



# The Judicial Process: Law, Courts, and Judicial Politics

By Christopher P. Banks, David M. O'Brien

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**The Judicial Process: Law, Courts, and Judicial Politics** is an all-new, concise yet comprehensive core text that introduces students to the nature and significance of the judicial process in the United States and across the globe. It is social scientific in its approach, situating the role of the courts and their impact on public policy within a strong foundation in legal theory, or political jurisprudence, as well as legal scholarship. Authors Christopher P. Banks and David M. O'Brien do not shy away from the politics of the judicial process, and offer unique insight into cutting-edge and highly relevant issues. In its distinctive boxes, “Contemporary Controversies over Courts” and “In Comparative Perspective,” the text examines topics such as the dispute pyramid, the law and morality of same-sex marriages, the “hardball politics” of judicial selection, plea bargaining trends, the right to counsel and “pay as you go” justice, judicial decisions limiting the availability of class actions, constitutional courts in Europe, the judicial role in creating major social change, and the role lawyers, juries and alternative dispute resolution techniques play in the U.S. and throughout the world. Photos, cartoons, charts, and graphs are used throughout the text to facilitate student learning and highlight key aspects of the judicial process.

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## **Editorial Review**

### Review

"This book is simultaneously deep and comprehensive. It covers every topic that is appropriate for a judicial process course. Although courts are legal institutions, and students must learn basic elements of the law, courts are largely political in nature. Professors Banks and O'Brien do an outstanding job explaining both the legal and political elements of the judicial process." -- Steven Tauber "In addition to the standard topics, Banks and O'Brien also cover jurisprudence, which is a very welcome addition in a judicial process text." -- John Gruhl "A very clear and well developed organization to the book that addresses major components of the study of the courts; one of the real strengths is the comparative approach to garner a better understanding of how the American judicial system compares to other judicial systems." -- Michael J. Bitzer

### About the Author

Christopher P. Banks is a professor at Kent State University where he has served as the department's graduate coordinator for its M.A. and Ph.D. program, and as an affiliate for the Center for Public Administration and Public Policy. Presently, he is the department's prelaw advisor. He regularly teaches undergraduate and graduate courses in the judicial process, constitutional law, civil rights and liberties, law and society, terrorism, and American politics. He holds a J.D. from the University of Dayton and a Ph.D. from the University of Virginia. Before becoming a faculty member at Kent State, Professor Banks practiced law in civil and criminal litigation and was active in local and state politics; in the late 1980's he was appointed by Connecticut Governor William O'Neill to serve as an administrative hearing officer for the Connecticut Commission on Human Rights and Opportunities. Professor Banks is the author of the *Judicial Politics in the D.C. Circuit Court* (John Hopkins University Press, 1999); the co-author of *The U.S. Supreme Court and New Federalism: From the Rehnquist to Roberts Court* (Lanham: Roman & Littlefield, 2012) and *Courts and Judicial Policymaking* (Prentice Hall, 2008); and co-editor of the *Final Arbiter: The Consequences of Bush v. Gore for Law and Politics* (State University of New York Press, 2006) along with *Superintending Democracy: The Courts and the Political Process* (University of Akron Press, 2001). He has published numerous book chapters, book reviews, and journal articles on judicial behavior, law and politics, federalism, terrorism, and human rights in *Justice System Journal*, *Publius: The Journal of Federalism*, *Judicature*, *International Journal of Human Rights*, *Public Integrity: The Journal for the American Society of Public Administration*, *Social Science Quarterly*, *Southeastern Political Review*, and *The Journal of Law & Politics*, among others. David M. O'Brien is the Leone Reaves and George W. Spicer Professor at the University of Virginia. He has been a Judicial Fellow and Research Associate at the Supreme Court of the U.S.; and held Fulbright Teaching and Research Awards at Oxford University, England; the University of Bologna, Italy; and in Japan; as well as was a Visiting Fellow at the Russell Sage Foundation in New York, and a Visiting Professor at Institut d'Etudes Politiques Universite Lumiere-Lyon 2. He was a commissioner on the U.S.-Japan Conference on Cultural and Educational Exchange and the Japan-U.S. Friendship Commission. He is the author of numerous books and over 100 journal articles and book chapters, including: *Storm Center: The Supreme Court in American Politics* (10th ed. W.W. Norton, 2014), which received the ABA's Silver Gavel Award; a two-volume casebook, *Constitutional Law and Politics* (9th ed., W.W. Norton, 2014); and an annual *Supreme Court Watch* (W.W. Norton); *Animal Sacrifice & Religious Freedom: The Church of the Lukumi Babalu Aye v. City of Hialeah* (University of Kansas Press, 2004), *To Dream of Dreams: Religious Freedom and Constitutional Politics in Postwar Japan* (University of Hawaii Press, 1996), and *Congress Shall Make No Law: The First Amendment, Unprotected Expression, and the U.S. Supreme Court* (Rowman & Littlefield, 2010), among other books. In addition, he has edited several books, including *Judges on Judging* (4th ed., Sage/C.Q. Press, 2013), and co-authored others, including *Government by the*

People (22nd ed., Prentice Hall, 2008), Courts and Judicial Policymaking (Prentice-Hall, 2008), and Judicial Independence: Critical Perspectives from Around the World (University of Virginia Press, 2001).

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