Academies Press
Forty years ago C. Herman Prichett (1969) observed that "[P]olitical scientists who have done so much to put the 'political' in 'political jurisprudence' need to emphasize that it is still 'jurisprudence.'" In this dissertation project I seek to help correct this imbalance by providing three fresh approaches to understanding how legal factors influence the choices judges and justices make. Essay 1 focuses on the U.S. Supreme Court's agenda setting decisions. Drawing from the archival papers of Justice Harry A. Blackmun, I analyze the extent to which considerations such as legal conflict among the circuit courts motivate justices to deviate from casting a policy-based agenda setting vote. Essay 2 focuses on the opinion writing process on the U.S. Courts of Appeals. In particular, I ask what factors lead judges on the circuit courts to cite some legally relevant previous opinions while omitting others? Finally, Essay 3, which also examines circuit court opinion writing, explores the determinants of how judges choose to positively or negatively interpret relevant previous decisions in a given issue area. In sum, this project seeks to provide an important contribution to our substantive understanding of the U.S. Supreme Court and the circuit courts while simultaneously attempting to demonstrate that both legal and policy considerations influence judicial decision making (p.1).

Precedent, Policy, and Indeterminacy Routledge
Number of Exhibits: 1_x000D_ Court of Appeal Case(s): F010306

Paper Victories and Hard Realities Prentice Hall
The chief justice of the United States Supreme Court describes the history, evolution, operations, and decision-making procedures of the Court, and examines the relationship of the Court to Congress and the President.

Newspaper Law Palgrave Macmillan
Law clerks have been a permanent fixture in the halls of the United States Supreme Court from its founding, but the relationship between clerks and their justices has generally been cloaked in secrecy. While the role of the justice is both public and formal, particularly in terms of the decisions a justice makes and the power that he or she can wield in the American political system, the clerk has historically operated behind closed doors. Do clerks make actual decisions that they impart to justices, or are they only research assistants that carry out the instructions of the decision makers—the justices? 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 rare 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 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 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.

The Supreme Court and Article III of the United States Constitution NYU Press
In his major work, acclaimed historian and judicial authority Melvin Urofsky examines the great dissents throughout the Court's long history. Constitutional dialogue is one of the ways in which we as a people reinvent and reinvigorate our democratic society. The Supreme Court has interpreted the meaning of the Constitution, acknowledged that the Court's majority opinions have not always been right, and initiated a critical discourse about what a particular decision should mean before fashioning subsequent decisions--largely through the power of dissent. Urofsky shows how the practice grew slowly but steadily, beginning with the infamous and now overturned case of Dred Scott v. Sandford (1857) during which Chief Justice Roger Taney's opinion upheld slavery and ending with the present age of incivility, in which reasoned dialogue seems less and less possible. Dissent on the court and off, Urofsky argues in this major work, has been a crucial ingredient in keeping the Constitution alive and must continue to be so.

Model Rules of Professional Conduct West Legalworks
Presents the basics of writing legal briefs and giving oral arguments, with discussions on the essentials of building a case through legal reasoning and the key elements of persuasive and successful oral pleading in the courtroom.

Sorcerers' Apprentices Vintage
The controversy surrounding the presidential election in 2000 raised many issues regarding the behavior of some of the United States Supreme Court Justices. The Court's decision in the case of Bush v. Gore effectively stopped a recount of votes in Florida. Many critics felt this decision was politically motivated. If so, what did this say about the ability of the members of the Court to remain non-partisan? And, can justices be removed from office even though it

is assumed that they are appointed for life? Samuel A. Francis, an Albuquerque, New Mexico attorney examines all these issues and takes a hard look at what "good Behaviour" (original spelling) in Article III of the United States Constitution might mean for the justices in light of events of December 2000. In this concise book, the author also gives a brief history of the Supreme Court, a detailed appraisal of the case of Bush v. Gore, and includes the full text to the United States Constitution. * * * SAMUEL A. FRANCIS received his Bachelor's degree in political science from the University of New Mexico in 1963. He then earned his Juris Doctor degree from the University of New Mexico Law School in 1966. This is his first published work.

A Handbook of Legal Style for California Courts and Lawyers Vintage

In an article published in 1999, titled The Collapse of the Harm Principle, I argued that the harm principle, originally articulated in John Stuart Mill's essay On Liberty (1859), had collapsed under the weight of its own success and no longer serves, today, as a limiting principle on the legal enforcement of morality. Several readers raised forceful questions about the relationship between Mill's original essay and the harm principle, as well as about the continuing vitality of Mill's argument. In this article, I return to my original argument to draw an important distinction and clarify a central point. The argument in The Collapse of the Harm Principle can be slightly restated and, I believe, continues to shed light on contemporary debates over the legal regulation of morality: Today, the hegemony of the modern harm principle, developed by liberal legal thinkers at mid-twentieth century, continues to generate a proliferation of harm arguments, and the competing claims of non-trivial harms have effectively neutralized the limiting function of the harm principle. I then demonstrate the continued vitality of the argument by exploring the recent Supreme Court decision on same-sex marriage, United States v. Windsor, which, I argue, reflects perfectly the collapse of the harm principle.

A Digest of Court Decisions on Commercial and Legal Advertising, Subscriptions, Contracts, Official Papers, Libel, Lotteries, Contempt and Copyright, Classified and Indexed for Quick Reference Cambridge University Press

A reprint of the Little, Brown edition of 1943. Acidic paper. Annotation copyright Book News, Inc. Portland, Or.

American Constitutional Law Longman Publishing Group

Prepared for a seminar held by the Health Policy Center at Georgetown University on December 8, 1975.

U.S. Court Cases Taylor & Francis

Scores of talented and dedicated people serve the forensic science community, performing vitally important work. However, they are often constrained by lack of adequate resources, sound policies, and national support. It is clear that change and advancements, both systematic and scientific, are needed in a number of forensic science disciplines to ensure the reliability of work, establish enforceable standards, and promote best practices with consistent application. Strengthening Forensic Science in the United States: A Path Forward provides a detailed plan for addressing these needs and suggests the creation of a new government entity, the National Institute of Forensic Science, to establish and enforce standards within the forensic science community. The benefits of improving and regulating the forensic science disciplines are clear: assisting law enforcement officials, enhancing homeland security, and reducing the risk of wrongful conviction and exoneration. Strengthening Forensic Science in the United States gives a full account of what is needed to advance the forensic science disciplines, including upgrading of systems and organizational structures, better training, widespread adoption of uniform and enforceable best practices, and mandatory certification and accreditation programs. While this book provides an essential call-to-action for congress and policy makers, it also serves as a vital tool for law enforcement agencies, criminal prosecutors and attorneys, and forensic science educators.

The Life and Turbulent Times of Chief Justice John Roberts American Bar Association

Randall P. Bezanson's How Free Can Religion Be? explores the Supreme Court's varied history of interpreting the religious guarantees outlined in the First Amendment. The book discusses eight provocative Supreme Court decisions to track the evolution of Free Exercise and Establishment Clause doctrine, focusing on the court's shift from strict separation of church and state to a position where the government accommodates and even fosters religion. Understanding the First Amendment as a complex stew of untested political theory, fear of unlimited central government, universal acceptance of Christianity, uncertain ideas about liberty, and the backbone of a secular democracy, Bezanson evaluates the way that the Supreme Court has invoked historical perspectives to follow the shifting threads of judicial theory through a series of detailed case studies. Beginning with cases in the latter half of the nineteenth century, the cases present new problems and revisit some old ones as well: the Mormon Church's claimed belief in polygamy; state support for religious schools; the teaching of evolution and creationism in public schools; Amish claims for exemption from compulsory education laws; comparable claims for Native American religion in relation to drug laws; and rights of free speech and equal access by religious groups in colleges and public schools. Historical but not a work of history, How Free Can Religion Be? invites readers into a rewarding examination of the contested and ever-changing role and meaning of religion in America. Rather than aiming at conclusions about whether the Court's varied enforcement of the First Amendment's ambiguously worded guarantees is right or wrong, Bezanson instead works to identify the principles underlying the changes. Using transcripts of oral arguments before the Supreme Court accompanied by his own editorial narration, he engages the reader in a revealing Socratic discussion of the issues and encourages them to draw their own conclusions.

The Mind and Faith of Justice Holmes Model Rules of Professional Conduct

Each year, the Supreme Court of the United States announces new rulings with deep consequences for our lives. This third volume in Palgrave ' s SCOTUS series describes, explains, and contextualizes the landmark cases of the US Supreme Court in the term ending 2020. With a close look at cases involving key issues and debates in American politics and society, SCOTUS 2020 tackles the Court ' s rulings on LGBT discrimination, abortion regulation, subpoenas of the Trump administration, the Electoral College, DACA and presidential power, Native rights, cross-border rights, the Second Amendment, church and state, separation of powers, criminal justice, and more. Written by notable scholars in political science and law, the chapters in SCOTUS 2020 present the details of each ruling, its meaning for constitutional debate, and its impact on public policy or partisan politics. Finally, SCOTUS 2020 offers an analysis of the current state of ideological and interpretive divisions on the Court.

United States Notes GRIN Verlag

Seminar paper from the year 2012 in the subject Politics - International Politics - Region: USA, grade: 84%, Birkbeck, University of London (University of London), course: American Politics, language: English, abstract: The US Supreme Court bears the incredible responsibility for deciding the constitutional validity of cases by judging the merits of each against the Constitution. Given the context in which the Constitution was written and its often ambiguous language, the task facing the nine Justices is not simple and the Court ' s activities not without controversy. The influence of the Court has generated swathes of literature concerning how the Constitution is applied and how effective those applications have been in shaping public policy. There can be little doubt that the Supreme Court is both powerful and political and has had a major impact on American society. Indeed, it was the Court that ruled racial segregation in schools to be unconstitutional (Brown v. Board of Education 1954); guaranteed the rights to counsel and due process (Gideon v. Wainwright 1963); established the constitutional right of abortion (Roe v. Wade 1973); and famously, or perhaps

infamously, halted the Florida recount, effectively awarding the presidency to George W. Bush (Bush v. Gore 2000). This essay takes the notion that the Court is both political and powerful as given but explores whether it is too political and too powerful, to the degree that its decisions have a detrimental impact on the functioning of US democracy. In considering this issue, one needs to consider outcomes (how the Court has actually shaped public policy). This essay will focus on three policy areas where the Court has made landmark decisions (abortion, civil rights, and gun control) and explains that while the Court is, by its nature, highly political and also powerful, it does not operate in a vacuum and its influence on society in constrained by the separation of powers, the federal nature of politics, and public opinion. Supreme Court functions Before turning to the Supreme Court ' s influence on public policy, it is worth understanding what the Court is intended for. Article III of the Constitution states that ' the judicial power of the United States shall be vested in one supreme court '. This role manifests itself in two judicial review functions: (i) statutory interpretation; and (ii) constitutional interpretation of legislation. [...]

A Path Forward JHU Press

" This landmark book gives us an invaluable perspective on the Supreme Court in democracy ' s hour of maximum danger. " —Jon Meacham The gripping story of the year that transformed the Supreme Court into the court of Donald Trump and Amy Coney Barrett, from the Pulitzer Prize – winning law columnist for The New York Times At the end of the Supreme Court ' s 2019 – 20 term, the center was holding. The predictions that the court would move irrevocably to the far right hadn ' t come to pass, as the justices released surprisingly moderate opinions in cases involving abortion rights, LGBTQ rights, and how local governments could respond to the pandemic, all shepherded by Chief Justice John Roberts. By the end of the 2020 – 21 term, much about the nation ' s highest court had changed. The right-wing supermajority had completed its first term on the bench, cementing Donald Trump ' s legacy on American jurisprudence. This is the story of those twelve months. From the death of Ruth Bader Ginsburg to the rise of Amy Coney Barrett, from the pandemic to the election, from the Trump campaign ' s legal challenges to the ongoing debate about the role of religion in American life, the Supreme Court has been at the center of many of the biggest events of the year, with the liberal justices Sonia Sotomayor, Elena Kagan, and Stephen Breyer outnumbered six to three. Throughout Justice on the Brink, legendary journalist Linda Greenhouse, who won a Pulitzer Prize for her Supreme Court coverage, gives us unique insight into a court under stress, providing the context and brilliant analysis readers of her work in The New York Times have come to expect. Ultimately, Greenhouse asks a fundamental question relevant to all Americans: Is this still John Roberts ' s Supreme Court, or does the court now belong to Donald Trump?

Sunstone Press

What influences decisions of the U.S. Supreme Court? For decades social scientists focused on the ideology of individual justices. Supreme Court Decision Making moves beyond this focus by exploring how justices are influenced by the distinctive features of courts as institutions and their place in the political system. Drawing on interpretive-historical institutionalism as well as rational choice theory, a group of leading scholars consider such factors as the influence of jurisprudence, the unique characteristics of supreme courts, the dynamics of coalition building, and the effects of social movements. The volume's distinguished contributors and broad range make it essential reading for those interested either in the Supreme Court or the nature of institutional politics. Original essays contributed by Lawrence Baum, Paul Brace, Elizabeth Bussiere, Cornell Clayton, Sue Davis, Charles Epp, Lee Epstein, Howard Gillman, Melinda Gann Hall, Ronald Kahn, Jack Knight, Forrest Maltzman, David O'Brien, Jeffrey Segal, Charles Sheldon, James Spriggs II, and Paul Wahlbeck.

Mass Media and the Constitution University of Illinois Press

What motivates judges as decision makers? Political scientist Lawrence Baum offers a new perspective on this crucial question, a perspective based on judges' interest in the approval of audiences important to them. The conventional scholarly wisdom holds that judges on higher courts seek only to make good law, good policy, or both. In these theories, judges are influenced by other people only in limited ways, in consequence of their legal and policy goals. In contrast, Baum argues that the influence of judges' audiences is pervasive. This influence derives from judges' interest in popularity and respect, a motivation central to most people. Judges care about the regard of audiences because they like that regard in itself, not just as a means to other ends. Judges and Their Audiences uses research in social psychology to make the case that audiences shape judges' choices in substantial ways. Drawing on a broad range of scholarship on judicial decision-making and an array of empirical evidence, the book then analyzes the potential and actual impact of several audiences, including the public, other branches of government, court colleagues, the legal profession, and judges' social peers. Engagingly written, this book provides a deeper understanding of key issues concerning judicial behavior on which scholars disagree, identifies aspects of judicial behavior that diverge from the assumptions of existing models, and shows how those models can be strengthened.

The Implementation of the Legal and Constitutional Rights of the Mentally Disabled : Selected Papers on the Supreme Court Decision, O'Connor V. Donaldson Random House

Suing Alma Mater provides a clear-eyed perspective on the legal issues facing higher education today.

A Perspective on Judicial Behavior Alfred a Knopf Incorporated

The Supreme Court in United States History is a three-volume history of the U.S. Supreme Court, detailing its establishment, the major cases reviewed and decided by the Court, the historical events surrounding cases and decisions, and the effects that Supreme Court decisions had on the public. Author Charles Warren often references newspaper and magazine articles and letters in an attempt to capture the spirit of the times. Written with one eye on the Court and one eye on people, The Supreme Court in United States History was "an attempt to revivify the important cases decided by the Court and to picture the Court itself from year to year in its contemporary setting." Volume I describes Supreme Court History from 1789 to 1821, including the establishment of the first courts and the circuit, state sovereignty and neutrality, The Mandamus Case, impeachment and treason, Pennsylvania and Georgia against the Court, The Bank of the United States, and various Chief Justices throughout this time period. CHARLES WARREN (1868-1954) was an American legal historian and lawyer. Warren graduated from Harvard University and Harvard Law School, and received his Doctorate from Columbia University. In 1894, he founded the Immigration Restriction League with fellow Harvard graduates Prescott Hall and Robert DeCourcy Ward. He authored several legal history books, including A History of the American Bar, The Supreme Court in United States History, and The Making of the Constitution, and won the Pulitzer Prize for History in 1923. Warren was the Assistant Attorney General from 1914 to 1918 during Woodrow Wilson's Presidency and drafted the Espionage Act of 1917.