

THE SUPREME COURT AND THE ATTITUDINAL MODEL REVISITED



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The Supreme Court And The Attitudinal Model Revisited

Rachel Cahill-O'Callaghan



The Supreme Court And The Attitudinal Model Revisited:

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

The Supreme Court in the American Legal System Jeffrey A. Segal, Harold J. Spaeth, Sara C. Benesh, 2005-08 This book examines the American legal system including a comprehensive treatment of the U S Supreme Court Despite this treatment the in from the title deserves emphasis for it extensively examines lower courts providing separate chapters on state courts the US District Courts and the US Courts of Appeals The book analyzes these courts from a legal extralegal framework drawing different conclusions about the relative influence of each based on institutional structures and empirical evidence The book is also tied together through its attention to the relationship between lower courts and the Supreme Court Additionally Election 2000 litigation provides a common substantive topic linking many of the chapters Finally it provides extended coverage to the legal process with separate chapters on civil procedure evidence and criminal procedure

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

Supreme Court Confirmation Hearings and Constitutional Change Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change

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 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 Law and Legitimacy in the Supreme Court Richard H. Fallon, 2018-02-19 Legitimacy and judicial authority Constitutional meaning original public meaning Constitutional meaning varieties of history that matter Law in the Supreme Court jurisprudential foundations Constitutional constraints Constitutional theory and its relation to constitutional practice Sociological legal and moral legitimacy today and tomorrow *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 *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

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Political Control of America's Courts Helena Silverstein, 2023-01-18 This volume explores the many ways in which politics shapes the allegedly nonpartisan judicial system in America ranging from how judges are selected to the bench to how they rule when they get there Each title in the Contemporary Debates series examines the veracity of controversial claims or beliefs surrounding a major political cultural issue in the United States Each book gives readers a clear and unbiased understanding of current high interest issues by informing them about falsehoods half truths and misconceptions and confirming the factual validity of other assertions that have gained traction in America s cultural and political discourse This volume in the series provides a deeply researched and even handed account of the relationship between America s judicial branch which is supposed to view law through a nonpartisan lens and the sometimes poisonous partisanship that is such a notorious factor in the nation s other two branches of government Is political combat over judicial nominations worse than ever before What impact is the politicization of the courts having on public faith in the legitimacy of the courts and our wider political system Was former Supreme Court justice Sandra Day O'Connor right when she asserted that judicial independence is a bedrock principle of our court system and we are losing it This work will provide insights into all these questions and more

Executing the Constitution, *New Directions in Judicial Politics* Kevin T. McGuire, 2012-03-15 With its often vague legal concepts and institutions that operate according to unfamiliar procedures judicial decision making is in many respects a highly enigmatic process *New Directions in Judicial Politics* seeks to demystify the courts offering readers the insights of empirical research to address questions that are of genuine interest to students In addition to presenting a set of conclusions about the way in which courts operate this book also models the craft of political research illustrating how one can account for a variety of factors that might affect the courts and how they operate The renowned scholars and teachers in this volume invite critical thinking not only about the substance of law and courts in America but also about the ways in which we study judicial politics

Researching Public Law in Common Law Systems Paul Daly, Joe Tomlinson, 2023-09-06 This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law a field of research in which research methods are becoming increasingly prominent and sophisticated Featuring thoughtful chapters written by leading scholars in the field this book provides a thorough explanation of the key features characteristics and challenges of distinct methodological approaches to public law research

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Politics in the United States Mark C. Miller, 2018-09-03 Judicial Politics in the United States examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American courts and judges interact with other judiciaries around the world Judicial Politics in the United States balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics [21st Century Political Science: A Reference Handbook](#) John T Ishiyama, Marijke Breuning, 2011 Offering full coverage of major subthemes and subfields within political science this reference handbook includes entries on topics from theory and methodology to international relations and institutions [The View from the Bench and Chambers](#) Jennifer Barnes Bowie, Donald R. Songer, John Szmer, 2014-10-30 For most of their history the U S courts of appeals have toiled in obscurity well out of the limelight of political controversy But as the number of appeals has increased dramatically while the number of cases heard by the Supreme Court has remained the same the courts of appeals have become the court of last resort for the vast majority of litigants This enhanced status has been recognized by important political actors and as a result appointments to the courts of appeals have become more and more contentious since the 1990s This combination of increasing political salience and increasing political controversy has led to the rise of serious empirical studies of the role of the courts of appeals in our legal and political system At once building on and contributing to this wave of scholarship [The View from the Bench and Chambers](#) melds a series of quantitative analyses of judicial decisions with the perspectives gained from in depth interviews with the judges and their law clerks This multifaceted approach yields a level of insight beyond that provided by any previous work on appellate courts in the United States making [The View from the Bench and Chambers](#) the most comprehensive and rich account of the operation of these courts to date [The SAGE Guide to Key Issues in Mass Media Ethics and Law](#) William A. Babcock, William H. Freivogel, 2015-03-23 The SAGE Guide to Key Issues in Mass Media Ethics and Law is an authoritative and rigorous two volume issues based reference set that surveys varied views on many of the most contentious issues involving mass media ethics and the law Divided into six thematic sections covering information from contrasting ethical responsibly and legal rights for both speech and press newsgathering and access and privacy to libelous reporting business considerations and changing rules with social media and the Internet the information in this guide is extremely relevant to a variety of audiences This guide specifically focuses on matters that are likely to be regular front page headlines concerning topics such as technological threats to privacy sensationalism in media coverage of high profile trials cameras in the courtroom use of confidential sources national security concerns and the press digital duplication and deception rights of

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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

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

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