

THE SUPREME COURT AND THE ATTITUDINAL MODEL REVISITED



JEFFREY A. SEGAL
HAROLD J. SPAETH

Supreme Court And The Attitudinal Model

C. L. Ostberg, Matthew E. Wetstein



Supreme Court And The Attitudinal Model:

The Supreme Court and the Attitudinal Model Revisited Jeffrey A. Segal, Harold J. Spaeth, 2002-09-16 Two leading scholars of the Supreme Court explain and predict its decision making The Supreme Court and the Attitudinal Model Jeffrey Allan Segal, Harold J. Spaeth, 1993-01-01 An investigation into the workings of the US Supreme Court *Concurring Opinion Writing on the U.S. Supreme Court* Pamela C. Corley, 2010-03-24 When justices write or join a concurring opinion they demonstrate their preferences over substantive legal rules Concurrences provide a way for justices to express their views about the law to engage in a dialogue of law with each other the legal community the public and Congress This important study is the first systematic examination of the content of Supreme Court concurrences While previous work on Supreme Court decision making focuses solely on the outcome of cases Pamela C Corley tackles the content of Supreme Court concurring opinions to show the reasoning behind each justice s decision Using both qualitative and quantitative methods of analysis *Concurring Opinion Writing on the U S Supreme Court* offers a rich and detailed portrait of judicial decision making by studying the process of opinion writing and the formation of legal doctrine through the unique lens of concurrences Pamela C Corley is Assistant Professor of Political Science at Vanderbilt University Attitudinal Decision Making in the Supreme Court of Canada C. L. Ostberg, Matthew E. Wetstein, 2011-11-01 This book provides a comprehensive exploration of ideological patterns of judicial behaviour in the Supreme Court of Canada Relying on an expansive database of Canadian Supreme Court rulings between 1984 and 2003 the authors present the most systematic discussion of the attitudinal model of decision making ever conducted outside the setting of the US Supreme Court The groundbreaking discussion of the viability of this model as a unifying theory of judicial behaviour in high courts around the world will be essential reading for a wide range of legal scholars and court watchers *The Politics of Precedent on the U.S. Supreme Court* Thomas G. Hansford, James F. Spriggs II, 2018-06-05 The Politics of Precedent on the U S Supreme Court offers an insightful and provocative analysis of the Supreme Court s most important task shaping the law Thomas Hansford and James Spriggs analyze a key aspect of legal change the Court s interpretation or treatment of the precedents it has set in the past Court decisions do not just resolve immediate disputes they also set broader precedent The meaning and scope of a precedent however can change significantly as the Court revisits it in future cases The authors contend that these interpretations are driven by an interaction between policy goals and variations in the legal authoritativeness of precedent From this premise they build an explanation of the legal interpretation of precedent that yields novel predictions about the nature and timing of legal change Hansford and Spriggs test their hypotheses by examining how the Court has interpreted the precedents it set between 1946 and 1999 This analysis provides compelling support for their argument and demonstrates that the justices ideological goals and the role of precedent are inextricably linked The two prevailing yet contradictory views of precedent that it acts either solely as a constraint or as a cloak that never actually influences the Court are incorrect This

book shows that while precedent can operate as a constraint on the justices' decisions it also represents an opportunity to foster preferred societal outcomes

The Most Activist Supreme Court in History Thomas M. Keck, 2010-02-15 When conservatives took control of the federal judiciary in the 1980s it was widely assumed that they would reverse the landmark rights protecting precedents set by the Warren Court and replace them with a broad commitment to judicial restraint. Instead the Supreme Court under Chief Justice William Rehnquist has reaffirmed most of those liberal decisions while creating its own brand of conservative judicial activism. Ranging from 1937 to the present *The Most Activist Supreme Court in History* traces the legal and political forces that have shaped the modern Court. Thomas M. Keck argues that the tensions within modern conservatism have produced a court that exercises its own power quite actively on behalf of both liberal and conservative ends. Despite the long standing conservative commitment to restraint the justices of the Rehnquist Court have stepped in to settle divisive political conflicts over abortion, affirmative action, gay rights, presidential elections, and much more. Keck focuses in particular on the role of Justices O'Connor and Kennedy whose deciding votes have shaped this uncharacteristically activist Court.

The Pioneers of Judicial Behavior Nancy L. Maveety, 2009-11-16 Examines the contributions of the pioneers of research into judicial behavior

American Constitutionalism Stephen M. Griffin, 1998-07-27 Despite the outpouring of works on constitutional theory in the past several decades no general introduction to the field has been available. Stephen Griffin provides here an original contribution to American constitutional theory in the form of a short, lucid introduction to the subject for scholars and an informed lay audience. He surveys in an unpolemical way the theoretical issues raised by judicial practice in the United States over the past three centuries, particularly since the Warren Court, and locates both theory and practices that have inspired dispute among jurists and scholars in historical context. At the same time he advances an argument about the distinctive nature of our American constitutionalism, regarding it as an instance of the interpenetration of law and politics. American Constitutionalism is unique in considering the perspectives of both law and political science in relation to constitutional theory. Constitutional theories produced by legal scholars do not usually discuss state-centered theories of American politics, the importance of institutions, behaviorist research on judicial decision making, or questions of constitutional reform, but this book takes into account the political science literature on these and other topics. The work also devotes substantial attention to judicial review and its relationship to American democracy and theories of constitutional interpretation.

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

Routledge Handbook of Judicial Behavior Robert M. Howard, Kirk A. Randazzo, 2017-10-02 Interest in social science and empirical analyses of law courts and specifically the politics of judges has never been higher or more salient Consequently there is a strong need for theoretical work on the research that focuses on courts judges and the judicial process The Routledge Handbook of Judicial Behavior provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior written by a combination of currently prominent scholars and the emergent next generation of researchers Unlike almost all other volumes this Handbook examines judicial behavior from both an American and Comparative perspective Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior Part 2 offers an in depth analysis of the various current scholarly areas examining the U S Supreme Court Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities

The Oxford Handbook of U.S. Judicial Behavior Lee Epstein, Stefanie A. Lindquist, 2017-06-08 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

Judicial Process in America, 9th Edition Robert A. Carp, Ronald Stidham, Kenneth L. Manning, 2014 Known for shedding light on the link between the courts public policy and the political environment the new ninth edition of Judicial Process in America provides a comprehensive overview of the American judiciary Considering the courts from every level the authors thoroughly cover judges lawyers litigants and the variables at play in judicial decision making This remarkably current revision will only solidify the book's position as the standard bearer in the field

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The Oxford Handbook of Comparative Judicial Behaviour ,2024-10-18 These are momentous times for the comparative analysis of judicial behaviour Once the sole province of U S scholars and mostly political scientists at that now researchers throughout the world drawing on history economics law and psychology are illuminating how and why judges make the choices they do and what effect those choices have on society Bringing together leading scholars in the field The Oxford Handbook of Comparative Judicial Behaviour consists of ten sections each devoted to important subfields fundamentals providing overviews designed to identify common trends in courts worldwide approaches to judging data methods and technologies staffing the courts advocacy litigation and appellate review opinions relations within between and among courts judicial independence court and society and frontiers of comparative judicial behaviour dedicated to expanding on opportunities for advancement Rather than focusing on particular courts countries or regions the organization of the individual chapters is topical Each chapter explores an important topic critically evaluating the state of that topic and identifying opportunities for future work While the forty two chapters share a common interest in explaining the causes and effects of judicial choices the range of approaches to comparative research is wide inclusive and interdisciplinary from contrasts and similarities to sophisticated research agendas reflecting the emerging field of judicial behaviour around the world

A Primer on American Courts William Miller,2015-08-20 This brief accessible and inexpensive supplement on American courts and their functions provides undergraduate or first year law students with an understanding of the key substantive and procedural concepts that they need to know to study the law or the judicial process Recognizing that there are many substantive and procedural concepts about American courts that students must first grasp in order to study the law or the judicial process this brief text answers important questions about justiciability standing jurisdiction and judicial power With a stronger historical context this text is a perfect complement to a text on Constitutional Law Judicial Process or a legal casebook and will help students master the legal vocabulary with which they are confronted

Justice Kennedy's Jurisprudence Frank J. Colucci,2009 Examines the judicial philosophy of Supreme Court Justice

Anthony M Kennedy who has been the critical swing vote on the Court for the last 20 years **The Judicial Process**
Christopher P. Banks, David M. O'Brien, 2015-02-19 The Judicial Process Law Courts and Judicial Politics is an all new concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe It is social scientific in its approach situating the role of the courts and their impact on public policy within a strong foundation in legal theory or political jurisprudence as well as legal scholarship Authors Christopher P Banks and David M O'Brien do not shy away from the politics of the judicial process and offer unique insight into cutting edge and highly relevant issues In its distinctive boxes Contemporary Controversies over Courts and In Comparative Perspective the text examines topics such as the dispute pyramid the law and morality of same sex marriages the hardball politics of judicial selection plea bargaining trends the right to counsel and pay as you go justice judicial decisions limiting the availability of class actions constitutional courts in Europe the judicial role in creating major social change and the role lawyers juries and alternative dispute resolution techniques play in the U S and throughout the world Photos cartoons charts and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process

The Complete American Constitutionalism Mark A. Graber, Howard Gillman, 2015 The Complete American Constitutionalism is designed to be the comprehensive treatment and source for debates on the American constitutional experience It provides the analysis resources and materials both domestic and foreign readers must understand with regards to the practice of constitutionalism in the United States This first volume of a projected eight volume set is entitled Introduction and The Colonial Era Here the authors provide the building blocks for constitutional analysis with an in depth exploration of the constitutional conflicts in the seventeenth and eighteenth centuries that formed the overall American constitutional experience This is the first collection of materials that focuses on the crucial constitutional documents and debates that structured American constitutional understandings at the time of the American Revolution It details the roots of the common law rights that Americans demanded be respected and the different interpretations of the English constitutional experience that increasingly divided Members of Parliament from American Revolutionaries *Research Handbook on Judicial Politics* Michael P. Fix, Matthew D. Montgomery, 2024-09-06 This timely Research Handbook offers a comprehensive examination of judicial politics both in the US and across the globe Taking a broad view of the judiciary in all levels of the court it examines the present state of the field and raises new questions for future scholarly exploration

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