

U.S. Supreme Court Decision Making Process

- Review of petitions for writs of *certiorari* and *writs of appeal*.
- Filing of written briefs
- Oral arguments
- Decision conferences
- Assignment of opinions
- Development of concurring and dissenting opinions
- Announcement of decision and publication of opinions

Supreme Court Decision Making

Salmon A. Shomade



Supreme Court Decision Making:

Supreme Court Decision-Making Cornell W. Clayton, Howard Gillman, 1999 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

Decision Making by the Modern Supreme Court Richard L. Pacelle, 2011 There are three general models of Supreme Court decision making the legal model the attitudinal model and the strategic model But each is somewhat incomplete This book advances an integrated model of Supreme Court decision making that incorporates variables from each of the three models In examining the modern Supreme Court since *Brown v Board of Education* the book argues that decisions are a function of the sincere preferences of the justices the nature of precedent and the development of the particular issue as well as separation of powers and the potential constraints posed by the president and Congress To test this model the authors examine all full signed civil liberties and economic cases decisions in the 1953-2000 period Decision Making by the Modern Supreme Court argues and the results confirm that judicial decision making is more nuanced than the attitudinal or legal models have argued in the past

An Introduction to Supreme Court Decision Making Harold J. Spaeth, 1972

Values in the Supreme Court Rachel J. Cahill-O'Callaghan, 2020 This book draws on theories and techniques from psychology to understand the role of values in Supreme Court decision making It centres on a novel method of content analysis of judgments to reveal the values that underpin decision making and discusses the potential implications this may have for developments in the law and the appointment of the judiciary The book examines those cases which divide judicial opinion Dworkin's hard cases in which the result is not clearly dictated by statute or precedent In hard cases there is real uncertainty about the legal rules that should be applied and factors beyond the traditional legal sources may influence the decision making It is in these uncertain cases where legal developments can rest on a single judicial decision that values are revealed in the judgments Provided by publisher

[The Psychology of Judicial Decision Making](#) David E. Klein, Gregory Mitchell, 2010-02-08 Over the years psychologists have devoted uncountable hours to learning how human beings make judgments and decisions As much progress as scholars have made in explaining what judges do over the past few decades there remains a certain lack of depth to our understanding Even where scholars can

make consensual and successful predictions of a judge's behavior they will often disagree sharply about exactly what happens in the judge's mind to generate the predicted result This volume of essays examines the psychological processes that underlie judicial decision making Judicial Decision-making Glendon A. Schubert, 1963 **Rationing the Constitution** Andrew Coan, 2019-04-29 Compared to the vast machinery surrounding Congress and the president the Supreme Court is a tiny institution that can resolve only a small fraction of the constitutional issues that arise in any given year Andrew Coan shows that this simple yet frequently ignored fact is essential to understanding how the Supreme Court makes constitutional law **Strategic Behavior and Policy Choice on the U.S. Supreme Court** Thomas H. Hammond, Chris W. Bonneau, Reginald S. Sheehan, 2005 This book presents the first comprehensive model of policymaking by strategically rational justices who pursue their own policy preferences in the Supreme Court's multi stage decision making process *Values in the Supreme Court* Rachel Cahill-O'Callaghan, 2020-02-20 This book examines the significance of values in Supreme Court decision making Drawing on theories and techniques from psychology it focuses on the content analysis of judgments and uses a novel methodology to reveal the values that underpin decision making The book centres on cases which divide judicial opinion Dworkin's hard cases in which the result is not clearly dictated by statute or precedent In hard cases there is real uncertainty about the legal rules that should be applied and factors beyond traditional legal sources may influence the decision making process It is in these uncertain cases where legal developments can rest on a single judicial decision that values are revealed in the judgments The findings in this book have significant implications for developments in law judicial decision making and the appointment of the judiciary *Constitutional Process* Maxwell L. Stearns, 2002 This is the first comprehensive analysis of how the collective nature of Supreme Court decision making affects the transformation of the justices preferences into constitutional doctrine Analyzing the Supreme Court from the perspective of social choice theory Maxwell L Stearns offers new insights into Supreme Court decision making that have profound implications for understanding the outcomes in a number of cases and the resulting doctrinal development within constitutional law which traditional analyses have proven ill equipped to explain The book models several important process based Supreme Court rules including outcome voting the narrowest grounds rule stare decisis and justiciability with a particular emphasis on standing These doctrines have each had a significant impact upon the evolution of modern constitutional law including but not limited to the following areas affirmative action school desegregation racial gerrymandering obscenity and abortion Each model is presented in nontechnical language with several concrete illustrations drawn from recent Supreme Court case law The book offers a new understanding of two apparently paradoxical situations first cases in which there are separate majorities on specific issues in the case that suggest logically that there should be a majority for the dissenting result and second cases in which discrete minorities as opposed to the apparent majority control the identification and resolution of dispositive case issues In addition the book sheds new light on why the Court employs stare decisis even though the doctrine

grounds the evolution of legal doctrine on the order in which cases are presented and decided and on how the modern standing doctrine ameliorates the incentives for interest groups to time the litigation of cases in a way that will exert a disproportionate influence over the direction of constitutional doctrine This book will appeal to scholars of the Supreme Court or judicial decision making It should also be of interest to students of social choice and of law and economics who have not previously considered the Supreme Court or constitutional law as fertile ground for their disciplines Maxwell L Stearns is Professor of Law George Mason University School of Law

United States Supreme Court Decision Making Jesse Menlove, 2006

Constitutional Law and Supreme Court Decision-making Sheldon Goldman, 1982

The Influence Case Strength on Supreme Court Decision Making Elizabeth Lane, 2019

The Supreme Court sits at the top of the United States legal system and despite its position researchers do not possess a systematic way to assess the contemporaneous influence of law on judicial decision making This is problematic given research findings over the past two decades that reveal law does impact judicial decision making In this dissertation I argue that bench memoranda provide a solution to this issue I use Justice Harry Blackmun's bench memoranda authored by his law clerks to provide an evaluation of each party's legal argument based on the information provided from merits and amicus curiae briefs to create a measure of case strength This measure helps to distinguish the legal aspects of judicial decision making to determine which litigant has a stronger case With this measure I demonstrate that Supreme Court justices can be constrained by law when it acts contrary to their policy preferences I also show that an attorney's position that is more strongly supported by law can help overcome a poor oral argument performance Additionally I examine how law impacts other aspects of the decision making process and show that justices' bargaining responses to the majority opinion are dependent on how strongly the law supports the majority's position Lastly I demonstrate the richness of these bench memoranda data by showing that the quality of amicus briefs significantly impacts the likelihood of success for the position in which they advocate

Oral Arguments and Decision Making on the United States Supreme Court Timothy R. Johnson, 2004-07-15

How oral arguments influence the decisions of Supreme Court justices

Judicial Decision Making Lawrence S. Wrightsman, 2012-12-06

In the mid 1970s as a social psychologist dedicated to the application of knowledge I welcomed our field's emerging interest in the legal system I have always been fascinated by jury trials something about the idea that two conceptions of the truth were in irrevocable conflict and jurors could choose only one of them More important the criminal justice system is a major social force that has been ignored by social psychologists for most of the twentieth century As I systematically began to explore the applications of social psychological concepts to the law 20 years ago I experienced the delight of discovery similar to that of a child under a Christmas tree It has been satisfying to be among the cohort of researchers who have studied the legal system especially trial juries from a psychological perspective I believe we have learned much that would be useful if the system were to be revised If the system were to be revised there's the rub As I have stated my original motivation was the application of knowledge

Like other social scientists I believed perhaps arrogantly that the results of our research efforts could be used to make trial juries operate with more efficiency accuracy and satisfaction Over the last two decades much knowledge has accumulated How can we put this knowledge to work Judges are the gatekeepers of the legal system

Decision Making and Controversies in State Supreme Courts Salmon A. Shomade, 2018-10-15 Foregrounding religious racialized and gendered disputes Decision Making and Controversies in State Supreme Courts examines state supreme court decision making during controversies Using case studies within Alabama Louisiana and Wisconsin Salmon Shomade identifies and analyses the predominant factors influencing decision making in times of court contention In this book Shomade assesses how the justices interpersonal dynamics and controversial issues of religion race and gender impact their decision making Specifically the book focuses on former Alabama Chief Justice Roy Moore and the Ten Commandments monument crisis Louisiana Chief Justice Bernette Johnson and her elevation dispute and former Wisconsin Justice David Prosser and his conflicts with two female colleagues The book contributes to the literature on decision making in state appellate courts by building upon established models utilized for assessing these courts

Decision Making in the Supreme Court of India Vijay Kumar Gupta, 1995 This Work Offers A Quantitative Analysis Of The Indian Supreme Court S Decision Making Process Adopting A Methodology Which Is Unorthodox As Well As Innovative In The Field Of Judicial Research In India It Is Unorthodox In The Sense That It Makes A Complete Departure From The Mainstream Writings Of The Common Law Traditions And Shifts Its Focus From What The Judges Say In Their Opinions To What Do They Do By Casting Their Votes In Favour Or Against The Parties Involved In The Controversies Before Them The Methodology Is Innovative To The Extent That For The First Time The Individual Judges Decision Making Behaviour Has Been Subjected To A Rigorous Quantitative Analysis In The Overall Institutional Context The Book Examines A Whole Range Of Factors Which Go As Essential Input Into The Supreme Court S Decision Making Process Several Assumptions Relating To The Appointment Of Judges In The Court The Chief Justice And His Leadership Role The Business Environment The Structural Arrangement Of Its Decision Making Function The Nature Of Agreement And Disagreement Among The Judges On The Decision Making Panels And The Value Orientation Of Judges Have Been Subjected To Close Scrutiny With A View To Provide An Understanding Of How The Decision Makers In The Apex Court Go About Making Decisions Which Are Not Only Of Great Significance For The Immediate Parties Involved But At Times May Have Far Reaching Consequences For A Large Number Of Groups And Sections Of The Indian Society Chapter 1 Jurimetrics A Note On Methodology Part I The Decision Makers Chapter 2 Appointment Of The Chief Justice Of India Chapter 3 Selection And Appointment Of Judges Part Ii Institutional Environment Chapter 4 Business Of The Court Chapter 5 Structure Of Decision Making Part Iii Voting Behaviour Chapter 6 Nature Of Participation Dissent Concurrence And Unanimity Chapter 7 Attitudes And Value Orientations Part Iv Conclusion Chapter 8 Conclusion

The Supreme Court Tom S. Clark, 2019-03-14 This book presents a quantitative history of constitutional law in the United States and brings together humanistic and social

scientific approaches to studying law Using theoretical models of adjudication Tom S Clark presents a statistical model of law and uses the model to document the historical development of constitutional law Using sophisticated statistical methods and historical analysis of court decisions the author documents how social and political forces shape the path of law Spanning the history of constitutional law since Reconstruction this book illustrates the way in which the law evolves with American life and argues that a social scientific approach to the history of law illuminates connections across disparate areas of the law connected by the social context in which the Constitution has been interpreted

Decision Making in the Supreme Court of the United States Joseph Francis Menez, 1984-05-15 **Judicial Decision-Making in a Globalised World**

Elaine Mak, 2014-07-04 Why do judges study legal sources that originated outside their own national legal system and how do they use arguments from these sources in deciding domestic cases Based on interviews with judges this book presents the inside story of how judges engage with international and comparative law in the highest courts of the United Kingdom Canada the United States France and the Netherlands A comparative analysis of the views and experiences of the judges clarifies how the decision making of these Western courts has developed in light of the internationalisation of law and the increased opportunities for transnational judicial communication While the qualitative analysis reveals the motives that judges claim for using foreign law and the influence of globalist and localist approaches to judging the author also finds suggestions of a convergence of practices between the courts that are the subject of this study This empirical analysis is complemented by a constitutional theoretical inquiry into the procedural and substantive factors of legal evolution which enable or constrain the development and possible convergence of highest courts practices The two strands of the analysis are connected in a final contextual reflection on the future development of the role of Western highest courts

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Table of Contents Supreme Court Decision Making

1. Understanding the eBook Supreme Court Decision Making
 - The Rise of Digital Reading Supreme Court Decision Making
 - Advantages of eBooks Over Traditional Books
2. Identifying Supreme Court Decision Making
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Supreme Court Decision Making
 - User-Friendly Interface
4. Exploring eBook Recommendations from Supreme Court Decision Making
 - Personalized Recommendations
 - Supreme Court Decision Making User Reviews and Ratings
 - Supreme Court Decision Making and Bestseller Lists

5. Accessing Supreme Court Decision Making Free and Paid eBooks
 - Supreme Court Decision Making Public Domain eBooks
 - Supreme Court Decision Making eBook Subscription Services
 - Supreme Court Decision Making Budget-Friendly Options
6. Navigating Supreme Court Decision Making eBook Formats
 - ePub, PDF, MOBI, and More
 - Supreme Court Decision Making Compatibility with Devices
 - Supreme Court Decision Making Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Supreme Court Decision Making
 - Highlighting and Note-Taking Supreme Court Decision Making
 - Interactive Elements Supreme Court Decision Making
8. Staying Engaged with Supreme Court Decision Making
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Supreme Court Decision Making
9. Balancing eBooks and Physical Books Supreme Court Decision Making
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Supreme Court Decision Making
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Supreme Court Decision Making
 - Setting Reading Goals Supreme Court Decision Making
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Supreme Court Decision Making
 - Fact-Checking eBook Content of Supreme Court Decision Making
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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