

Richard Posner How Judges Think

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Judges, Technology and Artificial Intelligence
The Judge
Judges and Adjudication in Constitutional Democracies: A View from Legal Realism
The Lawyer-Judge Bias in the American Legal System
Confirmation of Federal Judges
The Army Lawyer
Rise of Judicial Management in the U.S. District Court, Southern District of Texas, 1955-2000
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The Judge in a Democracy
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Henry Friendly, Greatest Judge of His Era
The Judge, the Judiciary and the Court
Limits of Legality
The Rearguard of Subjectivity
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United States. Congress. Senate. Committee on the Judiciary
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Constitutional Political Economy Henry Friendly, Greatest Judge of His Era The Judge, the Judiciary and the Court Limits of Legality The Rearguard of Subjectivity *Richard A. Posner Robert F. Blomquist Richard A. Posner Tania Sourdin Ronald K. L. Collins Pierluigi Chiassoni Benjamin H. Barton United States. Congress. Senate. Committee on the Judiciary Steven Harmon Wilson David E. Klein United States. Administrative Office of the United States Courts Aharon Barak Richard A. Posner William D. Popkin Charles Rowley David M. Dorsen Gabrielle Appleby Jeffrey Brand-Ballard Frank Fleerackers*

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

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

new and emerging technologies are reshaping justice systems and transforming the role of judges the impacts vary according to

how structural reforms take place and how courts adapt case management processes online dispute resolution systems and justice apps significant shifts are also occurring with the development of more sophisticated forms of artificial intelligence that can support judicial work or even replace judges these developments together with shifts towards online court processes are explored in judges technology and artificial intelligence

employing the great florentine theorist as its guide the judge describes what judges often do not what they ought to do book jacket

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

virtually all american judges are former lawyers this book argues that these lawyer judges instinctively favor the legal profession in their decisions and that this bias has far reaching and deleterious effects on american law there are many reasons for this bias some obvious and some subtle fundamentally it occurs because regardless of political affiliation race or gender every american judge shares a single characteristic a career as a lawyer this shared background results in the lawyer judge bias the book begins with a theoretical explanation of why judges naturally favor the interests of the legal profession and follows with case law

examples from diverse areas including legal ethics criminal procedure constitutional law torts evidence and the business of law the book closes with a case study of the enron fiasco an argument that the lawyer judge bias has contributed to the overweening complexity of american law and suggests some possible solutions

this is the first book length study of a federal district court to analyze the revolutionary changes in its mission structure policies and procedures over the past four decades as steven harmon wilson chronicles the court s attempts to keep pace with an expanding diversifying caseload he situates those efforts within the social cultural and political expectations that have prompted the increase in judicial seats from four in 1955 to the current nineteen federal judges have progressed from being simply referees of legal disputes to managers of expanding courts dockets and staffs says wilson the southern district of texas offers an especially instructive model by which to study this transformation not only does it contain a varied population of hispanics african americans and whites but its jurisdiction includes an international border and some of the busiest seaports in the united states wilson identifies three areas of judicial management in which the shift has most clearly manifested itself through docket and case management judges have attempted to rationalize the flow of work through the litigation process lastly and most controversially judges have sought to bring constitutionally flawed institutions into compliance through structural reform rulings in areas such as housing education employment and voting wilson draws on sources ranging from judicial biography and oral history interviews to case files published opinions and administrative memoranda blending legal history with social science this important new study ponders the changing meaning of federal judgeship as it shows how judicial management has both helped and hindered the resolution of legal conflicts and the protection of civil rights

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

publisher description

here one of america's most distinguished scholar judges shares with us his vision of the law posner argues for a pragmatic jurisprudence one that eschews formalism in favor of the factual and the empirical laws he argues are not abstract sacred entities but socially determined goads for shaping behavior to conform with society's values

publisher description

public choice is the study of behavior at the intersection of economics and political science since the pioneering work of duncan black in the 1940s public choice has developed a rich literature drawing from such related perspectives as history philosophy law and sociology to analyze political decision making by citizen voters elected officials bureaucratic administrators lobbyists and other rational actors in social and economic context with an emphasis on identifying differences between individual goals and collective outcomes constitutional political economy provides important insights into the relationship between effective constitutions and the behavior of ordinary political markets in readings in public choice and constitutional political economy charles rowley and friedrich schneider have assembled an international array of leading authors to present a comprehensive and accessible overview of the field and its applications covering a wide array of topics including regulation and antitrust taxation trade liberalization political corruption interest group behavior dictatorship and environmental issues and featuring biographies of the founding fathers of the field this volume will be essential reading for scholars and students policymakers economists

sociologists and non specialist readers interested in the dynamics of political economy

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 Dorfman opens a unique window onto how a judge of this caliber thinks and decides cases and how Friendly lived his life

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

Judges sometimes hear cases in which the law as they honestly understand it requires results that they consider morally objectionable. Most people assume that nevertheless judges have an ethical obligation to apply the law correctly at least in reasonably just legal systems. This is the view of most lawyers legal scholars and private citizens but the arguments for it have received surprisingly little attention from philosophers. Combining ethical theory with discussions of caselaw Jeffrey Brandt Ballard challenges arguments for the traditional view including arguments from the fact that judges swear oaths to uphold the law and arguments from our duty to obey the law among others. He then develops an alternative argument based on ways in which the rule of law promotes the good patterns of excessive judicial lawlessness even when morally motivated. Can damage the rule of law. Brandt Ballard explores the conditions under which individual judges are morally responsible for participating in destructive patterns of lawless judging. These arguments build upon recent theories of collective intentionality and presuppose an agent neutral framework rather than the agent relative framework favored by many moral philosophers. Defying the conventional wisdom Brandt Ballard argues that judges are not always morally obligated to apply the law correctly although they have an obligation not to participate in patterns of excessive judicial lawlessness. An individual departure from the law so as to avoid an

unjust result is rarely a moral mistake if the rule of law is otherwise healthy limits of legality will interest philosophers legal scholars lawyers and anyone concerned with the ethics of judging

edmund husserl's ideas informed by kant's critiques constituted a point of departure when rereading philosophical problems of subject and subjectivity in his *phänomenologie und egologie* 1961 63 jan broekman revealed how husserl analysed the split ego notion in kant's vision which became fundamental for his phenomenology the form and function of subjectivity were likewise positioned in psychiatry and literature as well as in aesthetics as jan broekman's texts on cubism demonstrated problems of language unfolded in studies on topics ranging from the texts of ezra pound to the dialogic insights of martin buber all of which were involved in the development of semiotics two themes accompanied these insights the notion and later parisian mainstream called structuralism and the urgent need to arrive at deeper insights into the links between marxism and phenomenology central language concepts also played a part as early as 1986 jan broekman published on semiology and medical discourse and in 1992 on neurosemiotics before addressing the link between speech act and legal as well as social freedom in 1993 in all these works the subject and the atmosphere of subjectivity were essential aspects in addition to his writing jan broekman gave courses on current philosophical issues law and medicine until retiring in 1996 and in his intertwinements of law and medicine revisited subjectivity aspects while also offering a synthetic view in this festschrift in honour of jan broekman the contributions address the analogue digital dichotomy in semiotics the multicultural self in language and semiotics semiology and legal discourse the legal subject and the atmosphere of subjectivity intertwinements of law and medicine the semiotics of law in legal education signs in law and legal discourse making meaning in law and legal speech acts

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