

# The American Courts: A Critical Assessment

Gates, John B.

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# The American Courts A Critical Assessment

**Lee Epstein**



## **The American Courts A Critical Assessment:**

The American Courts J. B. Gates, C. A. Johnson, **The Puzzle of Judicial Behavior** Lawrence Baum, 2009-10-22 How do we explain judges decisions *Judicial Politics* Elliot E. Slotnick, 1999 This anthology of more than seventy articles published by the American Judicature Society is distributed by Rowman Littlefield Publishers **In Defense of a Political Court** Terri Jennings Peretti, 2001-10-29 Can the Supreme Court be free of politics Do we want it to be Normative constitutional theory has long concerned itself with the legitimate scope and limits of judicial review Too often theorists seek to resolve that issue by eliminating politics from constitutional decisionmaking In contrast Terri Peretti argues for an openly political role for the Supreme Court Peretti asserts that politically motivated constitutional decisionmaking is not only inevitable it is legitimate and desirable as well When Supreme Court justices decide in accordance with their ideological values or consider the likely political reaction to the Court s decisions a number of benefits result The Court s performance of political representation and consensus building functions is enhanced and the effectiveness of political checks on the Court is increased Thus political motive in constitutional decision making does not lead to judicial tyranny as many claim but goes far to prevent it Using pluralist theory Peretti further argues that a political Court possesses instrumental value in American democracy As one of many diverse and redundant political institutions the Court enhances both system stability and the quality of policymaking particularly regarding the breadth of interests represented **American Criminal Courts** Casey Welch, John Randolph Fuller, 2013-04-05 American Criminal Courts Legal Process and Social Context provides a complete picture of both the theory and day to day reality of criminal courts in the United States The book begins by exploring how democratic processes affect criminal law the documents that define law the organizational structure of courts at the federal and state levels the overlapping authority of the appeals process and the effect of legal processes such as precedent jurisdiction and the underlying philosophies of various types of courts In practice criminal courts are staffed by people who represent different perspectives occupational pressures and organizational goals Thus this book includes chapters on actors in the traditional courtroom workgroup judges prosecutors and defense attorneys etc as well as those outside the court who seek to influence it including advocacy groups the media and politicians It is the interplay between the court s legal processes and the social actors in the courtroom that makes the application of criminal law fascinating By focusing on the tension between the law and the actors inside of it American Criminal Courts Legal Process and Social Context demonstrates how the courts are a product of law in action and presents content in a way that enables you to understand not only the how of the U S criminal court system but also the why Clearly explains both the principles underlying the development of criminal law and the practical reality of the court system in action A complete picture of the criminal justice continuum including prosecution defense judges juries sentencing and pre trial and appeals processes Feature boxes look at how courts are portrayed in the media identify landmark due process cases illustrate the pros and cons of the courts discretionary decision

making examine procedures and the goals of justice and highlight the various types of careers available within the criminal courts

**The Courts of International Trade** Isaac Unah,1998 Focuses on the Court of International Trade to illuminate the important role of specialized courts in critical areas of law

**How Courts Impact Federal Administrative Behavior** Robert J. Hume,2009-05-07 What impact do federal courts have on the administrative agencies of the federal government

How do agencies react to the decisions of federal courts This book answers these questions by examining the responses of federal agencies to the U S Courts of Appeals revealing what happens inside agencies after courts rule against them Robert J Hume draws upon dozens of interviews with current and former administrators taking readers behind the scenes of these organizations to reveal their internal procedures their attitudes about courts and their surprising capacity to be influenced by a judge s choice of words This fascinating study will be of interest to students and scholars of politics as well as those seeking great understanding of the intricacies of the US political system

The State and Federal Courts Christopher P. Banks,2017-01-26 How does the American judiciary impact the development of legal and social policies in the United States How are the state and federal court systems constructed This book answers these questions and many others regarding politics the U S courts and society This single volume work provides a comprehensive and contemporary treatment of the historical development of state and federal courts that clearly documents how they have evolved into significant political institutions It addresses vital and highly relevant subjects such as the constitutional origins of courts the nature of judicial selection and service and the organization of courts and their administration The book explains civil and criminal legal proceedings the political impact of judicial rulings and the restraints placed upon the exercise of judicial powers Readers will come away with an understanding of the key principles of constitutional interpretation and judicial review as well as judicial independence what factors affect access to courts the underlying politics of state judicial campaigns and the confirmation of presidential appointments to the federal bench The book covers historical and contemporary court perspectives on major issues such as same sex marriage the Affordable Care Act campaign financing gun rights free speech and religious freedom racial discrimination affirmative action criminal procedure and punishments property rights and voting rights

**Politics and Judgment in Federal District Courts** C. K. Rowland,Robert A. Carp,1996 A major empirical and theoretical work that has the potential for becoming a classic in the field Sheldon Goldman author of The Federal Courts as a Political System This provocative theoretical approach should be of great interest to scholars and students of the federal bench Elliott E Slotnick editor of Judicial Politics

The Federal Courts Robert A. Carp,Ronald Stidham,Kenneth L. Manning,2010-11-08 For law and courts courses focused on the federal level this popular spin off volume from Judicial Process in America is the perfect supplement The authors explain the organizational structure of the federal courts outline the jurisdiction of the three levels of U S courts and pay particular attention to the link between the courts public policy and the political environment

*Friends of the Supreme Court: Interest Groups and Judicial Decision Making* Paul M. Collins, Jr.,2008-08-15 The U S

Supreme Court is a public policy battleground in which organized interests attempt to etch their economic legal and political preferences into law through the filing of amicus curiae friend of the court briefs In Friends of the Supreme Court Interest Groups and Judicial Decision Making Paul M Collins Jr explores how organized interests influence the justices decision making including how the justices vote and whether they choose to author concurrences and dissents Collins presents theories of judicial choice derived from disciplines as diverse as law marketing political science and social psychology This theoretically rich and empirically rigorous treatment of decision making on the nation s highest court which represents the most comprehensive examination ever undertaken of the influence of U S Supreme Court amicus briefs provides clear evidence that interest groups play a significant role in shaping the justices choices **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 **Amici Curiae and Strategic Behavior in State Supreme Courts** Scott A. Comparato, 2003-09-30 Applying strategic approaches to both interest groups as amici curiae and state supreme court justices Comparato investigates the influence of judicial retention methods and the ballot initiative on their behavior The results demonstrate that they behave strategically attempting to achieve their goals within the confines of the institutional setting What impact do state level institutions have on the behavior of state supreme court justices and interest groups participating as amici curiae in those courts Specifically is the information provided by interest groups conditioned on the judicial retention system or whether the state uses the ballot initiative and does that information impact the decision making process of the justices Comparato answers these questions by employing strategic theories of judicial and group behavior with groups motivated by the attainment of policy and group maintenance and state supreme court justices motivated by policy and the continued maintenance of their position on the court He argues that the information provided in amicus curiae briefs allows both groups and state supreme court justices to achieve their respective goals In order to answer these questions Comparato analyzes litigant and amicus curiae briefs as well as judicial decisions from seven state supreme courts to evaluate the effects of state level institutions on the types of information provided to state supreme court justices and how those justices respond to that information The results suggest

that interest groups do behave strategically providing information to justices that they believe will be useful in helping the justices retain their seats on the court and achieve their desired policy outcomes There is also support for the expectation that the information provided by litigants and amici as well as the retention method have a direct impact on the decision making of justices

**Judicial Independence at the Crossroads** Stephen B Burbank, Barry Friedman, 2002-04-02 The authors provide an excellent examination of judicial independence that tends to raise more questions than answers a fascinating book that raises important questions about a concept that is often used but that is poorly understood I would highly recommend this book for all scholars of public law because of its richness of information as well as how the essays call into question the common assumptions about what judicial independence is and how it can be protected Law J D 1982 Georgetown University is a Professor of Law at New York University School of Law where he writes and teaches in the areas of constitutional law federal jurisdiction and criminal procedure Professor Friedman also practices law both privately and pro bono and has litigated in all levels of the state and federal courts including on issues of judicial independence and federalism He is completing a term of over eight years as an officer and executive committee member of the American Judicature Society He remains the co chair of AJS Task Force on Judicial Independence

**Handbook of Court Administration and Management** Steven W. Hays, Cole Blease Graham Jr., 2017-10-19 Blending both the theoretical and applied aspects of contemporary issues in court management this reference text offers in depth coverage of all major topics and developments in judicial systems administration It is suitable for use in the classroom or for self study Providing the background material to clarify even the most technical management application this book presents the history and theory of the court management movement examines the separation of powers doctrine and its relationship to judicial independence discusses the latest developments in court reform the American Bar Association standards alternative dispute resolution techniques and caseload considerations analyzes unified court budgeting and revenue generation by judicial systems describes personnel administration training and jury management and elucidates court performance evaluation planning approaches the use of cameras in the courtroom and audio visual applications

**Contemplating Courts** Lee Epstein, 1995-01-01 Seventeen thought provoking essays in this sophisticated yet accessible reader demonstrate how political scientists conduct research on law courts and the judicial process and at the same time answer interesting substantive questions Illustrating the breadth and depth of judicial politics studies the essays convey to students the array of contemporary thinking both theoretical and methodological at work in the field The book's five parts cover subjects taught in most judicial politics courses Because each chapter stands alone instructors have the flexibility of assigning less than the whole book or chapters in a different order Topics examined range from information used by voters electing judges to the credibility of victims of sexualized violence Accessible to both undergraduate and graduate students Contemplating Courts offers fascinating views into both the law and courts field and the research process itself Epstein provides in the first chapter an overview of the key elements of judicial

process research and defines key terms Technical notes and methodology appendices offer students additional guidance

**The Supreme Court and the Attitudinal Model Revisited** Jeffrey A. Segal, Harold J. Spaeth, 2002-09-16 This book authored by two leading scholars of the Supreme Court and its policy making systematically presents and validates the use of the attitudinal model to explain and predict Supreme Court decision making In the process it critiques the two major alternative models of Supreme Court decision making and their major variants the legal and rational choice Using the US Supreme Court Data Base the justices private papers and other sources of information the book analyzes the appointment process certiorari the decision on the merits opinion assignments and the formation of opinion coalitions The book will be the definitive presentation of the attitudinal model as well as an authoritative critique of the legal and rational choice models The book thoroughly reflects research done since the 1993 publication of its predecessor as well as decisions and developments in the Supreme Court including the momentous decision of Bush v Gore

**Bong Hits 4 Jesus** James C. Foster, 2010-10-15 In January 2002 for the first time the Olympic Torch Relay visited Alaska on its way to the Winter Games When the relay runner and accompanying camera cars passed Juneau Douglas High School senior Joseph Frederick and several friends unfurled a fourteen foot banner reading BONG HiTS 4 JESUS An in depth look at student rights within a public high school this book chronicles the events that followed Frederick s suspension the subsequent suit against the school district and ultimately the escalation of a local conflict into a federal case Brought to life through interviews with the principal figures in the case Bong Hits 4 Jesus is a gripping tale of the boundaries of free speech in an American high school

Courts, Law, and Politics in Comparative Perspective Herbert Jacob, Erhard Blankenburg, Herbert M. Kritzer, Doris Marie Provine, Joseph Sanders, 1996-01-01 This comprehensive book compares the intersection of political forces and legal practices in five industrial nations the United States England France Germany and Japan The authors eminent political scientists and legal scholars investigate how constitutional courts function in each country how the adjudication of criminal justice and the processing of civil disputes connect legal systems to politics and how both ordinary citizens and large corporations use the courts For each of the five countries the authors discuss the structure of courts and access to them the manner in which politics and law are differentiated or amalgamated whether judicial posts are political prizes or bureaucratic positions the ways in which courts are perceived as legitimate forms for addressing political conflicts the degree of legal consciousness among citizens the kinds of work lawyers do and the manner in which law and courts are used as social control mechanisms The authors find that although the extent to which courts participate in policymaking varies dramatically from country to country judicial responsiveness to perceived public problems is not a uniquely American phenomenon

**The Constitutional Underclass** Evan Gerstmann, 1999-03-15 When the Supreme Court struck down Colorado s Amendment 2 which would have nullified all state and local laws protecting gays and lesbians from discrimination it was widely regarded as a victory for gay rights Yet many gays and lesbians still risk losing their jobs custody of their children and even their liberty

under the law Using the Colorado initiative as his focus Gerstmann untangles the complex standards and subtle rhetoric the Supreme Court uses to apply the equal protection clause The Court divides people into legal classes that receive varying levels of protection gays and lesbians and other groups such as the elderly and the poor receive the least Gerstmann reveals how these standards are used to favor certain groups over others and also how Amendment 2 advocates used the Court's doctrine to convince voters that gays and lesbians were seeking special rights in Colorado Concluding with a call for wholesale reform of equal protection jurisprudence this book is essential reading for anyone interested in fair coherent and truly equal protection under the law



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