

Part 4.

IV. Civil Litigation in Trial Courts in the United States.

The focus here is on the variables associated with policy formulation by trial cts. in civil cases, but some of the information also discusses aspects of general jurisdiction cts. that consider criminal cases.

A. Data collection & analysis: trial cts. & other legal professionals & institutions. Includes comparative information,

- Becker, T. "Surveys & Judiciaries," 1 L&SR 133 (1966).
- Becker, T. "A Survey of Hawaiian Judges," 60 APSR 677 (1966).
- Bellow, G. & Minow, M. Law Stories (1996).
- Boyd, C. Kim, P. Schlanger, M." Mapping the Iceberg: The Impact of Data Sources on the Study of Dist. Cts." 17 J. Emp. Leg. Stud. 466 (2020).
- Casaleiro, P., Roach Anleu, S. & Dias, J. "Introduction. Empirical research with judicial professionals & courts: Methods & practices", 13 Oñati Soc.-Leg. Ser. S1-S9 (2023).
- Chin, J., Zeiler, K. "Replicability in Empirical Legal Research" 17 Annual Rev. L. & Soc. Sci. 239 (2021).
- Chua, L., Massoud, M. Out of Place: Fieldwork & Positionality in Law & Society (2024).
- Dobbin, S. et al. "Surveying Difficult Populations: Lessons Learned from a National Survey of State Trial Ct. Judges," 22 Just. Sys. J. 287 (2001).
- Greenberg, K. et al. "Analyzing Contracts: State of the Field, Mixed-Methods Guiding Steps, & an Illustrative Example." 49 L&SInq 423 (2024).
- Hannaford-Agor, P. 23) "How exactly is it done here? Conducting cross-jurisdictional research with judges & court staff", 13 Oñati Soc.-Leg. Ser. S102 (2023).
- Jacob H." Trial cts. in the United States: the travails of exploration" 3 L&SR 407 (1983).
- Jones, C., Montgomery, J. "Competing Narratives in a Case Biography: A Tale of Two Citadels," 47 J. L. & Soc. 412 (2020).
- Kritzer, H. Advanced Introduction to Empirical Legal Research (2021).
- Mulcahy, L., Wheeler, S. "'Couldn't You Have Got a Computer Program to Do That for You?' Reflections on the Impact that Machines Have on the Ways We Think About & Undertake Qualitative Research in the Socio-Legal Community," 47 J. Law Soc., 149 (2020).
- Mulcahy, L. Tsalapatanis, A. "Handmaidens, partners or go-betweens: Reflections on the push & pull of the judicial & justice policy audience", 13 Oñati Soc.-Leg. Ser. S58 (2023).
- Opeskin, B. "Lazy data? Using administrative records in research on judicial systems", 13 Oñati Soc.-Leg. Ser. S145 (2023).
- Rathjen, G. "Role of Survey Research in the Administration of Justice," 22 Just. Sys. J. 333 (2001).
- Shomade, S.; Hartley, R. "Application of Network Analysis to the Study of Trial Cts.," 31 Just. Sys. J. 144 (2010).
- Springer, V. Nevada Judge Survey Explores Experience & Cognitive Styles of Judiciary as Decision Makers," 98 Judicature 6 (2014).

B. Demands & issues of civil legality & litigation:

1. Legal complaints, legal mobilization, & nonjudicial disposition.

- Albiston, C. Institutional Inequality & the Mobilization of the Family & Medical Leave Act (2010).
- Albiston, C. & Sandefur, R. "Expanding the Empirical Study of Access to Justice," Wisc. L. Rev. 101 (2013).
- Barclay, S., Bernstein, M., & Marshall, M. ed. Queer Mobilizations (2009).
- Barkan, S. Protestors on Trial (1985).

Barnes, J. & Burke, T. "Making Way: Legal Mobilization, Organizational Response, & Wheelchair Access," 46 L&SR 167 (2012).

Barnes, J. & Burke, T. How Policy Shapes Politics (2015).

Barnes, J., Hevron, P. "Framed? Judicialization & the Risk of Negative Episodic Media Coverage," 43 L&SInq 1059 (2018).

Barnes, J., Hevron, P., Menounou, E. "Tort Tales & Total Justice: Exploring Attitudes toward Everyday Tort Claims for Workplace Injuries." 57 L&SR 508 (2023).

Black, D. "Mobilization of the Law," 2 J. Leg. Stud. 125 (1973).

Boyd, C., et al., "Building a Taxonomy of Litigation: Clusters of Causes of Action in Federal Complaints," 10 J. Emp. Leg. Stud. 253 (2013).

Bumiller, K. Civil Rights Society (1988).

Burke, T. Lawyers, Lawsuits, & Legal Rights (2002)

Burstein, P. & Monaghan, K. "Equal Employment Opportunity & the Mobilization of the Law," 20 L&SR 355 (1986).

Burstein, P. "Attacking Sex Discrimination in the Labor Market," 67 Social Forces 641 (1989).

Burstein, P. "Legal Mobilization as a Social Movement Tactic," 96 Am. J. Socio. 1201 (1991).

Cohen, T., "General Civil Jury Trial Litigation in State & Federal Cts.: A Statistical Portrait," 5 J. Emp. Leg. Stud. 593(2008).

Cornell, B. "Incentive to Sue," 19 J. Legal Stud. 173 (1990).

Cotropia, C., Kesan, J., Schwartz, D. "Heterogeneity Among Patent Plaintiffs: An Empirical Analysis of Patent Case Progression, Settlement, & Adjudication," 15 J. Emp. Leg. Stud. 80 (2018).

Daniels, S. "Civil Litigation in Ill. Trial Cts.," 4 Law & Policy Q. 190 (1982).

Daniels, S. "Continuity & Change in Patterns of Case Handling," 19 L&SR 381 (1985).

Daniels, S. & Martin, J. Tort Reform, Plaintiffs' Lawyers, & Access to Justice (2015).

Delaney, K. "Power Intercorporate Networks, & Strategic Bankruptcy," 23 L&SR 643 (1989).

Doyle, D. & Luckenbill, D. "Mobilizing Law in Response to Collective Problems," 25 L&SR 103 (1991).

Dumas, M. "Taking the Law to Court: Citizen Suits & the Legislative Process," 61 AJoPS 994 (2017).

Dungworth, T. Product Liability & the Business Sector (1988).

Eisenberg, T. "Four Decades of Federal Civil Rights Litigation," 12 J. Emp. Leg. Stud. 4 (2015)

Engel, D. & Steele, E. "Civil Cases & Society," ABF Res. J. 295 (1979).

Engel, D. "Legal Pluralism in an Am. Community," ABF Res. J. 425 (1980).

Engel, D. "Cases, Conflict, & Accommodation," ABF Res. J. 803 (1983).

Engel, D. The Myth of the Litigious Society: Why We Don't Sue (2016).

Epp, C. "Connecting Litigation Levels & Legal Mobilization," 24 L&SR 145 (1990).

Epp, C. "Law as an instrument of social reform," In K Whittington, RD Kelemen, & GA Caldeira The Oxford Handbook of Law & Politics (2008).

Estreicher, S., Radice, J. eds. Beyond Elite Law: Access to Civil Justice in America (2016).

Friedman, L. & Percival, R. "Who Sues for Divorce," 5 J. Legal Studies 61 (1976).

Galanter, M. "Case Congregations & their Careers," 24 L&SR 371 (1990).

Galanter, M. & Rogers J. "The Transformation of Am. Business Disputing?" Wise. ILS paper 10-3 (1991).

Gallagher, M., Yang, Y. "Getting Schooled: Legal Mobilization as an Educative Process," 42 L&SInq 163 (2017).

Genn, H. Paths to Justice (1999).

Gleeson, S. "Labor Rights for All? The Role of Undocumented Immigrant Status for Worker Claims Making," 35 L&SInq 561 (2010).

- Grossman, J. et al. "Dimensions of Inst. Participation," in Goldman & Sarat, Am. Ct. Systems p. 230; 44 JOP 86 (1982).
- Hadfield, G. "Framing the Choice Between Cash & the Courthouse," 42 L&SR 645 (2008).
- Haltom, W. & McCann, M. "Framing Fast Food Litigation," in D. Engel & M. McCann, Fault Lines (2009).
- Haltom, W. & McCann, M. "When might claims of "too much litigation" be other than political sloganeering?" 11 Onati Soc.-Leg. Ser. 379 (2021).
- Hart, K., Peters, P. "Cultures of Claiming: Local Variation in Malpractice Claim Frequency," 5 J. Emp. Legal Stud. 77 (2008).
- Hause, J. "Indemnity, Settlement, & Litigation, or I'll Be Suing You," 18 J. Legal Stud. 157 (1989).
- Hunting, R. & Neuwirth, G. Who Sues in New York City? (1962).
- Johnson, E. "Lawyer's Choice," 15 L&SR 567 (1980-1).
- Kaplow, L. "Private v. Social Costs in Bringing Suit," 15 J. Legal Stud. 371 (1986).
- Kagan, R. Adversarial Legalism (2001, 2d ed. 2019). See commentary by Sanders, Epp, Johnson, Nellen, & Kagan 28 L&SInq. 719 (2003). Also see Kritzer, H. "American Adversarial Legalism," 38 L&SR 349 (2004).
- Kaiser, C. & Major, B. "A Social Psychological Perspective on Perceiving & Reporting Discrimination," 31 L&SInq 801 (2006).
- Kawar, L. "Legal Mobilization on the Terrain of the State," 36 L&SInq 354 (2011).
- Kessler, M. "Legal Mobilization for Social Reform," 24 L&SR 121 (1990).
- Kirkland, A, Talesh, S, Perone, A. "Health insurance rights & access to health care for trans people: The social construction of medical necessity," 55 L&SR 539 (2021).
- Kritzer, H., Bogart, W. & Vidmar, N. "Aftermath of Injury," 25 L&SR 499 (1991).
- Kritzer, H., Vidmar, N., & Bogart, W. "To Confront or Not to Confront," 25 L&SR 875 (1991).
- Kritzer, H. "Propensity to Sue in England & the U.S." Wise. ILS paper DPRP 10-5 (1991).
- Kritzer, H. "The Politics of Redress: Controlling Access to the Ct. System in England," Wisc. ILS paper DPRP 11-6 (1993).
- Kritzer, H. "To Lawyer or Not to Lawyer: that the Question?" 5 J. Emp. Leg. Stud. 875 (2008).
- Larson, E. "Case Characteristics & Defendant Tenant Default in a Housing Court," 3 J. Emp. Leg. Stud. 121 (2006).
- Lederman, L. "Which Cases Go to Trial: Empirical Study of Predictors of Failure to Settle," 49 Case West. Reserve L. Rev. 315 (1999).
- Lederman, L. "Precedent Lost: Why Encourage Settlement & Why Permit Nonparty Involvement in Settlements?" 75 Notre Dame L. Rev. 221 (1991).
- Lehoucq, E., Taylor, W. "Conceptualizing Legal Mobilization: How Should We Understand the Deployment of Legal Strategies?" 45 L&SInq 166 (2020).
- Lejeune, A., Ringelheim, J. "Workers with Disabilities Between Legal Changes & Persisting Exclusion: How Contradictory Rights Shape Legal Mobilization," 53 L&SR 983 (2019).
- Ley, A. "Mobilizing Doubt: The Legal Mobilization of Climate Denialist Groups," 40 Law & Policy 221 (2018).
- Lovell, G. "Justice Excused: The Deployment of Law in Everyday Pol. Encounters," 40 L&SR 283 (2006).
- Lovell, G., McCann, M., Taylor, T. "Covering Legal Mobilization: A Bottom-Up Analysis of *Wards Cove v. Atonio*," 41 L&SInq 61 (2016).
- Macauley, S. "Having a Right but Using It To," in Trautner, M., ed. Insiders, Outsiders, Injuries, & Law: Revisiting "The Oven Bird's Song." (2018)

Marco, A., Miller, S. & Sichelman, T., "Do Economic Downturns Dampen Patent Litigation?" 12 *J. Emp. Leg. Stud.* 481 (2015)

Marvell, T. "Divorce Rates & the Fault Requirement," 23 *L&SR* 543 (1989).

McIntosh, W. "A State Court's Clientele," 19 *L&SR* 421 (1985).

McCann, MW. "Litigation & legal mobilization. In K Whittington, RD Kelemen, & GA Caldeira *The Oxford Handbook of Law & Politics* (2008).

McCann, MW, March, T. "Law & everyday forms of resistance: a socio-political assessment. 15 *Stud. Law Pol. Soc.* 207 (1996).

Marshall, A. "Closing the Gaps," 23 *L&SInq* 761 (1998).

Mather, L. "What is a 'Case'?" 11 *Oñati Soc.-Leg. Ser.* 355 (2021).

Menell, P. "Note on Private v. Social Incentives to Sue in a Costly System," 12 *J. Legal Stud.* 41 (1983).

Menkel-Meadow, C. "What is an Appropriate Measure Of Litigation? Quantification, Qualification & Differentiation of Dispute Resolution," 11 *Oñati Soc.-Leg. Ser.* 321 (2021).

Miller, M. "Social Networks & Personal Bankruptcy" 12 *J. Emp. Leg. Stud.* 289 (2015).

Moog, R. "Piercing the Veil of Statewide Data: The Case of Vanishing Trials in North Carolina," 6 *J. Emp. Leg. Stud.* 147 (2009).

Morgan, P. "Risking relationships," 33 *L&SR* 67 (1999).

Nat'l. Center for St. Cts. *State Ct. Caseload Statistics* (annual).

Niblett, A., Yoon, A. "Unintended Consequences: The Regressive Effects of Increased Access to Cts." 14 *J. Emp. Leg. Stud.* 5 (2017).

Olson, S.; Huth, D. "Explaining Public Attitudes toward Local Cts.," 20 *Just. Sys. J.* 41 (1998-9)

Paik, M., Black, B., & Hyman, D. "The Receding Tide of Medical Malpractice Litigation," 10 *J. Emp. Leg. Stud.* 612 (2013).

Pandya, S. & Siegelman, P., "Underclaiming & Overclaiming," 38 *L7SInq* 836 (2013).

P'ng, I. "Strategic Behavior in Suit, Settlement, Trial," 14 *Bell J. Econ.* 539 (1983).

Priest, G. & Klein, B. "The Selection of Disputes for Litigation R& (1984); short version: 13 *J. Legal Stud.* 1 (1984).

Preist, G. "Reexamining the Selection Hypothesis," 14 *J. Legal Stud.* 215 (1985).

Rahmati, M., et al. "Insurance Crisis or Liability Crisis? Medical Malpractice Claiming in Illinois, 1980–2010," 13 *J. Emp. Leg. Stud.* 183 (2016).

Rahmati, M., et al. "Screening Plaintiffs & Selecting Defendants in Medical Malpractice Litigation: Evidence from Illinois & Indiana," 15 *J. Emp. Leg. Stud.* 41 (2018).

Repo, P. Ed. "The Vanishing Trial," symposium with articles by Galanter, M.; Burbank, S.; Butler, P.; Diamond, S. & Bina, J.; Eisenberg, T.; Friedman, L.; Hadfield, G.; Kritzer, H.; Ostrom, B., Strickland, S., & Hannford-Agor, P; Resnick, J.; Stipanowich, T.; Warren, E.; Yeazell, S.; Landsman, S. 1 *J. Emp. Leg. Stud.* 459 (2004).

Robbennolt, J., Hans, V. *The Psychology of Tort Law* (2016).

Romanosky, S., Hoffman, D., Acquisti, A. "Empirical Analysis of Data Breach Litigation," 11 *J. Emp. Leg. Stud.* 74 (2014).

Roper, R. "Propensity to Litigate in State Trial Cts.," 11 *Just. Sys. J.* 262 (1986).

Rose-Ackerman, S. & Geisfield, M. "Divergence between Social & Private Incentives to Sue," 16 *J. Legal Stud.* 483 (1987).

Scheingold, S. *Politics of Rights* (1974).

Sloan, F. et al. *Suing for Malpractice* (1993).

Sloan, F. & Hsieh, C. "Injury, Liability, & the Dec. to File a Medical Malpractice Claim," 29 *L&SR* 413 (1995).

Smith, J., MacQueen, G. "Trials Continue to Decline in Federal & State Cts. Does it Matter?" 101 *Judicature* 26 (2017).

Staszak, S. *No Day in Ct.* (2015).

Staszak, S. "Explanations for the Vanishing Trial in the U.S.," 18 Annual Rev. L. & Soc. Sci. 43 (2022).

Statz, M. On Shared Suffering: Judicial Intimacy in the Rural Northland," 55 L&SR 5 (2021).

Stookey, J. "Economic Cycles & Civil Litigation," 11 Just. Sys. J. 286 (1986)

Stuart, F. "Constructing Police Abuse after Rodney King," 36 L&SInq 327 (2011).

Vidmar, N. & Schuller, R. "Individual Differences in the Pursuit of Legal Rights," 11 Law & Human Behavior 299 (1987).

Whittman D. "Is the Selection of Cases for Trial Biased?" 14 J. Legal Studies 185 (1985).

Wilson, J. "Sustaining the State: Legal Consciousness & the Construction of Legality in Abortion Activists Narratives." 36 L&SInq 455 (2011).

Wilson, J. & Ackerman, E. "'Tort Tales' & TV Judges," 46 L&SR 105 (2012).

Wofford, C. "The Effect of Gender & Relational Distance on Plaintiff Decision Making in the Litigation Process," 51 L&SR 966 (2017).

Yates, J., Tankersley, H., & Brace, P. "Assessing the Impact of State Jud. Structures on Citizen Litigiousness," 63 PRQ 796 (2010).

Yeazell, S. Lawsuits in a Market Economy: The Evolution of Civil Litigation (2018).

2. Legislatures, Executives, Politics & the Initiation of Litigation.

Blackley, K. "Court Curbing in the State House: Why State Legislators Attack Their Courts" 40 Just. Sys. J. 269 (2019).

Cecot, C. "The Federal Enforcement Threat: The Effect of Overfiling Under the Resource Conservation & Recovery Act," 18 J. Emp. Leg. Stud. 534 (2021).

Chutkow, D. "Jurisdiction Stripping: Litigation, Ideology, & Congressional Control of the Cts.," 70 JoP 1053 (2008).

Farrier, J. Constitutional Dysfunction on Trial: Congressional Lawsuits & the Separation of Powers (2019).

Maltzman, F. Et al. "Stepping on Congress," 2 J. Law & Cts. 219 (2014).

Marks, A., Zilis, M. "Blurring Institutional Boundaries: Judges' Perceptions of Threats to Jud. Independence," 6 J. L. & Cts. 333 (2018).

Miller, B., Curry, B. U.S. Attorneys, Political Control, & Career Ambition, (2019).

Nolette, P. "Law Enforcement as Legal Mobilization: Reforming the Pharmaceutical Industry Through Government Litigation," L&SInq 123 (2015).

Nolette, P. Federalism on Trial: State Attorneys General & National Policymaking in Contemporary America (2015).

Parent, J. "Testing Legislative Deferral: Abortion Policy Making in N.Y., 1970–2010," 6 J. L. & Cts. 25 (2018).

Randozzo, K., Waterman, R., Fine, J. "Checking the Federal Cts.," 68 JoP 1006 (2006).

Shugerman, J. "The Creation of the Dept. of Justice," 66 Stanford L. Rev. 121 (2014).

Smith, J. Jud. Procedures as Instruments of Pol. Control," 31 LSQ 283 (2006).

Spill, R., Licari, M., & Ray, L. "Taking on Tobacco: Policy Entrepreneurship & Tobacco Litigation" 54 PRQ 605 (2001).

Ward, D., Gabel, M. "Jud. Rev. Timing & Legislative Posturing: Reconsidering the Moral Hazard Problem," 81 JoP 681 (2019).

Yingling, D., Mallinson, D. "Courts-First Federalism: How Model Legislation Becomes Impact Litigation." 22 Perspectives on Pol. (2024) 1031.

C. Structure of Cts. & Institutional Variables.

1. Institutional Roles & Political Creation: General jurisdiction & Specialization of Courts.

A. Overview of Institutional Structure of Courts.

Howard, R. "Comparing the Decision Making of Specialized Cts. & General Cts.: An Exploration of Tax Decisions," 26 Just. Sys. J. 135 (2005).
Klein, F. Federal & State Ct. Systems (1977).

b. Federal Institutional Structure & Jurisdiction: District Cts., Magistrate Cts., etc.

Barrow, D. et al The Fed. Judiciary & Institutional Change (1996).
Boyd, C., Boldt, E. "U.S. Dist. Cts." in Howard, R., Randazzo, K. The Routledge Handbook of Jud. Behavior (2018), 259.
Boyd, C., George, T., Yoon, A. "The Emerging Authority of Magistrate Judges within US Dist. Cts." 10 J. Law & Cts. 37 (2022).
Brough, S., Burch, E. "Collected Wisdom on Selecting Leaders & Managing Multi Dist. Ls," 106 Judicature 69 (2022).
Buchman, J., "Jud. Lobbying & the Politics of Jud. Structure: An Examination of the Judiciary Act of 1925," 24 Just. Sys. J. 1 (2003).
Caldwell, K. "Inside the MDL," 108 Judicature 78 (2024).
Carp, R. & Stidham, R. Federal Cts. 4th ed. (2001).
De Figueirido, J., Tiller, E. "Congressional Control of the Cts.," 39 J. L. & Econ. 435 (1996).
De Figueirido, J. "Congress & the Expansion of the U.S. Dist. Cts.," Am. L. & Econ. Rev. 107 (2000).
Greenfest, S. "Explaining Congressional Grants of Jurisdiction to the Federal District Cts.," 34 Just. Sys. J. 274 (2013).
Johnson, L. "Creating Rules of Procedure for Federal Cts.: Administrative Prerogative or Legislative Policymaking," 24 Just. Sys. J. 23 (2003).
Kirkland, A. Vaccine Court: The Law & Politics of Injury (2016).
Lee, E., Borden, C., Williams, M., Scott, K. "Multidistrict Centralization: An Empirical Examination," 12 J. Emp. Leg. Stud. 211 (2015).
Mak, M., Sidman, A. "Separate Opinion Writing Under Mandatory Appellate Jurisdiction: Three-Judge District Court Panels & the Voting Rights Act," 17 J. Emp. Leg. Stud. 116 (2020).
Mak, M., Sidman, A. "The Voting Rights Act & the Curious Case of Three-Judge District Court Panels," 44 Law & Policy 185 (2022).
Menounou, E. et al. "Packing the Courts: Ideological Proximity & Expansions to the Fed. Judiciary from 1937 to 2012," 7 J. Law & Cts. 81 (2019).
Puro, S. "U.S. Magistrates," 2 Just. Sys. J. 141 (1976).
Peltason, J. Fed. Cts. in the Political Process (1955).
Posner, R. The Federal Cts. (1985 & 2d ed. 1999).
Posner, R. The Federal Judiciary: Strengths & Weaknesses. (2017).
Seron, C. "Magistrates & the Work of Fed. Cts.," 69 Judicature 353 (1985).
Smith, C. U.S. Magistrates in the Fed. Cts. (1990).
Smith, C. "From U.S. Magistrates to U.S. Magistrate Judges," 75 Judicature 193 (1992).
___ "Fed. Magistrates & the Principles of Art. III," 97 Harv. L. Rev. 1947 (1984).
Winkle, J. "Interbranch Politics: The Administrative Office of U.S. Cts. as Liaison," 24 Just. Sys. J. 43 (2003).

c. State Cts. as Institutions. See also Part V. On criminal Cts.

Buenger, M., De Muniz, P. 2016. American Jud. Power: The State Ct. Perspective (2016).

Feeley, M. The Process is the Punishment (1979).

Flango, V. et al. The Business of State Trial Cts. (1983)

Fusco, A., Collins, N., Birnbaum, J. “Chicago’s Eviction Ct.,” 17 Urban L. J. 93 (1979).

Jarvis, R., ed., Florida’s Other Cts: Unconventional Justice in the Sunshine State (2018).

Lightcap, T. “Issue Environments & Institutionalization: Structural Change in U.S. State Jud. Institutions, 1975-1995,” 24 Just. Sys. J. 183 (2003).

Natl. Center State Cts., State Ct. Caseload Statistics, yearly. & at Website

Rottman, D. State Ct. Organization (1999).

Thorley, D. “Randomness *Pre*-Considered: Recognizing & Accounting for De-Randomizing” Events When Utilizing Random Jud. Assignment,” 17 J. Emp. Leg. Stud. 342 (2020).

Yates, J., Tankersley, H., & Brace, P. “Assessing the Impact of State Jud. Structures on Citizen Litigiousness,” 63 PRQ 796 (2010).

Zozula, C. Courting the Community: Legitimacy & Punishment in a Community Court (2019).

d. Specialized Judicial Bodies. On Drug Courts, see Part VI. F. 11.

Baum, L. Specializing the Cts. (2011).

Casey, P.; Rottman, D. “Problem-Solving Cts.: Models & Trends” 26 Just. Sys J. 35 (2005).

Castellano, U. “The Politics of Benchcraft: The Role of Judges in Mental Health Cts.,” 42 L&SInq 398 (2017)

Dart Cherokee Basin Operating Co., et al. v. Owens (2014).

Dichio, M., Strother, L., Williams, R. “‘To Render Prompt Justice’: The Origins & Construction of the U.S. Court of Claims,” 36 Stud. Am. Pol. Development 120 (2022).

Faole, D.; Puffett, N., Rempel, M.; Byrne, F. “Applying Problem-Solving Principles in Mainstream Cts.: Lessons for State Cts.,” 26 Just. Sys. J. 57 (2005).

Fay-Ramirez, S. “Therapeutic Jurisprudence in Practice: Changes in Family Treatment Ct. Norms Over Time,” 40 L&SInq 205 (2015).

Kirkland, A. Vaccine Court: The Law & Politics of Injury (2016).

Lens, V. “Against the Grain: Therapeutic Judging in a Traditional Family Court,” 41 L&SInq 701 (2016).

Mirchandani, R. “What so Special about Specialized Cts.?” 39 L&SR419 (2005).

Mirchandani, R. “Beyond Therapy: Problem-Solving Cts. & the Deliberative Democratic State,” 38 L&SInq 853 (2008).

Palmer, M. “Does the Chief Justice Make Partisan Appointments to Special Cts. & Panels? 13 J. Emp. Legal Stud. 153 (2016).

Romano, R. Stanga, S. “The Private Ordering Solution to Multiform Shareholder Litigation,” 14 J. Emp. Legal Stud. 31 (2017).

Rowen, J. “Worthy of Justice: A Veterans Treatment Court in Practice,” 45 Law & Policy 78 (2020).

Rudes, D. & Portillo, S., “Roles & Power within Federal Problem-Solving Courtroom Workgroups,” 34 Law & Policy 402 (2012).

Rusch L, Banner F. “Homeless Group Representation in Detroit’s Problem-Solving Court,” 49 L&SInq 278 (2024).

Spinak, J. The End of Family Court: How Abolishing the Court Brings Justice to

Children & Families (2023).

Steinberg, J., "Informal, Inquisitorial, & Accurate: An Empirical Look at a Problem-Solving Housing Ct." 42 L&S Inq 1058 (2017).

Unah, I., Williams R. "What is So Special About Specialized Cts. in the U.S." in Howard, R., Randazzo, K. The Routledge Handbook of Jud. Behavior (2018), 280.

e. Immigration Law & Cts.

1. Institutional & Behavioral Aspects.

Akbari, R. Vogler, S. "Intersectional Invisibility: Race, Gender, Sexuality, & the Erasure of Sexual Minority Women in US Asylum Law." 46 L&S Inq. 1062 (2021):

Asad, A., "On the Radar: System Embeddedness & Latin American Immigrants' Perceived Risk of Deportation," 54 L&SR 133 (2020).

Barak, M. The Slow Violence of Immigration Court: Procedural Justice on Trial (2023).

Baum, L. Jud. Specialization & the Adjudication of Immigration Cases," 59 Duke L.J. 1634 (2010).

Blasingame, E. et al. "How the Trump Administration's Quota Policy Transformed Immigration Judging." 118 APSR 1168 (2024).

Boyce, G. "Mass Deportation & the Intensity of Policing in the United States' 100-Mile Border Zone: Complicating the "Border"/ "Interior" Enforcement Binary," 46 Law & Policy 90 (2024).

Braaten, D, Braaten, C. "Children seeking asylum: Determinants of asylum claims by unaccompanied minors in the United States from 2013 to 2017," 43 Law & Policy 97 (2021).

Burciaga, E., Malone, A. "Intensified Liminal Legality: The Impact of the DACA Rescission for Undocumented Young Adults in Colorado." 46 L&S Inq 1092 (2021).

Castañeda, M. Disappearing Rooms: The Hidden Theaters of Immigration Law (2023).

Chase, Robert T., ed. Caging Borders & Carceral States: Incarcerations, Immigration Detentions, & Resistance (2019).

Coutin, S. Legalizing Moves: Salvadoran Immigrants' Struggle for US Residency (2000).

Coutin, S., Nicholls, W. "Adminigration: City-Level Governance of Immigrant Community Members." 49 L&S Inq 1595 (2024).

Dao, L. "Hollow Law & Utilitarian Law: The Devaluing of Deportation Hearings in New York City & Paris," 57 L&SR 317 (2023).

Dreby, J., Macias, E. "The Aftermath of Enforcement Episodes for the Children of Immigrants," 57 L&SR 103 (2023)..

Eagly, I. Shafer, S. "The Institutional Hearing Program: A Study of Prison-Based Immigration Cts in the US." 54 L&SR 788 (2020).

Farrell-Bryan, D. "Relief or Removal: State Logics of Deservingness & Masculinity for Immigrant Men in Removal Proceedings." 56 L&SR 167 (2022).

Galli, C. Precarious protections: Unaccompanied minors seeking asylum in the United States (2023).

Gilboy, J. "Deciding Who Gets In," 25 L&SR 571 (1991).

- Gilboy, J. "Penetrability of Administrative Systems," 26 L&SR 273 (1992).
- Gilboy, J. "Implications of 'Third Party' Involvement in Enforcement," 31 L&SR 505 (1997).
- Gleeson, S. Griffith, K. "Employers as Subjects of the Immigration State: How the State Foments Employment Insecurity for Temporary Immigrant Workers," 46 L&SInq 92 (2021).
- Gleeson, S., de Graauw, E. "DACA Legal Services: One Federal Policy, Different Local Implementation Approaches," 45 Law & Policy 434 (2023).
- Goehrung, R., Castellano, R. "Misrecognitions of Victimhood: Discretionary Power of Street-Level Bureaucrats in Humanitarian Visas." 49 L&SInq 1192 (2024).
- Gomberg-Munoz, R. Becoming Legal: Immigration Law & Mixed-Status Families. (2017).
- Hallett, M. "Temporary Protection, Enduring Contradiction: The Contested & Contradictory Meanings of Temporary Immigration Status." 39 L&SInq 621 (2014).
- Hamlin, R. "Ideology, International Law, & the INS: The Development of American Asylum Politics 1948–Present," 47 Polity 340 (2015).
- Hing, B. American Presidents, Deportations, & Human Rights Violations: From Carter to Trump (2018)
- Holmes, D. "Nonlawyer Practice before the Immigration Agencies," 37 Adm. L. Rev. 417 (1985).
- Jiang, J. "The Politics of Punishment & Protection: A Comparative Historical Analysis of American Immigration Control, 1990–2017," 42 Law & Policy 125 (2020).
- Kahn, J. Islands of Sovereignty: Haitian Migration & the Borders of Empire (2019).
- Kawar, L. Contesting Immigration Policy in Ct: Legal Activism & its Radiating Effects in the United States & France (2015).
- Keith, L., Homes, J. & Miller, B. "Explaining Divergence in Asylum Grant Rates Among Immigration Judges," 35 Law & Policy 261 (2013).
- Kyo, E. "Detained: A Study of Immigration Bond Hearings," 50 L&SR 117 (2016).
- Lakhani, S. "From Problems of Living to Problems of Law: The Legal Translation & Documentation of Immigrant Abuse & Helpfulness," 39 L&SInq 643 (2014).
- Lauby, F., Ross, K. "Street-Level Immigrant Policy Implementation: The Role of School Counselors." 44 Law & Policy 348 (2022).
- Law, A. The Immigration Battle in Am. Cts. (2010).
- Levesque, C., et al. "Crimmigrating Narratives: Examining Third-Party Observations of US Detained Immigration Ct.," L&SInq 407 (2023).
- Longazel, J. "Rhetorical Barriers to Mobilizing for Immigrant Rights: White Innocence & Latina/o Abstraction., 39 L&SInq 580 (2014).
- Longazel, J. "Relieving the Tension: Lay Immigration Lawyering & the Management of Legal Violence," 52 L&SR 902 (2018).
- L'opez, J. Unauthorized Love: Mixed-Citizenship Couples Negotiating Intimacy, Immigration, & the State (2021).

- Luibheid, E. Entry Denied (2002).
- Macías-Rojas, P. “Liberal Policies, Punitive Effects: The Politics of Enforcement Discretion on the US-Mexico Border,” 46 L&SInq 69 (2021).
- Martinez, L., Ortega, D. “Dreams Deterred: The Collateral Consequences of Localized Immigration Policies on Undocumented Latinos in Colorado,” 41 Law & Policy 120 (2019).
- Martinez-Aranda, M. “Collective Liminality: The Spillover Effects of Indeterminate Detention on Immigrant Families,” 54 L&SR 755 (2020).
- Mellinger, H. “Quality over quantity: Legal representation at the Asylum Office,” 43 Law & Policy 368 (2021).
- Miller, B., Keith, L., Holmes, J. “Beyond Grant or Deny: A More Nuanced Ordering of U.S. Asylum Outcomes,” 97 Judicature 172 (2014).
- Miller, B., Keith, L., Holmes, J. Immigration Judges & U.S. Asylum Policy (2014).
- Owens, B. “What Is a Social Group in the Eyes of the Law? Knowledge Work in Refugee-Status Determination,” 43 L&SInq 1257 (2018).
- Park, J. Immigration Law & Society (2018).
- Parker, K. Making Foreigners: Immigration & Citizenship Law in America, 1600-2000 (2015).
- Peacock, I., Ryo, E. “A study of pandemic & stigma effects in removal proceedings,” 19 J. Emp. Leg. Stud. 560 (2022).
- Peck, A. The Accidental History of the U.S. Immigration Courts: War, Fear, & the Roots of Dysfunction. (2021).
- Provine, D., Rojas-Wiesner, M., Velasco, G, “Peripheral Matters: The Emergence of Legalized Politics in Local Struggles Over Unauthorized Immigration,” 39 L&SInq 601 (2014).
- Rowen, J., Hamlin, R. “The Politics of a New Legal Regime: Governing International Crime through Domestic Immigration Law,” 40 Law & Policy 243 (2018).
- Ryo, E. “Legal Attitudes of Immigrant Detainees,” 51 L&SR 99 (2017).
- Ryo, E. “Representing Immigrants: The Role of Lawyers in Immigration Bond Hearings,” 52 L&SR 503 (2018).
- Ryo, E. “Predicting Danger in Immigration Cts.” 44 L&SInq 227 (2019).
- Ryo, E., Peacock, I. “Jailing Immigrant Detainees: A National Study of County Participation in Immigration Detention, 1983–2013,” 54 L&SR 66 (2020).
- Ryo, E., Peacock, I. “Represented but unequal: The contingent effect of legal representation in removal proceedings.” 55 L&SR 634 (2021).
- Schoenholtz, A., Schrag, P., Ramji-Nogales, J. Lives in the Balance: Asylum Adjudication by the Department of Homeland Security (2014).
- Statz, M. Lawyering an Uncertain Cause: Immigration Advocacy & Chinese Youth in the U.S. (2018).
- Stepnitz, A. “Believing Asylum-Seeking Women: Doing Gender in Legal Narratives of Sexual & Gender-Based Violence,” 32 Soc.

- & Leg. Stud. 776 (2023).
- Tosh, S. The Immigration Law Death Penalty: Aggravated Felonies, Deportation, & Legal Resistance (2023).
- Valdivia, C. "Expanding Geographies of Deportability: How Immigration Enforcement at the Local Level Affects Undocumented & Mixed-Status Families," 41 Law & Policy 103 (2019)
- Vogler, S. "Legally Queer," 50 L&SR 856 (2016).
- Wadhia, S. Beyond Deportation: The Role of Prosecutorial Discretion in Immigration Cases (2015).
- Yu, L. "A "Good Fit": Client Sorting among Nonprofit, Private, & Pro Bono Immigration Attorneys" 57 L&SR 141 (2023).
- Zatz, M., Rodriguez, N. "The Limits of Discretion: Challenges & Dilemmas of Prosecutorial Discretion in Immigration Enforcement," 39 L&SInq 666 (2014).

2. Cases

- Dept. of Homeland Security v. Thuraissigiam (2020)
- Dept. of Homeland Security v. Regents of the Univ. of Calif. (2020)
- Jennings v. Rodriguez (2018)
- Pereira v. Sessions, Attorney General (2018)
- Sessions, Attorney General v. Dimaya (2018)
- Guerrero-Lasprilla v. Barr (2020)
- Kansas v. Garcia (2020)
- Barton v. Barr (2020)
- Nasrallah v. Barr (2020)
- Niz-Chavez v. Garland (2021)
- Pereida v. Wilkinson (2021)
- Johnson v. Arteaga-Martinez (2022)
- Pugin v. Garland (2023)
- Campos-Chaves v. Garland (2024)

f. Tribal (Indian) Cts..

- Symposium, 79 Judicature #3 (1996).

2. Intracourt organizational & personnel relations.

- Church, T. "Examining Local Legal Culture," ABF Res. J. 449 (1985).
- Clynch, E. & Neubauer, D. "Trial Cts. as Organizations," 3 Law & Policy Q. 69 (1981).
- Fahnestock, K. & Geiger, M. "'We all get along here': case flow in rural cts.," 76 Judicature 258 (1993).
- Heydebrand, W. "Context of Public Bureaucracies," 11 L&SR 759 (1977).
- Heydebrand, W. "Technocratic Adm. of Justice," 2 Res. in Law & Soc. 29 (1979).
- Heydebrand, W. & Seron, C "Rising Demand for Ct. Services," 11 Justice Sys. J. 303 (1986).
- Heydebrand, W. & Seron, C. "Org. Structure of Cts.," 2 Int'l Rev. of Soc. 63 (1987).
- Heydebrand, W. & Seron, C. Rationalizing Justice (1990).
- Jacob, H. "Cts. as Organizations," in Boyum, K. Mather, L. Empirical Theories about Cts. (1983).

Kakalik, J. et al. Discovery Management (1998) (RAND)
 Kakalik, J. et al. Evaluation of Case Management ... (1996) (RAND).
 Klerman, D. "The Economics of Civil Procedure," 11 Annual Rev. L. & Soc. Sci. 353 (2015).
 McIntosh, W. "Rationalizing the Quest for Justice in U.S. Dist. Cts.," 18 L&SInq 689 (1993).
 Mentovich, A., Prescott, J., Rabinovich-Einy, O. "Legitimacy & Online Proceedings: Procedural Justice, Access to Justice, & the Role of Income," 57 L&SR 189 (2023).
 Mohr, L. "Organizations, Decisions, & Cts.," 10 L&SR 621 (1976).
 Seron, C. "The Impact of Ct. Org. on Litigation," 24 L&SR 451 (1990).
 Ostrom, B. et al. Trial Cts, as Organizations (2007).

3. Court resources, administration, & caseload management (see also Part 8 of Bibliography)

Baar, C. Separate but Subservient (1975).
 Beim, D., Clark, T., Patty, J. "Why Do Cts. Delay?" 5 J. Law & Cts. 199 (2017).
 Berkmsn, L. et al. Managing the State Cts. (1977).
 Bird, S. Assignment of Cases to Fed. Dist. Ct. Judges," 27 Stanford L. Rev. 475 (1975).
 Bozza, J. "Policy-Based Budgeting: Performance & Fiscal Accountability in the Courthouse," 20 Just. Sys. J. 63 (1998-9).
 Cannon, M. "Fed. Jud. System: Adm. Modernization," 12 Criminology 10 (1974).
 Cecil, J. Et al. "A Quarter-Century of Summary Judgment Practice in Six Federal District Cts.," 4 J. Emp. Legal Stud. 86 (2007).
 Clark, D. "Adjudication to Administration... Fed. Dist. Cts.," 55 So. Calif. L. Rev. 65 (1981).
 Dodson, S., Rosenthal, L., Dodson, C. "The Zooming of Federal Civil Litigation," 104: 3 Judicature 13 (2020-1).
 Dungworth, T. Products Liability & the Business Sector Rand (1988).
 Eisenberg, T. & Clermont, K. "Trial by or judge: which is speedier? (1986)." 79 Judicature 176 (1996).
 Elliott, E. "Managerial Judging & The Evolution of Procedure," 53 U. Chicago L. Rev. 306 (1986).
 Fetter, T. & Stott, E. "Ct. Adm. in Rural Areas," 40 PAR 34 (1980).
 Foschio, L. Empirical Research & the Problem of Ct. Delay (GPO 1973).
 Friesen, E., Gallas, E. & N. Managing the Cts. (1971).
 Green, B. "The Price of Judicial Economy in the U.S.," 7 Oñati Socio-Leg. Ser. 790 (2017).
 Green, J. & Atkins, B. "Designated Judges," 61 Judicature 358 (1978).
 Grossman, J. et al. "Measuring the Pace of Litigation in Fed. & State Trial Cts.," 65 Judicature 86 (1981).
 Habel, P. & Scott, K. "New Measures of Judges' Caseload for the Fed. Dist. Cts.," 2 Law & Cts 153 (2014).
 Hanson, R. Ct. Administrators (1971).
 Hartley, R.; Douglas, J. "Budgeting for State Cts.: The Perceptions of Key Officials Regarding the Determinants of Budget Success," 24 Just. Sys. J. 251 (2003).
 Hays, S. & Graham, C. Handbook of Ct. Adm. & Management (1992).
 Heydebrand, W. & Seron, C. "Rising Demand for Ct. Services," 11 Justice Sys. J. 303 (1986).
 Jacobi, T. "The Judicial Signaling Game: How Judge Shape Their Dockets," 16 S. Ct. Econ. Rev. 1 (2008).
 Kakalick, J. et al. Costs of the Civil Justice System R& (1982; 1983; 1986).

Krislov, S. "Theoretical Perspectives on Caseload Studies," in Boyum, K. & Mather, L. Empirical Theories About Cts., 161 (1983).

Luskin, M & Luskin, R. "Case Processing Times in Three Cts.," 9 Law & Policy 2 (1987).

McLauchlan, W. "Cts. & Caseloads," in Gates, J., Johnson, C. Am. Cts. p. 395 (1991).

Marvell, T. "Caseload Growth," 71 Judicature 151 (1987).

Marvell, T. "Civil Caseloads," 69 Judicature 153 (1985).

Mays, G. & Taggart, W. "Local Ct. Admin.," 69 Judicature 29 (1985).

Molot, J. "An Old Judicial Role for a New Litigation Era," 113 Yale L.J. 27 (2003).

Natl. Center State Cts. "How States Set Judicial Salaries," 107 Judicature 2 (2023).

Nelson, D. Jud. Admin. & the Admin. of Justice (1974).

Ostrom, B. & Kauder, N. Examining the Work of State Cts. (1996).

Parkin, M., Wedeking, J. "Connecting with the Cts.: Online Access to State Jud. Systems," 38 Just. Sys. J. 22 (2017).

Peckham, "Fed. Judge as a Case Manager," 69 Calif. L. Rev. 770 (1981).

Saari, D. Am. Ct. Management (1982) (replaces earlier studies)

Smith, C. Jud. Self-Interest (1995).

Webb, G. & Whittington, K. "Jud. Independence, the power of the purse, & inherent Jud. powers," 88 Judicature 12 (2004).

Wheeler, R. & Whitcomb, H. eds. Jud. Administration (1977).

Wheeler, R. Jud. Administration (1988).

Zeisel, H., Kalven, H., & Bucholz, B. Delay in Ct. (1959).

4. Clerks & Other Assistance.

Badas, A., Stauffer, K. "Gender & Ambition Among Potential Law Clerks," 11 J. L. & Cts. 116 (2023).

Peppers, T. ed. Of Courtiers & Princes: Stories of Lower Court Clerks & Their Judges (2021)

Winkle, J. & England, D. "Clerks in the Civil Justice Process," 13 Midsouth Pol. Sci. J. 239 (1992).

5. Rules on access to federal & state cts. & related aspects of civil procedure with reference to decisions of the Sup. Ct. of the U.S.: Standing, Class Action's, Diversity, Jud. Federalism.

a. General Commentary on Rules Affecting Access to Cts.

Bator, P. et al. Hart & Wechsler's Federal Cts. & the Federal System (most recent ed.).

Bone, R. "The Process of Making Process," 87 Georgetown L. Rev. 887 (1999).

Burbank, S., Farhang, S. Rights & Retrenchment: The Counterrevolution Against Federal Litigation (2017).

Chafee, Z. "Internal Affairs of Ass'ns Not for Profit," 43 Harv. L. Rev. 993.

Dodson, S. "New Look at Dismissal Rates of Fed. Civil Claims," 96 Judicature 127 (2012).

Dodson, St. "Why Do In-State Plaintiffs Invoke Diversity Jurisdiction?" 49 L&SI 1283 (2024).

Ela, N. "Litigation Dilemmas: Lessons from the Marcos Human Rights Class Action," 42 L&SI 479 (2017).

Friendly, H. Federal Jurisdiction (1973).

Freyer, T. Harmony & Dissonance (1981).

Gelbach, J., Marcus, D. "Crushed: Social Security Litigation in the Federal Cts.,"

101 Judicature 64 (2017)
 Gillman, H. "How Pol. Parties Can Use the Cts. To Advance Their Agendas," 96 APSR 511 (2002).
 Glover, J. "Fed. Rules of Civil Settlement," 87 N.Y.U. L. Rev. 1713 (2021).
 Hazard, G. & Taruffo, M. Am. Civil Procedure (1993).
 Krishnan, C., Masulis, R., Thomas, R., Thompson, R. "Jurisdictional Effects in M&A Litigation," 11 J. Emp. Leg. Stud. 132 (2014).
 Kritzer, H. & Zemans, F. "Local Legal Culture & the Control of Litigation," 27 L&SR 535 (1993) (Rule 11)
 Nelken, M. "The Impact of Fed. Rule 11 on Lawyers & Judges...," 74 Judicature 147 (1990).
 Parness, J. & Korbakes, C. A Study of the Procedural Rule-Making Power in the U.S. (1973).
 Staszak, S. No Day in Ct. (2015).

b. Standing: Direct Injury Rule, Taxpayer Suits, & Class Action Litigation.

(1.) Cases.

Frothingham v. Mellon (1923)
 Mass..v. Mellon (1923)
 Tileston v. Ullman (1943)
 Poe v. Ullman (1961)
 Griswold v. Conn. (1965)
 Flast v. Cohen (1968)
 Laird v. Tatum (1972)
 Sierra Club v. Morton (1972)
 U.S. v. S.C.R.A.P. (1973)
 Schlesinger v. Reservists Comm. to Stop the War (1973)
 U.S. v. Richardson (1974)
 Eisen v. Carlisle & Jacquelin (1974)
 Warth v. Seldin (1975)
 Simon v. E. Ky. Welfare Rights Org. (1976)
 Duke Power v. Carolina Environmental Study Group (1978)
 City of Los Angeles v. Lyons (1983)
 Allen v. Wright (1984)
 Valley Forge C.C. v. Americans United for Sep. of Church & State (1982).
 Lujan v. Defenders of Wildlife (1992)
 Northeastern Fla. Chapter of Assoc. Gen. Contractors v. Jacksonville (1993)
 Anchem Products v. Windsor (1997)
 Raines, Director OMB v. Byrd (1997)
 Dept. of Commerce v. U. S. House (1999).
 Hein v. Freedom from Religion Foundation (2007).
 Summers v. Earth Island Inst. (2009).
 Salazar v. Buono (2010)
 Arizona Christian School Tuition Org. V. Winn (2011)
 Connick v. Thompson (2011)
 Am. Electric Power v. Conn. (2011)
 AT&T Mobility v. Concepcion (2011)
 Wal-Mart Stores v. Dukes (2011)
 Compucredit v. Greenwood (2012)

Hollingsworth v. Perry (2013)
Comcast v. Behrend (2013)
Spokeo, Inc. v. Robins (2016)
Wittman v. Personhuballah (2016)
Microsoft Corp. v. Baker (2017)
Town of Chester v. Laroe Estates (2017)
China Agritech, Inc. v. Resh (2018)
Cyan v. Beaver County Employees Retirement Fund, (2018)
Opati v. Republic of Susan (2020)
Thole v. U.S. Bank (2020)
Carney v. Adams (2020)
Transunion LLC V. Ramirez (2021)
California V. Texas (2021)
Uzuegbunam V. Preczewski (2021)
Houston Community College System v. Wilson (2022)
United States v. Texas (2023)
Biden v. Nebraska (2023)
Dept. of Education v. Brown (2023)
Wilkinson v. Garland (2024)
Food & Drug Admin. v. Alliance for Hippocratic Medicine (2024)
Murthy, Surgeon General v. Mo. (2024)

(2.) Commentary.

Burbank, S. "The Class Action Fairness Act of 2005 in Historical Context," 156 U. Pa. L. Rev. 1439 (2008).
Choi, S., Pritchard, A. "SEC Investigations & Securities Class Actions: An Empirical Comparison," 13 J. Emp. Leg. Stud. 27 (2016).
Choi, S., Erikson, J., Pritchard, A. "Piling On? An Empirical Study of Parallel Derivative Suits," 14 J. Emp. Leg. Stud. 653 (2017).
Coffee, J. Entrepreneurial Litigation: Its Rise, Fall, & Future (2015).
Cramton, R. "Individualized Justice, Mass Torts, & Settlement Class Actions," 80 Cornell L. Rev. 811 (1995).
Dam, K. "Class Actions," 4 J. Legal Stud. 47 (1975).
Elliott, H. "The Functions of Standing," 61 Stanford L. Rev. 459 (2008).
Fitzpatrick, B. The Conservative Case for Class Actions (2020).
Garth, B., Nagel, I. & Pilger S. "The Institution of Private Attorneys General," 61 So. Calif. L. Rev. 353 (1988).
Garth, B. "Power & Legal Artifice: The Federal Class Action," 26 L&SR 237 (1992).
Grosberg, L. "Class Actions & Client Centered Decision making," 40 Syracuse L. Rev. 353 (1989).
Hensler, D. et al. Class Action Dilemmas (1999) (RAND)
Ichel, D. "The Legacy of *International Shoe* & the Future of Complex Litigation," 113 Judicature 64 (2019).
Kritzer, H. "Public Notification Campaigns in Mass Litigation," 13 Just. Sys. J. 220 (1988-9).
Macey, J. & Miller, J. "Plaintiff's Attorney's Role in Class Action & Derivative Litigation," 58 U. Chicago L. Rev. 1 (1991).
McIntosh, W. & Cates, C. Multi-party Litigation: The Strategic Context (2009).
Melnick, S. "Entrepreneurial Litigation," in Soss, J., Hacker, A. Mettler,

S. ed. Remaking America (2007).
 Mullenix, L. "Ending Class Actions as We Know Them," 64 Emory L.J. 399 (2014).
 Orren, K. "Standing to Sue," 70 APSR 723 (1976).
 Park, J. "Auditor Settlements of Securities Class Actions," 14 J. Emp. Leg. Stud. 169 (2017).
 Paul-Shaheen, P. & Perlstadt, H. "Class Action Suits & Social Change," 57 Indiana L. J. 385 (1982).
 Purcell, E. "The Class Action Fairness Act in Perspective," 156 U. Pa. L. Rev. 1823 (2008).
 Scapiro, J. Inside a Class Action (2003).
 Schuck, P. Suing Government (1983).
 Schuck, P. Agent Orange on Trial (1986).
 Xiao, J. "Consumer Litigation Funding & Medical Malpractice Litigation: Examining the Effect of Rancman v. Interim Settlement Funding Corporation," 14 J. Emp. Leg. Stud. 886 (2017).
 Yeazell, S. From Medieval Group Litigation to the Modern Class Action (1987); earlier version, 27 UCLA L. Rev. 514, 1067 (1980).

c. Justiciability: Standards on Filing a Case (live dispute, mootness, sovereign immunity etc.).

(1.) Cases.

Hayburns' Case (1792)
 Muskrat v. U.S. (1911)
 Ashwander v. Tenn. (1938)
 U.S. v. Johnson (1943)
 United Public Workers v. Mitchell (1947)
 Sibron v. N.Y. (1968)
 Roe v. Wade (1973)
 Celotex v. Catrett (1986)
 Perry v. Thomas (1987)
 Gilmer v. Interstate/Johnson Lane Corp. (1991)
 Arizonans for Official English v. Ariz. (1997)
 Ashcroft v. Iqbal (2009)
 Rent-a-Center West v. Johnson (2010)
 N. Y. State Rifle & Pistol Assn. v. City of N.Y. (2020)
 Carr v. Saul (2021)
 Acheson Hotels v. Laufer (2023)
 Dept of Agriculture v Kirtz (2024)
 FBI v. Fikre (2024)

d. Diversity Jurisdiction & Forum Shopping.

Bumiller, K. "Choice of Forum in Diversity Cases," 15 L&SR 749 (1980-1).
 Curry, B. "Institutions, Interests, & Jud. Outcomes: The Politics of Federal Diversity Jurisdiction," 60 PRQ 454 (2007).
 Ellias, J. "What Drives Bankruptcy Forum Shopping? Evidence from Market Data," 48 J. Leg. Stud. 119 (2018).
 Marcus, D. "Erie, the Class Action Fairness Act, & Some Federalism

Implications of Diversity Jurisdiction," 48 Wm. & Mary L. Rev. 1247 (2007).

Purcell, E. Litigation & Inequality: Fed. Diversity 1970-1958 (1992).

Sloviter, D. "Diversity jurisdiction through the lens of federalism," 76 Judicature 90 (1992).

e. Federalism: Applicability of State & Federal Law.

Fletcher v. Peck (1810)

Martin v. Hunter's Lessee (1816)

Cohens v. Va. (1821)

Swift v. Tyson (1849)

Murdock v. City of Memphis (1875)

Erie R.R. v. Tompkins (1938)

Samuels v. Mackell (1971)

Steffel v. Thompson (1974)

Mich. v. Long (1983)

Pa. v. Edmunds, 526 Pa. 374 (1991)

Ky. v. Wasson, 842 SW 2d 487 (1992)

f. Eleventh Amendment.

(1.) Cases.

Hans v. La. (1890)

Ex parte Young (1908)

Pennhurst State School & Hosp. v. Halderman II (1984)

Seminole Tribe v. Fla. (1996)

Fla. Prepaid Postsecondary Ed. Expense Bd. (1999)

Alden v. Maine (1999).

Kimel v. Florida Bd. of Regents (2000);

Bd of Trustees of Univ. of Ala. v. Garrett, (2001);

Nev. Dept. Human Resources v. Hibbs (2003)

College Savings Bank v. Katz (2006)

(2.) Commentary.

Fletcher, W. "A Historical Interpretation of the Eleventh Amendment," 5 Stanford L. Rev. 1033 (1983).

Jacobs, C. The Eleventh Amendment & Sovereign Immunity (1972).

Jay, S. "Origins of Federal Common Law," 133 U. Pa. L. Rev. 1003

Noonan, J. Narrowing the Nation's Power (2002).

Shortell, C. Rights, Remedies & the Impact of State Sovereign Immunity (2008).

Vasquez, C. "What is Eleventh Amend. Immunity?" 106 Yale L.J. 1683 (1997).

g. Removal.

Dombrowski v. Pfister (1968)

Younger v. Harris (1971)

Rizzo v. Goode (1976)

h. Federal Multi-District Procedures.

- Dodge, J. "Wrangling the Beast: Creating New Standards & Best Practices for MDL," 99 (2) Judicature 32 (2015).
- Hanks, G. "Searching from Within: The Role of Magistrate Judges in Federal Multi-District Litigation," 99 (1) Judicature 47 (2015),
- Olson, S. "Fed. Multidistrict Litigation," 13 Just. Sys. J. 341 (1988-9).
- Williams, M. & George, T. "Who Will Manage Complex Civil Litigation? The Decision to Transfer & Consolidate Multidistrict Litigation," 10 J. Emp. Leg. Stud. 424 (2013).

i. Congressional Limitations on Litigation.

(1.) Cases.

- Ex parte McCardle (1869)
- U.S. v. Klein (1872)
- O'Donoghue v. U.S. (1933)
- Yakus v. U.S. (1944)
- Northern Pipeline Construction v. Marathon Pipe Line (1982)
- Plaut v. Spendthrift Farm (1995)
- Hamdan v. Rumsfeld (2006)
- Bolivarian Republic of Venezuela v. Helmerich & Payne Int'l. Drilling, (2017)
- Patchak v. Zinke, Secretary of the Interior (2018)

(2.) Case studies & analysis.

- Murphy, W., Congress & the Ct.(1962).
- Nagel, S. "Ct. Curbing Periods in Am. History," 18 Vanderbilt L. Rev. 925 (1965).
- Smith, J. "Congress Opens the Courthouse Doors: Statutory Changes to Jud. Rev.," 58 WPQ 139 (2005).

j. Political Questions Doctrine.

(1.) Cases.

- Luther v. Borden (1849)
- Pacific Tel. & Tel. v. Oregon (1912)
- Coleman v. Miller (1939)
- Colegrove v. Green (1946)
- Baker v. Carr (1962)
- Goldwater v. Carter (1979)
- W. Nixon v. U.S. (1993)
- Zivotofsky v. Clinton (2012)

(2.) Commentary.

- Scharpf, F. "Jud. Rev. & the Political Question," 75 Yale L.J. 517 (1966).
- Strum, P. The Sup. Ct. & "Political Questions" (1974).

k. The Scope of Judicial Remedial Powers. See also 7B. 3. e.

(1.) Cases.

Rayonier v. U.S. (1957)
Alyeska Pipeline Service Co. V. Wilderness Soc. (1975)
Hensley v. Eckerhart (1983)
Kosak v. U.S. (1984)
Hewitt v. Helms (1987)
Pacific Mutual Life Insurance v. Haslip (1991)
BMW v. Gore (1996)
State Farm v. Campbell (2003)
Safford. Unified Sch. Dist. v. Redding (2009).

(2.). Commentary.

Chayes, A. " The Role of the Judge in Public Law Litigation,"
89 Harv. L. Rev. 1281 (1976).
Feeley, M. & Rubin, E. Jud. Policy Making in Modern State (1998).
Resnick, J. "Constricting Remedies," 78 Indiana L.J. 235 (2003).
Rudovsky, "Running in Place," U. Ill. L. Rev. 1217 (2005).
Schlanger, M. "Beyond the Hero Judge," 97 Mich. L. Rev. 1994 (1999).

I. Private Rights of Action

(1.) Cases.

Texas & Pacific Rwy. v. Rigsby (1916)
Moore v. C&O Rwy. (1934)
J.I. Case v. Borak (1964)
Rosado v. Wyman (1970)
Bivens v. Six Unknown Named Agents (1971)
Cort v. Ash (1975)
Cannon v. U. Chicago (1979)
Lake County Estates v. Lake Tahoe Regional Planning (1979)
Transamerica Mortgage Advisors v. Lewis
Alexnader v. Sandoval (2001)
Gonzaga U. v. Doe (2002)
Ziglar v. Abbasi (2017)
Hernandez v. Mesa (2020).

(2.) Commentary.

Brisbin, R. "The Politics of Private Rights of Action," 11
Whittier L. Rev. 111 (1989).
Clopton, Z. "The False Marking Gold Rush: A Case Study of
the Private Enforcement of Public Laws," 49 L&SInq
2380 (2024).
Stabile, S. "The Role of Congressional Intent in Determining the
Existence of Private Rights of Action," 71 Notre Dame L. Rev.
861 (1997).

m. Governmental Immunity from Litigation.

Monnell v. Dept. of Social Services (1978)
Butz v. Economu (1978)
Harlow v. Fitzgerald (1982)
DeShaney v. Winnebago County (1989)

6. Evidence, language, & verbal interaction affecting institutional outcomes. Includes civil & criminal case materials.

Albright, T. Rakoff, J. "A Clearer View: The Impact of the National Academy of Sciences Report on Eyewitness Identification," 104 Judicature (2020).

Atkinson, J. & Drew, P. Order in Ct. (1979).

Banchick, A. Too Dangerous to Disclose? FOIA, Courtroom "Visual Theory," & the Legal Battle Over Detainee Abuse Photographs," 43 L&SInq 1164 (2018). 1164-1187.

Baskin, D.; Sommers, I. "Crime-Show-Viewing Habits & Public Attitudes toward Forensic Evidence: The CSI Effect Revisited," 31 Just. Sys. J.97 (2010).

Bennett, W. & Feldman, M. Reconstructing Reality in the Courtroom (1981).

Berk-Seligson, S. "Bilingual Ct. Proceedings," in Levi, J. & Walker, A. Language in the Jud. Process (1990).

Bogoch, B. "Discourse Dilemmas & Courtroom Control," 25 L&SInq 227 (2000).

Brayne, S., Levy, K, Newell, B. "Visual Data & the Law," 43 L&SInq 1149 (2018).

Biber, K. In Crime's Archive: The Cultural Afterlife of Evidence (2018).

Briggs, C & Mantini-Briggs, C. "'Bad Mothers' & the Threat to Civil Society," 25 L&SInq 295 (2000).

Cooney, M. "Evidence as Partisanship," 28 L&SR 833 (1994).

Conley, J., O'Barr, W. & Lind, A. "Power of Language," 78 Duke L. J. 1375 (1978)

Conley, J. & O'Barr, W. Rules versus Relationships (1990).

Conley, J. & O'Barr, W. Just Words (1998).

Craner, C. Toxic Torts: Science, Law, & the Possibility of Justice (2006).

Cutler, B. & Penrod, S. Mistaken Identification (1995).

Daly, K. "Black Women, White Justice," in Sarat, A. et al. ed. Crossing Boundaries (1998),

Danet, B. "Language in the Legal Process," 14 L&SR 445 (1980).

Danet, B. "Baby or Fetus?" 32 Semiotica 187 (1980).

Dingwall, R. "Language, Law, & Power," 25 L7SInq 885 (2000).

Dodson, C. "Distinguishing Between Reliable & Unreliable Eyewitnesses," 104 Judicature (2020).

Drew, P. "Strategies in the Contest between Lawyer & Witness in Cross-Examination," in Levi, J. & Walker, A. Language in the Jud. Process (1990).

English, P. & Sales, B. More than Law: Behavioral & Social Facts in Legal Decision Making (2005).

Feigenson, N. & Spiesel, C. Law on Display (2009).

Feigenson, N. Experiencing Other Minds in the Courtroom (2017).

Garrett, B. et al. "Factoring the Role of Eyewitness Evidence in the Courtroom," 17 J. Emp. Leg. Stud. 556 (2020).

Gaskins, R. Burdens of Proof in Modern Discourse (1993).

Grunewald, R. Narratives of Guilt & Innocence: The Power of Storytelling in Wrongful Conviction Cases (2023).

Haack, S. Evidence Matters: Science, Proof, & Truth in the Law (2014).

Hlavka, H., Mulla, S. "'That's How She Talks': Animating Text Message Evidence in the Sexual Assault Trial," 52 L&SR 401 (2018).

Honigsberg, C. "Forensic Accounting," 16 Annual Rev. L. & Soc. Sci. 147 (2020).

Huang, K-C., "Does Discovery Promote Settlement? An Empirical Answer," 6 J. Emp. Leg. Stud. 241 (2009).

- Hull, K. "The Role of Social Science Expertise in Same-Sex Marriage Litigation," 13 Annual Rev. L. & Soc. Sci. 471 (2017).
- Jacquemet, M. Creditability in Ct. (1996).
- Jefferson, T. "The Tyson Rape Trial," 6 Soc. & Legal Stud. 281 (1997).
- Johnson, M. "Language & Cognition in Products Liability," in Levi, J. & Walker, A. Language in the Jud. Process (1990).
- Johnson, R., Rostain, T. "Tool for Surveillance or Spotlight on Inequality? Big Data & the Law," 16 Annual Rev. L. & Soc. Sci. 453 (2020).
- Koehler, J. "How Trial Judges Should Think About Forensic Science," 102 Judicature 28 (2018).
- Levi, J. "Study of Language in the Jud. Process," in Levi, J. & Walker, A. Language in the Jud. Process (1990).
- Lane, S., Houston, K.. Understanding Eyewitness Memory: Theory & Applications (2021).
- Lidén, M. Confirmation Bias in Criminal Cases (2023).
- Loftus, E. "Eyewitness Science & the Legal System," 14 Annual Rev. L. & Soc. Sci. 1 (2018).
- López-Espino, J. "Giving & Taking Voice: Metapragmatic Dismissals of Parents in Child Welfare Court Cases. 49 L&SInq 1453 (2024).
- McGough, L. Child Witnesses (1994).
- McKee, T. "What Judges Can Do: The Third Circuit Task Force on Eyewitness Identifications," 104 Judicature (2020)
- Matoesian, G. Reproducing Rape (1993).
- Matoesian, G. "Language, Law, & Society," 29 L&SR 669 (1995).
- Matoesian, G. "'You Were Interested in Him as a Person': Rhythms of Domination in the Kennedy Smith Rape Trial," 22 L&SInq 55 (1997).
- Matoesian, G., Gilbert, K. Multimodal Conduct in the Law: Language, Gesture & Materiality in Legal Interaction (2018).
- Mellinkoff, D. The Language of the Law (1963).
- Mertz, E., Ford, W., Matoesian, G. eds. Translating the Social World for Law: Linguistic Tools for a New Legal Realism (2016).
- Morrill, C. & Facciola, P. "Power of Language in Adjudication & Mediation," 17 L&SInq. 191 (1992).
- Morrill, C., Johnson, M., & Harrison, T. "Voice & Context in Simulated Everyday Legal Discourse," 32 L&SR 639 (1998).
- Neal, T. et al. "The Law Meets Psychological Expertise: Eight Best Practices to Improve Forensic Psychological Assessment," 18 Annual Rev. L. & Soc. Sci. 169 (2022).
- Nelken, D. ed. Law as Communication (1996).
- O'Barr, W. Linguistic Evidence (1982).
- Paik, L. "Organizational Interpretations of Drug Test Results," 40 L&SR 931 (2006).
- Papke, D. Narrative & Legal Discourse (1991).
- Petersen, K., et al. "The usage & utility of body-worn camera footage in courts: A survey analysis of state prosecutors" 20 J. Emp. Leg. Stud. 534 (2023).
- Philips, S. Ideology in the Language of Judges (1998).
- Price, E. "On the Use of Conversation as Evidence in a Ct.of Law," in Levi, J. & Walker, A. Language in the Jud. Process (1990)
- Ross, D. et al. ed. Adult Eyewitness Testimony (1994).
- Saks, M., Schweitzer, N., Aharoni, E. Kiehl, K. "The Impact of Neuroimages in the Sentencing Phase of Capital Trials," 11 J. Emp. Leg. Stud. 105 (2014).
- Saks, M, Spellman, B. The Psychological Foundations of Evidence Law (2016).
- Sanders, J. "Relevance of Irrelevant Testimony," 16 L&SR 403 (1981-2).
- Sarat, A. ed. Rhetorical Processes & Legal Judgments (2016).
- Scheppele, K.. "Imagined Pasts," in Epstein, L. Contemplating Cts. (1995).

Schum, D. & Musten, A. "Formal & Empirical Research on Cascaded Inference in Jurisprudence," 17 L&SR 105 (1982).

Sheldon, J. & Murray, P. "Rethinking the rules of evidentiary admissibility in non-jury trials," 86 Judicature 227 (2003).

Sjostrom, S. Party or Patient? Discursive Practices Relating to Coercion in Psychiatric & Legal Settings (1997).

Skene, J. "Up to the Courts: Managing Forensic Testimony with Limited Scientific Validity," 102 Judicature 39 (2018).

Smith, J. & Todd, J. "Rules, Standards, & Lower Ct. Decisions," J. Law & Cts. 257 (2015).

Solan, I. Language of Judges (1993).

Solan, L. Language of Statutes (2010).

Stalans, L. & Kinsey, K. "Self-Presentation & Legal Socialization in Society," 28 L&SR 859 (1994).

Stryker, R. Docka-Filipek, D., & Wald, P. "Employment Discrimination Law & Individual Psychology," 37 L&SInq 777 (2012).

Thompson, W. et al. "Evaluating Negative Forensic Evidence: When Do Jurors Treat Absence of Evidence as Evidence of Absence?" 14 J. Emp. Leg. Stud. 569 (2017).

Thompson, W. et al. "After Uniqueness: The Evolution of Forensic Science Opinions," 102 Judicature 18 (2018).

Tiersma, P. Legal Language (1999).

Travers, M. & Manzo, j. ed. Law in Action (1997).

Wasserman, H. "Video Evidence & Summary Judgment," 91 Judicature 180 (2008).

7. Experts: Hard science & social science evidence used in litigation.

Acker, J. "Thirty Years of Social Science in Sup. Ct. Decisions," 12 Law & Policy 1 (1990).

Ancheta, A. Scientific Evidence & Equal Protection of the Law (2006).

Angell, M. Science on Trial (1996).

Boudreau, C., McCubbins, M. "Nothing But the Truth? Experiments on Adversarial Competition, Expert Testimony, & Decision Making," 5 J. Emp. Leg. Stud. 751 (2008).

Boudreau, C., McCubbins, M. "Competition in the Courtroom: When Does Expert Testimony Improve Jurors' Decisions?" 6 J. Emp. Leg. Stud. 793 (2009).

Bryant, A. & Reinert, A. "The legal system's use of epidemiology," 87 Judicature 12 (2003).

Caudill, D. & LaRue, L. No Magic Wand: The Idealization of Science in Law (2006).

Cecil, J. & Willgang, T. "The use of ct.-apptd. experts in fed. cts.," 78 Judicature 41 (1994).

Champagne, A., Schuman, D. & Whitaker, E. "Expert Witnesses in the Cts.," 76 Judicature 5 (1992)

Chesler, M. et al. Social Science in Ct. (1988).

Dioso-Villa, R. "Is the Expert Admissibility Game Fixed? Jud. Gatekeeping of Fire & Arson Evidence," Law & Policy (2016).

Dobbin, S. et al. Applying Daubert," 85 Judicature 244 (2002).

Enos, R., Fowler, A., Havasy, C. "The Negative Effect Fallacy: A Case Study of Incorrect Statistical Reasoning by Federal Cts.," 14 J. Emp. Leg. Stud. 618 (2017).

Erickson, R. & Simon, R. Use of Soc. Sci. Evidence in Sup. Ct. Decisions (1998)

Feinberg, S. ed. Evolving Role of Statistical Assessments as Evidence in the Cts. (1989).

Finkelstein, M. "Jud. Reception of Multiple Regression Studies....," 80 Columbia L. Rev. 737 (1980).

Fiske, S., Borgida, E. "Providing Expert Knowledge in an Adversarial Context: Social

- Cognitive Science in Employment Discrimination Cases," 4 Annual Rev. L & Soc. Sci. 148 (2008).
- Foster, K. & Huber, P. Judging Science (1997).
- Grofman, B, "Multivariate Methods & the Analysis of Racially Polarized Voting," 72 SSQ 826 (1991) & reply by Bullock, C. "Misinformation & Misperceptions," 72 SSQ 834 (1991).
- Jasanoff, S. Science at the Bar (1995).
- Kaye, D. "Stat. Proof in the Cts.," 35 Contemporary Psychology 839 (1990)
- Kaye, D. "The Numbers Game," 80 Mich. L. Rev. 833 (1982).
- Kaye, D. "Apples & Oranges," 73 Cornell L. Rev. 54 (1986).
- Kritzer, H. "Daubert in the Law Office: Routinizing Procedural Change," 5 J. Emp. Legal Stud. 109 (2008).
- Meier, P. et al. "What Happened in Hazelwood," ABF Res. J. 139 (1984).
- Murrie, D., Boccaccini, M. "Adversarial Allegiance among Expert Witnesses," 11 Annual Rev. L. & Soc. Sci. 37 (2015).
- Lanoue, G. & Lee, B. Academics in Ct. (1987).
- Nave, C., Meehan, A., Dennis, A. "“You Don’t Need a Rocket Scientist to Figure Out What Could Happen”: Reasoning Practices in Police Use of Force Trials," 49 L&SInq 2439 (2024).
- Prichard, F. Experts in Civil Cases: An Inside View (2005)
- Romkens, R. "Ambiguous Responsibilities," 25 L&SInq 355 (2000)
- Rosen, P. The Sup. Ct. & Social Science (1972).
- Saks, M. & Van Duijzend, R. Use of Social Science Evidence in Litigation (1983).
- Saks, M., Faigman, D. "Expert Evidence after *Daubert*," 1 Annual Rev. L. & Soc. Sci. 105 (2005).
- Sanders, J. Bendectin on Trial (1998).
- Sommers, I.; Baskin, D. "Influence of Forensic Evidence on the Case outcomes of Rape Incidents," 32 Just. Sys. J. 314 (2011).
- Walker, L. & Monahan, J. "Social Facts," 76 Calif. L. Rev. 877 (1988).

7. Costs of litigation.

- Deck, C., Pecorino, P., Solomon, M. "Litigation with negative expected value suits: An experimental analysis," 21 J. Emp. Leg. Stud. 244–78 (2024).
- Engelman, K. & Cornell, B. "Measuring the Cost of Corporate Litigation," 17 J. Legal Stud. 377 (1988).
- Trubek, D. et al. "Costs of Ordinary Litigation," 31 UCLA L. Rev. 73 (1983).

9. Televised trials.

- Alexander, S. "The impact of Calif. v. Simpson on cameras in the courtroom," 79 Judicature 169 (1996).
- Pogorzelski, W. & Brewer, T. "Cameras in Ct.," 91 Judicature 124 (2007).
- Thaler, P. The Watchful Eye (1994) (television coverage)
- Zemans, F. "Public access," 79 Judicature 173 (1996).

10. Legal Architecture & Technology.

- Alfini, J. & Winters, G. eds. Selected Readings on Courtroom Design (1973).
- Branco, P. "Analysing courthouses’ spaces, places & architecture: Some methodological outlines," 13 Oñati Soc.-Leg. Ser. S278 (2023).
- Brigham, J. "From Temple to Technology," in Sarat, A. et al. Everyday Practices &

- Trouble Cases (1998).
- Hazard, J. "Furniture Arrangement as a Symbol of Jud. Roles," 19 Etcetera 181 (1962).
- Luskin, M. "Social Loafing on the Bench," 12 Just. Sys. J. 177 (1987).
- Mulcahy, L. "Architects of Justice: The Politics of Courtroom Design," 16 Soc. & Leg. Stud. 383 (2007).
- Mulcahy, L., Rowden, E The Democratic Courthouse: A Modern History of Design, Due Process & Dignity (2019).
- Perry-Kessaris, A. "Legal Design for Practice, Activism, Policy, & Research" J. L. & Soc. 46 (2019): 185
- Rossner, M. et al. "The Dock on Trial: Courtroom Design & the Presumption of Innocence." 44 J. L. & Soc. 317 (2017).
- Smith, S., et al. "Courthouse Size & Its Impact on Judicial Performance," 7 J. Law & Cts. 215 (2019).

D. Trial court judges: Personnel as a variable.

1. Judicial Selection. Also check the section on appellate court judicial selection, below: V.B.1.

- Bonica, A., Sen, M. The Judicial Tug of War: How Lawyers, Politicians, & Ideological Incentives Shape the Am. Judiciary (2021).
- Chinn, R. & Berkson, L. Literature on Jud. Selection (1980) is an excellent but dated bibliography on the subject.
- Nelson, M., Driscoll, A. "Accountability for Court Packing," 11 J. L. & Cts. 290 (2023).

a. Federal Judiciary

- Allison, G. "Delay in Senate confirmation of federal Jud. nominees," 80 Judicature 8 (1996).
- Barrow, D. & Zuk, G. "An Inst. Analysis of Turnover in the Lower Fed. Cts.," 52 JOP 457 (1990).
- Bell, L. "Senatorial Discourtesy: Senate's Use of Delay to Shape the Fed. Judiciary," 55 PRQ 589 (2002).
- Bonica, A., Sen, M. The Judicial Tug of War: How Lawyers, Politicians, & Ideological Incentives Shape the American Judiciary (2021).
- Carp, R., Manning, K., & Stidham, R. "President Clinton's district judges," 84 Judicature 282 (2001).
- Carp, R., Manning, K., & Stidham, R. "The decision-making behavior of George W. Bush's Jud. appointees," 88 Judicature 20 (2004).
- Chase, H. Federal Judges (1972).
- Choi, S., Gulati, M., Posner, E. "Trump's Lower Court Judges & Religion: An Initial Appraisal," 54 J. Leg. Stud. 1 (2025).
- Crow, J. "Subterranean Politics," 12 J. Pub. Law 275 (1963).
- Dancey, L., Nelson, K., Ringsmuth, E. It's Not Personal: Politics & Policy in Lower Court Confirmation Hearings (2020).
- Drenning, B. "The Jud. confirmation process & the blue slip," 85 Judicature 218 (2002).
- Giles, M., Hettinger, V., & Peppers, T. "Picking Federal Judges," 54 PRQ 623 (2001).
- Grossman, J. Lawyers & Judges (1965).
- Habel, P., Bennett, D., Gleason, S. Comparato, S. "Implications of Salary for the Quality of Nominations to the Federal District Cts., 1964-2012," 36 Just. Sys. J. 323 (2015).

Hendershot, M. "From Consent to Advise & Consent: Cyclical Constraints within the Dist. Ct. Appointment Press," 63 PRQ 328 (2010).

Hall, K. Politics of Justice (1979) (history fed. selection)

Johnson, S. & Songer, D. "The Influence of Presidential versus Home State Senatorial Preferences on the Policy Output of Judges on the U.S. District Cts.," 36 L&SR 657 (2002).

King, J., Schoenherr, J., Ostrander, I. "Anchoring or Expanding? Gender & Judicial Nominations," 78 PRQ 135 (2024).

Maveety, N. Picking Judges: Presidential Briefings (2016).

McClure, T. "Do Jud. Elections Impact the Perception of Impartiality: A Comparison of Bar Poll Ratings of Elected & Appointed Illinois Downstate & Collar County Trial Judges," 37 Just. Sys. J. 157 (2016).

McElroy, L. & Cannan, J. "Obama's second term & the fed. Cts.," 96 Judicature 99 (2012).

Martinek, W., Kemper, M. & Van Winkle, S. "To Advise & Consent: The Senate & Lower Fed. Ct. Nominations, 1977-1988," 64 JoP 337 (2002).

Nash, J., Shepherd, J. "Filibuster Change & Judicial Appointments," 17 J. Emp. Leg. Stud. 646 (2020).

Ringsmuth, E., Dancey, L., Nelson, K. It's Not Personal: Politics & Policy in Lower Court Confirmation Hearings.

Scherer, N. Diversifying the Courts: Race, Gender, & Judicial Legitimacy (2023).

Sheldon, C. & Maule, L. Choosing Justice: The Recruitment of State & Federal Judges (1997).

Slotnick, E. "Fed. Trial & Appellate Judges," 36 WPQ 570 (1983).

Slotnick, E. "Fed. Jud. Recruitment & Selection Research," 71 Judicature 317 (1988).

Solomon, R. "Politics of Appt. & the Federal Cts. Role in Regulating Am.," ABF Res. J. 285 (1984).

Songer, D.; Johnson, S.; Stidham, R. "Presidential Success through Appointments to the U.S. District Cts.," 24 Just. Sys. J. 283 (2003).

Steigerwalt, A. Battle Over the Bench (2010).

Steigerwalt, A., Martinek, W. "Lower Fed. Ct. Confirmations," in Howard, R., Randazzo, K. The Routledge Handbook of Jud. Behavior (2018), 340.

Uribe-McGuire, A. "Binders Full of Judges: A Model of the Interdependency of Appointments to the U.S. Federal Judiciary," 11 J. L. & Cts 329 (2023).

Wheeler, R. "Changing backgrounds of U.S. district judges," 93 Judicature 140 (2010).

b. State Judiciary.

Alonzie, N. "Black Rep. on State Judiciaries," 69 SSQ 979 (1988).

Arbour, B. & McKenzie, M. "Has the 'New Style' of Jud. campaigning reached lower ct. elections?" 93 Judicature 150 (2010).

Arbour, B. & McKenzie, M. "Campaign Messages in Lower-Court Elections after Republican Party of Minnesota vs. White," 32 Just. Sys. J. 1 (2011).

Armaly, M., Bruce, J. "Democratizing U.S. Courts: Perceived Representation & Support for Judicial Elections." 78 PRQ 72 (2024).

Arrington, T. "When Money Doesn't Matter: Campaign Spending for Minor Statewide Jud. & Executive Offices in North Carolina," 18 Just. Sys. J. 257 (1995-6).

Aspin, L. & Hall, W. "Friends & Neighbors Effect in Jud. Retention Elections," 40 WPQ 703 (1987).

- Aspin, L. & Hall, W., "Retention Elections & Jud. Behavior," 77 Judicature 306 (1994).
- Aspin, L. & Hall, W., "Campaigning for Retention in Ill.," 80 Judicature 84 (1996).
- Aspin, L. "Campaigns in Jud. Retention Elections: Do They Make a Difference," 20 Just. Sys. J. 1 (1998-9).
- Aspin, L. "The 2010 Jud. Retention Elections in Perspective," 94 Judicature 218 (2011)
- Baum, L. "Electing Judges," in Epstein, L. Contemplating Cts. (1995).
- Baum, L. "Jud' Elections & Jud. Independence," 64 Ohio St. L.J. 13 (2003)
- Bonneau, C. & Cann, D., "Campaign Spending, Diminishing Marginal Returns, & Campaign Finance Restrictions in Jud. Elections," 73 JoP 1267 (2011).
- Bonneau, C. & Hall, M. In Defense of Jud. Elections (2010).
- Bonneau, C. & Hall, M. ed. Judicial Elections in the 21st Century (2017).
- Bonneau, C., Rice, H. "Jud. Selection the States," in Howard, R., Randazzo, K. The Routledge Handbook of Jud. Behavior (2018), 321.
- Boyd, C. "She'll Settle It?" 1 Law & Cts. 193 (2013).
- Boyea, B. "Does Seniority Matter?" 91 SSQ 209 (2010).
- Boyea, B. "Time Served in State Sup. Cts.: Mapping the Determinants of Jud. Seniority," 32 Just. Sys. J. 44 (2011).
- Canes-Wrone, B., Clark, T., "Jud. Independence & Nonpartisan Elections," Canes-Wrone, B., Clark, T., Wisconsin L. Rev. 21 (2009).
- Canon, B. "Impact of Formal Selection Processes on Characteristics of Judges," 6 L&SR 579 (1972).
- Champagne, A. & Cheek, K. "PACS & Jud. Politics in Texas," 80 Judicature 26 (1996).
- Choi, S. Gulati, G., Posner, E. "Professionals or Politicians," 26 J. Econ. & Org. 290 (2010).
- Clopton, A.; Peters, C. "Justice Denied: A County-Level Analysis of the 2010 Iowa Sup. Ct. Retention Election," 34 Just. Sys. J. 321 (2013).
- DeAngelo, G., McCannon, B. "Judicial Elections & Criminal Case Outcomes," 49 J. Leg. Stud. 199 (2020).
- Driscoll, A. & Nelson, M. "Pol. Origins of Jud. Elections," 96 Judicature 161 (2013).
- Dubois, P. From Ballot to Bench (1980) the bibliography cites his numerous arts. on jud. selection inc. "Significance of Voting Cues in St. Sup. Ct. Elections," 13 L&SR 757 (1979); "Voting Cues in Nonpartisan Trial Ct. Elections," 18 L&SR 395 (1984).
- Easterly, B. "Jud. Responsiveness to Valence Issues: An Event History Analysis of the Initial Sex Offender Registration & Notification (SORN) Laws," Law & Policy (2016).
- Felice, J. & Kilwein, J. "Strike one, Strike two," 75 Judicature 193 (1992).
- Fitzpatrick, B. "The Ideological Consequences of Selection: A Nationwide Study of the Methods of Selecting Judges." 70 Vanderbilt L. Rev. 1729 (2017).
- Frederick, B.; Streb, M. "Cost of Going for the Gavel: Individual Candidate Spending in Intermediate Appellate Ct. Elections," 32 Just. Sys. J. 25 (2011).
- Geyh, C. Who Is To Judge? The Perennial Debate over Whether to Elect or Appoint America's Judges (2019).
- Gibson, J. "Campaigning for the Bench," 42 L&SR 899 (2008).
- Gibson, J. Electing Judges (2012).
- Goelzhauser, G. Choosing State Sup. Ct. Justices: Merit Selection & the Consequences of Institutional Reform (2016).

- Goelzhauser, G. "Does Merit Selection Work? 6 J. L. & Cts. 155 (2018).
- Goelzhauser, G. Judicial Merit Selection: Institutional Design & Performance for State Cts. (2019).
- Gordon, S., Yntiso, S. "Incentive Effects of Recall Elections: Evidence from Criminal Sentencing in California Cts." 84 JoP 1947 (2022).
- Gryski, G., Zuk, G., Barrow, D. "A Bench that Looks Like Am.?" 56 JOP 1076 (1994).
- Gunderson, A. et al. "Candidate Gender, Campaign Appeals, & Voter Support in Judicial Elections," 87 JoP 172 (2025).
- Hall, M. & Bonneau, C. "Attack Advertising, the *White* Decision, & Voter Participation in State Sup. Ct. Elections," 66 PRQ 115 (2013).
- Harris, A. "Voter Response to Salient Judicial Decisions in Retention Elections" 44 L&SIInq 170 (2019).
- Henschen, B. et al. "Jud. Nominating Comm'ns," 73 Judicature 328 (1990).
- Hernandez, S., Navarro, S. eds. Race, Gender, Sexuality, & the Politics of the American Judiciary (2019).
- Hoekstra, V., LaRowe, N. "Judging Nominees: An Experimental Test of the Impact of Qualifications & Divisiveness on Public Support for Nominees to the Federal Cts.," 34 Just. Sys. J. 38 (2013).
- Hojnacki, M. & Baum, L. "Choosing Jud. Candidates," 75 Judicature 300 (1992).
- Hojnacki, M. & Baum, L. "'New Style' Jud. Campaigns & the Voters," 45 WPQ 921 (1992).
- Jackson, D. & Riddlesperger, J. "Money & Politics in Jud. Elections," 74 Judicature 184 (1991).
- Jacob, H. "Effect of Institutional Differences in the Selection Process," 13 J. Pub. Law 104 (1964).
- Jacob, H. "Jud. Insulation," 1966 Wisc. L. Rev. 801.
- Jensen, J. & Martinek, W. "The Effects of Race & Gender on the Ambitions of State Trial Ct. Judges," 62 PRQ 379 (2009).
- Jensen, J. "Career satisfaction & state trial ct. judges plans to leave the bench," 95 Judicature 116 (2011).
- Kennedy, M., Nelson, M., Heidt-Forsythe, E. "Gender Stereotypes & Candidate Qualifications in Judicial Elections," 78 PRQ 182 (2024).
- Kiel, L., Funk, C., & Champagne, A. "Two-party Competition & Trial Ct. Elections in Texas," 77 Judicature 290 (1994).
- Klein, D. & Baum, L. "Ballot Information & Voting Decisions in Jud. Elections," 54 PRQ 709 (2001).
- Krasno, J, et al. "Campaign Donations, Judicial Recusal, & Disclosure: A Field Experiment," 83 JoP 1844 (2021).
- Kritzer, H., "Roll-Off in State Ct. Elections: The Impact of the Straight-Ticket Voting Option," 4 J. Law & Cts. 409 (2016).
- Kritzer, H., Judicial Selection in the States: Politics & the Struggle for Reform (2020).
- Kritzer, H. "What do Americans want in their state judges?" 105 Judicature 49 (2021).
- Luskin, R., Bratcher, C., Jordan, C, Renner, T., & Seago, K. "How Minority Judges Fare in Retention Elections," 77 Judicature 316 (1994).
- Maroney, T. et al. "How are You Holding Up? The State of Judges Wellbeing," 107 Judicature 22 (2023),
- McFeeley, N. The Appointment of Judges (1987).
- McKenzie, M. & Rebe, R. "Pol. Knowledge of Local Cts.: Are Rural Voters More

- Informed than Urban Voters? 96 Judicature 169 (2013).
- Martin, E. "Representative role of women judges," 77 Judicature 166 (1993).
- Miller, B., Curry, B., "Effect of Per Se Recusal Rules on Donor Behavior in Jud. Elections," 34 Just. Sys. J. 125 (2013).
- Moog, R. "Campaign financing for N.C. appellate cts.," 76 Judicature 68 (1992).
- Nagel, S. "Comparing Elected & Appointed Jud. Systems," Sage Paper 4-001.
- Nelson, M. "Uncontested & unaccountable? Rates of contestation in trial ct. elections," 94 Judicature 208 (2011).
- Nelson, M. "Responsive Justice? Retention Elections, Prosecutors, & Public Opinion," 2 Law & Cts. 153 (2014).
- Nicholson, M. & N. "Funding Jud. Campaigns in Ill.," 77 Judicature 294 (1994).
- Nownes, A., Glennon, C. "An Experimental Investigation of How Jud. Elections Affect Public Faith in the Jud. System," 41 L&SInq 37 (2016).
- Olson, S. & Batjer, C. "Competing Narratives in a Jud. Retention Election," 33 L&SR 123 (1999).
- Reddick, M. "Merit Selection," 106 Dickinson L. Rev. 729 (2001).
- Reid, T. "Assessing the Impact of a Candidate's Sex in Jud. Campaigns & Elections in North Carolina," 25 Just. Sys., J. 183 (2004).
- LaRowe, N. "Open Floodgates? Independent Spending in State Sup. Ct. Elections after Citizens United," 100 Judicature 47 (2016).
- Salokar, R.; Berggren, D. DePalo, K. "New Politics of Jud. Selection in Florida: Merit Selection Redefined," 27 Just. Sys. J. 123 (2006).
- Savchak, E., "From Bench to Bench: Is Prior Jud. Experience Favored by Certain Jud. Selection Methods," 36 Just. Sys. J. 378 (2015)
- Sen, M. "How Jud. Qualifications Ratings May Disadvantage Minority & Female Candidates," 2 Law & Cts. 33 (2014).
- Sheldon, C. & Lovrich, N. "State Jud. Recruitment," in Gates, J. & Johnson, C. Am. Cts. p. 161 (1991).
- Sheldon, C. "The Role of State Bar Ass'ns in Jud. Selection," 77 Judicature 300 (1994).
- Sheldon, C. & Lovrich, N. "Voter Knowledge, behavior, & attitudes in primary & general jud. elections," 82 Judicature 216 (1999).
- Shortell, C. "Voting in Trial Ct. Elections: Ballot Roll-Off in Partisan, Nonpartisan, & Retention Elections in High-Population Counties," 34 Just. Sys. J. 153 (2013).
- Slotnick, E. "Reforms in Jud. Selection," 64 Judicature (1980).
- Slotnick, E. "Review Essay on Jud. Recruitment," 13 Just. Sys. J. 109 (1988).
- Streb, M. Running for Judge: The Rising Political, Financial, & Legal Stakes of Jud. Elections (2006).
- Streb, M. "Jud. Elections & Public Perception of the Cts.," in Peabody, B. The Politics of Jud. Independence (2011).
- Uhlman, T. "Race, Recruitment, & Representation," 30 WPQ 457 (1977).
- Vande Kamp, G. "Checking for a Narrower Impact of *White*," 7 J. Law & Cts. 149 (2019).
- Vines, K. "Selection of Judges in La.," in Vines, K. & Jacob, H. Studies in Jud. Politics, 8 Tulane Studies in Pol. Sci. 99 (1962).
- Vining, R., Bullock, C., Boldt, E. "The Politics of Interim Judicial Appointments," 11 J. L. & Cts 350 (2023).
- Volcansek-Clark, M. "Why Lawyers become Judges," 62 Judicature 166 (1978).
- Watson, R. & Downing, R. Politics of the Bench & the Bar (1969).

Williams, M. "In a different path: the politics of becoming a judge for men & women," 90 Judicature 104 (2006).

Williams, M. "Individual Explanations for Serving on State Cts.," 30 Just. Sys. J. 158 (2009).

2. Socialization.

Alpert, L. et al. "Becoming a Judge," 62 Judicature 325 (1979); also in Cramer, J. Cts. & Judges op. cit.

Carp, R. & Wheeler, R. "Sink or Swim: Soc. Fed. Dist. Judge," 21 J. Pub. Law 359 (1972).

Cook, B. "The Socialization of New Fed. Judges," 1971 Wash. U. L. Q. 253.

3. Values, Emotions, & Decision Making.

Anleu, S. et al. "Judicial Ethics, Everyday Work, & Emotion Management," 8 J. L. & Cts. 127 (2020).

Bergman B., Minissale, A. "(Dis)passionate law stories: the emotional processes of encoding narratives in court," 49. J. Law & Soc. 245 (2022).

Brisbin, R. & Kilwein, J. "WV Judiciary in Comparative Perspective," 10 WVPAR 2 (1993).

Brisbin, R. "The WV Judiciary," in West Virginia's State Government (1993), p. 59ff.

Chase, H. Biographical Directory of the Federal Judiciary (1976ff).

Cramer, J. ed. Cts. & Judges (1981), chaps. 2-7.

Elek, J. "Judicial Perspectives on Emotion, Emotion Management, & Judicial Excellence in the USA," 9 Oñati Socio-Leg. Ser. 865 (2019).

Farole, D. "Problem Solving & the American Bench: A National Survey of Trial Ct. Judges," 30 Just. Sys. J. 50 (2009).

Galanter, M. et al. "The Crusading Judge," 52 S. Cal. L. Rev. 699 (1979).

Guthrie, C. "Inside the Judicial Mind," 86 Cornell L. Rev. 777 (2000).

Hübert, R. "Getting Their Way: Bias & Deference to Trial Cts.," 63 AJoPS 706 (2019).

Hübert, R. "Biased Judgments without Biased Judges: How Legal Institutions Cause Errors," 83 JoP 753 (2021).

Hurwitz, M. & Lanier, D. "Jud. Diversity in Fed. Cts.," 96 Judicature 76 (2012).

Jacob, H. "Decision Making in Trial Cts.," in Gates, J. & Johnson, C. Am. Cts. p. 213 (1991).

Jacob, H. "Governance of Trial Judges," 31 L&SR 3 (1997).

Jay, S. Most Humble Servants: the Advisory Role of Early Judges (1997).

Kahan, D. "Ideology or Cultural Cognition of Judging," 92 Marquette L. Rev. 414 (2009).

Kahan, D. et al. "They Saw a Protest: Cognitive Illiberlaim & the Speech-Conduct Distinction," 64 Stanford L. Rev. 851 (2012).

Kenny, S. Gender & Justice: Why Women in the Judiciary Really Matter (2013).

Kitchin, W. Federal District Judges (1978).

McClure, T. "Perceptions of Bias: Do Campaign Contributions Create Public Perceptions of Judicial Bias?" 102 Judicature 29 (2018).

McIntosh, W. & Cates, C. Jud. Entrepreneurship (1998).

Miller, M. et al. "Judges & Stress: An Examination of Outcomes Predicted by the Model of Judicial Stress," 102 Judicature 51 (2018).

Miller, M., Tuma, M, Stare Decisis & the Electoral Connection: Do Retention Systems Affect Judges' Deference to Precedent? 20 State Pol. & Pol. Q. 157 (2020).

Provine, D. Judging Credentials (1986) (nonlawyer judges).

Rachlinski, J. et al. "Inside the Bankruptcy Judge's Mind," 86 Boston U. L. Rev. 1227

(2006).

Roach Aneleu, S., Mack, K. Judging & Emotion: A Socio-Legal Analysis (2022).

Ryan, J. et al. Am. Trial Judges (1981).

Salerno, J. "The Impact of Experienced & Expressed Emotion on Legal Factfinding," 17 Annual Rev. L. & Soc. Sci. 181 (2021).

Schudson, C. Independence Corrupted: How America's Judges Make Their Decisions (2018).

Uhlman, T. Racial Justice in the Am. Legal Process (1979).

Van Koppen, P. & Kate, J. "Individual Differences in Jud. Behavior," 18 L&SR 225 (1984) (comparative).

Weimann-Saks, D., Peleg-Koriat, I., Halperin, E. "The Effect of Malleability Beliefs & Emotions on Legal Decision Making" 40 Just. Sys. J. 21 (2019).

Weinberg, J., Nielsen, L., Albrecht, K. "The Deserving Worker: Decisions about Workplace Accommodation by Judges & Laypeople," 41 Law & Policy, 286 {2019}.

Whitehead, J. Judging Judges: Values & the Rule of Law (2015).

Wice, P. Judges & Lawyers (1991).

4. Political culture & political variables as influences on trial court policy making.

Banks, C. & Tauber, S. "U.S. District Ct. Decision-Making in USA PATRIOT Act Cases after September 11," 35 Just. Sys. J. 139 (2014).

Boyd, C. et al. "Untangling the Causal Effects of Sex on Judging, 54 AJoPS 389 (2010).

Boyd, C.; Sievert, J. "Unaccountable Justice - The Decision Making of Magistrate Judges in the Federal District Cts.," 34 Just. Sys. J. 249 (2013).

Boyd, C. "Representation on the Cts.? The Effects of Trial Judges' Sex & Race," 69 PRQ 788 (2016).

Carp, R. & Rowland, C. Politics & Policymaking in the Federal District Cts. (1983).

Carp, R. & Rowland, C. Politics & Judgment in the Federal District Cts. (1996).

Cohen, A., Klement, A., Neeman, Z. "Judicial Decision Making: A Dynamic Reputation Approach," 44 J. Leg. Stud. S133 (2015).

Collins, P., Manning, K. & Carp, R. "Gender, Critical Mass, & Jud. Decision Making," 32 Law & Policy 260 (2010).

Cook, B. "Sentencing Behavior of Fed. Judges," in Goldman & Sarat, Am. Ct. Systems p. 371; U. Cinc. L. Rev. (1973).

Dumas, T., Haynie, S. Building an Integrated Model of Trial Ct. Decision Making: Predicting Plaintiff Success & Awards across Circuits," 12 State Pol. & Pol. Q. 103 (2012).

Edlin, C. Common Law Judging: Subjectivity, Impartiality, -&-the Making of the Law (2016).

Eisenberg, T. & Schwab, S. "What Shapes Perceptions of the Federal Ct. System," 56 U. Chicago L. Rev. 501 (1989).

Ford, C. The Women of Courtwatch: Reforming a Corrupt Family Ct. System (2005).

Fox, R., Sickel, R. "Gender Dynamics & Jud. Behavior in Criminal Trial Cts.: An Exploratory Study," 21 Just. Sys. J. 261 (1999-2000).

Fradella, H. "In Search of Meritorious Claims: A Study of the Processing of Prisoner Civil Rights Cases in a Federal Dist. Ct.," 21 Just. Sys. J. 23 (1999-2000).

Giles, M. & Walker, T. "Jud. Policy-Making & So. School Segregation," in Goldman & Sarat, Am. Ct. Systems p. 389; 37 JOP 917 (1975).

Gibson, J. "Environmental Constraints on the Behavior of Judges," 14 L&SR 343 (1980).

Grossman, J. "Pol. Culture & Jud. Research," Wash. U.L.Q. 177 (1971).

Harris, A. "Can Racial Diversity among Judges Affect Sentencing Outcomes?" 118 APSR 940 (2024).

Hazelton, M., Hinkle, R., Nelson, M. The Elevator Effect: Contact & Collegiality in the American Judiciary (2023).

Hendershot, M.; Tecklenburg, ,H. "Controlling for District Ct. Judges' Preferences," 32 Just. Sys. J. 88 (2011).

Hübert, R., Copus, R. "Political Appointments & Outcomes in Federal Dist. Cts." 84 JoP 908 (2022).

Kitchin, W. Federal Dist. Judges (1978).

Kleps, C. "Race, Gender, & Place: How Judicial Identity & Local Context Shape Anti-Discrimination Decisions." 56 L&SR 188 (2022).

Kopko, K. "Litigant Partisan Identity & Challenges to Campaign Finance Policies: An Examination of U.S. Dist. Ct. Decisions, 1971-2007" 36 Just. Sys. J. 212 (2015).

Kritzer, H. "Political Correlates of the Behavior of Fed Dist. Judges," 40 JOP 25 (1978).

Kritzer, H. "Fed. Judges & their Pol. Environments," 23 AJOPS 194 (1979).

Kritzer, H. "Impact of Jud. Elections on Jud. Decisions," 12 Annual Rev. L. & Soc. Sci. 353 (2016).

Lyles, K. The Gatekeepers: Federal District Cts. in the Political Process (1997).

Mallinson, D., Zimmerman, M. "Judicial Selection & State Gay & Reproductive Rights Decisions," 43 Just. Sys. J. 302 (2022).

Mark, A. "Perceptions of administrative policymaking authority: Evidence from interviews in three state court systems", 13 Oñati Soc. Leg. Ser. S171 (2023)..

Miller, B., Curry, B. "To Stay or Not to Stay: Patent Litigation in the Fed. Dist. Cts." 10 J. Law & Cts 167 (2022).

Moyer, L. & Haire, S., "Trailblazers & Those That Followed: Personal Experiences, Gender, & Jud. Empathy," 49 L&SR 665 (2015).

Nash, J. "Interparty Jud. Appointments," 12 J. Emp. Leg. Stud. 664 (2015)

Peltason, J. Fifty-Eight Lonely Men (1961).

Peterson, J. "The Mask of Neutrality: Judicial Partisan Calculation & Legislative Redistricting," 41 Law & Policy 336 (2019).

Rachlinski, J., Wistrich, A. "Judging the Judiciary by the Numbers: Empirical Research on Judges," 13 Annual Rev. L. & Soc. Sci. 203 (2017).

Richardson, R. & Vines, K. The Politics of Federal Cts. (1970).

Rivero, A. "The Public's Influence on the U.S. Dist. Cts in Discrimination Cases," 42 Just. Sys. J. 359 (2021).

Rowland, C., Stidham, R. & Carp, R. "Judges' Policy Choices & the Value Basis of Jud. Appointments," 46 JOP 886 (1984).

Rowland, C., Carp, R. & Songer, D. "Presidential Effects on Criminal Justice Policy...," in Goldman & Sarat, Am. Ct. Systems p. 411; 22 L&SR 191 (1988).

Rowland, C. & Todd, B. "Where You St& Depends Upon Who Sits," 53 JOP 175 (1991).

Rowland, C. & Carp, R. Politics & Judgment in the Fed. Dist. Cts. (1996).

Rowland, C. "Social Judgment & Jud. Policy Making in the Fed. Dist. Cts.," SwPSA paper, 1991.

Schudson, C. Independence Corrupted: How America's Judges Make Their Decisions (2018).

Segal, J. "Jud. Decision Making & the Impact of Election Year Rhetoric," 84 Judicature 26 (2000).

Smith, J. "Patterns & Consequences of Jud. Reversals: Theoretical Considerations & Data from a District Court," 27 Just. Sys. J. 28 (2006).

Uhlman, T. "Black Elite Decision Making," 22 AJOPS 884 (1978).

- Vines, K. "The Jud. Role In the Am. States," in Grossman, J. & Tanenhaus, J. Frontiers of Jud. Research (1969).
- Welch, S., Combs, M., Gruhl, J. "Do Black Judges Make a Difference?" 32 AJOPS 126 (1988).
- Yarnold, B. "Do Cts. Respond to the Political Clout of Groups or to Their Superior Litigation Resources/Repeat Play Status," 18 Just. Sys. J. 29 (1995-6).

5. Judges' interpretations of law in policy making.

- Allen, J. "Doctrinal Reasoning as a Disruptive Practice," 6 J. L. & Cts. 215 (2018).
- Ariens, M. "Progress is our Only Product: Legal Reform & Codification of Evidence," 17 L&SIInq. 213 (1992).
- Artis, J. "Judging the Best Interests of the Child," 38 L&SR 769 (2004).
- Boyd, C., "Opinion Writing in the Federal Dist. Cts." 36 Just. Sys. J. 254 (2015).
- Callender, S., Clark, T. "Precedent & Doctrine in a Complicated World," 111 APSR 184 (2017).
- Charlow, A. "Awarding Custody," 5 Yale L. & Policy Rev. 261 (1987).
- Cross, F. The Theory & Practice of Statutory Interpretation, (2009).
- Dichio, M., Logvinenko, I. "Culture & Practice Eat Documents for Lunch:" Norms & Procedures in the 2020 Election Cases." 46 Law & Policy 298 (2024).
- Douglas, W. "The Dissenting Opinion," & "Stare Decisis," in Westin, A. Sup. Ct.: Views from the Bench, 51, 122 (1961).
- Edlin, D. Judges & Unjust Laws: Common Law Constitutionalism & the Foundations of Jud. Rev. (2008).
- Eisenberg, M. The Nature of the Common Law (1988).
- Eskridge, W. Dynamic Statutory Interpretation (1994).
- Esser, J. "Institutionalizing Industry," 21 L&SIInq. 593 (1996).
- Fontaine, G. & C. "Causal Attributions & Jud. Discretion," 4 Law & Human Behavior 323 (1978).
- Fox, J., Vanberg, G, "Narrow v. Broad Judicial Decisions," 26 J. Theoretical Pol. 355 (2014).
- Frankfurter, F. "Reflections on Reading Statutes," in Westin, A. Sup. Ct.: Views from the Bench, 74 (1961).
- Goodman, J. "Econ. Theory of the Evolution of the Common Law," 7 J. Legal Stud. 393 (1978).
- Gordon, R. Taming the Past: Essays on Law in History & History in Law (2017).
- Hinkle, R. et al. "A Positive Theory & Empirical Analysis of Strategic Word Choice in Dist. Ct. Opinions," 4 J. Leg. Analysis 407 (2012).
- Katzmann, R. Judging Statutes (2014).
- Lawlor, R. "Personal Stare Decisis," 41 S. Calif. L. Rev. 73 (1967).
- Levi, E. An Introduction to Legal Reasoning (1948).
- Llewellyn, K. The Common Law Tradition (1960).
- Llewellyn, K. The Case Law System in Am. (1989).
- Morriss, A. et al. "Signaling & Precedent in Fed. Dist. Ct. Opinions," 13 S. Ct. Econ. Rev. 63 (2005).
- Murray, J. "The Role of Analogy in Legal Reasoning," 29 UCLA L. Rev. 833 (1982).
- Price, R. "Arguing Gunwall: The Effect of the Criteria Test on Const. Rights Claims," 1 Law & Cts. 331 (2013).
- Randazzo, K. & Waterman, R. Checking the Cts. (2014).
- Shapiro, M. "Stability & Change in Jud. Decision-Making," 2 Law in Transition Q. 134 (1965).
- Shapiro, M. "Toward a Theory of Stare Decisis," 1 J. Legal Studies 125 (1972).
- Songer, D. "Nonpublication in the U. S. Dist. Cts.," 50 JOP 206 (1988).

- Statz M. "It Is Here We Are Loved": Rural Place Attachment in Active Judging & Access to Justice. 49 L&SInq 247 (2024).
- Swenson, K. "Federal District Ct. Judges & the Decision to Publish," 25 Just. Sys. J. 121 (2004).
- Wald, P. "Changing Course," 34 Clev. State L. Rev. 477 (1985-6)
- Walsh, D. "On the Meaning & Pattern of Legal Citations," 31 L&SR 337 (1997).
- Zaring, D. "The Use of Foreign Decisions by Federal Cts.: An Empirical Analysis," 3 J. Emp. Leg. Stud. 297 (2006).

E. The role of federal & state governmental litigators as a variable.

- Baker, N. Conflicting Loyalties (1992) (U.S.A.G.).
- Clayton, C. The Politics of Justice (1992) (U.S.A.G.).
- Clayton, C. "Law, Politics, & the New Federalism," 56 Rev. of Pol. 525 (1994) (State Atty. Gen.)
- Clayton, C. ed. Government Lawyers (1995).
- Eisenstein, J. Counsel for the U.S. (1977). Cohen, L., Spitzer, M. "The Government Litigation Advantage," 28 Fla. State U. L. Rev. 391 (2000).
- Farhang, S. "Public Regulation & Private Lawsuits in the Am. Sep. of Powers System," 52 AJoPS 821 (2008).
- Farhang, S. "Congressional Mobilization of Private Litigants: Evidence from the Civil Rights Act of 1991," 6 J. Emp. Leg. Stud. 1(2009).
- Farhang, S. The Litigation State: Public Regulation & Private Lawsuits in the U.S. (2010).
- Farhang, S. "Legislative-Executive Conflict & Private Statutory Litigation in the U.S.," 37 L&SInq 657 (2012).
- Farhang, S. & Spencer, D. "Legislating Incentives for Attorney Representation in Civil Rights Litigation," 2 J. Law & Cts. 241 (2014).
- Farrier, J. Constitutional Dysfunction on Trial: Congressional Lawsuits & the Separation of Powers (2019).
- Gordon, E. "Female Candidates, Sociopolitical Subculture, & State Attorney General Elections," 37 Justice Sys. J. 63 (2016).
- Heydebrand, W. "Govt. Litigation & Nat'l. Policymaking," 24 L&SR 477 (1990).
- Horowitz, D. The Jurocracy (1977).
- Johnson, G. "Adjudicating Executive Privilege: Federal Administrative Agencies & Deliberative Process Privilege Claims in U.S. Dist. Cts. 53 L&SR 823 (2019)..
- Nelson, M., Ostrander, I. "Keeping Appointments: The Politics of Confirming United States Attorneys, 37 Just. Sys. J. 211 (2016).
- Nollette, P. Federalism on Trial: State Attorneys General & National Policymaking in Contemporary America (2015).
- Olson, S. "Challenges to the Gateskeeper: Fed. Litigating Authority," 68 Judicature 70 (1984).
- Olson, S. "Comparing Justice & Labor Dept. Lawyers," 7 Law & Policy 287 (1985).
- Provost, C. "The Pol. of Consumer Protection: Explaining State AG Participation in Multi-State Lawsuits," 50 PRQ 609 (2006).
- Provost, C. "An Integrated Model of U.S. State Attorney General Behavior in Multi-State Litigation," 10 State Pol. & Pol. Q. 1 (2010).
- Ross, L. States Attorneys General (1990).
- Salokar, R. The Solicitor General (1992).
- Segal, J. "Cts., Executives, & Legislatures," in Gates, J. & Johnson, C. Am. Cts. p. 373 (1991)

F. The jury as a variable in policy choice. This includes civil & criminal jury studies.

- Abramson, J. We the Jury (1994).
- Adler, S. The Jury (1994).
- Alker, H., Hosticka, C. & Mitchell, M. "Jury Selection as a Biased Social Process," 11 L&SR 9 (1976).
- Atkinson, J. & Drew, P. Order in Ct. (1979).
- Binnall, J. "Summoning Criminal Desistance: Convicted Felons' Perspectives on Jury Service," 43 L&SInq 4 (2018).
- Binnall, J., Petersen, N. "Felon-Jurors' Impact on Deliberation Satisfaction: Do They Really "Infect" the Process?" 43 Just. Sys. J. 218 (2022).
- Borstein, B. "The More You Ask For the More You Get," 10 Applied Cognitive Psych. 519 (1996).
- Casper, J., Benedict, K., & Perry, J. "Juror Dec. Making, Attitudes, & the Hindsight Bias," 13 Law & Human Beh. 291 (1989).
- Chakravarti, S. Radical Enfranchisement in The Jury Room & Public Life (2019).
- Chin, A. & Peterson, M. Deep Pockets, Empty Pockets R& (1985).
- Clair, M., Winter, A. The Collateral Consequences of Criminal Legal Association during Jury Selection." 56 L&SR: 532 (2022).
- Cornwell, E. & Hans, V. "Representation through Participation," 45 L&SR 667 (2011).
- Cowan, J. et al. What attorneys think of jury innovations," 86 Judicature 192 (2003).
- Costanzo, M., Shaked-Schroer, N. & Vinson, K. "Juror Beliefs About Police Interrogations, False Confessions, & Expert Testimony," 7 J. Emp. Leg. Stud. 231 (2010).
- Daniels, S. "Tracing the Shadow of the Law," 14 Justice Sys. J. 4 (1990).
- Daniels, S. & Martin, J. "Jury Verdicts & the Crisis in Civil Justice," 11 Justice Sys. J. 321 (1986).
- Daniels, S. & Martin. Civil Juries & the Politics of Reform (1995).
- Devine, D. Et al. "Deliberation Quality: A Preliminary Examination in Criminal Juries," 4 J. Emp. Leg. Stud. 273 (2007).
- Devine, D. Jury Decision Making: The State of the Science (2012).
- Davis, J. "Dec. Processes of 6 & 12 Person Mock Juries..." 32 J. Personality & Soc. Psych. 1 (1975).
- Diamond, S., Casper, J., Ostergren, L. "Blindfolding the Jury," 52 Law & Cont. Probs. 247 (1989).
- Diamond, S. & Casper, J. "Blindfolding the Jury to Verdict Consequences," 26 L&SR 513 (1992).
- Diamond, S. "The Jury," in Garth, B. & Sarat, A. How Does Law Matter? (1998).
- Diamond, S., Vidmar, N., Rose, M. "Inside the jury room," 87 Judicature 54 (2003).
- Diamond, S., Rose, M. "Real Juries," 1 Annual Rev. L. & Soc. Sci. 255 (2005).
- Diamond, S., Rose, M. "The Contemporary Am. Jury," 14 Annual Rev. L. & Soc. Sci. 239 (2018).
- Diamond, S. Et al. "Achieving Diversity on the Jury: Jury Size & the Peremptory Challenge," 6 J. Emp. Legal Stud. 425 (2009).
- Dumas, T. "Contextualizing the "Black Box": State Institutions, Trial Venue, & Civil Jury Verdicts," 4 J. Law & Cts. 291 (2016).
- Dzur, A. Punishment, Participatory Democracy, & the Jury (2012).
- Effenberger, A., Blume, J., Wells, M. "Quantifying disparate questioning of Black & White jurors in capital jury selection," 20 J. Emp. Leg. Stud. 609 (2023).
- Eisenberg, T. Et al. "Judge-Jury Agreement in Criminal Cases: A Partial Replication of Kalven & Zeisel's *The American Jury*," 2 J. Emp. Leg. Stud. 171 (2005).
- Erlanger, H. "Jury Research in Am.," 4 L&SR 345 (1970).
- Farrell, A., Pennington, L. & Cronin, S. "Juror Perceptions of the Legitimacy of Legal Authorities & Decision Making in Criminal Cases," 38 L&SInq 773 (2013).
- Feigenson. Legal Blame: How Jurors Think & Talk about Accidents (2000).
- Finkel, N. Commonsense Justice (1995).
- Fleury-Steiner, B. Jurors' Stories of Death: How America's Death Penalty Invests in Inequality (2004).

- Forster, L. & Horowitz, I. "The effects of jury-aid innovations on juror performance in complex civil trials," 86 Judicature 184 (2003).
- Garrett, B. & Mitchell, G. "How Jurors Evaluate Fingerprint Evidence: The Relative Importance of Match Language, Method Information, & Error Acknowledgment," 10 J. Emp. Leg. Stud. 484 (2013).
- Gastil, J. et al. The Jury & Democracy (2010).
- Gerardi, D. "Jury Verdicts & Preference Diversity," 94 APSR 395 (2000).
- Givelber, D. & Farrell, A. "Judges & Juries: The Defense Case & Differences in Acquittal Rates," 33 L&SInq 31 (2008).
- Glockner, A. & Engel, C. "Can We Trust Intuitive Jurors? Standards of Proof & the Probative Value of Evidence in Coherence-Based Reasoning," 10 Emp. Leg. Stud. 230 (2013).
- Gobert, J. Justice, Democracy, & the Jury (1997).
- Greene, E. "On Juries & Damage Awards." 52 Law & Contemp. Probs. 225 (1989).
- Greene, E. & Bornstein, B. Determining Damages (2003).
- Grosso, C., O'Brien, B. "Lawyers & Jurors: Interrogating Voir Dire Strategies by Analyzing Conversations," 16 J. Emp. Leg. Stud. 515 (2019).
- Guarnaschelli, S., R. McKelvey, & T. Palfrey, "An Experimental Study of Jury Decision Rules," 94 APSR 407 (2000).
- Hakstian, A.-M., et al. "Racial diversity & group decision-making in a mock jury experiment," 19 J. Emp. Leg. Stud., 1253 (2022)..
- Hale, D. The Jury in America: Triumph & Decline (2016).
- Hans, V. & Vidmar, N. Judging the Jury (1986).
- Hans, V. & Vidmar, N. American Juries: The Verdict (2007).
- Hans, V. & Lofquist, W. "Jurors' Judgments of Business Liability in Tort Cases," 26 L&SR 85 (1992).
- Hans, V. ed. The Jury System (2006).
- Hans, V. "Juries as Conduits for Culture?" in D. Engel & M. McCann, Fault Lines (2009).
- Hans, V. "Do Jurors Hear the Oven Bird's Song?" in Trautner, M., ed. Insiders, Outsiders, Injuries, & Law: Revisiting "The Oven Bird's Song." (2018).
- Hans, V. et al. "Judgment by Peers: Lay Participation in Legal Decision Making," 20 Annual Rev. L. & Soc. 141 (2024).
- Hastie, R. et al. Inside the Jury (1984), selection in Goldman & Sarat, Am. Ct. Systems p. 336.
- Hastie, R. ed. Inside the Juror (1993).
- Hastie, R. et al. "Juror Judgments in Civil Cases," 23 Law & Human Beh. 445 (1999).
- Heuer, L. & Penrod, S. "Increasing Jurors' Participation in Trials," 12 Law & Human Beh. 231 (1988).
- Hoffmeister, T., Watts, A. "Social Media, the Internet, & Trial by Jury," 14 Annual Rev. L. & Soc. Sci. 259 (2018).
- Hunt, J. "Race, Ethnicity, & Culture in Jury Decision Making," 11 Annual Rev. L. & Soc. Sci. 269 (2015).
- Ivkovic, S. & Hans, V. "Jurors Evaluation of Expert Testimony," 28 L&SInq 441 (2003).
- Jonakait, R. The Am. Jury System (2004).
- Kalven, H. & Ziesel, H. The Am. Jury (1966), selection in Goldman & Sarat, Am. Ct. Systems, p. 333.
- Kerr, N., Harmon, D., & Graves, J. "Independence of Multiple Verdicts by Juries & Jurors," 12 J. Applied Soc. Psych. 12 (1982).
- Kerr, N. "The effects of pretrial publicity on jurors," 78 Judicature 120 (1994).
- Kidd, T., "Implicit & Explicit Attitudes Toward Prosecutors & Defense Attorneys," 42 Just. Sys. J. 3 (2021).
- King, N. "Symposium: Jury Research & Reform," 80 Judicature #5 (1996).
- Kressel, N & D. Stack & Sway: New Science of Jury Consulting (2001).
- Kritzer, H. "Public perceptions of civil jury verdicts," 85 Judicature 78 (2001).

Kovera, M. ed. The Psychology of Juries (2017).

Lambros, T. "The summary jury trial," 77 Judicature 6 (1993).

Levine, J. Juries & Politics (1992).

Litan, R. ed. Verdict (1993).

Lynch, M., Kidd, T., Shaw, E. "The Subtle Effects of Implicit Bias Instructions." 44 Law & Policy 98 (2022).

MacCoun, R. "Differential Treatment of Corporate Defendants by Juries," 30 L&SR 121 (1996).

Marder, N. The Power of the Jury: Transforming Citizens into Jurors (2022).

Mize, G. "perfecting Jury Trials," 107 Judicature 12 (2023).

Moller, E. Trends in Civil Jury Verdicts Since 1985 (1998) (RAND)

Musick, M., Rose, M., Dury, S., Rose, R. "Much Obligated: Volunteering, Normative Activities, & Willingness to Serve on Juries" 40 L&SInq 433 (2015).

Najdowski, C., Stevenson, M. eds. Criminal Juries in the 21st Century: Contemporary Issues, Psychological Science & the Law (2019).

Offit, A. The Imagined Juror: How Hypothetical Juries Influence Federal Prosecutors (2022).

Ostrom, B., Rottman, D. & Goerdi, J. "A step above anecdote," 80 Judicature 233 (1996).

Peterson, M. & Priest, G. The Civil Jury Rand (1982).

Overlans, S. The Juror Factor: Race & Gender in America's Civil Cts. (2009).

Poama, A., McGinnis, B. "Citizens with Felony Convictions in the Jury Box: A Peer-Judgment Argument," 68 AJoPS 1403.

Pennington, L., Dolliver, M. "The Effect of Deliberation on Jurors' Attitudes toward Jury Service in Criminal Cases," 46 L&SInq 391 (2021).

Pennington, L., Dolliver, M. "The Effects of Jurors' Initial Views of Jury Service on Predeliberation Preferences for Prosecution or Defense," 43 Just. Sys. J. 593 (2022).

Pennington, L., Dolliver, M. "Understanding the Effects of Jury Service on Jurors' Trust in Courts," 56 L&SR 580 (2022).

Peterson, M. The Civil Jury in the 1980s R& (1987).

Raitz, A., Greene, E. Goodman. J. & Loftus, E. "Determining Damages," 14 Law & Human Beh. 385 (1990).

Roper, R. "Jury Size & Verdict Consistency," 14 L&SR 977 (1980).

Rose, M. "Expectations of privacy? Jurors' views of voir dire questions," 85 Judicature 10 (2001).

Rose, M. "A dutiful voice: Justice in the Distribution of Jury Service," 39 L&SR 601 (2005).

Rose, M. & Diamond, S. "Judging Bias," 42 L&SR 513 (2008).

Rose, M, Casarez, R., Gutierrez, C. "Jury Pool Underrepresentation in the Modern Era: Evidence from Federal Cts., 15 J. Emp. Leg. Stud. 378 (2018).

Rose, M., Rountree, M. "The Focal Concerns of Jurors Evaluating Mitigation: Evidence from Federal Capital Jury Forms." 56 L&SR 213 (2022).

Rose, M., Sheikh, N. "Examining Value-Added: Jury-Trial Rights in Termination of Parental Rights Cases," 43 Just. Sys. J. 191 (2022).

Ross, L. "Mock juries, real trials: how to solve (some) problems with jury science," 51 J. L. & Soc. 324 (2024).

Saks, M. Jury Verdicts (1977).

Schwartzberg, M. "Justifying the Jury: Reconciling Justice, Equality, & Democracy," 112 APSR 446 (2018).

Simon, D. "On Juror Decision Making: An Empathic Inquiry," 15 Annual Rev. L. & Soc. Sci. 415 (2019).

Simon, R. ed. The Jury System in Am. (1975).

Simon, R. ed. The Jury (1980).

Slevin, M. & Picus, L. The Debate over Jury Performance R& (1987).

Smith, C. "The preemptory challenge in the eyes of the trial judge," 79 Judicature 185 (1996).

Spencer, B. "Estimating the Accuracy of Jury Verdicts," 4 J. Emp. Leg. Stud. 305 (2007).

Strodtbeck, F., James, R., Hawkins, C. "Social Status in Jury Deliberations," 22 Am. Soc.

- Rev. 713 (1957).
- Strodbeck, F., & Lipinski, R. "Becoming First Among Equals," 49 J. Pers. & Soc. Psych. 927 (1985).
- Sue, S., Smith, R. & Caldwell, C. "Effects of Inadmissible Evidence on Dec. of Simulated Jurors," 3 J. Applied Soc. Psych. 345 (1973).
- Sunstein, C. et al. Punitive Damages: How Juries Decide (2002).
- Thomas, S. The Missing American Jury: Restoring the Fundamental Constitutional Role of the Criminal, Civil, & Grand Juries (2016).
- Thompson, W., Kaasa, S., Peterson, T. "Do Jurors Give Appropriate Weight to Forensic Identification Evidence?" 10 J. Emp. Leg. Stud. 359 (2013).
- Vidmar, N. Medical Malpractice & the Am. Jury (1995).
- Viscusi, K. "The Challenge of Punitive Damages Mathematics," 3 J. Leg. Stud. 313 (2001).
- Waters, N., Hans, V. "A Jury of One: Opinion Formation, Conformity, & Dissent on Juries," 6 J. Emp. Leg. Stud. 513 (2009).
- Winter, A., Clair, M. "Jurors' Subjective Experiences of Deliberations in Criminal Cases," 43 L&SInq 1458 (2018).
- Wissler, R. & Saks, M. "On the Inefficacy of Limiting Instructions," 9 Law & Human Beh. 37 (1985).
- Wolf, S. & Montgomery, D. "Effects of Inadmissible Evidence & Level of Jud. Admonishment to Disregard...." 7 J. Applied Soc. Psych. 205 (1977).

G. Masters & case management.

- Brakel, "Special Masters in Institutional Reform Litigation," ABF Res. J. 543 (1979).
- Brazil, "Special Masters in Pretrial Development of Big Cases," ABF Res. J. 287 (1982).
- Berger, "Away from the Ct. & into the Field," 78 Columb. L. Rev. 707 (1978).
- Levine, M. "Role of the Special Master in Institutional Reform Litigation," 8 Law & Policy 275 (1986).
- Nathan, V. "Use of Masters in Inst. Reform Litigation," 10 U. Toledo Law Rev. 419 (1979),
- Winner, L. "Reflections from a Special Master: The *Cy Pres* Process in a High-dollar, Class-action Case," 108 Judicature 62 (2024).
- ____. "Masters & Magistrates in Federal Cts.," 88 Harv. L. Rev. 777 (1975).

H. Press coverage of Cts.

- Bybee, K. Bench Press: The Collision of Cts., Politics, & the Media (2009).

I. Outcomes in routine civil litigation in trial Cts.

1. Winners & losers in civil litigation.

- Ball, H. "Social Structure & Rent Control Violations," 65 Am. J. Socio. 598 (1960).
- Bartram, R. "Property Markers & the Hassle of Leniency: Building Code Enforcement in the Courtroom." 49 L&SInq 1572 (2024).
- Best, R. Edelman, L., Krieger, L., Eliason, S. "Multiple Disadvantages," 45 L&SR 991 (2011).
- Caplovitz, D. The Poor Pay More, Chap. 10-13.
- Chang, Y. et al. "Pain & Suffering Damages in Personal Injury Cases: An Empirical Study," 14 J. Emp. Leg. Stud. 199 (2017).
- Cheit, R. & Gersen, J. "When Businesses Sue Each Other," 25 L&SInq 789 (2000).
- Chin, A. & Peterson, M. Deep Pockets, Empty Pockets R& (1985).

Clermont, K., Schwab, S. "How Employment Discrimination Plaintiffs Fare in Federal Court," 1 J. Emp. Leg. Stud. 429 (2004).

Clignet, R. Death, Deeds, & Descendants (1992).

Cross, F. "In Praise of Irrational Plaintiffs," 86 Cornell L. Rev. 1 (2000).

Deweese, D. et al. Exploring the Domain of Accident Law (1996) (outcomes)

Dorfman, D." Fear of the Disability Con: Perceptions of Fraud & Special Rights Discourse," 53 L&SR 1051 (2019).

Dumas, T., Haynie, S., Dabroval, D. "Does Size Matter: The Influence of Law Firm Size on Litigant Success Rates" 36 Just. Sys. J. 341 (2015).

Dunworth, T., Rogers, J. "Corporations in Ct.: Big Business Litigation in the Fed. Cts." 21 L&SInq 497 (1996).

Edelman, L., et al., "When Organizations Rule: Jud. Deference to Institutionalized "Employment Structures," 117 Am. J. Soc. 888.

Eisenberg, T. "Litigation Models & Trial Outcomes in Civil Rights & Prisoner Cases," 77 Georgetown L. J. 1567 (1989).

Eisenberg, T., Farber, H. "The Litigious Plaintiff Hypothesis: Case Selection & Resolution," 28 RAND J. Econ. S92 (1997).

Eisenberg, T., Miller, G. "Attorney Fees in Class Action Settlements: An Empirical Study," 1 J. Emp. Leg. Stud. 27 (2004).

Eisenberg, T. et al. "Juries, Judges, & Punitive Damages: Empirical Analyses Using the Civil Justice Survey of State Cts. 1992, 1996, & 2001 Data," 3 J. Emp. Leg. Stud. 262 (2006).

Eisenberg, T. & Engel, C., "Assuring Civil Damages Adequately Deter: A Public Good Experiment," 11 J. Emp. Leg. Stud. 301 (2014).

Engstrom, D., Hausman, D. "Rights, Redistribution, & the Rise of the "Litigation State": The Case of Disability Discrimination Laws," 46 L&SInq 788.

Epp, C. "Exploring the Costs of Administrative Legalization," 34 L&SR 407 (2000).

Fitzpatrick, B. "An Empirical Study of Class Actions & Their Fee Awards," 7 J. Emp. Leg. Stud. 811 (2010).

Franklin, M. "Winners & Losers & Why," ABF Res. J. 501 (1980).

Galanter, M. "Why the Haves Come Out Ahead," 9 L&SR 95 (1974).

Galanter, M. Why the Haves Come Out Ahead: The Classic Essay & New Observations (2014).

Gilad, S. "Why the "Haves" Do Not Necessarily Come Out Ahead in Informal Dispute Resolution," 32 Law & Policy 283 (2011).

Goodman, J. et al. "Money, Sex, & Death," 25 L&SR 263 (1991).

Groggel, A. "The Role of Place & Sociodemographic Characteristics on the Issuance of Temporary Civil Protection Orders," 55 L&SR 38 (2021).

Hammitt, J.& Houchens, R. Automobile Accident Compensation R& Study (1985).

Heise, M., Wells, M. "Revisiting Eisenberg & Plaintiff Success: State Ct. Civil Trial & Appellate Outcomes," 13 J. Emp. Leg. Stud. 516 (2016).

Henry, M., Hensler, J. "Across Five Eras: Patent Validity & Infringement Rates in U.S. Cts., 1929–2006," 13 L. Emp. Leg. Stud. 454 (2016).

Hensler, D. et al. Compensation for Accidental Injuries in the U.S. R& Study (1991).

Hirsch, E. "Settling for Less? Organ. Determinants of Discrimination Charge Outcomes," 42 L&SR 239 (2008).

Hyman, D. Et al. "Do Defendants Pay What Juries Award? Post-Verdict Haircuts in Texas Medical Malpractice Cases, 1988–2003, 4 J. Emp. Leg. Studies 3 (2007).

Jacob, H. "Wage Garnishment & Bankruptcy Proceedings in Four Cities," in Wilson, J. City Politics & Public Policy (1968).

Jacob, H. "Jud. & Pol. Efficiency of Litigants," in Grossman, J. & Tanenhaus, J. Frontiers of Jud. Research, 255 (1969).

- Jacob, H. Debtors in Ct. (1970).
- Jacob, H. "Another Look at No-Fault Divorce & the Post-Divorce Finances of Women," 23 L&SR 95 (1989).
- Kagan, R. "The Routinization of Debt Collection," 18 L&SR 317 (1984).
- Kalev, A. & Dobbin, F. "Enforcement of Civil Rights Law in Private Workplaces: The Effects of Compliance Reviews & Lawsuits over Time," 31 L&SInq 855 (2006).
- Krieger, L., Best, R., Edelman, L. "When "Best Practices" Win, Employees Lose: Symbolic Compliance & Jud. Inference in Federal Equal Employment Opportunity Cases," 40 L&SInq 843 (2015).
- Kritzer, H. et al. "Winners & Losers in Litigation," in Goldman, S. & Sarat, Am. Ct. Systems p. 516; 1985 MWPSA paper.
- Kritzer, H. Justice Broker Chap. 9 (1990).
- Kritzer, H., & Silbey, S. "Do the "Haves" Still Come Out Ahead?" Special Issue 33 L&SR No. 4 (1999). Inc.: also published as In Litigation (2003)
- Kritzer, H., Grossman, J., & Macauley, S. "Do the "Haves" Still Come Out Ahead?"
- Albiston, C. "The Rule of Law & the Litigation Process"
- Harris, B. "Representing Homeless Families"
- Edelman, L. & Suchman, M. "When "Haves" Hold Court"
- Kinsey, K. & Stalans, L. "Which "Haves" Come Out Ahead & Why?"
- Ewick P. & Silbey, S. "Common Knowledge & Ideological Critique"
- Comments by Dau-Schmidt, K.; Epp, C.; Lempert, R., Galanter, M.
- Liscow, Z. "Are Court Orders Sticky? Evidence on Distributional Impacts from School Finance Litigation," 15 J. Emp. Leg. Stud. 4 (2018).
- Low, S. & Smith, J. "Relationship of Alternative Negligence Rules to Litigation," 17 L&SInq. 63 (1992).
- Martin, K. "Predatory Fines & Fees: Revenue, Fiscal Contrition, & Policy Change." 45 Law & Policy 459 (2023).
- Monahan, J. "Empirical Analysis of Civil Commitment," 11 L&SR 619 (1977).
- Mor, S., Pikkell, R. "Disability, Rights, & the Construction of Sexuality in Tort Claims," 53 L&SR 1016 (2019)..
- Musheno, M. et al. "Court Management of AIDS Disputes," 16 L&SInq. 737 (1991).
- Nielsen, L., Nelson, R. & Lancaster, R. "Individual Justice or Collective Legal Mobilization? Employment Discrimination Litigation in the Post Civil Rights U.S." 7 J. Emp. Leg. Stud. 175 (2010).
- Nichols-Casebolt, A. & Garfinkel, I. "Trends in Paternity Adjudications & Child Support Awards," 72 SSQ 83 (1991).
- Ostrom, B., Rottman, D., Hanson, R. "What are Tort Awards Really Like?" 14 Law & Policy 77 (1992).
- Peterson, M. Compensation of Injuries R& study (1984).
- Ringquist, E. "A Question of Justice: Equity in Environmental Litigation," 60 JoP 1148 (1998).
- Sharkey, C. "Dissecting Damages: An Empirical Exploration of Sexual Harassment Awards," 3 J. Emp. Leg. Stud. 1 (2006).
- Sloan, F. & Hsieh, C. "Variability in Medical Malpractice Payments," 24 L&SR 997 (1990).
- Sullivan, T. et al. As We Forgive Our Debtors (1990).
- Sussman, M. et al. The Family & Inheritance (1970).
- van Dijck, G. "Victim-Oriented Tort Law in Action: An Empirical Examination of Catholic Church Sexual Abuse Cases," 15 J. Emp. Leg. Stud. 126 (2018).
- Van Koppen, P. & Malsch, M. "Defendants & One-Shooters Win After All," 25 L&SR 803 (1991).
- Vidmar, N. "Unfair Criticism of Medical Malpractice Juries," 76 Judicature 118 (1992).

Vidmar, N. Wolfe, M. "Punitive Damages," 5 Annual Rev. L. & Soc. Sci. 179 (2009).
 Viscusi, W. & McMichael, B., "Shifting the Fat-Tailed Distribution of Blockbuster Punitive Damages Awards," 11 J. Emp. Leg. Stud. 350 (2014).
 Wanner, C. "Public Ordering of Private Relations," 8 L&SR 421 (1974); 9 L&SR 293 (1975).
 Wheeler, S. et al. "Do the Haves Come Out Ahead?" 21 L&SR 403 (1987).
 Yousefi, K., Black, B., Hyman, D. A. "Paid medical malpractice claims: How strongly does the past predict the future?" 29 J. Emp. Leg. Stud., 818 (2023).

2. Participants' reactions to litigation outcomes: Diffuse & specific support.

Benesh, S. & Howell, S. "Confidence in the Cts.," 19 Behavioral Sciences & the Law 199 (2001).
 Benesh, S. "Understanding Public Confidence in Am. Cts.," 68 JoP 697 (2006).
 Bracic, A. et al. "'Because He Is Gay': How Race, Gender, & Sexuality Shape Perceptions of Judicial Fairness," 85 JoP 1167 (2023).
 Cohen, T. "When is the Verdict of Judgment Final: An Examination of Posttrial Activity in Civil Litigation," 32 Just. Sys. J. 62 (2011).
 Conley, J. & O'Barr, W. Rules versus Relationships (1990).
 Conley, J. & O'Barr, W. Just Words (1998).
 Crowe, P. "Complainant Reactions to the Mass. Comm....," 12 L&SR 217 (1978).
 O'Barr, W. & Conley, J. "Lay Expectations of the Civil Justice System," 22 L&SR 137 (1988).
 Shestowsky, D. "Civil Litigants' Evaluations of Their Legal Experiences," 19 Annual Rev. L. & Soc. Sci. 19 (2023).

3. The legitimacy issue & related aspects of distributive & procedural justice.

Achury, S., Casellas, J., Hofer, S., Ward, M. "The Impact of Racial Representation on Judicial Legitimacy: White Reactions to Latinos on the Bench," 76 PROQ 158 (2023).
 Baird, V. "Building Institutional Legitimacy: The Role of Procedural Justice," 54 PROQ 333 (2001).
 Baker, T. et al. "Shared Race/Ethnicity, Ct. Procedural Justice, & Self-Regulating Beliefs: A Study of Female Offenders," 49 L&SR 433 (2015).
 Bayles, M. Procedural Justice (1990).
 Berry, E., Hoffman, S., & Nielsen, L. "Situated Justice," 46 L&SR 1 (2012).
 Boston, J., et al. Your Honor's Misdeeds: The Consequences of Judicial Scandal on Specific & Diffuse Support," 56 PS: Pol. Sci. & Politics 195 (2023).
 Bracic, A. et al. "'Because He Is Gay": How Race, Gender, & Sexuality Shape Perceptions of Judicial Fairness," 85 JoP 1167 (2023).
 Braman, E., Easter, B. "Normative Legitimacy: Rules of Appropriateness in Citizens' Assessments of Individual Jud. Decisions," 35 Just. Sys. J. 295 (2014).
 Cann, D., Yates, J. These Estimable Cts.: Understanding Public Perceptions of State Jud. Institutions & Jud. Policy-Making (2016).
 Collins, T., Dumas, T., Moyer, L. "Tipping the Scales of Justice: Perceptions of Unfair Treatment in the Courtroom" 39 Just. Sys. J. 303 (2018).
 Cope, K. "Measuring law's normative force," 20 J. Emp. Leg. Stud. 1005 (2023).
 Darley, J., Solan, L., Kugler, M. & Sanders, J. "Doing Wrong Without Creating Harm," 7 J. Emp. Leg. Stud. 30 (2010).
 Dorfman, D. "Re-Claiming Disability: Identity, Procedural Justice, & the Disability Determination Process," 42 L&SIInq 195 (2017).

- Gibson, J. Black & Blue: How & Why African Americans Judge the American Legal System (2018).
- Hlavka, H. "Legal Subjectivity Among Youth Victims of Sexual Abuse," 39 L&SInq 31 (2014).
- Hollander-Blumoff, R. & Tyler, T. "Procedural Justice in Negotiation," 33 L&SInq 473 (2008).
- Jeness, V., Calavita, K. "'It Depends on the Outcome': Prisoners, Grievances, & Perceptions of Justice," 52 L&SR 41 (2018).
- Jonathan-Zamir, T., Hasisi, B., Margalioth, Y. "Is It the What or the How? The Roles of High-Policing Tactics & Procedural Justice in Predicting Perceptions of Hostile Treatment," 50 L&SR 608 (2016).
- Krewson, C., Owens, R. "How the Intensity of Preference for Ideological Judges Influences Court Support," 77 PRQ 683 (2024).
<https://doi.org/10.1177/10659129241239612>
- Kinsey, K. et al. "Framing Justice," 25 L&SR 845 (1991).
- Kritzmann, K. & Emery, R. "Procedural Justice & Parents' Satisfaction in... Child Custody Dispute Resolution," 17 Law & Human Beh. 553 (1993).
- Leben, S., "Exploring the Overlap Between Procedural-Justice Principles & Emotion Regulation in the Courtroom," 9 Oñati Socio-Leg. Ser. 852 (2019).
- Lerner, M. & S. The Justice Motive in Social Behavior (1981).
- Lind, E., Thibaut, J., Walker, L. "Discovery & Presentation of Evidence in Adversary & Non Adversary Proceedings," 71 Mich. L. Rev. 1129 (1973).
- Lind, E. & Tyler, T. Social Psychology of Procedural Justice (1988). The excellent bibliography of this book is a guide to over 100 articles on the topic.
- Lind, E. et al. "In the Eye of the Beholder," 24 L&SR 953 (1990).
- Lind, E. "Procedural Justice, Disputing, & Reactions to Legal Authorities," in Sarat, A. et al. Everyday Practices & Trouble Cases (1998).
- MacCoun, R. "Voice, Control, & Belonging: The Double-Edged Sword of Procedural Fairness," 1 Annual Rev. L. & Soc. Sci. 171 (2005).
- Mack, K. & Anleu, S. "Performing Impartiality: Jud. Demeanor & Legitimacy," 35 L&SInq 137 (2010).
- Meers, J., Ryan, A., Tomlinson, A. "Perceptions of procedural fairness & space for personal narrative: an experimental study of form design," 52 J. L. & Soc. 81 (2025).
- Mondak, J. "Inst. Legitimacy & Procedural Justice," 27 L&SR 599 (1993).
- Pasternoster, R., Brame, R., Bachaman, R., Sherman, L. "Do Fair Procedures Matter?" 31 L&SR 163 (1997).
- Redman, S. "Descriptive Gender Representation & Legitimacy in U.S. Trial Cts." 38 Just. Sys. J. 331 (2017).
- Rorie, M., et al. "Examining Procedural Justice-&Legitimacy in Corporate Offending-&-Beyond-Compliance Behavior: The Efficacy of Direct-&-Indirect Regulatory Interactions," 40 Law & Policy 172 (2018).
- Sarat, A. "Authority, Anxiety, & Procedural Justice," 27 L&SR 647 (1993).
- Sanders, J. & Hamilton, V. L. "Distributing Responsibility for Wrongdoing Inside Corporate Hierarchies," 21 L&SInq 815 (1996).
- Sanders, J. & Hamilton, V. L eds. Handbook of Justice Research in Law (2001).
- Simon, D. & Scurich, "Lay Judgments of Jud. Decision Making," 8 J. Emp. Leg. Stud. 709 (2011).
- Tankebe, J. "Self-Help, Policing, & Procedural Justice," 43 L&SR 245 (2009).
- Thibaut, J., Walker, L., Lind, E. "Adversary Presentation & Bias in Legal Decision Making," 86 Harv. L. Rev. 386 (1972).
- Thibaut, J & Walker, L. Procedural Justice (1975).
- Tyler, T. "What is Procedural Justice?" 22 L&SR 103 (1988).

- Tyler, T. Why People Obey the Law (1990). Solid biblio.
- Tyler, T. "Governing amid Diversity," 28 L&SR 809 (1994).
- Tyler, T., Doegey, P., & Smith H. "Understanding Why the Justice of Group Procedures Matters," 70 J. Personality & Socio. Psych. 913 (1996).
- Tyler, T. "Social Justice & Social Movements," in Gilbert, D. et al. Handbook of Social Psychology (1997).
- Tyler, T. "Justice & Power in Civil Dispute Processing," in Garth, B. & Sarat, A, Justice & Power in Sociolegal Studies (1998).
- Tyler, T., Boeckmann, Smith, H. & Huo, Y. Social Justice in a Diverse Society (1997).
- Tyler, T. "Multiculturalism & the Willingness of Citizens to Defer to Legal Authorities," 25 L&SInq 983 (2000).
- Tyler, T. & Huo, Y. Trust in the Law (2002).
- Tyler, T. Procedural Justice (2006).
- Tyler, T., Callahan, P. & Frost, J. "Armed & Dangerous (?) Motivating Rule Adherence Among Agents of Social Control," 41 LSR 457 (2007).
- Tyler, T., Schulhofer, S., & Huq, A. "Legitimacy & Deterrence Effects in Counterterrorism Policing," 44 L&SR 365 (2010).
- Tyler, T., Jackson, J, "Popular Legitimacy & the Exercise of Legal Authority," 20 Psychology, Public Policy, & L. 78 (2014).
- Tyler, T. "Whither Legitimacy? Legal Authority in the Twenty-First Century," 19 Annual Rev. L. & Soc. Sci. 1 (2023).
- Walker, L., Lind, E., Thibaut, J. "Relation Between Procedural & Distributive Justice," 65 Va. L. Rev. 1401 (1979).

4. Scope & limits of policymaking through ordinary litigation.

- Baum, L. "Cts. & Policy Innovation," in Gates, J. & Johnson, C. Am. Cts. p. 413 (1991).
- Caldiera, G. "Changing the Common Law," 16 L&SR 669 (1981-2).
- Canon, B. "The Impact of Changes in Jud. Doctrine," 13 L&SR 969 (1979).
- Canon, B. "Patterns of Adoption of Tort Law Innovations," 75 APSR 975 (1981).
- Cummings, S. Blue & Green: The Drive for Justice at America's Port (2018)
- Danzon, P. Medical Malpractice (1985).
- Danzon, P. "Frequency & Severity of Medical Malpractice Claims," 49 (2) Law & Contemp. Prob. 57 (1986).
- Delaney, K. "Power, Intercorporate Networks, & Strategic Bankruptcy," 23 L&SR 643 (1989).
- Farber, H. & White, M. "Medical Malpractice," 22 R&J. Econ. 199 (1991).
- Friedman, L. "Legal Rules & the Process of Social Change," Stanford L. Rev. 786 (1967).
- Galanter, M. "The Radiating Effects of Cts.," in Boyum, K., Mather, L. Empirical Theories about Cts. (1983).
- Glennon, R. "Role of Law in the Civil Rights Movement," 9 Law & History 59 (1991).
- Hackett, U. "Litigating Policy Drift: Frozen Categories & Thresholds in Court." 22 Perspectives on Pol. 1065 (2024).
- Hensler, D. Asbestos in the Cts. R& (1985).
- Kagan, R. "The Routinization of Debt Collection," 18 L&SR 317 (1984).
- Macaulay, S. "Long-Term Continuing Relationships," Wisc. ILS (1990), pp. 56-90.
- Mather, L. "Policy Making in State Trial Cts.," in Gates, J. & Johnson, C. Am. Cts. p. 119 (1991).
- MacIntyre, A. "A Ct. Quietly Rewrote the Fed. Pesticide Statute," 7 Law & Policy 245 (1985).
- Marvell, T. "Divorce Rates & the Fault Requirement," 23 L&SR 543 (1989).

Munger, F. "Law, Change, & Litigation," 22 L&SR 57 (1988).
 Rowen, J. "Strategic Adaptation in a Crisis: Treatment Court Responses to COVID-19." 49 L&SInq 769 (2024).
 Rowland, C. "The Fed. Dist. Cts.," in Gates, J. & Johnson, C. Am. Cts. p. 61 (1991).
 Seltzer, J. "Legal & Physical Custody Arrangements in Recent Divorces," 71 SSQ 250 (1990).
 Shinnar, S. & R. "Effects of the Criminal Justice System on the Control of Crime," 9 L&SR 581 (1975).
 Strayhorn, J. "Lower Courts in Interbranch Conflict," 11 J. L. & Cts. 67 (2023).
 Zuckerman, S. et al. "Information on Malpractice," 49 J. Law & Contemp. Probs. 85 (1986).

4. Scope & Limits of policy formulation by the trial judiciary in complex litigation.

Bacigal, R. Limits of Litigation (1990).
 Cassels, J. The Uncertain Promise of the Law (Bhopal) (1993).
 Cohn, H. & Bollier, D. Great Hartford Circus Fire (1991).
 Cooper, P. Hard Jud. Choices (1988).
 Johnson, "Observation: The Constitution & the Fed. Dist. Judges," 54 Texas L. Rev. 903 (1976).
 Nagarenda, R. Mass Torts in a World of Settlement (2007)
 Note, "The Wyatt Case," 84 Yale L.J. 1338 (1975).
 Sanders, J. Bendectin on Trial (1998).
 Schuck, P. Agent Orange on Trial, rev. ed. (1987).
 Schuck, P. "Mass Torts," 80 Cornell L. Rev. 941 (1995).
 Sobel, R. Bending the Law: Dalkon Shield (1991).
 Weinstein, J. "Ethical Dilemmas in Mass Tort Litigation," 88 Northwestern U. L. Rev. 469 (1994).
 Welsh, W. "Dynamics of Jail Reform Litigation," 26 L&SR 591 (1992).

J. Secondary policy effect of law & litigation: compliance, & resistance.

1. Social scientific studies of compliance & resistance, including deterrence literature, with reference to civil & criminal law & litigation.

Andenaes, J. Punishment & Deterrence (1974).
 Bachman, R., Pasternoster, R., & Ward, S. "Rationality of Sexual Offending," 26 L&SR 343 (1992).
 Bardach, E. "Moral Suasion & Taxpayer Compliance," 11 Law & Policy 89 (1989).
 Blumstein, A. et al. ed. Deterrence & Incapacitation (1978).
 Braithwaite, J. To Persuade or Punish (1985) (coal safety).
 Braithwaite, J. Crime, Shame, & Reintegration (1989).
 Braithwaite, J. & Makki, T. "Testing an Expected Utility Model of Corporate Deterrence," 25 L&SR 7 (1991).
 Brisbin, R. A Strike Like No Other Strike (2002).
 Brisbin, R. "Resistance to Legality," 6 Annual Rev. L. & Soc. Sci. (2010).
 Brown, D. & McDougal, "Utility Analysis of Noncompliance with Law," 58 SSQ 195 (1977).
 Brown, D. & Stover, R. "Compliance with Ct. Directives," in Goldman, S. & Sarat, Am. Ct. Systems p. 553; 5 APQ 465 (1977).

- Buchter, L. "Tell Me Your Story: How Recruitment Practices Implementing Affirmative Action Laws May Undermine the Laws' Goals," 45 L&SInq 902 (2020).
- Bullock, C. & Lamb, C. "Toward a Theory of Civil Rights Implementation," in Goldman, S. & Sarat, Am. Ct. Systems, p. 559; 2 Policy Perspectives 376 (1982).
- Bullock, C. & Rodgers, H. "Coercion to Compliance," 38 JOP 987 (1976).
- Brydolf-Horwitz, M. "Risk, Property Rights, & Antidiscrimination Law in Rental Housing: Toward a Property-in-Action Framework," 45 L&SInq 871 (2020).
- Carlin, R., Castrellón, M., Gauri, V., Jaramillo Sierra, I., & Staton, J. "Public Reactions to Noncompliance with Judicial Orders" 116 APSR 265 (2020).
- Calfee, J. & Craswell, R. "Some Effects of Uncertainty on Compliance with Legal Standards," 70 Va. L. Rev. 965 (1984).
- Cann, D., Yates, J. "This Side of the Law: Evaluating Citizens' Attitudes Toward Legal Compliance," 41 Just. Sys. J. 244 (2020).
- Casey, J. & Scholz, J. "Beyond Deterrence," 25 L&SR 821 (1991).
- Castellano, U. "Courting Compliance," 36 L&SInq 484 (2011).
- Chester, L. Hayes, J. "Regulatory Conflict & a Latent Public Safety Risk? The Case of Gas Infrastructure," 46 Law & Policy 63 (2024).
- Clark, J et al. "Introduction," in Krislov, S. et al. Compliance & the Law (1972).
- Curtis, C., Thurman, Q., & Nice, D. "Improving Legal Compliance by Noncoercive Means," 72 SSQ 645 (1991).
- Dari-Mattiacci, G., Raskolnikov, A., "Unexpected Effects of Expected Sanctions," 59 J. Leg. Stud. 35 (2021).
- Earnhard, D. & Glicksman, R. Pollution Limits & Polluters' Efforts to Comply (2011).
- Edelman, L. et al. "Legal Ambiguity & the Pol. of Compliance," 13 Law & Policy 73 (1991).
- Edelman, L. Working Law: Cts., Corporations, & Symbolic Civil Rights (2016).
- Edelman, L., Cabrera, J. "Sex-Based Harassment & Symbolic Compliance," 16 Annual Rev. L. & Soc. Sci. 361 (2020).
- Etienne, J. "Compliance Theory," 33 Law & Policy 305 (2011).
- Fabbri, M., Hoepfner, S., "Compliance Externalities & the Role-Model Effect on Law Abidance: Field & Survey Experimental Evidence," 15 J. Emp. Leg. Stud. 539 (2018).
- Friedman, L. Impact: How Law Affects Behavior (2016).
- Feitz, A. Et al., "Compliance with Food Safety Laws in Germany: Food Businesses in Berlin," 40 Law & Policy 267 (2018).
- Fritsvold, E. "Under the Law: Legal Consciousness & Radical Environmental Activism," 34 L&SInq 799 (2009).
- Gallagher-Mackay, K. "Teachers' Duty to Report Child Abuse & Neglect & the Paradox of Noncompliance," 36 Law & Policy 256 (2014).
- Gezlious, S. & Hauck, M. "Toward a Theory of Compliance in State-Regulated Livelihoods," 45 L&SR 435 (2011).
- Gibbs, J. Crime, Punishment, & Deterrence (1975).
- Grasmick, H., Blackwell, B. & Bursik, R. "Changes in the Sex Patterning of Perceived Threats of Sanction," 27 L&SR 679 (1993).
- Gray, W. & Scholz, J. "Analyzing the Equity & Efficiency of OSHA Enforcement," 13 Law & Policy 185 (1991).
- Herzog, D. "Democracy, Law, Compliance," 42 L&SInq 6 (2017).
- Hilton, M. "Impact of Recent Changes in Calif. Drinking-Driving Laws on Fatal Accident Levels...," 18 L&SR 605 (1984).

- Hofmann, E., Gangl, K., Kirchler, E., Stark, J. “Enhancing Tax Compliance through Coercive & Legitimate Power of Tax Authorities by Concurrently Diminishing or Facilitating Trust in Tax Authorities,” 36 Law & Policy 290 (2014).
- Hoffmann, E. “Allies Already Poised to Comply: How Social Proximity Affects Lactation at Work Law Compliance.,” 53 L&SR 791 (2019).
- Hoffmann, E. Lactation at Work: Expressed Milk, Expressing Beliefs, & the Expressive Value of Law (2021).
- Hoffmann, E.A., Hoffman, E.R. “Law, Compliance, & Variation: Proximity & Preferences Regarding Workplace Lactation Accommodations,” 44 Law & Policy 128 (2022).
- Hunter, C. et al. “Legal Compliance in Street-Level Bureaucracy: A Study of UK Housing Officers,” Law & Policy (2016).
- Jackson, J. Et al. “Why do People Comply with the Law?” 52 British J. Criminology 1051 (2012).
- Jenkins, J. & Patashtnik, E. Living Legislation (2012).
- Kapiszewski, D. & Taylor, M. “Compliance: Conceptualizing, Measuring, & Explaining Adherence to Jud. Rulings,” 38 L&SInq 803 (2013).
- Kelly, E. “Failure to Update: An Institutional Perspective on Noncompliance with the FMLA,” 44 L&SR 33 (2010).
- Koeppe, S. “Children & Compliance,” 4 L&SR 545 (1970).
- Klepper, S. & Nagin, D. “Tax Compliance & Perceptions of Risk of Detection & Criminal Prosecution,” 23 L&SR 209 (1989).
- Krislov, S. “Perimeters of Power,” in Krislov, S. et al. eds. Compliance & the Law (1972).
- Kuperan, K. & Sutinen, J. “Blue Water Crime,” 32 L&SR 309 (1998).
- Lempert, R. “Organizing for Deterrence,” 16 L&SR 513 (1981-2).
- Levi, D et al. “Judges Under Siege: Threats, Disinformation, & the Decline of Public Trust in the Judiciary,” 108 Judicature 8 (2024).
- Likhovski, A. “Training in Citizenship’: Tax Compliance & Modernity,” 32 L&SInq 665 (2007).
- Lobel, J. “Cts. As Forums for Protest,” 52 UCLA L. Rev. 477 (2006).
- Loftin, C., Heumann, M., McDowell, D. “Mandatory Sentencing & Firearms Violence,” 17 L&SR 287 (1983).
- Long, S. “Taxpayer Compliance,” 25 L&SR 637 (1991).
- McAdams, R. & Nadler, J. “Coordinating in the Shadow of the Law,” 42 L&SR 865 (2008).
- McGraw, K. & Scholz, J. “Appeals to Civic Virtue versus Attention to Self-Interest,” 25 L&SR 471 (1991).
- Mason, R. & Calvin, L. “A Study of Admitted Income Tax Evasion,” 13 L&SR 73 (1978).
- Milgram, S. Obedience to Authority (1975).
- Munger, F., Seron, C. “Race, Law, & Inequality, 50 Years After the Civil Rights Era,” 13 Annual Rev. L. & Soc. Sci. 331 (2017).
- Nielsen, V. & Parker, C. “Mixed Motives: Economic, Social, & Normative Motivations in Business Compliance,” 34 Law & Policy 428 (2013).
- Parker, C. “The Compliance Trap,” 40 L&SR 591 (2006).
- Parker, C. Ed. Explaining Compliance (2011).
- Paternoster, R. et al. “Perceived Risk & Soc. Control,” 17 L&SR 457 (1983).
- Peterson, J. “Implementing Equality: State (Non)compliance With Judicial Revisions to Public Policy on Gay Rights” 47. Law & Policy e12259 (2025)..
- Petoukhov, K. “‘They Just Let Us Rot to Death’: Anti-Colonialism, Contestation, & Resistance to Reparations for Indian Residential School Abuse,” 32 Soc. & Leg. Stud. 737 (2023).
- Polletta, F. It Was Like a Fever: Storytelling in Protest & Politics (2006).

Rodgers, H. Community Conflict, Public Opinion, & the Law (1969).

Rodgers, H. & Bullock, C. Coercion to Compliance (1976).

Ross, H. & Voas, R. "The New Philadelphia Story," 12 Law & Policy 51 (1990).

Schneider, A. & Ervin, L. "Specific Deterrence, Rational Choice, & Decision Heuristics," 71 SSQ 585 (1990).

Schneider, L., Vuolo, M., Lageson, S., Uggen, C. "Before & After Ban the Box: Who Complies with Anti-Discrimination Law?" 47 L&SInq 749 (2022).

Schwartz, R. & Skolnick, J. "Two Studies of Legal Stigma," 10 Social Probs. 133 (1962).

Schwartz, R. & Orleans, S. "On Legal Sanctions," 34 U. Chicago L. Rev. 274 (1967).

Shepherd, H., Fast, I. "Administering New Anti-Bullying Law: The Organizational Field & School Variation During Initial Implementation," 47 L&SInq 1264 (2022).

Smith, K. & Kinsey, K. "Understanding Taxpaying Behavior," 21 L&SR 639 (1987).

Smith, K. & Stalans, L. "Encouraging Tax Compliance with Positive Incentives," 13 Law & Policy 35 (1991).

Smith, K. "The Cultural Grounding of Tax Issues," 29 L&SR 437 (1995).

Stalans, L. "When Do We Think About Detection?" 14 L&SInq. 481 (1989).

Stover, R. & Brown, D. "Understanding Compliance & Noncompliance with the Law," 56 SSQ 363 (1975).

Strother, L. "Beyond Kelo: An Experimental Study of Public Opposition to Eminent Domain," 4 J. Law & Cts. 339 (2016).

Talesh, S. "Legal Intermediaries: How Insurance Companies Construct the Meaning of Compliance with Antidiscrimination Laws," 37 Law & Policy 209 (2015).

Tapp, J. & Levine, F. "Persuasion to Virtue," 4 L&SR 565 (1970).

Thornton, D., Kagan, R. & Cunningham, N. "When Social Norms & Pressures are not Enough," 43 L&SR 405 (2009).

Tinler, J. "Resisting the Enforcement of Sexual Harassment Law," 37 L&SInq 1 (2012).

Tittle, C. Sanctions & Social Deviance (1980).

Uggen, C. & Kruttschnitt, C. "Crime in the Breaking," 32 L&SR 339 (1998).

van Rooij, B., Fine, A., Zhang, Y., Wu, Y. "Comparative Compliance: Digital Piracy, Deterrence, Social Norms, & Duty in China & the U.S." 39 Law & Policy 73 (2017).

van Rooij, B., Fine, A., The Behavioral Code: The Hidden Ways the Law Makes Us Better Or Worse (2021).

Woodson, B., Parker, C. "The Chief Justice versus the iconoclast: Popular constitutionalism & support for using "sociological gobbledygook" in legal decisions," 55 L&SR 657 (2021).

Williams, M. "Constructing Hysteria: Legal Signals as Producers of Siting Conflicts Over Sexually Violent Predator Placements," 43 L&SInq 706 (2018).

Yang, S. "In the Name of the Law: Legal Frames & the Ending of the Occupy Movement in Hong Kong" 44 L&SInq 468 (2019).

Zimring, F. & Hawkins, N. Deterrence (1973).

2. Legal Identity: How Law & Judicial. decisions confer status & reinforce political-social relationships.

Albiston, C., Correl, Sl. "Law's Normative Influence on Gender Schemas: An Experimental Study on Counteracting Workplace Bias against Mothers & Caregivers." 49 L&SInq 916 (2024).

Barnes, J. & Burke, T. "The Diffusion of Rights," 40 L&SR 493 (2006).

Bower, L. "Queer Acts & the Politics of Direct Address," 28 L&SR 1009 (1994).

Espeland, W. "Legally Mediated Identity," 28 L&SR 1149 (1994).

Goldberg-Ambrose, C. "Of Native Ams & Tribal Members," 28 L&SR 1123 (1994).

Gooding, S. "Place, Race, & Names," 28 L&SR 1181 (1994).

Lazarus-Black, M. "Alternative Readings," 28 L&SR 993 (1994).

Levine, N. "Between Choice & Sacrifice," 28 L&SR 1035 (1994).

Lewis, N. "Cultivating Equal Minds: Laws & Policies as (De)biasing Social Interventions," 19 Annual Rev. L. & Soc. Sci. 37 (2023).

Mertz, E. "Legal Loci & Places in the Heart," 28 L&SR 971 (1994); "A New Social Constructionism for Sociolegal Studies," 28 L&SR 1243 (1994).

Ogletree, C. & Sarat, A. (eds) When Law Fails: Making Sense of Miscarriages of Justice (2009).

Zerner, C., "Through a Green Lens," 28 L&SR 1079 (1994).

K. Feedback from civil litigation. Longitudinal Studies of how the judiciary generates more or less policy conflict over time & law as a source of sociopolitical change.

Balakrishna, M. Wilbur, K. "Do Firearm Markets Comply with Firearm Restrictions? How the Massachusetts Assault Weapons Ban Enforcement Notice Changed Registered Firearm Sales," 19 J. Emp. Leg. Stud. 60 (2022).

Barnes, J. & Burke, T. How Policy Shapes Politics (2015).

Barnes, J., Menounou, E., Hevron, P. "Turning on Those Who Turn to the Courts: Experimental Evidence of Backlash Against Personal Injury Litigants." 12 J. Law & Cts. 1 (2024).

Bergstrom, R. Courting Danger (N.Y.C. 1970-1910) (1992).

Clark, D. "Civil Litigation, Access to Justice, & Social Change," 12 S. Ill. L. Rev. 713 (1988).

Clark, D. "Adjudication to Administration," 55 S. Calif. L. Rev. 65 (1981).

Daniels, S. "Continuity & Change in Patterns of Case Handling," 19 L&SR 381 (1985).

Daniels, S. "Ladders & Bushes," ABF Res. J. 751 (1984).

Daniels, S. "Caseload Dynamics & the Nature of Change," 24 L&SR 299 (1990).

Daniels, S. "'You Can't Interview the Dead'," 17 L&SInq. 291 (1992).

Drass, K., Gregware, P., & Musheno, M. "Social, Cultural, & Temporal Dynamics of the AIDS Case Congregation," 31 L&SR 267 (1997).

Dunworth, T. & Rogers, J. "Corporations in Ct.," 21 L&SInq. 497 (1996).

Engel, D. "Litigation Across Time & Space," 24 L&SR 333 (1990).

Epp, C. "Honey, They Shrank the Economy," Wise. ILS DPRP paper 11-2 (1992).

Ford, R. Rights Gone Wrong (2011).

Friedman, L. & Percival, R. "A Tale of Two Cts.," 10 L&SR 267 (1976).

Friedman, L. & Percival, R. The Roots of Justice (1981).

Friedman, L. "Cts. Over Time," In Boyum, K. & Mather, L. Empirical Theories About Cts., 7 (1983).

Friedman, L. & Percival, R. "Processing of Felonies in the Super. Ct. of Alameda Cty.," 5 Law & History Rev. 413 (1987).

Friedman, L. "Opening the Time Castle," 24 L&SR 229 (1990).

Friedman, L. Impact: How Law Affects Behavior (2016).

Hackett, U. "Litigating Policy Drift: Frozen Categories & Thresholds in Court." 22 Perspectives on Politics 1065 (2024).

Kostiner, I. "Evaluating Legality: Toward a Cultural Approach to the Study of Law & Social Change," 37 L&SR 323 (2003).

Laurent, F. Business of a Trial Ct. (1959).

Lempert, R. "More Tales of Two Cts." 13 L&SR 90 (1972).

Lempert, R. "Docket Data & Local Knowledge," 24 L&SR 321 (1990).

McIntosh, W. The Appeal of Civil Law (1990).

McIntosh, W. "150 Years of Litigation & Dispute Settlement," 15 L&SR 823 (1980-1).

McIntosh, W. "Cts. & Socioeconomic Change," in Gates & Johnson, Am. Cts. p. 281 (1991).

McIntosh, W. "Private Use of a Public Forum," 77 APSR 991 (1983).

Mather, L. "Dispute Processing & a Longitudinal Approach to Cts.," 24 L&SR 357 (1990).

Monkkonen, E. "The Am. State from the Bottom Up," 24 L&SR 521 (1990).

Munger, F. "Commercial Litigation in W.Va. Cts.," 30 Am. J. Legal Hist. 322 (1986).

Munger, F. "Social Change & Tort Litigation," 36 Buffalo L. Rev. 75 (1987) (W.Va.).

Munger, F. "Trial Cts. & Social Change," 24 L&SR 217 (1990) & "Afterword," 24 L&SR 595 (1990).

Munger, F. "Legal Resources of Striking Miners," 15 Soc. Sci. Hist. 1 (1991).

Peel, P. "Renewing the Longitudinal Study of Trial Cts.," 38 Just. Sys. J. 290 (2017).

Polisar, D. & Wildavsky, A. "From Individual to System Blame," 1 J. Policy Hist. 129 (1989).

Price, R., Keck, T. "Movement Litigation & Unilateral Disarmament: Abortion & the Right to Die," 40 L&SIInq 880 (2015).

Reiss, A. "Longitudinal Study of Trial Cts.," 24 L&SR 345 (1990).

Reyes, N., Headworth, S. "Credit Cars: Or How I Learned to Stop Worrying & Love Auto Loans," 49 L&SIInq 2184 (2024).

Sanders, J. "The Interplay of Micro & Macro Processes in the Longitudinal Studies of Cts.," 24 L&SR 241 (1990).

Silverstein, G. Law's Allure (2009).

Schwendeman, H. et al. "'It's Two Separate Systems That . . . Keep You under a Thumb': Dual Debt in the Child Support & Criminal Legal Systems." 58 L&SR 547 (2024).

Stookey, J. "Trials & Tribulations," 24 L&SR 497 (1990).

Sterling, J. & Reichman, N. "The Cultural Agenda of Tort Litigation," in D. Engel & M. McCann, Fault Lines (2009).