

Richard Posner How Judges Think

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Judicial Writing
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A Constitutional Analysis of Magistrate Judge Authority
Reflections on Judging
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Judicial Reputation
The Judge, the Judiciary and the Court
The ^AOxford Introductions to U.S. Law
A Matter of Dispute
Evolution of the Judicial Opinion
Henry Friendly, Greatest Judge of His Era
Judicial Covergence and Fragmentation in International Human Rights Law
The Dynamics of Judicial Proof
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Constitutional Rights, Moral Controversy, and the Supreme Court
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Pierluigi Chiassoni
Brian M. Barry
United States. Administrative Office of the United States Courts
Richard A. Posner
William Domnarski
Nuno Garoupa
Gabrielle Appleby
Michael C. Dorf
Christopher J. Peters
William D. Popkin
David M. Dorsen
Elena Abrusci
Marilyn MacCrimmon
Bruno Guandalini
Peter Goodrich
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a distinguished and experienced appellate court judge posner offers in this new book a unique and to orthodox legal thinkers a startling perspective on how judges and justices decide cases

a collection of pithy and penetrating observations and rulings by one of the most famous appellate judges in America. The quotable Judge Posner showcases the wit and wisdom of Richard A. Posner during his more than twenty-five years as a federal appellate judge. Judge Posner reached over 2,000 opinions, many of which are cited frequently in the opinions of Supreme Court justices. This anthology presents the judge's entertaining and insightful observations on fifty wide-ranging topics from abortion to telecommunications to zoning and planning. Law students who have encountered Judge Posner's judicial opinions will benefit from this collection, as will general readers who will enjoy Posner's trenchant comments on American society, constitutional norms, and legal culture.

What underlies this development in this concise and highly engaging work? Federal Appeals Court Judge and noted author from *Brown to Bakke*, J. Harvie Wilkinson argues that America's most brilliant legal minds have launched a set of cosmic constitutional theories that for all their value are undermining self-governance.

To validate their institutional continuance as a branch of government, writes Chinua Asuzu, judges must make sound decisions; they must also articulate and express those decisions efficiently and comprehensibly. This book shows how this book will help judges, arbitrators, and other decision writers master the art and science of judicial writing. A most welcome guide, *Judicial Writing: A Benchmark for the Bench* sets a high yet attainable standard of excellence for writing judicial decisions. It will, no doubt, become the reference point for judging judges and their judgments. Chinua Asuzu is that uncommon lawyer who wrote the uncommon *Law of Learned Writing*. His other works include *Anatomy of a Brief* and *Fair Hearing in Nigeria*. A versatile arbitrator, Asuzu served as an administrative law judge at the tax appeal tribunal in Nigeria from 2010 to 2016. He is now the senior partner of Assizes Law Firm, a team of tax lawyers.

The book offers contributions to a philosophical and realistic approach to the place of adjudication in contemporary constitutional democracies, bringing together scholars from different legal and philosophical backgrounds. The book purports to cast light on the roles of judges and the function of judicial interpretation inside of constitutional states from the standpoint of legal realism as a revisited and sophisticated jurisprudential outlook. In so doing, the book also copes with a few major jurisprudential issues like, e.g., determining the ideas that make up the core of legal realism, exploring the relation between legal realism and legal positivism, identifying the boundaries of judicial interpretation as they appear from a realist standpoint, as well as considering some skeptical outlooks on the very claims of

contemporary legal realism

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

for richard posner legal formalism and formalist judges notably antonin scalia present the main obstacles to coping with the dizzying pace of technological advance posner calls for legal realism gathering facts considering context and reaching a sensible conclusion that inflicts little collateral damage on other areas of the law

judge richard posner is one of the great legal minds of our age on par with such generation defining judges as holmes hand and friendly a judge on the u s court of appeals for the seventh circuit and the principal exponent of the enormously influential law and economics movement he writes provocative books as a public intellectual receives frequent media attention and has been at the center of some very high profile legal spats he is also a member of an increasingly rare breed judges who write their own opinions rather than delegating the work to clerks and therefore we have unusually direct access to the workings of his mind and judicial philosophy now for the first time this fascinating figure receives a full length biographical treatment in richard posner william domnarski examines the life experience personality academic career jurisprudence and professional relationships of his subject with depth and clarity domnarski has had access to posner himself and to posner's extensive archive at the university of chicago in addition domnarski was able to interview and correspond with more than two hundred people posner has known worked with or gone

to school with over the course of his career from grade school to the present day the list includes among others members of the harvard law review colleagues at the university of chicago former law clerks over posner's more than thirty years on the united states court of appeals for the seventh circuit and even other judges from that court richard posner is a comprehensive and accessible account of a unique judge who despite never having sat on the supreme court has nevertheless dominated the way law is understood in contemporary america

judges are society's elders and experts our masters and mediators we depend on them to dispense justice with integrity deliberation and efficiency yet judges as alexander hamilton famously noted lack the power of the purse or the sword they must rely almost entirely on their reputations to secure compliance with their decisions obtain resources and maintain their political influence in judicial reputation nuno garoupa and tom ginsburg explain how reputation is not only an essential quality of the judiciary as a whole but also of individual judges perceptions of judicial systems around the world range from widespread admiration to utter contempt and as judges participate within these institutions some earn respect while others are scorned judicial reputation explores how judges respond to the reputational incentives provided by the different audiences they interact with lawyers politicians the media and the public itself and how institutional structures mediate these interactions the judicial structure is best understood not through the lens of legal culture or tradition but through the economics of information and reputation transcending those conventional lenses garoupa and ginsburg employ their long standing research on the latter to examine the fascinating effects that governmental interactions multicourt systems extrajudicial work and the international rule of law movement have had on the reputations of judges in this era

revealing analysis of how judges work as individuals and collectively to uphold judicial values in the face of contemporary challenges

in the oxford introductions to u s law constitutional law professors michael c dorf and trevor w morrison discuss the relationships between the branches of federal government between the federal and state governments and between the government and the individual they describe american constitutional law as a mechanism for allocating decision making authority that is for deciding who decides they also discuss the extent to which judges and justices may substitute their own constitutional judgment for that of elected officials

law often purports to require people including government officials to act in ways they think

are morally wrong or harmful what is it about law that can justify such a claim in a matter of dispute morality democracy and law christopher j peters offers an answer to this question one that illuminates the unique appeal of democratic government the peculiar structure of adversary adjudication and the contested legitimacy of constitutional judicial review peters contends that law should be viewed primarily as a device for avoiding or resolving disputes a function that implies certain core properties of authoritative legal procedures those properties competence and impartiality give democracy its advantage over other forms of government they also underwrite the adversary nature of common law adjudication and the duties and constraints of democratic judges and they ground a defense of constitutionalism and judicial review against persistent objections that those practices are counter majoritarian and thus nondemocratic this work canvasses fundamental problems within the diverse disciplines of legal philosophy democratic theory philosophy of adjudication and public law theory and suggests a unified approach to unraveling them it also addresses practical questions of law and government in a way that should appeal to anyone interested in the complex and often troubled relationship among morality democracy and the rule of law written for specialists and non specialists alike a matter of dispute explains why each of us individually and all of us collectively have reason to obey the law why democracy truly is a system of government under law

publisher description

henry friendly is frequently grouped with oliver wendell holmes louis brandeis benjamin cardozo and learned hand as the best american jurists of the twentieth century in this first comprehensive biography of friendly dorsen opens a unique window onto how a judge of this caliber thinks and decides cases and how friendly lived his life

this book provides an innovative analysis of the complex issue of judicial convergence and fragmentation in international human rights law moving the conversation forward from the assessment of the two phenomena and investigating their triggering factors with a wide geographical focus that include the most up to date caselaw from the three main regional systems the african european and inter american and the un human rights committee the book confirms the predominant judicial convergence across international human rights law on this basis the book engages with an interdisciplinary investigation into the legal and non legal factors that could explain both convergence and fragmentation ranging from the use of judicial dialogue and the notions of necessity and proportionality to the composition of the courts and the role of ngos the aim is to provide the tools to understand the dynamics

between human rights adjudicatory bodies and possibly foresee future instances of judicial fragmentation

fact finding in judicial proceedings is a dynamic process this collection of papers considers whether computational methods or other formal logical methods developed in disciplines such as artificial intelligence decision theory and probability theory can facilitate the study and management of dynamic evidentiary and inferential processes in litigation the papers gathered here have several epicenters including i the dynamics of judicial proof ii the relationship between artificial intelligence or formal analysis and common sense iii the logic of factual inference including a the relationship between causality and inference and b the relationship between language and factual inference iv the logic of discovery including the role of abduction and serendipity in the process of investigation and proof of factual matters and v the relationship between decision and inference

economic analysis of the arbitrator's function bruno guandalini arbitration has become an important market where arbitrators are rational economic agents maximizing their utility although this is self evident it is rarely discussed this penetrating book is the first to comprehensively analyze the market for arbitrators and arbitrators economic role within it in great depth the author tackles such salient issues as the following effect of perceived inefficiencies and high costs on arbitration legitimacy alleged commercialization of the arbitrator's function possible ethical problem raised by financial remuneration for rendering justice what motivates a person to arbitrate market for arbitrators functioning and failures providing a better understanding of how actors could behave in such a specific market structural and artificial entry barriers effect of an arbitrator's strategic behavior on the arbitrator's function limitations on an arbitrator's rationality and preventing and correcting these limitations numerous references to customs and procedures in major arbitral jurisdictions and to international laws and conventions affecting the efficiency of the arbitrator's function are included pursuing a non prescriptive analysis the author draws on the discipline of law and economics rational choice theory behavioral economics and psychological work on bounded rationality understanding the arbitrator's function as a legal institution that is influenced by the market this pioneer in developing and systematizing the study of the market for arbitrators and how it works will prove of inestimable value to all stakeholders in the arbitration market arbitrators policymakers regulators and academics will be enabled to open the way to a more efficient market for arbitrators and betterment in arbitration worldwide

the increasing use of images in case law and precedent in the common law world provides a novel visual atlas of how lawyers see using a corpus of many images drawn from decisions in different common law jurisdictions across the globe judicial uses of images catalogues analyzes and reviews the normative significance and affective force of this new medium of legal expression and judgement

this book examines the supreme court s proper role in adjudicating moral controversies that implicate constitutional rights

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Introduction

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