

Solving the Puzzle of Interest Group Litigation

Andrew Jay Keshner

Solving The Puzzle Of Interest Group Litigation

**Simon Halliday, Patrick Delbert
Schmidt**



Solving The Puzzle Of Interest Group Litigation:

Solving the Puzzle of Interest Group Litigation Andrew Koshner, 1998-02-12 Koshner explores the increase in interest group participation before the U S Supreme Court Since 1953 when less than 13 percent of the Court s full opinion cases were accompanied by friend of the court briefs there has been a steady increase in interest group litigation By the 1993 term interest groups participated in 92 percent of the cases brought before the Supreme Court While asking whether the rise in interest group activity in this supposedly independent arena should concern us Koshner attempts to solve the fascinating political puzzle of this tremendous growth He begins with the growth of interest group participation and asks quite simply why In answering this question Koshner draws on a series of studies that focus primarily on individual groups and their litigation decisions He then uses them to explore the macro level trends that pervade the relationship between the Supreme Court and interest groups In particular Koshner studies the roles of four important groups the Court Congress the executive branch and the interest groups themselves Within each he finds a series of changes or shifts in policy that begins to answer the puzzle and examines his conclusions within the context of First Amendment church state cases Students scholars and other researchers dealing with contemporary public law issues will find this work of particular value *Solving the Puzzle of Interest Group Litigation* Andrew Koshner, 1998-02-12 Koshner explores the increase in interest group participation before the U S Supreme Court Since 1953 when less than 13 percent of the Court s full opinion cases were accompanied by friend of the court briefs there has been a steady increase in interest group litigation By the 1993 term interest groups participated in 92 percent of the cases brought before the Supreme Court While asking whether the rise in interest group activity in this supposedly independent arena should concern us Koshner attempts to solve the fascinating political puzzle of this tremendous growth He begins with the growth of interest group participation and asks quite simply why In answering this question Koshner draws on a series of studies that focus primarily on individual groups and their litigation decisions He then uses them to explore the macro level trends that pervade the relationship between the Supreme Court and interest groups In particular Koshner studies the roles of four important groups the Court Congress the executive branch and the interest groups themselves Within each he finds a series of changes or shifts in policy that begins to answer the puzzle and examines his conclusions within the context of First Amendment church state cases Students scholars and other researchers dealing with contemporary public law issues will find this work of particular value *The Palgrave Encyclopedia of Interest Groups, Lobbying and Public Affairs* Phil Harris, Alberto Bitonti, Craig S. Fleisher, Anne Skorkjær Binderkrantz, 2022-06-20 The growing need for a concise and comprehensive overview of the world of interest groups lobbying and public affairs called for a compendium of existing research key theories concepts and case studies This project is the first transnational encyclopedia to offer such an interdisciplinary and wide overview of these topics including perspectives on public relations crisis management communication studies as well as political science political marketing and policy studies It is an

interdisciplinary work which involved an extraordinary pool of contributors made up of leading scholars and practitioners from all around the globe it is a live and evolving project focused on drawing together grounded international knowledge for our diverse and developing world The 200 entries of the Palgrave Encyclopedia of Interest Groups Lobbying and Public Affairs to be found as a live reference work online here and in two print volumes in 2022 address these research avenues tackling a growing demand for a comprehensive international reference work regarding key global sectors and policymaking structures looking beyond the traditional markets of Europe and North America to incorporate practice and research from Asia Africa Oceania and Latin America This encyclopedia acts as a synthesis of existing research and aims to aid academics students and practitioners navigate their relevant fields around the globe *Litigation as Lobbying* Julianna S. Gonen, 2003 This book is a case study that shows how interest groups use the litigation process to further their policy agendas The case detailed here revolves around issues of reproductive health It is a good illustration of the commonly held view among judicial scholars that the judicial process is essentially the same as the political process that in both cases there is room for influence from a variety of sources The Culture of Conservative Christian Litigation Hans J. Hacker, 2005-05-05 Over the past decade conservative Christian public law firms have been some of the most active and aggressive litigators in the nation Their efforts have impacted important policy areas including religion in the Public Square school prayer gay rights family values and abortion policy But the Fundamentalist Christian Evangelical social movement is not monolithic In this probing and judicious work Hacker explores and clarifies the influence of ideology on the goals and behavior of three leading conservative Christian law firms and how they differ in agendas and approach He provides rich interview narratives that shed light on interest group behavior and how it is influenced by internal group characteristics *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

Downsizing Democracy Matthew A. Crenson, Benjamin Ginsberg, 2020-03-03 Originally published in 2002 In Downsizing Democracy Matthew A Crenson and Benjamin Ginsberg describe how the once powerful idea of a collective citizenry has given way to a concept of personal autonomous democracy Today political change is effected through litigation lobbying and term limits rather than active participation in the political process resulting in narrow special interest groups dominating state and federal decision making At a time when an American s investment in the democratic process has largely

been reduced to an annual contribution to a political party or organization Downsizing Democracy offers a critical reassessment of American democracy **Human Rights Brought Home** Simon Halliday, Patrick Delbert Schmidt, 2004-08 This collection of essays written by a range of distinguished socio legal scholars explores human rights in domestic legal systems *Law as a Means to an End* Brian Z. Tamanaha, 2006-10-02 The contemporary US legal culture is marked by ubiquitous battles among various groups attempting to seize control of the law and wield it against others in pursuit of their particular agenda This battle takes place in administrative legislative and judicial arenas at both the state and federal levels This book identifies the underlying source of these battles in the spread of the instrumental view of law the idea that law is purely a means to an end in a context of sharp disagreement over the social good It traces the rise of the instrumental view of law in the course of the past two centuries then demonstrates the pervasiveness of this view of law and its implications within the contemporary legal culture and ends by showing the various ways in which seeing law in purely instrumental terms threatens to corrode the rule of law *Lobbying the European Union* David Coen, Jeremy Richardson, 2009-06-04 Seeking to understand the role of interest groups in the policy process from agenda setting to implementation in the EU this book contains details of processes of institutional and actor learning professionalisation of lobbying and the possible emergence of a distinct EU public policy style **Law and Social Movements** Michael McCann, 2017-07-05 The work of both socio legal scholars and specialists working in social movements research continues to contribute to our understanding of how law relates to and informs the politics of social movements In the 1990s an important line of new research most of it initiated by those working in the law and society tradition began to bridge the gaps between these two areas of scholarship This work includes new approaches to group legal mobilization politics analysis of the judicial impact on social reform struggles studies of individual legal mobilization in civil disputing and an almost entirely new area of research in cause lawyering It brings together the best of this research introduced by a detailed essay by the editor **Litigating Federalism** Bill Swinford, Eric N. Waltenburg, 1999-01-30 Waltenburg and Swinford provide a detailed and systematic examination of state government activity before the U S Supreme Court They provide an explanatory model of state litigation behavior that both rests upon a solid theoretical perspective and places state decisions in a larger political context After an examination of the evolution of U S constitutional law on issues of direct state concern Waltenburg and Swinford focus most of their attention on qualitative and quantitative analyses of the behavior over time of states in all their roles before the Court Scholars and other researchers interested in judicial decision making Constitutional Law and inter governmental relations will find this a particularly useful study **First among Friends** Suzanne U. Samuels, 2004-09-30 In the last several decades there has been an explosion in the number of amici curiae or friend of the Court briefs filed with the U S Supreme Court Amici are not formal parties to a lawsuit but file to help inform the Justices about the wider repercussions of the case before them Public law scholars have long discussed whether these briefs have an impact on the Justices This book is the

first study that seeks to assess the extent of amici influence This work examines the role of interest groups in the creation and interpretation of the right to privacy a highly controversial right that derived almost entirely from case law It looks at amici participation in abortion aid in dying family relationships and anti sodomy cases This volume tracks the influence of amici arguments and data on the Justices handling of these cases *Social Capital in the City* Richardson Dilworth,2010-06-04 The first interdisciplinary work to examine social capital in a single city Making Government Manageable Thomas H. Stanton,Benjamin Ginsberg,2004-05-21 Publisher Description *The Judges' Journal* ,1999 **The Appearance of Equality** Christophe M. Burke,1999-06-30 An examination of the language of law in the area of political representation this book considers the development and recognition of group claims brought pursuant to the Voting Rights Act and the Equal Protection Clause in Supreme Court opinions In his analysis Burke highlights the different discursive strategies broadly identified as liberal and communitarian used by the Supreme Court to justify the outcomes of various cases and he argues that no particular strategy of justification is inherently politically conservative or liberal and that no conception of political representation is unassailable Therefore it is unlikely that the Supreme Court will articulate a stable measure of fair representation The Supreme Court offers one more forum in the deliberation over what is fair representation however it is not likely to provide minority communities with a legal answer to the problem of political underrepresentation As such this book tells the uncertain story of the creation of political fairness by the Supreme Court The language used to characterize what is fair and representative and the theoretical designs which the rhetoric reflects allows us to formulate concepts of fair representation as legal standards evolve By placing the debate over fair representation in not only political and legal but also philosophical terms we are better able to understand the inevitable tensions that drive the concept of representation into new ill defined and contentious areas **The Supreme Court's Retreat from Reconstruction** Frank J. Scaturro,2000-03-30 As the nation turned its back on Reconstruction the Supreme Court in turn narrowed Thirteenth Fourteenth and Fifteenth Amendment protections of former slaves thus straying from the understanding of the amendments framers Tracking a long line of cases that employed narrow constructions of these amendments and accompanying statutes this study compares the Court s propositions to the framers own interpretations The resulting portrait makes it clear that the Court contributed in a significant way to the nation s retreat from Reconstruction Before analyzing the relevant cases Scaturro provides a historical synopsis of the collapse of Reconstruction The final section demonstrates how the twentieth century Court handed down decisions that accommodated the demands of the Civil Rights Movement but did so with constitutional interpretations that preserved several misunderstandings about the Reconstruction Amendments especially the Fourteenth This study helps to resolve a contemporary dilemma regarding the consequences of the Court s narrowing of the Interstate Commerce Clause It also challenges long standing assumptions about the state action requirement of the Fourteenth and Fifteenth Amendments as well as the Fourteenth Amendment s Privileges and Immunities Clause Besides

being valuable to Supreme Court historians the subject matter of this volume which covers both constitutional law and legal history will be of substantial interest to lawyers judges and political scientists particularly in view of recent developments on the high Court The lessons taught by this chapter of Supreme Court jurisprudence offer insight into constitutional interpretation in general and the conclusion develops this idea by looking at the problematic interaction between law and outside historical influences Queer Mobilizations Scott Barclay, Mary Bernstein, Anna-Maria Marshall, 2009-09 This innovative collection of essays delves into the complex relationships between social movements and legal institutions The essays creatively address the contradictory goals in the battles for social change by LGBT movements and the normalization that can often result from legal decisions Peter M Nardi Cover page 4 **Inherent Rights, the Written Constitution, and Popular Sovereignty** Thomas B. McAfee, 2000-07-30 In recent decades the Ninth Amendment a provision designed to clarify that the federal government was to be one of enumerated and limited powers has been turned into an unenumerated rights clause that effectively grants unlimited power to the judiciary Was this the intent of the framers of the Constitution McAfee argues that the founders had a rather different set of priorities than ours and that the goal of enforcing fundamental human rights was not why they drafted any of the first ten amendments They did not intend to grant to the courts the power to generate fundamental rights whether by reference to custom or history reason or natural law or societal values or consensus It has become increasingly popular to identify our constitutional order as an experiment in the protection of fundamental human rights and to forget that it is also an experiment in self government As fundamental as the founding generation believed basic rights to be they saw popular authority to make decisions about government as being even more central to the project in which they were engaged They supported natural law and rights but they felt strongly that those rights did not bind the people or their government unless they were inserted in the written Constitution They did not contemplate that there would be unwritten limitations on the powers granted to government

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