

Making Your Case The Art Of Persuading Judges Antonin Scalia

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in their professional lives courtroom lawyers must do these two things well speak persuasively and write persuasively in this noteworthy book two noted legal writers systematically present every important idea about judicial persuasion in a fresh entertaining way the book covers the essentials of sound legal reasoning including how to develop the syllogism that underlies any argument from there the authors explain the art of brief writing especially what to include and what to omit so that you can induce the judge to focus closely on your arguments finally they show what it takes to succeed in oral argument

this book is the first comprehensive reasoned and sympathetic analysis of how scalia has decided cases during his entire nineteen year supreme court tenure ralph rossom focuses on scalia s more than 600 supreme court opinions and dissents carefully wrought passionately argued and filled with well turned phrases which portray him as an eloquent defender of an original meaning jurisprudence he also includes analyses of scalia s court of appeals opinions for the d c circuit his major law review articles as a law professor and judge and his provocative book a matter of interpretation jacket

that scalia has most profoundly affected particularly constitutional protections for property rights citing scalia s use of judicial review to check legislative power and his attempts to limit several types of individual rights developed during the warren and burger courts the authors conclude that scalia s decisions reflect an effort to create a post carolene products jurisprudence and to form a new pattern of assumptions regarding the role of the supreme court in

brilliant colorful visionary tenacious witty since his appointment to the supreme court in 1986 associate justice antonin scalia has been described as all of these things and for good reason he is perhaps the best known justice on the supreme court today and certainly the most controversial yet most americans have probably not read even one of his several hundred supreme court opinions in scalia dissents kevin ring former counsel to the u s senate s constitution subcommittee lets justice scalia speak for himself this volume the first of its kind showcases the quotable justice s take on many of today s most contentious constitutional debates scalia dissentscontains over a dozen of the justice s most compelling and controversial opinions ring also provides helpful background on the opinions and a primer on justice scalia s judicial philosophy scalia dissents is the perfect book for readers who love scintillating prose and penetrating insight on the most important constitutional issues of our time

judicial opinions written by justices of the united states supreme court are readily available yet few americans will ever examine the full substance of a court opinion students particularly undergraduate students with no real expertise or interest in the law can find reading opinions an overwhelming and laborious process the opinions of justice scalia are a different matter scalia is often sarcastic smug and self assured he does not hesitate to take his colleagues to task when he feels they are wrong and does not mind stooping to ridicule and personal attack when it serves his point in short whether a reader agrees or disagrees with the points that scalia seeks to make through these opinions they are not boring the layperson as well as the student of government political science and law will find the words of justice scalia well worth reading teachers will find these opinions useful for stimulating class discussions at every level

supreme court justice antonin scalia in his own words the definitive collection of his opinions speeches and articles on the most essential and vexing legal questions with an intimate foreword by justice elena kagan scalia s writings are as readable today as they were when they first appeared especially

illuminating to anyone who wants to unlock the mystery of why ginsburg admired scalia or who wants to get a sense of where the supreme court may be headed the wall street journal a justice on the united states supreme court for three decades antonin scalia transformed the way that judges lawyers and citizens think about the law the essential scalia presents justice scalia on his own terms allowing readers to understand the reasoning and insights that made him one of the most consequential jurists in american history known for his forceful intellect and remarkable wit scalia mastered the art of writing in a way that both educated and entertained this comprehensive collection draws from the best of scalia s opinions essays speeches and testimony to paint a complete and nuanced portrait of his jurisprudence this compendium addresses the hot button issues of the times from abortion and the right to bear arms to marriage free speech religious liberty and so much more it also presents the justice s wise insights on perennial debates over the structure of government created by our constitution and the proper methods for interpreting our laws brilliant and passionately argued the essential scalia is an indispensable resource for anyone who wants to understand our constitution the american legal system and one of our nation s most influential and highly regarded jurists and thinkers

with seven of its justices appointed by republican presidents today s supreme court has significantly altered america s legal landscape since 1986 by tilting constitutional jurisprudence to the right that was the goal of presidents reagan and bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action however liberal issues such as abortion have moved only marginally to the right while rulings by the court on school prayer and gay rights have moved constitutional doctrine slightly to the left in this collection of original articles prominent constitutional scholars are joined by new voices from the cutting edge of academia to subject the rehnquist court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed reflecting views across the political spectrum the contributors help readers understand the court dynamic its constrained conservatism and the forces that shape constitutional law in general as these authors show the overall pattern of decision making in the rehnquist era cannot be attributed to any single unified approach to constitutional analysis instead today s court can only be understood as the product of a complex interaction among individual justices each with an idiosyncratic view of the proper interpretation of the constitution and the role of the court in the american political system these provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench from the staunch conservatism of clarence thomas to the accommodationism of sandra day o connor to the liberal constitutionalism of david souter the essays analyze the unique approach of each justice to interpreting the constitution they also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades one which favors experienced often unknown jurists over high profile public servants by concentrating attention on its members rehnquist justice allows us to better understand the supreme court as a whole and by assessing today s judiciary in light of a public philosophy that looks askance at government it shows us that the supreme court has truly become a mirror of its times

we are all familiar with the image of the immensely clever judge who discerns the best rule of common law for the case at hand according to u s supreme court justice antonin scalia a judge like this can maneuver through earlier cases to achieve the desired aim distinguishing one prior case on his left straight arming another one on his right high stepping away from another precedent about to tackle him from the rear until bravo he reaches the goal good law but is this common law mindset which is appropriate in its place suitable also in statutory and constitutional interpretation in a witty and trenchant essay justice scalia answers this question with a resounding negative in exploring the neglected art of statutory interpretation scalia urges that judges resist the temptation to use legislative intention and legislative history in his view it is incompatible with democratic government to allow the meaning of a statute to be determined by what the judges think the lawgivers meant rather than by what the legislature actually promulgated eschewing the judicial lawmaking that is the essence of common law judges should interpret statutes and regulations by focusing on the text itself scalia then extends this principle to constitutional law he proposes that we abandon the notion of an everchanging constitution and pay attention to the constitution s original meaning although not subscribing to the strict constructionism that would prevent applying the constitution to modern circumstances scalia emphatically rejects the idea that judges can properly smuggle in new rights or deny old rights by using the due process clause for instance in fact such judicial discretion might lead to the destruction of the bill of rights if a majority of the judges ever wished to reach that most undesirable of goals this essay is followed by four commentaries by professors gordon wood laurence tribe mary ann glendon and ronald dworkin who engage justice scalia s ideas about judicial interpretation from varying standpoints in the spirit of debate justice scalia responds to these critics featuring a new foreword that discusses scalia s impact jurisprudence and legacy this witty and trenchant exchange illuminates the brilliance of one of the most influential legal minds of our time

as a leading legal voice in the american conservative movement supreme court justice antonin scalia has challenged the assumptions and legal methodology of american liberals this study explores the foundation and elaboration of the justice s conservative political vision

this book analyzes why the rehnquist court never fulfilled expectations for the reversal of liberal judicial decisions from the warren and burger courts at its conservative high point in 1991 1992 the supreme court was dominated by seven justices who had dependably conservative voting records over the course of their early careers five of these justices were appointed in the 1980s and early 1990s by reagan and bush presidents who made concerted efforts to appoint judicial officers who would undo liberal precedents this is the first book to focus on scholars growing recognition that the rehnquist court has not been as conservative as most presumed it would be in focusing on justice antonin scalia whose role inadvertently contributed to the court s failure to achieve conservative goals the study examines how individual justices can affect supreme court decisions through their judicial behavior

this definitive collection of beloved supreme court justice antonin scalia s finest speeches covers topics as varied as the law faith virtue pastimes and his heroes and friends featuring a foreword by longtime friend justice ruth bader ginsburg and an intimate introduction by his youngest son this volume includes dozens of speeches some deeply personal that have never before been published christopher j scalia and the justice s former law clerk edward whelan selected the speeches americans have long been inspired by justice scalia s ideas delighted by his wit and instructed by his intelligence he was a sought after speaker at commencements convocations and events across the country scalia speaks will give readers the opportunity to encounter the legendary man more fully helping them better understand the jurisprudence that made him one of the most important justices in the court s history and introducing them to his broader insights on faith and life

the passing of this brilliant jurist is a great loss but his writings with their plain language and constitutional moorings will guide generations to come speaker of the house paul ryan the sudden passing of justice antonin scalia shook america after almost thirty years on the supreme court scalia had become as integral to the institution as the hallowed room in which he sat his wisecracking interruptions during oral arguments his unmatched legal wisdom his unwavering dedication to the constitution and his blistering dissents defined his leadership role on the court and inspired new generations of policymakers and legal minds now as republicans and democrats wage war over scalia s lamentably empty supreme court seat kevin ring former counsel to the u s senate s constitution subcommittee has taken a close look at the cases that best illustrate scalia s character philosophy and legacy in scalia s court a legacy of landmark opinions and dissents ring collects scalia s most memorable opinions on free speech separation of powers race religious freedom the rights of the accused abortion and more and intersperses scalia s own words with an analysis of his legal reasoning and his lasting impact on american jurisprudence i don t worry about my legacy scalia once told an audience at the national archives just do your job right and who cares now that the lion of american law has left the stage as the u s attorney general put it it is for the rest of america to worry about his legacy and to care

a compelling look at the two closely linked and controversial 2003 supreme court decisions that revisited the practice and constitutionality of affirmative action at the college level the result was a divided opinion that neither completely repudiated affirmative action nor completely condoned its practice

in a wide ranging study based on legal history political theory and philosophical ideas going all the way back to plato and roman law robert clinton challenges current faith in an activist judiciary claiming that a human centered constitution leads to government by reductive moral theory and illegitimate judicial review he advocates a return to traditional jurisprudence and a god centered constitution grounded in english common law and its precedents

antonin scalia and american constitutionalism is an in depth study of justice antonin scalia s

jurisprudence his work on the supreme court and his significance in the history of american constitutionalism after tracing scalia s rise to associate justice and his subsequent emergence as a hero of the republican party and the political right this book reviews and criticizes his general jurisprudential theory arguing that he failed to produce either the objective method he claimed or the correct constitutional results he promised focusing on his judicial performance over his thirty years on the court it examines his decisions and opinions on virtually all of the constitutional issues he addressed from the fundamentals of structure federalism separation of powers and the article iii judicial power to specific interpretations of most major constitutional provisions involving governmental powers and the rights of individuals under the bill of rights and the fourteenth amendment this book argues that scalia applied his jurisprudential theories in inconsistent and contradictory ways and often ignored distorted or abandoned the interpretive methods he proclaimed to reach the results he sought results that were aligned with and supported by the post reagan republican coalition scalia was far more consistent in enforcing such ideologically compatible results than he was in following his proclaimed jurisprudential theories finally assessing scalia s historical significance antonin scalia and american constitutionalism argues that his jurisprudence and career are particularly illuminating because they exemplify contrary to his persistent claims three paramount characteristics of american constitutionalism the inherent inadequacy of originalism and other formal interpretive methodologies to produce consistent and correct answers to controverted constitutional questions the close relationship that exists particularly so in scalia s case between constitutional theories and interpretations on one hand and substantive political goals and values on the other and the unavoidably living nature of american constitutionalism itself all in all scalia stands as a towering figure of irony because his judicial career deconstructed the central claims of his own jurisprudence

the first full scale biography of the supreme court s most provocative and influential justice if the u s supreme court teaches us anything it is that almost everything is open to interpretation almost but what s inarguable is that while the court has witnessed a succession of larger than life jurists in its two hundred year plus history it has never seen the likes of supreme court justice antonin scalia combative yet captivating infuriating yet charming the outspoken jurist remains a source of curiosity to observers across the political spectrum and on both sides of the ideological divide and after nearly a quarter century on the bench scalia may be at the apex of his power agree with him or not scalia is the justice who has had the most important impact over the years on how we think and talk about the law as the harvard law dean elena kagan now u s solicitor general once put it scalia electrifies audiences to hear him speak is to remember him to read his writing is to find his phrases permanently affixed in one s mind but for all his public grandstanding scalia has managed to elude biographers until now in american original the life and constitution of supreme court justice antonin scalia the veteran washington journalist joan biskupic presents for the first time a detailed portrait of this complicated figure and provides a comprehensive narrative that will engage scalia s adherents and critics alike drawing on her long tenure covering the court and on unprecedented access to the justice biskupic delves into the circumstances of

his rise and the formation of his rigorous approach to the bench beginning with the influence of scalia s childhood in a first generation italian american home american original takes us through his formative years his role in the nixon ford administrations and his trajectory through the reagan revolution biskupic s careful reporting culminates with the tumult of the contemporary supreme court where it was and where it s going with scalia helping to lead the charge even as democrats control the current executive and legislative branches the judicial branch remains rooted in conservatism president obama will likely appoint several new justices to the court but it could be years before those appointees change the tenor of the law with his keen mind authoritarian bent and contentious rhetorical style scalia is a distinct and persuasive presence and his tenure is far from over this new book shows us the man in power his world his journey and the far reaching consequences of the transformed legal landscape

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