

U.S. Supreme Court Decision Making Process

- Review of petitions for writs of *certiorari* and *writs of appeal*.
- Filing of written briefs
- Oral arguments
- Decision conferences
- Assignment of opinions
- Development of concurring and dissenting opinions
- Announcement of decision and publication of opinions

Supreme Court Decision Making

Maxwell L. Stearns



Supreme Court Decision Making:

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

Decision Making by the Modern Supreme Court Richard L. Pacelle, 2011 There are three general models of Supreme Court decision making the legal model the attitudinal model and the strategic model But each is somewhat incomplete This book advances an integrated model of Supreme Court decision making that incorporates variables from each of the three models In examining the modern Supreme Court since *Brown v Board of Education* the book argues that decisions are a function of the sincere preferences of the justices the nature of precedent and the development of the particular issue as well as separation of powers and the potential constraints posed by the president and Congress To test this model the authors examine all full signed civil liberties and economic cases decisions in the 1953-2000 period *Decision Making by the Modern Supreme Court* argues and the results confirm that judicial decision making is more nuanced than the attitudinal or legal models have argued in the past

An Introduction to Supreme Court Decision Making Harold J. Spaeth, 1972 *Constitutional Process* Maxwell L. Stearns, 2002 This is the first comprehensive analysis of how the collective nature of Supreme Court decision making affects the transformation of the justices preferences into constitutional doctrine Analyzing the Supreme Court from the perspective of social choice theory Maxwell L Stearns offers new insights into Supreme Court decision making that have profound implications for understanding the outcomes in a number of cases and the resulting doctrinal development within constitutional law which traditional analyses have proven ill equipped to explain The book models several important process based Supreme Court rules including outcome voting the narrowest grounds rule stare decisis and justiciability with a particular emphasis on standing These doctrines have each had a significant impact upon the evolution of modern constitutional law including but not limited to the following areas affirmative action school desegregation racial gerrymandering obscenity and abortion Each model is presented in nontechnical language with several concrete illustrations drawn from recent Supreme Court case law The book offers a new understanding of two apparently paradoxical situations first cases in which there are separate majorities on specific issues in

the case that suggest logically that there should be a majority for the dissenting result and second cases in which discrete minorities as opposed to the apparent majority control the identification and resolution of dispositive case issues In addition the book sheds new light on why the Court employs stare decisis even though the doctrine grounds the evolution of legal doctrine on the order in which cases are presented and decided and on how the modern standing doctrine ameliorates the incentives for interest groups to time the litigation of cases in a way that will exert a disproportionate influence over the direction of constitutional doctrine This book will appeal to scholars of the Supreme Court or judicial decision making It should also be of interest to students of social choice and of law and economics who have not previously considered the Supreme Court or constitutional law as fertile ground for their disciplines Maxwell L Stearns is Professor of Law George Mason University School of Law United States Supreme Court Decision Making Jesse Menlove,2006 **Rationing the Constitution** Andrew Coan,2019-04-29 Compared to the vast machinery surrounding Congress and the president the Supreme Court is a tiny institution that can resolve only a small fraction of the constitutional issues that arise in any given year Andrew Coan shows that this simple yet frequently ignored fact is essential to understanding how the Supreme Court makes constitutional law *Decision Making in the Supreme Court of the United States* Joseph Francis Menez,1984-05-15

The Psychology of Judicial Decision Making David E. Klein,Gregory Mitchell,2010-02-08 Over the years psychologists have devoted uncountable hours to learning how human beings make judgments and decisions As much progress as scholars have made in explaining what judges do over the past few decades there remains a certain lack of depth to our understanding Even where scholars can make consensual and successful predictions of a judge s behavior they will often disagree sharply about exactly what happens in the judge s mind to generate the predicted result This volume of essays examines the psychological processes that underlie judicial decision making *Judicial Decision Making* Lawrence S. Wrightsman,2012-12-06 In the mid 1970s as a social psychologist dedicated to the application of knowl edge I welcomed our field s emerging interest in the legal system I have al ways been fascinated by jury trials something about the idea that two con ceptions of the truth were in irrevocable conflict and jurors could choose only one of them More important the criminal justice system is a major social force that has been ignored by social psychologists for most of the twentieth century As I systematically began to explore the applications of social psycho logical concepts to the law 20 years ago I experienced the delight of discovery similar to that of a child under a Christmas tree It has been satisfying to be among the cohort of researchers who have studied the legal system especially trial juries from a psychological perspective I believe we have learned much that would be useful if the system were to be revised Hlf the system were to be revised there s the rub As I have stated my original motivation was the application of knowledge Like other social scien tists I believed perhaps arrogantly that the results of our research efforts could be used to make trial juries operate with more efficiency accuracy and satisfaction Qver the last two decades much knowledge has accumulated How can we put this knowledge to work Judges

are the gatekeepers of the legal system

Values in the Supreme Court Rachel J. Cahill-O'Callaghan,2020 This book draws on theories and techniques from psychology to understand the role of values in Supreme Court decision making It centres on a novel method of content analysis of judgments to reveal the values that underpin decision making and discusses the potential implications this may have for developments in the law and the appointment of the judiciary The book examines those 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 the traditional legal sources may influence the decision making It is in these uncertain cases where legal developments can rest on a single judicial decision that values are revealed in the judgments Provided by publisher [Judicial Decision-making](#)

Glendon A. Schubert,1963 *Decision Making and Controversies in State Supreme Courts* Salmon A. Shomade,2023-08-15 Foregrounding religious racialized and gendered disputes *Decision Making and Controversies in State Supreme Courts* examines state supreme court decision making during controversies Using case studies within Alabama Louisiana and Wisconsin Salmon Shomade identifies and analyses the predominant factors influencing decision making in times of court contention In this book Shomade assesses how the justices interpersonal dynamics and controversial issues of religion race and gender impact their decision making Specifically the book focuses on former Alabama Chief Justice Roy Moore and the Ten Commandments monument crisis Louisiana Chief Justice Bernette Johnson and her elevation dispute and former Wisconsin Justice David Prosser and his conflicts with two female colleagues The book contributes to the literature on decision making in state appellate courts by building upon established models utilized for assessing these courts **Judicial Decision-Making in a Globalised World** Elaine Mak,2013-11-22 Based on interviews with judges this book presents the inside story of how judges engage with international and comparative law in the highest courts of the United Kingdom Canada the United States France and the Netherlands **Oral Arguments and Decision Making on the United States Supreme Court** Timothy R. Johnson,2004-07-15 How oral arguments influence the decisions of Supreme Court justices

The Supreme Court Tom S. Clark,2019-03-14 This book presents a quantitative history of constitutional law in the United States and brings together humanistic and social scientific approaches to studying law Using theoretical models of adjudication Tom S Clark presents a statistical model of law and uses the model to document the historical development of constitutional law Using sophisticated statistical methods and historical analysis of court decisions the author documents how social and political forces shape the path of law Spanning the history of constitutional law since Reconstruction this book illustrates the way in which the law evolves with American life and argues that a social scientific approach to the history of law illuminates connections across disparate areas of the law connected by the social context in which the Constitution has been interpreted **Constitutional Law and Supreme Court Decision-making** Sheldon Goldman,1982 [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 The Supreme Court and Constitutional Theory, 1953-1993 Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy **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 David W. Rohde, Harold J. Spaeth, 1976-01

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