What Questions Does A Judge Ask During A Preliminary Hearing

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Reports of Cases Argued and Decided in the Supreme Court of the United States
The Southeastern Reporter
The North American Review, Vol. 139 (Classic Reprint)

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Justice in Love

ESTES DEVIN

Manual of Military Law University of Toronto Press

The U.S. Constitution vests the Senate with the role of providing "advice" and affording or withholding "consent" when a President nominates a candidate to be an Article III judge-that is, a federal judge entitled to life tenure, such as a Supreme Court Justice. To carry out this "advice and consent" role, the Senate typically holds a hearing at which Members question the nominee. After conducting this hearing, the Senate generally either "consents" to the nomination by voting to confirm the nominee or instead rejects the nominee. Notably, many prior judicial nominees have refrained from answering certain questions during their confirmation hearings on the ground that responding to those questions would contravene norms of judicial ethics or the Constitution. Various "canons" of judicial conduct-that is, self-enforcing aspirational norms intended to promote the independence and integrity of the judiciary-may potentially discourage nominees from fully answering certain questions that Senators may pose to them in the confirmation

context. However, although these canons squarely prohibit some forms of conduct during the judicial confirmation process-such as pledging to reach specified results in future cases if confirmed-it is less clear whether or to what extent the canons constrain judges from providing Senators with more general information regarding their jurisprudential views. As a result, disagreement exists regarding the extent to which applicable ethical rules prohibit nominees from answering certain questions. Beyond the judicial ethics rules, broader constitutional values, such as due process and the separation of powers, have informed the Senate's questioning of judicial nominees. As a result, historical practice can help illuminate which questions a judicial nominee may or should refuse to answer during his or her confirmation. Recent Supreme Court nominees, for instance, have invoked the so-called "Ginsburg Rule" to decline to discuss any cases that are currently pending before the Court or any issues that are likely to come before the Court. Senators and nominees have disagreed about whether any given response would improperly prejudge an issue that is likely to be contested at the Supreme Court. Although nominees have reached varied conclusions regarding which responses are permissible or impermissible, nominees have commonly answered general questions regarding their judicial philosophy, their prior statements, and judicial procedure. Nominees have been more hesitant, however, to answer specific questions about prior Supreme Court precedent, especially cases presenting issues that are likely to recur in the future. Ultimately, however, there are few available remedies when a nominee refuses to answer a particular question. Although a Senator may vote against a nominee who is not sufficiently forthcoming, as a matter of historical practice the Senate has rarely viewed lack of candor during confirmation hearings as disqualifying, and it does not appear that the Senate has ever rejected a Supreme Court nominee solely on the basis of evasiveness.

Model Rules of Professional Conduct Rowman & Littlefield

Trial Court Judge Red-Hot Career Guide; 2593 Real Interview QuestionsCreatespace Independent Publishing Platform

The Art of Cross-examination Oxford University Press

There is no book of political strategy more canonical than Niccolò Machiavelli's The Prince, but few ethicists would advise policymakers to treat it as a bible. The lofty ideals of the law, especially, seem distant from the values that the word "Machiavellian" connotes, and judges are supposed to work above the realm of politics. In The Judge, however, Ronald Collins and David Skover argue that Machiavelli can indeed speak to judges, and model their book after The Prince. As it turns out, the number of people who think that judges in the U.S. are apolitical has been shrinking for decades. Both liberals and conservatives routinely criticize their ideological opponents on the bench for acting politically. Some authorities even posit the impossibility of apolitical judges, and indeed, in many states, judicial elections are partisan. Others advocate appointing judges who are committed to being dispassionate referees adhering to the letter of the law. However, most legal experts, regardless of their leanings, seem to agree that despite widespread popular support for the ideal

of the apolitical judge, this ideal is mere fantasy. This debate about judges and politics has been a perennial in American history, but it intensified in the 1980s, when the Reagan administration sought to place originalists in the Supreme Court. It has not let up since. Ronald Collins and David Skover argue that the debate has become both stale and circular, and instead tackle the issue in a boldly imaginative way. In The Judge, they ask us to assume that judges are political, and that they need advice on how to be effective political actors. Their twenty-six chapters track the structure of The Prince, and each provides pointers to judges on how to cleverly and subtly advance their political goals. In this Machiavellian vision, law is inseparable from realpolitik. However, the authors' point isn't to advocate for this coldly realistic vision of judging. Their ultimate goal is identify both legal realists and originalists as what they are: explicitly political (though on opposite ends of the ideological spectrum). Taking its cues from Machiavelli, The Judge describes what judges actually do, not what they ought to do.

The Supreme Court of the United States: Harlan, Brennan, Whittaker, Stewart, White, Goldberg Oxford University Press

The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

United States Supreme Court Reports Rarebooksclub.com

First series, books 1-43, includes "Notes on U.S. reports" by Walter Malins Rose.

State Constitutional Law American Bar Association

Excerpt from The North American Review, Vol. 139 It is by no accident that this system has been associated with free institutions. And although we may not go as far as De Tocqueville when he says that "the practical intelligence and political good sense of the Americans are mainly attributable to the long use which they have made of the jury in civil causes"; yet we shall agree with him that "it teaches men to practice equity; every man learns to judge his neighbor as he would himself be judged; ... and this is the soundest preparation for free institutions." Addressing ourselves now more particularly to the comparative value of this system as a means of determining legal controversies, we are impressed with the fact that the common law itself has grown up alongside of, and has been established in its principles with a reference to, the trial by jury; so that the latter has become a congruous part of the former. Certain elementary rules of law are so closely associated with this system of procedure that change in one would require alteration of the other. Let us take an illustration from the criminal, and also one from the civil law. Conviction of a crime can only be had when the jury are

satisfied of the truth of every essential allegation of the Government beyond "a reasonable doubt." Define this term, or leave it as a phrase, the meaning of which is better felt than explained; in either case one sees that the reasonable doubt of twelve jurors is a different thing from the reasonable doubt of a judge. Where there is a strong trend of opinion in a jury toward the guilt of a defendant, each man's conviction naturally strengthens that of his fellow, and makes a doubt seem unreasonable which might seem otherwise, if there was no comparison of opinion. So, too, the reasonable doubt of a judicial temperament trained to an appreciation of all the possible aspects of evidence, and with a morbid sense of responsibility, - causing even resolution to be "sicklied o'er with the pale cast of thought," - is one thing, and the reasonable doubt of a plain man of action, accustomed to decide upon quick impressions, and not upon subtle reasoning, is quite another. It is one of the familiar principles of the law of negligence that a plaintiff in order to recover must show that he himself exercised due care; and that is defined to be "such care as men of ordinary prudence and capacity would take under like circumstances in the conduct and management of their own affairs." About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Code of Judicial Conduct for United States Judges Createspace Independent Publishing Platform

3 of the 2593 sweeping interview questions in this book, revealed: Selecting and Developing People question: How do you typically confront subordinates when Trial court judge results are unacceptable? - Behavior question: How do you ensure others repeat positive behavior? - Building Relationships question: How does one go about the Trial court judge task of relationship building? Land your next Trial court judge role with ease and use the 2593 REAL Interview Questions in this time-tested book to demystify the entire job-search process. If you only want to use one long-trusted guidance, this is it. Assess and test yourself, then tackle and ace the interview and Trial court judge role with 2593 REAL interview questions; covering 70 interview topics including Ambition, Stress Management, Resolving Conflict, Decision Making, Setting Priorities, Reference, Behavior, Integrity, Listening, and Setting Goals...PLUS 60 MORE TOPICS... Pick up this book today to rock the interview and get your dream Trial court judge Job.

999 Questions and Answers Wm. B. Eerdmans Publishing

This study analyzes the methods used by international criminal tribunals when determining customary international criminal law and to consider the compatibility of these approaches with the nullum crimen sine lege principle. In this context, the following research questions

are of particular importance: Is there one approach common to all international criminal tribunals, or can different approaches be detected in their jurisprudence when determining customary international law? Do international criminal tribunals regard both traditional elements of customary international law – State practice and opinio iuris – as necessary elements for the establishment of customary international law? Do international criminal tribunals argue along the lines of the International Court of Justice (ICJ), requiring a high frequency and consistency of State practice that is both “extensive and virtually uniform”?In addition, the book analyzes the evidence used by international criminal tribunals in order to establish the constituent elements of customary international. It then poses the question: Do international criminal tribunals distinguish, as defined by Schwarzenberger, between the “law-creating processes” of public international law on the one hand, and the “law-determining agencies” as a subsidiary means of determining rule of law on the other?Assuming that they exist, how can different methodological approaches to determine customary international law be assessed in light of the nullum crimen sine lege principle? Does the principle require judges to apply the traditional method to establish customary international law as being based on extensive, uniform and enduring State practice accompanied by opinio iuris? Can the principle balance the desire for justice and the specificities of law creation of the international legal order with fairness for the accused? How can the law be accessible and criminal punishment foreseeable, when the underlying legal basis for criminal convictions, namely customary international criminal law, is unwritten in nature?

World Criminal Justice Systems Oxford University Press

Ronald Dworkin famously argued that fidelity in interpreting the Constitution as written calls for a fusion of constitutional law and moral philosophy. Barber and Fleming take up that call, arguing for a philosophic approach to constitutional interpretation. In doing so, they systematically critique the competing approaches - textualism, consensualism, originalism, structuralism, doctrinalism, minimalism, and pragmatism - that aim and claim to avoid a philosophic approach. Constitutional Interpretation: The Basic Questions illustrates that these approaches cannot avoid philosophic reflection and choice in interpreting the Constitution. Barber and Fleming contend that fidelity in constitutional interpretation requires a fusion of philosophic and other approaches, properly understood. Within such a fusion, interpreters would begin to think of text, consensus, intentions, structures, and doctrines not as alternatives to, but as sites of philosophic reflection about the best understanding of our constitutional commitments. Constitutional Interpretation: The Basic Questions, examines the fundamental inquiries that arise in interpreting constitutional law. In doing so, the authors survey the controversial and intriguing questions that have stirred constitutional debate in the United States for over two centuries, such as: how and for what ends should governmental institutions and powers be arranged; what does the Constitution mean under general circumstances and how should it be

interpreted during concrete controversies; and finally how do we decide what our constitution means and who ultimately decides its meaning.

The Congressional globe

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The doctrine of judicial recusal enables - and may require - a judge who is lawfully appointed to hear and determine a case to stand down from that case, leaving its disposition to another colleague or colleagues. The subject is one of considerable import and moment, not only to 'insiders' in the judiciary, but also to litigants and their lawyers. Understanding the principles which guide recusal is also to understand the fundamentals of judging in the common law tradition. The subject is therefore of considerable interest both at practical and theoretical levels, for it tells us most of what we need to know about what it means "to be a judge" and what the discharge of that constitutional duty entails. Unsurprisingly therefore, the subject has attracted controversy, and some of the most savage criticisms ever directed at particular judges. The book commences with an introduction which is followed by an analysis of the essential features of the law, the legal principles (common-law origins, the law today in the USA, UK and Commonwealth) and the difficulties which currently arise in the cases and by operation of statute. The third part looks at process, including waiver, necessity, appellate review, and final appeals. Three specific problem areas (judicial misconduct in court, prior viewpoints, and unconcious bias) are then discussed. The book ends with the author's reflections on future developments and possible reforms of recusal law.

The Texas Railway Journal Createspace Independent Publishing Platform

Over the past two decades, the United States has seen an intense debate about the composition of the federal judiciary. Are judges "activists"? Should they stop "legislating from the bench"? Are they abusing their authority? Or are they protecting fundamental rights, in a way that is indispensable in a free society? Are Judges Political? cuts through the noise by looking at what judges actually do. Drawing on a unique data set consisting of thousands of judicial votes, Cass Sunstein and his colleagues analyze the influence of ideology on judicial voting, principally in the courts of appeal. They focus on two questions: Do judges appointed by Republican Presidents vote differently from Democratic appointees in ideologically contested cases? And do judges vote differently depending on the ideological leanings of the other judges hearing the same case? After examining votes on a broad range of issues--including abortion, affirmative action, and capital punishment--the authors do more than just confirm that Democratic and Republican appointees often vote in different ways. They inject precision into an all-too-often impressionistic debate by quantifying this effect and analyzing the conditions under which it holds. This approach sometimes generates surprising results: under certain conditions, for example, Democrat-appointed judges turn out to have more conservative voting patterns than Republican appointees. As a general rule, ideology should not and does not affect legal judgments. Frequently, the law is clear and judges simply implement it, whatever their political commitments. But what happens when the law is unclear? Are Judges Political? addresses

this vital question.
The Southern Reporter Routledge
World Criminal Justice Systems, Ninth Edition, provides an understanding of major world criminal justice systems by discussing and comparing the systems of six of the world’s countries -- each representative of a different type of legal system. An additional chapter on Islamic law uses three examples to illustrate the range of practice within Sharia. Political, historical, organizational, procedural, and critical issues confronting the justice systems are explained and analyzed. Each chapter contains material on government, police, judiciary, law, corrections, juvenile justice, and other critical issues. The ninth edition features an introduction directing students to the resources they need to understand comparative criminal justice theory and methodology. The chapter on Russia includes consideration of the turmoil in post-Soviet successor states, and the final chapter on Islamic law examines the current status of criminal justice systems in the Middle East.
Commitment and Cooperation on High Courts Trial Court Judge Red-Hot Career Guide; 2593 Real Interview Questions
This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1908 edition. Excerpt: ...jurisdiction of the offense, and the complainant voluntarily submitted to a trial, thereafter taking an appeal to the district court, he could not question the jurisdiction of the latter to try the cause and enter judgment. Upon the questions thus raised the cause was submitted for decision. 1. It is conceded by counsel for complainant and the attorney general that a police judge is authorized by statute to grant a change of the place of trial in a criminal cause, upon a motion supported by a. proper showing, either of bias or prejudice of such judge, or prejudice in the citizens of the township, by reason of which in either case the defendant cannot have a fair and impartial trial. (Pen. Code, sec. 2685.) We are inclined to the opinion that the concession is properly made, though the question does not arise here, for the reason that the jurisdiction of police judges extends to all misdemeanors enumerated in the statute defining the jurisdiction of these officers (Pol. Code, sec. 4911, amended by Sess. Laws 1903, p. 27, Chapter 16), including the ofiense defined in section 457, supra, and is concurrent with that of justices of the peace. The statute (Pen. Code, sec. 2682) requires the justice or police judge to enter upon his docket all proceedings in the cause, and, upon a change of the place of trial, to transmit with the files a certified copy of his minutes. For some unexplained reason the police judge failed to observe this requirement. There is no provision in the Penal Code indicating what record shall be transmitted to the district court when an appeal is taken. But we must presume that the original files, together with a copy of the docket minutes, constitute the rec0rd." This is the requirement in civil cases, the trial...
The Law Journal Reports WestBow Press
God welcomes questions. The Bible is full of inquisitive characters with good questions. From Abraham's inquiry-"Will not the Judge of all the earth do right?"-to Mary's wide-eyed, "How will this be?" God patiently answers the questions of sincere, searching hearts. Questions are part of the learning process, and a repeated Old

Testament command is to seek the Lord. Those who inquire of Him are invariably rewarded with His wisdom. Jesus' gracious promise says, "Ask and it will be given to you" (Matthew 7:7). As we open the Bible, we begin a quest to know the God who has revealed Himself in its pages. What is God like? Does God love me? Why does He allow bad things to happen? The answers to these and many other questions are there in the Bible, waiting for us to find them. Got Questions Ministries has fielded many questions about God since 2002. One hundred of those questions are compiled in this book, along with biblical answers. All of these real-life questions come from people who want to know the truth about God, His nature, and His work in the world. We hope you will use this volume as an aid to knowing God a little better and loving Him more.

Díosbóireachtaí Párlaiminte Springer

Your life is impacted daily by decisions made in courts. The U.S. judicial system exists to provide ''justice for all, '' including teenagers. But minors don't have the same legal rights as adults, so what happens when teens take it to court? Young People Who Challenged the Law- and Changed Your Life The teens in this book fought for issues that matter. The facts and real outcomes of their cases are here, along with information on related cases, tough questions to consider, and a follow-up ''Get on the Case'' section that further explores the big-picture possibilities for each issue. You'll deliberate over the cases, just as a judge would. It's up to you to weigh questions like: Can a parent of a minor give police permission to search a child's personal belongings-over the child's objection? Should it be illegal to wear gang colors or symbols? If a prayer at a school function is voluntary, does it violate the separation of church and state? Do parents have a right to prevent their daughter from getting an abortion? Once you know the facts and consider all the questions, you'll decide: Did justice prevail or were teens denied? To be a fair judge, you need the whole story plus the background information

Questioning Judicial Nominees Bloomsbury Publishing

Judicial decision-making may ideally be impartial, but in reality it is influenced by many different factors, including institutional context, ideological commitment, fellow justices on a panel, and personal preference. Empirical literature in this area increasingly analyzes this complex collection of factors in isolation, when a larger sample size of comparative institutional contexts can help assess the impact of the procedures, norms, and rules on key institutional decisions, such as how appeals are decided. Four basic institutional questions from a comparative perspective help address these studies regardless of institutional context or government framework. Who decides, or how is a justice appointed? How does an appeal reach the court; what processes occur? Who is before the court, or how do the characteristics of the litigants and third parties affect judicial decision-making? How does the court decide the appeal, or what institutional norms and strategic behaviors do the judges perform to obtain their preferred outcome? This book explains how the answers to these institutional questions largely determine the influence of political preferences of individual judges and the degree of cooperation among judges at a given point in time. The authors apply these four

fundamental institutional questions to empirical work on the Supreme Courts of the US, UK, Canada, India, and the High Court of Australia. The ultimate purpose of this book is to promote a deeper understanding of how institutional differences affect judicial decision-making, using empirical studies of supreme courts in countries with similar basic structures but with sufficient differences to enable meaningful comparison.

The Army Lawyer

Over the past two decades, the United States has seen an intense debate about the composition of the federal judiciary. Are judges "activists"? Should they stop "legislating from the bench"? Are they abusing their authority? Or are they protecting fundamental rights, in a way that is indispensable in a free society? Are Judges Political? cuts through the noise by looking at what judges actually do. Drawing on a unique data set consisting of thousands of judicial votes, Cass Sunstein and his colleagues analyze the influence of ideology on judicial voting, principally in the courts of appeal. They focus on two questions: Do judges appointed by Republican Presidents vote differently from Democratic appointees in ideologically contested cases? And do judges vote differently depending on the ideological leanings of the other judges hearing the same case? After examining votes on a broad range of issues--including abortion, affirmative action, and capital punishment--the authors do more than just confirm that Democratic and Republican appointees often vote in different ways. They inject precision into an all-too-often impressionistic debate by quantifying this effect and analyzing the conditions under which it holds. This approach sometimes generates surprising results: under certain conditions, for example, Democrat-appointed judges turn out to have more conservative voting patterns than Republican appointees. As a general rule, ideology should not and does not affect legal judgments. Frequently, the law is clear and judges simply implement it, whatever their political commitments. But what happens when the law is unclear? Are Judges Political? addresses this vital question.

Constitutional Interpretation

Good Judgment, based upon the author's experience as a lawyer, law professor, and judge, explores the role of the judge and the art of judging. Engaging with the American, English, and Commonwealth literature on the role of the judge in the common law tradition, Good Judgment addresses the following questions: What exactly do judges do? What is properly within their role and what falls outside? How do judges approach their decision-making task? In an attempt to explain and reconcile two fundamental features of judging, namely judicial choice and judicial discipline, this book explores the nature and extent of judicial choice in the common law legal tradition and the structural features of that tradition that control and constrain that element of choice. As Sharpe explains, the law does not always provide clear answers, and judges are often left with difficult choices to make, but the power of judicial choice is disciplined and constrained and judges are not free to decide cases according to their own personal sense of justice. Although Good Judgment is accessibly written to appeal to the non-specialist reader with an interest in the judicial process, it also tackles fundamental issues about the nature of law and the role of the judge and

will be of particular interest to lawyers, judges, law students, and legal academics. **Are Judges Political? The Yearly County Court Practice ...**

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