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Redefining the Supreme Court's Role

SAMUEL ESTREICHER • JOHN SEXTON



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Redefining The Supreme Courts Role

Richard Pacelle



Redefining The Supreme Courts Role:

The Supreme Court in a Separation of Powers System Richard Pacelle, 2015-01-09 The U S Supreme Court is not a unitary actor and it does not function in a vacuum It is part of an integrated political system in which its decisions and doctrine must be viewed in a broader context In some areas the Court is the lead policy maker In other areas the Court fills in the gaps of policy created in the legislative and executive branches In either instance the Supreme Court s work is influenced by and in turn influences all three branches of the federal government as well as the interests and opinions of the American people Pacelle analyzes the Court s interaction in the separation of powers system detailing its relationship to the presidency Congress the bureaucracy public opinion interest groups and the vast system of lower courts The niche the Court occupies and the role it plays in American government reflect aspects of both the legal and political models The Court has legal duties and obligations as well as some freedom to exercise its collective political will Too often those studying the Court have examined it in isolation but this book urges scholars and students alike to think more broadly and situate the highest court as the balance wheel in the American system

The Oxford Handbook of Law and Politics Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-10 The Oxford Handbooks of Political Science are the essential guide to the state of political science today With engaging contributions from major international scholars The Oxford Handbook of Law and Politics provides the key point of reference for anyone working on the interception between law and political science

The Supreme Court A-Z Kenneth Jost, 2013-11-26 This comprehensive alphabetical encyclopedia of more than 300 easy to read entries is the first resource for anyone who wants reliable information or background material on the significant decisions of the Supreme Court the history of the Court the justices every justice is profiled the powers of the Court and how the institution has evolved from its origins to the present Outstanding Academic Book

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understandable language for general audiences The Supreme Court A to Z provides biographies of past and present justices the history of important cases and explanations of constitutional principles and legal concepts Important additions to the fourth edition include New biographies of recently appointed Chief Justice John G Roberts and Associate Justice Samuel A Alito Updated entries on key issues and concepts including capital punishment confirmation process habeas corpus judicial activism separation of powers and many more New entries on intellectual property and international law With over 350 entries arranged in encyclopedic A to Z format this updated ready reference is a must have resource for school academic public and special libraries

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

Rethinking Legitimacy Allan C Hutchinson,2025-06-26 This book presents a new perspective on the debate around legitimacy politics and constitutional law in Supreme Courts Moving away from the troubling perception that Supreme Courts are trampling on the wrong side of the law politics divide it accepts and defends the critical claim that constitutional law is intrinsically and inescapably politics in style substance and outcome It explains what is involved in that claim and recommends a more nuanced and compelling account than it is caricatured to be The book proceeds to demonstrate how the legal and judicial process can proceed if the law is politics critique is taken seriously Insisting that it cannot be business as usual the author offers a series of constructive proposals about how constitutional law and judicial decision making can continue in anything like their present format and style Recognising that a more radical approach could be taken to the way in which democracy might re organise the book runs with the idea that it is possible to incorporate and accommodate the law is politics argument within a governmental system of constitutional democracy that resembles closely what now occurs In that sense the book is both critical and constructive as well as principled and pragmatic

Rethinking Nordic Courts Laura Ervo,Pia Letto-Vanamo,Anna Nylund,2021-08-01 This open access book examines whether a distinctly Nordic procedural or court culture exists and what the hallmarks of that culture are Do Nordic courts and court proceedings share a distinct set of ideas and values that in combination constitute the core of a regional legal culture How do Europeanisation privatisation

diversification and digitisation influence courts and court proceedings in the Nordic countries The book traces the genesis and formation of Nordic courts and justice systems to provide a richer comprehension of contemporary Nordic legal culture and an understanding of the relationship between legal cultural stability and change In answering these questions the book provides models for conceptualising procedural culture Nordic procedural culture has partly developed organically and is partly also the product of deliberate efforts to maintain a certain level of alignment between the Nordic countries Studying Nordic cooperation enables us to gain a deeper understanding of current regional European and global harmonisation processes within procedural law The influx of supranational European law increased use of alternative dispute resolution and growth in regulation density that produces a conflict between specialisation and coherence have tangible impact on the role of courts in a democratic society the form of court proceedings and court structures This book examines whether and why some trends exert more tangible or perhaps simply more perceptible influence on procedural culture than others

Rethinking the Role of African National Courts in Arbitration Emilia Onyema, 2018-06-07 With the increase in commercial transactions within the fifty four independent African states and at the international level it has become apparent that most of the legal framework for arbitration across the continent require reform Accordingly in recent years as this first in depth treatment of arbitration in Africa shows jurisprudence from national courts of various African jurisdictions demonstrates that the courts are becoming more pro arbitration and judges increasingly better understand that their role is to support or complement the arbitral process This book documents the second SOAS Arbitration in Africa conference held in Lagos in June 2016 In thirteen lucid chapters African practitioners and academics and European specialists in African legal and arbitral systems provide a remarkably thorough overview of the relation of courts and arbitration in the continent Among the matters that arise for discussion are the disposition of courts in Africa towards arbitration whether supportive or interventionist involvement of courts in the arbitral process before during and after an award has been rendered publication and access to arbitration related decisions from African courts enforcement of annulled awards in African states under the New York Convention prospects for the establishment of a pan African investment court and how foreign courts particularly in the United States France and Switzerland perceive African arbitration Because of the wide range of developmental stages among Africa s numerous court and legal systems Part I of the book explores generic issues relevant to courts and arbitration followed by detailed descriptions including court decisions of the situation in eight specific jurisdictions Egypt South Africa Sudan Mauritius Nigeria Ghana Rwanda and Kenya The authors of these latter chapters are legal practitioners and academics from each of these countries Throughout this book policy recommendations for improving access to court decisions and laws in African states are brought to the fore In its expertise based advocacy for a mutually harmonious and supportive co existence for arbitration and litigation in the context of the complexities and peculiarities of African states and its confrontation of the predominantly negative perception that often leads to arbitration flight from the continent this book

helps companies investors and their advisors to base their decisions on facts and not perceptions It will be of great value to practising lawyers in arbitration as counsel or arbitrators companies doing transnational business global law firms government officials and academics in the field *Columbia Law Review* ,1916 **Redefining Federalism** Douglas T. Kendall,2004 If federalism is about protecting the states why not listen to them In the last decade the Supreme Court has reworked significant areas of constitutional law with the professed purpose of protecting the dignity and authority of the states while frequently disregarding the states views as to what federalism is all about The Court according to the states is protecting federalism too much and too little Too much in striking down federal law where even the states recognize that a federal role is necessary to address a national problem Too little in inappropriately limiting state experimentation By listening more carefully to the States the Supreme Court could transform its federalism jurisprudence from a source of criticism and polarization to a doctrine that should win broad support from across the political spectrum In this important book six distinguished authors redefine federalism and reaffirm Justice Louis Brandeis s vision of states and localities as the laboratories of democracy **Reinventing Britain** Andrew McDonald,2007-10-30 Contrary to popular myth Britain does have a constitution one that is uncoded and commanded little political interest for most of the twentieth century In the late 1990s Tony Blair s New Labour Government launched a program of reform that was striking in its ambition Reinventing Britain tells the story of Britain s constitutional reform and weighs its long term significance with essays both by officials who worked on the reforms and by other leading commentators and academics from Britain and North America Contributors Mark Bevir Jack Citrin Joseph Fletcher Robert Hazell Ailsa Henderson Kate Malleson Craig Parsons Kenneth MacKenzie Peter Riddell **California. Supreme Court. Records and Briefs** California (State)., Court of Appeal Case s D016356 Number of Exhibits 1 Redefining the Supreme Court's Role Samuel Estreicher,1968 **Michigan Law Review** ,1989

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