

Making Law And Courts Research Relevant The Normative Implications Of Empirical Research Law Courts And Politics

In The Pioneers of Judicial Behavior, prominent political scientists critically examine the contributions to the field of public law of the pioneering scholars of judicial behavior: C. Hermann Pritchett, Glendon Schubert, S. Sidney Ulmer, Harold J. Spaeth, Joseph Tanenhaus, Beverly Blair Cook, Walter F. Murphy, J. Woodward Howard, David J. Danielski, David Rohde, Edward S. Corwin, Alpheus Thomas Mason, Robert G. McCloskey, Robert A. Dahl, and Martin Shapiro. Unlike past studies that have traced the emergence and growth of the field of judicial studies, The Pioneers of Judicial Behavior accounts for the emergence and exploration of three current theoretical approaches to the study of judicial behavior--attitudinal, strategic, and historical-institutionalist--and shows how the research of these foundational scholars has contributed to contemporary debates about how to conceptualize judges as policy makers. Chapters utilize correspondence of and interviews with some early scholars, and provide a format to connect the concerns and controversies of the first political scientists of law and courts to contemporary challenges and methodological debates among today's judicial scholars. The volume's purpose in looking back is to look forward: to contribute to an ecumenical research agenda on judicial decision making, and, ultimately, to the generation of a unified, general theory of judicial behavior. The Pioneers of Judicial Behavior will be of interest to graduate students in the law and courts field, political scientists interested in the philosophy of social science and the history of the discipline, legal practitioners and researchers, and political commentators interested in academic theorizing about public policy making. Nancy L. Maveety is Associate Professor of Political Science, Tulane University.

This book analyses the specificity of the law-making activity of European constitutional courts. The main hypothesis is that currently constitutional courts are positive legislators whose position in the system of State organs needs to be redefined. The book covers the analysis of the law-making activity of four constitutional courts in Western countries: Germany, Italy, Spain, and France; and six constitutional courts in Central-East European countries: Poland, Hungary, the Czech Republic, Slovak Republic, Latvia, and Bulgaria; as well as two international courts: the European Court of Human Rights (ECtHR) and the Court of Justice of the European Union (CJEU). The work thus identifies the mutual interactions between national constitutional courts and international tribunals in terms of their law-making activity. The chosen countries include constitutional courts which have been recently captured by populist governments and subordinated to political powers. Therefore, one of the purposes of the book is to identify the change in the law-making activity of those courts and to compare it with the activity of constitutional courts from countries in which democracy is not viewed as being under threat. Written by national experts, each chapter addresses a series of set questions allowing accessible and meaningful comparison. The book will be a valuable resource for students, academics, and policy-makers working in the areas of constitutional law and politics.

This book is in the form of a bibliographic essay, and addresses the needs of educators seeking access to legal research materials. The first item discussed is court decisions and examples are given which demonstrate the importance of legal precedent. An explanation is given of the complicated systems for reporting court decisions and how the educational researcher can find a case, read it, and apply its findings to the particular problem at hand. A section is devoted to finding information about legislation, codes and statutes, and understanding legislative intent. Included in this section are discussions on hearings and reports, researching bills that fail, determining the status of pending legislation, and state legislation. The next three sections discuss finding and using federal agency publications, list useful legal periodicals and reference works, and describe law library indexing systems. The final section discusses the revolution that has been brought to law libraries by the advent of computerized legal research and explains how an educator may make use of the complex resources available through computerized searches. (JD)

This book studies the decisions of the United States circuit courts and their grounding in law and judicial ideology.

Model Rules of Professional Conduct

A Behind-the-Scenes Look at the Internal Operations of Law and Motion Departments

Greening Justice

The Supreme Court and Evolving Standards of Decency

Opposing the Rule of Law

Research Handbook on Law and Courts

The empirical study of law, legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research. Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political, economic and ethical significance, empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law's meaning, operation and impact. In the 43 chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history, aims and methods of empirical research about law, as well as its achievements and potential. The Handbook has three parts. The first deals with the development and institutional context of empirical legal research. The second – and largest – part consists of critical accounts of empirical research on many aspects of the legal world – on criminal law, civil law, public law, regulatory law and international law; on lawyers, judicial institutions, legal procedures and evidence; and on legal pluralism and the public understanding of law. The third part introduces readers to the methods of empirical research, and its place in the law school curriculum.

Working within the framework of law and politics, JUDICIAL PROCESS: LAW, COURTS, AND POLITICS IN THE UNITED STATES combines detailed information about the major structures and processes of the American judiciary with an insider's understanding of the importance of courthouse dynamics. From the organization and procedures of the various courts to the current applications of specific laws, the 7th edition explores the roles and impact of the judicial system. Throughout the text, the authors not only explain what the legal rules are but also explore each rule's underlying assumptions, history, and goals, providing a complete and balanced look at the role of the judicial system today. Important Notice: Media content referenced within the product description or the product text may not be available in the ebook version.

One of the most contentious issues in politics today is the propriety of electing judges. Ought judges be independent of democratic processes in obtaining and retaining their seats, or should they be subject to the approval of the electorate and the processes that accompany popular control? While this debate is interesting and often quite heated, it usually occurs without reference to empirical facts--or at least accurate ones. Also, empirical scholars to date have refused to take a position on the normative issues surrounding the practice. Bonneau and Hall offer a fresh new approach. Using almost two decades of data on state supreme court elections, Bonneau and Hall argue that opponents of judicial elections have made--and continue to make--erroneous empirical claims. They show that judicial elections are efficacious mechanisms that enhance the quality of democracy and create an inextricable link between citizens and the judiciary. In so doing, they pioneer the use of empirical data to shed light on these normative questions and offer a coherent defense of judicial elections. This provocative book is essential reading for anyone interested in the politics of judicial selection, law and politics, or the electoral process. Part of the Controversies in Electoral Democracy and Representation series edited by Matthew J. Streb.

A striking new analysis of Myanmar's court system, revealing how the rule of law is 'lexically present but semantically absent'.

The Oxford Handbook of Empirical Legal Research

The Process is the Punishment

Courts and Comparative Law

A Study in Law, Social Science, and Public Policy

Making Good Law or Good Policy?

Law, Courts, and Judicial Politics

A judge's role is to make decisions. This book is about how judges undertake this task. It is about forces on the judicial role and their consequences, about empirical research from a variety of academic disciplines that observes and verifies how factors can affect how judges judge. On the one hand, judges decide by interpreting and applying the law, but much more affects judicial decision-making: psychological effects, group dynamics, numerical reasoning, biases, court processes, influences from political and other institutions, and technological advancement. All can have a bearing on judicial outcomes. In How Judges Judge: Empirical Insights into Judicial Decision-Making, Brian M. Barry explores how these factors, beyond the law, affect judges in their role. Case examples, judicial rulings, judges' own self-reflections on their role and accounts from legal history complement this analysis to contextualise the research, make it more accessible and enrich the reader's understanding and appreciation of judicial decision-making. Offering research-based insights into how judges make the decisions that can impact daily life and societies around the globe, this book will be of interest to practising and training judges, litigation lawyers and those studying law and related disciplines.

The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

Courts: A Text/Reader provides the best of both worlds— authored text sections with carefully selected accompanying readings that illustrate the questions and controversies legal scholars and court researchers are investigating in the 21st century.

The articles, from leading journals in criminology and criminal justice, reflect both classic studies of the criminal court system and state-of-the-art research, and often have a policy perspective that makes them more applied, less theoretical, and more interesting to both undergraduate and graduate students.

"This report lays out a decision-making framework for creating an ECT [environmental court and tribunal] that can be useful in different legal cultures and political situations. It provides the tools and support necessary to enhance access to environmental justice in countries around the world that, in turn, will advance the principles of environmental protection, sustainable development, and intergenerational equity through the institutions responsible for delivering environmental justice"--Intro.

Curbing the Court

Legal Process and Social Context

In Defense of Judicial Elections

Judicial Law-Making in European Constitutional Courts

Prisoners' Rights

A Study of the Second, Fifth, and District of Columbia Circuits

Insights and Observations of Trial Court Research Attorneys sheds light on the decision-making process and working procedures in law and motion departments of California trial courts. Written by a former trial court research attorney, with contributions from colleagues who have also served in that capacity, the book reveals the little-known but critical role of trial court research attorneys, and their relationships with the judges who hear and determine law and motion matters.

Examines and measures the extent to which statutory language affects judicial behavior. How does the language of legislative statutes affect judicial behavior? Scholars of the judiciary have rarely studied this question despite statutes being, theoretically, the primary opportunity for legislatures to ensure that those individuals who interpret the law will follow their preferences. In Checking the Courts, Kirk A. Randazzo and Richard W. Waterman offer a model that integrates ideological and legal factors through an empirical measure of statutory discretion. The model is tested across multiple judicial institutions, at both the federal and state levels, and reveals that judges are influenced by the levels of discretion afforded in the legislative statutes. In those cases where lawmakers have clear policy preferences, legislation encourages judges to strictly interpret the plain meaning of the law. Conversely, if policy preferences are unclear, legislation leaves open the possibility that judges will make decisions based on their own ideological policy preferences. Checking the Courts thus provides us with a better understanding of the dynamic interplay between law and ideology.

While the role of comparative law in the courts was previously only an exception, foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts. There is considerable variation between the practices of courts and the role of comparative law, and methods remain controversial. In the US, the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts. Contributing to the existing discussion of the use of comparative law in the courts, this book provides an inclusive, coherent, and practical analysis of the relevant law and jurisprudence in comparative law in the courts. It examines the consequences for court procedures and the form of judgments, as well as how foreign sources are drawn upon in private international law, European law, administrative law, and constitutional law as well as before general courts. The book also includes case studies of comparative law used in particular spheres of the law, such as tort law and consumer law. Written by practising judges and lawyers as well as leading academics, this book serves as a central reference point concerning the role of comparative law before the courts.

Federal judges are not just robots or politicians in robes, yet their behavior is not well understood, even among themselves. Using statistical methods, a political scientist, an economist, and a judge construct a unified theory of judicial decision-making to dispel the mystery of how decisions from district courts to the Supreme Court are made.

Creating and Improving Environmental Courts and Tribunals

The Judicial Tug of War

A Text/Reader

Legal Research for Educators

Judicial Elections in the 21st Century

Checking the Courts

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

It is conventional wisdom that there is a grave crisis in our criminal courts: the widespread reliance on plea-bargaining and the settlement of most cases with just a few seconds before the judge endanger the rights of defendants. Not so, says Malcolm Feeley in this provocative and original book. Basing his argument on intensive study of the lower criminal court system, Feeley demonstrates that the absence of formal "due process" is preferred by all of the court's participants, and especially by defendants. Moreover, he argues, "it is not all clear that as a group defendants would be better off in a more 'formal' court system," since the real costs to those accused of misdemeanors and lesser felonies are not the fines and prison sentences meted out by the court, but the costs incurred before the case even comes before the judge--lost wages from missed work, commissions to bail bondsmen, attorney's fees, and wasted time. Therefore, the overriding interest of the accused is not to secure the formal trappings of the judicial process, but to minimize the time, and money, spent dealing with the court. Focusing on New Haven, Connecticut's, lower court, Feeley found that the defense and prosecution often agreed that the pre-trial process was sufficient to "teach the defendant a lesson." In effect, Feeley demonstrates that the informal practices of the lower courts as they are presently constituted are more "just" than they are usually given credit for being. "... a book that should be read by anyone who is interested in understanding how courts work and how the criminal sanction is administered in modern, complex societies."-- Barry Mahoney, Institute for Court Management, Denver "It is grounded in a firm grasp of theory as well as thorough field research."--Jack B. Weinstein, U.S. District Court Judge." a feature that has long been the hallmark of good American sociology: it recreates a believable world of real men and women."--Paul Wiles, Law & Society Review. "This book's findings are well worth the attention of the serious criminal justice student, and the analyses reveal a thoughtful, probing, and provocative intelligence...an important contribution to the debate on the role and limits of discretion in American criminal justice. It deserves to be read by all those who are interested in the outcome of the debate." --Jerome H. Skolnick, American Bar Foundation Research Journal

Cases such as the Maastricht ruling by the German Federal Constitutional Court or the 'Crotty; decision by the Irish Supreme Court have gone down in the history of European integration as outstanding examples of intervention by judicial actors in important political processes. In this book, Dr. Castillo Ortiz makes for the first time a comprehensive analysis of all such rulings by national higher courts on European Union treaties issued during their processes of ratification. Using an interdisciplinary Law and Politics approach and a sophisticated methodological strategy, the book describes the political dynamics underlying some of the most relevant judicial episodes in the process of European Integration during the last decades: litigation strategies by Europhile and Eurosceptic actors, relations between the judiciary and the other branches of government, and clashes of power between national courts and the European Court of Justice of the European Union. By offering empirical evidence and by relying on scientific rigor, the book seeks to provide both experts and the general public an accessible account of one of the most salient but least studied aspects of current European law and politics.

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.

High Courts in Global Perspective

An Empirical Study of Judicial Activism

How the Courts Reformed America's Prisons

Empirical Insights into Judicial Decision-Making

Evidence, Methodologies, and Findings

Judicial Policy Making and the Modern State

Describes the doctrinal development of prisoners' rights under the Constitution and examines how those rights have been shaped by prevailing public opinion, interest group advocacy, and the policy preferences of the justices themselves.

Presents the argument that the decisions of justices can be explained as strategic behavior and not based merely on their own political preferences.

Written opinions are the primary means by which judges communicate with external actors. These sentiments include the parties to the case itself, but also more broadly journalists, public officials, lawyers, other judges, and increasingly, the mass public. In *Creating the Law*, Michael K. Romano and Todd A. Curry examine the extent to which judges tailor their language in order to avoid retribution during their retention, and how institutional variations involving intra-chamber dynamics may influence the written word of a legal opinion. Using an extensive dataset that includes the text of all death penalty and education decisions issued by state supreme courts from 1995–2010, Romano and Curry are the first to examine the connection between retention incentives and language choices. They utilize text analysis techniques developed in the field of communications and apply them to the text of judicial decisions. In doing so, they find that judges write with their audience in mind, and emphasize duelling strategies of justification and persuasion in order to please diverse audiences that may be paying attention. Furthermore, the process of drafting a majority opinion is a team exercise, and when more individuals are involved in its crafting, the product will reflect this complexity. This book gives students the tools for understanding how institutional variation affects judicial outcomes and shows how language relates to decision-making in the judiciary more specifically.

The *Research Handbook on Law and Courts* provides a systematic analysis of new work on courts as governing institutions. Authors consider how courts have taken on regulating fundamental categories of inclusion and exclusion, including citizenship rights. Courts' centrality to governance is addressed in sections on judicial processes, sub-national courts, and political accountability, all analyzed in multiple legal/political systems. Other chapters turn to analyzing the worldwide push for diversity in staffing courts. Finally, the digitization of records changes both court processes and studying courts. Authors included in the *Handbook* discuss theoretical, empirical and methodological approaches to studying courts as governing institutions. They also identify promising areas of future research.

Courts of Appeals in the Federal Judicial System

A Law and Politics Approach

Judicial Process: Law, Courts, and Politics in the United States

Decision Making in the U.S. Courts of Appeals

Handling Cases in a Lower Criminal Court

Insights and Observations of Trial Court Research Attorneys

Presents a novel theory explaining how and why politicians and lawyers politicise courts.

Courts of Appeals were designed to be a unifying force in American law and politics, but they also contribute to decentralization and regionalization of federal law. Woodford Howard studies three aspects of this problem: first, what binds the highly decentralized federal courts into a judicial system; second, what controls the discretion of judges in making law and policy; and third, how can quality judicial decisions be maintained under heavy-volume pressure. Originally published in 1981. The Princeton Legacy Library uses the latest print-on-demand technology to again make available previously out-of-print books from the distinguished backlist of Princeton University Press. These paperback editions preserve the original texts of these important books while presenting them in durable paperback editions. The goal of the Princeton Legacy Library is to vastly increase access to the rich scholarly heritage found in the thousands of books published by Princeton University Press since its founding in 1905.

This text provides a thorough investigation of the interface between law and society and the emergence of jurisprudence, the study of law as a behavioral science. Topics include public law as criminal justice, legal services, court reform and the politics of judicial administration.

Publisher Description

Educational Policy Making and the Courts

The Politics of Justice

State Supreme Court Opinions and The Effect of Audiences

Making Law and Courts Research Relevant

How Judges Judge

Making Law in the United States Courts of Appeals

This book uses role theory to analyze the judicial decisions made by state supreme court judges. Grounded in the fields of anthropology, business management, psychology, and sociology, role theory holds that, for each position an individual occupies in society, he or she creates a role orientation, or a belief about the limits of proper behavior. Judicial role orientation is conceptualized as the stimuli that a judge feels can legitimately be allowed to influence his or her decision-making and, in the case of conflict among influences, what priorities to assign to different decisional criteria. This role orientation is generally seen as existing on a spectrum ranging from activist to restraintist. Using multi-faceted data collection and empirical testing, this book discusses the variation in judges' role orientations, the role that personal institutional structure and judges' backgrounds play in determining judicial orientations, and the degree to which judges' orientations affect their decision-making. The first study to provide cross-institutional research on state supreme court judges, this book expands and advances the literature on judicial role orientation. As such, this book will be of interest to graduate students and researchers studying political science, public policy, law, and the courts.

Leading authorities present the latest cutting edge research on state judicial elections. Starting with recent transformations in the electoral landscape, including those brought about by U.S. Supreme Court rulings, this volume provides penetrating analyses of partisan, nonpartisan, and retention elections to state supreme courts, intermediate appellate courts, and trial courts. Topics include citizen participation, electoral competition, fundraising and spending, judicial performance evaluations, reform efforts, attack campaigns, and other organized efforts to oust judges. This volume also evaluates the impact of judicial elections on numerous aspects of American politics, including citizens' perceptions of judicial legitimacy, diversity on the bench, and the consequences of who wins on subsequent court decisions. Many of the chapters offer predictions about how judicial elections might look in the future. Overall, this collection provides a sharp evidence-based portrait of how modern judicial elections actually work in practice and their consequences for state judiciaries and the American people.

Investigates the role of federal judges in prison reform, and policy making in general.

Lewis, Texas A&M University * Chien-Chih Lin, Academia Sinica, Taiwan * Sunita Parikh, Washington University in St. Louis * Russell Smyth, Monash University, Australia * Christopher Zorn, Pennsylvania

State University Constitutionalism and Democracy

Law, Ideology, and Contingent Discretion

Courts

Contemplating Courts

The Supreme Court, 11th Ed. + Judges on Judging, 4th Ed. Package

The Judicial Process

The Behavior of Federal Judges

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.

Explains when, why, and how citizens try to limit the Supreme Court's independence and power-- and why it matters.

One of the more enduring topics of concern for empirically-oriented scholars of law and courts—and political scientists more generally—is how research can be more directly relevant to broader audiences outside of academia. A significant part of this issue goes back to a seeming disconnect between empirical and normative scholars of law and courts that has increased in recent years. Brandon L. Bartels and Chris W. Bonneau argue that being attuned to the normative implications of one's work enhances the quality of empirical work, not to mention makes it substantially more interesting to both academics and non-academic practitioners. Their book's mission is to examine how the normative implications of empirical work in law and courts can be more visible and relevant to audiences beyond academia. Written by scholars of political science, law, and sociology, the chapters in the volume offer ideas on a methodology for communicating normative implications in a balanced, nuanced, and modest manner. The contributors argue that if empirical work is strongly suggestive of certain policy or institutional changes, scholars should make those implications known so that information can be diffused. The volume consists of four sections that respectively address the general enterprise of developing normative implications of empirical research, law and decisionmaking, judicial selection, and courts in the broader political and societal context. This volume represents the start of a conversation on the topic of how the normative implications of empirical research in law and courts can be made more visible. This book will primarily interest scholars of law and courts, as well as students of judicial politics. Other subfields of political science engaging in empirical research will also find the suggestions made in the book relevant.

How Lawyers, Politicians, and Ideological Incentives Shape the American Judiciary

The Pioneers of Judicial Behavior

The Causes and Effects of State Supreme Court Judges' Role Orientations

The Normative Implications of Empirical Research

EU Treaties and the Judicial Politics of National Courts

Why the Public Constrains Judicial Independence