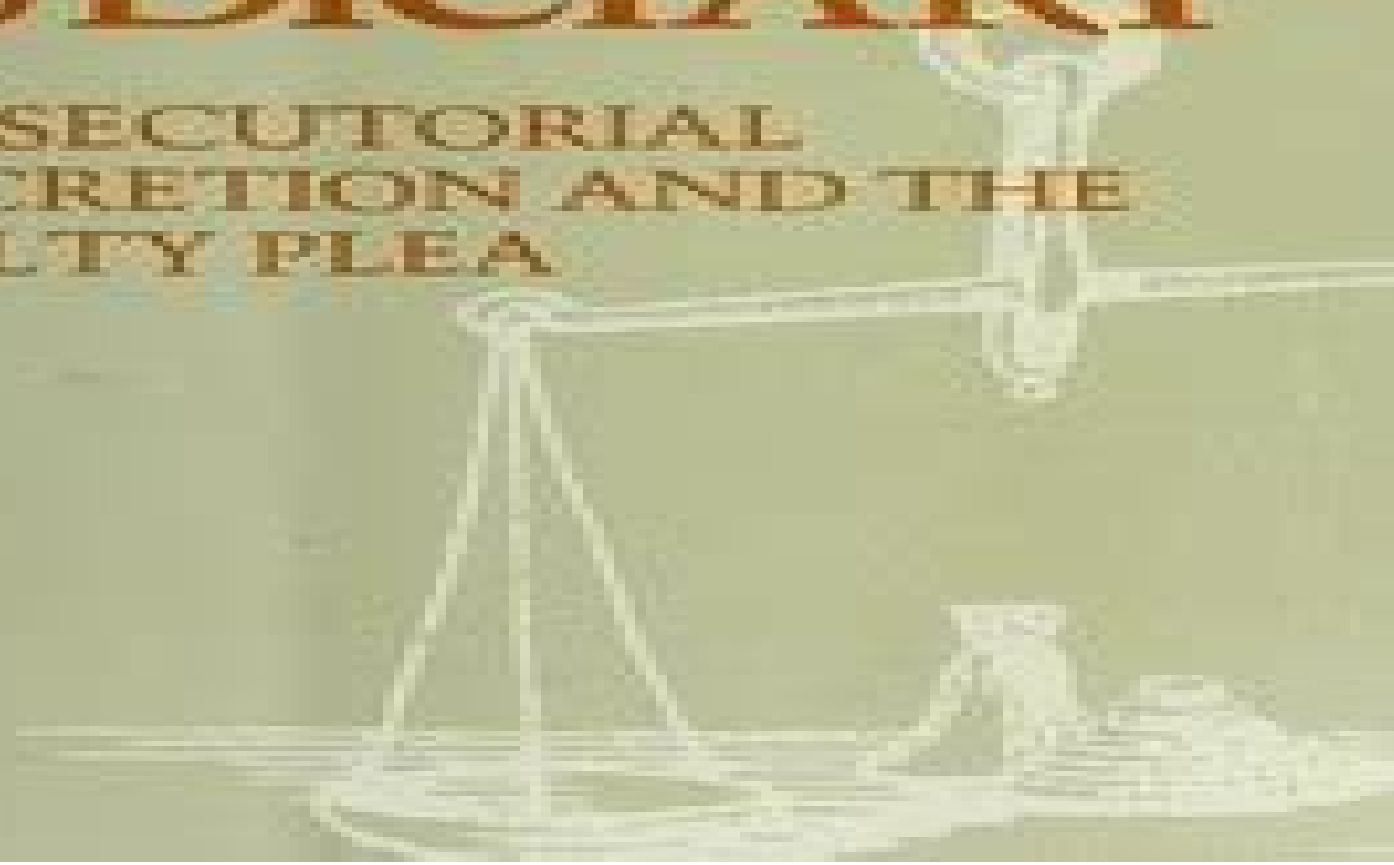


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THE PASSIVE JUDICIARY

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the late Bernard Schwartz



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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.

Bargaining in the Criminal Justice Systems of the United States and Germany Susanne Kobor, 2008. The book compares the bargaining practice in the United States and Germany, it displays differences and similarities, also taking historical as well as legal and cultural aspects into consideration. The author shows that bargaining in both countries is highly influenced by the respective legal systems, common and civil law. The study also pays attention to current developments, changes, and proposed legislation.

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Legal Responses to International Terrorism M. Cherif Bassiouni, 2024-09-02. **The Warren Court: A Retrospective** the late Bernard Schwartz, 1996-10-10. A judge made revolution. The very term seems an oxymoron yet this is exactly what the Supreme Court under Chief Justice Earl Warren achieved. In Bernard Schwartz's latest work based on a conference at the University of Tulsa College of Law, we get the first retrospective on the Warren Court, a detailed analysis of the Court's accomplishments including original pieces by well-known judges, professors, lawyers, popular writers such as Anthony Lewis, David Halberstam, David J. Garrow, and a rare personal remembrance by Justice William J. Brennan Jr. *The Warren Court: A Retrospective* begins with an examination of the Court's decisions in a variety of different fields such as equal protection, freedom of speech, freedom of the press, and criminal law. The work continues with *The Justices*, an intimate look at the principal protagonists in the Court's operation. Then in *A Broader Perspective*, the book looks at the Court from an historical perspective, demonstrating its impact on the legal profession and jurisprudence, its international impact, and its legacy. Both readable and informative, *The Warren Court: A Retrospective* provides an invaluable source for anyone interested in the Court that did so much to change America.

Judicial Activism Luís Pereira Coutinho, Massimo La Torre, Steven D. Smith, 2015-05-26. This volume offers different perspectives on judicial practice in the European and American contexts, both arguably characterized in the last decades by the emergence of novel normative and even policy arguments by judges. The central question deserving the attention of the contributors concerns the degree in which judicial exercises in practical reasoning may amount to forms of judicial usurpation of the legislative function.

by courts Since different views as to the nature and scope of legal reasoning lead to different degrees of tolerance regarding what should be admissible to courts that same nature and scope is thoroughly debated The main disciplinary approach is that of general jurisprudence but the contributions take stock of other disciplines in which judicial activism has been addressed namely positive theories of judicial behavior Accordingly the book also explores the development of interdisciplinary dialogue about the theme

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Judicial Avoidance Carolina Alves das Chagas, 2023-08-24 This book analyses cases of judicial avoidance what happens when courts leave some or all of the merits of a case undecided It explores examples of justiciability assessments and deferential approaches regarding the decision of another authority and examines legitimacy issues involving judicial avoidance The reader is presented with answers to two fundamental questions that guide the development of the book Is it legitimate to practise judicial avoidance How could judicial avoidance be practised legitimately The conflict of competences which often emerges in instances of judicial avoidance is an important book baseline From this conflict the book considers and defends the possibility of applying formal balancing to provide a clearer structure of the exercise of justiciability and judicial deference The formal balancing methodology is based on Alexy s principles theory and its connection with judicial avoidance represents a significant contribution and novel point in constitutional adjudication

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