

SELECTION OF FEDERAL JUDGES

- ✧ All federal judges need to be confirmed by the Senate (based on the Senate's constitutional duty to “advice and consent”)
 - + **Senatorial Courtesy:** an unwritten political custom whereby the President consults the Senators of his political party of a given state before nominating any person to a federal vacancy within that Senator's state, usually applied to district judges.
- ✧ Once in office, federal judges have lifetime tenure assuming they have “good behavior” in office—can only be removed by impeachment.
- ✧ What are the qualities of a good judge?
- ✧ Criteria usually used to select judges:
 - + Judicial Competence
 - + Ideology
 - ✧ **Litmus Test** -an examination of the political ideology of a nominated judge—seen by some as controversial
 - + Gender/Racial/Ethnic/Religious background taken into consideration

The Judges War The Senate Legal Culture Political Ideology And Judicial

Robert A. Katzmann



The Judges War The Senate Legal Culture Political Ideology And Judicial:

Courts and Congress Robert A. Katzmann, 2010-12-01 What role should the Senate play in the selection and confirmation of judges What criteria are appropriate in evaluating nominees What kinds of questions and answers are appropriate in confirmation hearings How do judges interpret laws enacted by Congress and what problems do they face And what kinds of communications are proper between judges and legislators These questions go to the heart of the relationship between the federal judiciary and Congress a relationship that critically shapes the administration of justice The judiciary needs an environment respectful of its mission and the legislative branch seeks a judicial system that faithfully construes its laws and efficiently discharges justice But the judicial congressional relationship is hindered by an array of issues including an ever rising judicial caseload federalization of the law resource constraints concerns about the confirmation process increasing legislative scrutiny of judicial decisionmaking and the administration of justice and debates about how the courts should interpret legislation Drawing on the world of scholarship and from personal experience Robert A Katzmann examines governance in judicial congressional relations After identifying problems he offers ways to improve understanding between the two branches Copublished with the Governance Institute **Judicial Review and American Conservatism** Robert Daniel Rubin, 2017-03-20 Majoritarian Justices The Great Debate The Imperial Judiciary Notes Index **Calhoun and Popular Rule** H. Lee Cheek, 2004 Although John C Calhoun 1782 1850 remains one of the major figures in American political thought many of his critics have tried to discredit him as merely a Southern partisan whose ideas were obsolete even during his lifetime In Calhoun and Popular Rule H Lee Cheek Jr attempts to correct such misconceptions by presenting Calhoun as an original political thinker who devoted his life to the recovery of a proper mode of popular rule As the first combined evaluation of Calhoun s most important treatises The Disquisition and The Discourse this work merges Calhoun s theoretical position with his endeavors to restore the need for popular rule It also compares Calhoun s ideas with those of other great political thinkers such as Thomas Jefferson and James Madison while explaining what is truly unique about Calhoun s political thought *The Judges War* Patrick B. McGuigan, Jeffrey P. O'Connell, 1987 **The American Presidency** Forrest McDonald, 1994 McDonald explores how and why the presidency has evolved into such a complex and powerful institution unlike any other in the world He chronicles the presidency s creation implementation and evolution and explains why it s still working today despite its many perceived afflictions **The Judicial Tug of War** Adam Bonica, Maya Sen, 2021 Presents a novel theory explaining how and why politicians and lawyers politicise courts Selecting and Confirming Federal Judges Thomas L. Jipping, 1997 **The Nomination and Confirmation of Supreme Court Justices and the Separation of Powers** Linda Lee Norman, 1991 **A Judiciary Diminished is Justice Denied** United States. Congress. House. Committee on the Judiciary. Subcommittee on the Constitution, 2002 **Family Protection Report** , 1987 **Criminal Justice Review** , 1989 **Government Lawyering** , 1998 *Ninth Justice* Patrick B. McGuigan, Dawn M.

Weyrich,1993-02-08 Ninth Justice is the story of a vigorous band of underfunded determined movement conservative activists who labored tirelessly for the U S Senate s confirmation of Judge Robert H Bork after President Ronald Reagan nominated him to the Supreme Court in July 1987 It chronicles the organizational efforts primarily of Patrick B McGuigan Coalitions for America and Daniel L Casey American Conservative Union both intensely Republican devout Catholics ardent admirers of the nominee who understood from the first moment of the battle that they were involved in the most significant political confrontation of their lives *Bibliographic Guide to Law* ,1987 Michigan Law Review ,1989 **American Courts** Lawrence Baum,1994 *National Legal Bibliography* ,1987 *Selected Acquisitions* Robert Crown Law Library,1987

The Challenge of Populism Michael P. Federici,1991-08-30 Focusing on post war right wing populism this work presents a qualitative analysis of America s current trend toward populism Tracing the intellectual origins of present populist movements it explores the extent to which such movements complement the American constitutional tradition How Judges Think Richard A. Posner,2010-05-01 A distinguished and experienced appellate court judge Richard A Posner offers in this new book a unique and to orthodox legal thinkers a startling perspective on how judges and justices decide cases When conventional legal materials enable judges to ascertain the true facts of a case and apply clear pre existing legal rules to them Posner argues they do so straightforwardly that is the domain of legalist reasoning However in non routine cases the conventional materials run out and judges are on their own navigating uncharted seas with equipment consisting of experience emotions and often unconscious beliefs In doing so they take on a legislative role though one that is confined by internal and external constraints such as professional ethics opinions of respected colleagues and limitations imposed by other branches of government on freewheeling judicial discretion Occasional legislators judges are motivated by political considerations in a broad and sometimes a narrow sense of that term In that open area most American judges are legal pragmatists Legal pragmatism is forward looking and policy based It focuses on the consequences of a decision in both the short and the long term rather than on its antecedent logic Legal pragmatism so understood is really just a form of ordinary practical reasoning rather than some special kind of legal reasoning Supreme Court justices are uniquely free from the constraints on ordinary judges and uniquely tempted to engage in legislative forms of adjudication More than any other court the Supreme Court is best understood as a political court

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