# Hard Judicial Choices

Findered District Court Judges
and — and —
State and Local Officials

Phillip J. Cooper

# **Hard Judicial Choices Federal District Court Judges And State And Local Officials**

Michael W. McCann

#### Hard Judicial Choices Federal District Court Judges And State And Local Officials:

Hard Judicial Choices Phillip J. Cooper, 1988 In controversial court cases involving civil rights schools and housing prison reform and other social issues federal district court judges are often called upon to make some of the most difficult judicial decisions How do these cases arise How are they prosecuted and remedies fashioned when federally protected rights are violated How can relations between federal judges and state and local officials be improved This book the first to attempt to look at such cases from the district court judge's point of view examines some of these questions through five comparative case studies involving open housing in a Cleveland suburb school desegregation in Detroit mental health reform in Alabama prison conditions in Ohio and alleged police misconduct in Philadelphia Cooper presents a clear overview of the remedial decree process and prefaces each of the case studies with a full chapter that sets the case in its legal administrative and political context Taking a close look at the interactions between federal district court judges and state and local officials this volume produces a model of remedial decree litigation that challenges widely held assumptions about the role of district Rise of Judicial Management in the U.S. District Court, Southern District of judges in such controversial cases **Texas, 1955-2000** Steven Harmon Wilson, 2010-07-01 This is the first book length study of a federal district court to analyze the revolutionary changes in its mission structure policies and procedures over the past four decades As Steven Harmon Wilson chronicles the court's attempts to keep pace with an expanding diversifying caseload he situates those efforts within the social cultural and political expectations that have prompted the increase in judicial seats from four in 1955 to the current nineteen Federal judges have progressed from being simply referees of legal disputes to managers of expanding courts dockets and staffs says Wilson The Southern District of Texas offers an especially instructive model by which to study this transformation Not only does it contain a varied population of Hispanics African Americans and whites but its jurisdiction includes an international border and some of the busiest seaports in the United States Wilson identifies three areas of judicial management in which the shift has most clearly manifested itself Through docket and case management judges have attempted to rationalize the flow of work through the litigation process Lastly and most controversially judges have sought to bring constitutionally flawed institutions into compliance through structural reform rulings in areas such as housing education employment and voting Wilson draws on sources ranging from judicial biography and oral history interviews to case files published opinions and administrative memoranda Blending legal history with social science this important new study ponders the changing meaning of federal judgeship as it shows how judicial management has both helped and hindered the resolution of legal conflicts and the protection of civil rights Cities, Politics, and Policy John P. Pelissero, 2002-10-01 Just because Milwaukee isn t Manhattan doesn t mean that those urban centers face completely unique challenges Through effective comparative analysis of key issues in urban studies how city managers share power with mayors how spending policies affect economic development and how school politics impact education policy students can clearly see how scholars

discern patterns and formulate conclusions to offer theoretical and practical insights from which all cities can benefit Pelissero brings together an impressive team of contributors to explore variation among cities through case studies and cross sectional analyses Each author synthesizes the field's seminal literature while explaining how urban leaders and their constituents grapple with everything from city council politics to conflict and cooperation among minority groups Authors identify both key trends and gaps in the scholarship and help set the research agenda for the years to come Lively case material will hook your students while the accessible presentation of empirical evidence make this reader the comprehensive and sophisticated text you demand Complex Justice Joshua M. Dunn, 2012-09-01 In 1987 Judge Russell Clark mandated tax increases to help pay for improvements to the Kansas City Missouri School District in an effort to lure white students and quality teachers back to the inner city district Yet even after increasing employee salaries and constructing elaborate facilities at a cost of more than 2 billion the district remained overwhelmingly segregated and student achievement remained far below national averages Just eight years later the U S Supreme Court began reversing these initiatives signifying a major retreat from Brown v Board of Education In Kansas City African American families opposed to the district court s efforts organized a takeover of the school board and requested that the court case be closed Joshua Dunn argues that Judge Clark's ruling was not the result of tyrannical judicial activism but was rather the logical outcome of previous contradictory Supreme Court doctrines High Court decisions Dunn explains necessarily limit the policy choices available to lower court judges introducing complications the Supreme Court would not anticipate He demonstrates that the Kansas City case is a model lesson for the types of problems that develop for lower courts in any area in which the Supreme Court attempts to create significant change Dunn's exploration of this landmark case deepens our understanding of when courts can and cannot The Oxford Handbook of Law and Politics Keith E. Whittington.R. successfully create and manage public policy Daniel Kelemen, Gregory A. Caldeira, 2010-06-10 The Oxford Handbooks of Political Science are the essential guide to the state of political science today With engaging contributions from major international scholars The Oxford Handbook of Law and Politics provides the key point of reference for anyone working on the interception between law and political science

The U.S. Justice System Steven Harmon Wilson, 2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S justice system The U S Justice System An Encyclopedia is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter

alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation Housing Segregation in Suburban America since 1960 Charles M. Lamb, 2005-01-24 This book examines national fair housing policy from 1960 through 2000 in the context of the American presidency and the country's segregated suburban housing market It argues that a principal reason for suburban housing segregation lies in Richard Nixon s 1971 fair housing policy which directed Federal agencies not to place pressure on suburbs to accept low income housing After exploring the role played by Lyndon Johnson in the initiation and passage of the Fair Housing Act of 1968 Nixon's politics of suburban segregation is contrasted to the politics of suburban integration espoused by his HUD secretary George Romney Nixon's fair housing legacy is then traced through each presidential administration from Gerald Ford to Bill Clinton and detected in the decisions of Nixon's Federal Court Law, Courts, and Justice in America Howard Abadinsky, 2020-08-17 The eighth edition offers an updated and appointees streamlined examination of the American system of law courts and justice Part I Law reviews the history of courts and justice common law and civil law systems as well as law schools and legal education Part II Courts discusses lawyers and the practice of law unravels the structure and administration of federal and state court systems delineates the appellate process the Supreme Court and judicial review and describes the roles of judges prosecutors and criminal defense attorneys Part III Justice demystifies the criminal justice process negotiated justice civil justice juvenile justice and alternative forms of justice Throughout the book landmark cases important historical events illustrative examples and boxed items highlight or expand chapter content Each of the twelve chapters concludes with an extensive summary a list of key terms and review questions There is also a glossary that provides a summary of important terms Race Relations Litigation in an Age of **Complexity** Stephen L. Wasby, 1995 The first book length study of civil rights litigation from the late 1960s through the early 1980s Race Relations Litigation in an Age of Complexity fills a void in the scholarly literature on American courts and politics in the post Brown versus Board of Education era Civil Rights in Public Service Phillip J. Cooper, 2016-09-19 Promises of justice and equality made in the U S Constitution numerous Amendments and decisions of the Supreme Court are hallmarks of American civil rights Yet the realities of inequality remain facts of modern life for too many Native Americans African Americans and Latino Americans even though state mandated racial segregation has been outlawed for years Women still face a variety of forms of discrimination some subtle and others more overt There remain many laws that treat people differently because of sexual orientation People with disabilities are supposed to be protected by a variety of statutes but many of these policies remain unfulfilled promises These are just some of the many challenges of civil rights that persist in a

nation that proudly points to the words above the entrance to the U S Supreme Court that read Equal Justice Under Law This text is for current and future public service professionals whether they are in government agencies in nonprofit organizations that provide social services for government or contractors who operate as state actors who increasingly serve diverse communities with a range of complex challenges while working and managing within organizations that fortunately are themselves more diverse than ever before For those who work and serve in such settings civil rights is not an abstract academic study but a critically important and very practical fact of daily life This book may also be used on civil rights law policy and public administration courses and each chapter ends with a section on Issues for Policy and Practice to quide an examination of key public policy hurdles in the fight for civil rights as well as the implications for public service practice Through an engaging exploration of edited court cases legislation and speeches the reader is encouraged to think critically about civil rights law and policy pertaining to African Americans Native Americans Latinos Latinas gender sexual orientation and disabilities to learn what civil rights require but also to come to a more empathetic understanding of how different groups of people experience civil rights and the unique challenges they face Chapter 2 of this book is freely available as a downloadable Open Access PDF at http www taylorfrancis com under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4 0 license Rights at Work Michael W. McCann, 1994-07-15 McCann explains how wage discrimination battles have raised public legal consciousness and helped reform activists mobilize working women in the pay equity movement over the past two decades Rights at Work explores the political strategies in more than a dozen pay equity struggles since the late 1970s including battles of state employees in Washington and Connecticut as well as city employees in San Jose and Los Angeles Relying on interviews with over 140 union and feminist activists McCann shows that even when the courts failed to correct wage discrimination litigation and other forms of legal advocacy provided reformers with the legal discourse the understanding of legal rights and their constraints for defining and advancing their cause **Urban Housing** Segregation of Minorities in Western Europe and the United States Elizabeth D. Huttman, Wim Blauw, Juliet Saltman, 1991 This book provides an expert examination and comparison of housing segregation in major population centers in the United States and Western Europe and analyzes successes and failures of government policies and desegregation programs in the United States the United Kingdom the Netherlands Sweden France and West Germany The collection begins with a review of the historical development of housing segregation in these countries describing current housing conditions concentration of housing in each country's leading cities minority populations and the housing they occupy specifically public nonprofit and owner occupied dwellings When focusing on the United States the contributors assess housing segregation antisegregation measures and institutional racism toward blacks in the Midwest and South and toward Mexican Americans throughout American cities Chapters dealing with Western Europe include housing segregation of South Asian and West Indian immigrants in Britain immigrants in Sweden Turkish and Yugoslav guest workers in West Germany and Algerian and

other Arab groups in France The book concludes with discussions of public housing policies suburban desegregation resegregation and integration maintenance programs specific integration stabilization programs and desegregation efforts in one specific place Contributors Elizabeth Huttman Michal Arend Cihan Arin Maurice Blanc Wim Blauw Ger Mik Clyde McDaniels J rgen Friedrichs Hannes Alpheis John M Goering Len Gordon Albert Mayer Rosemary Helper Barry V Johnston Terry Jones Valerie Karn G ran Lindberg Anna Lisa Lind n Deborah Phillips Dennis Keating Juliet Saltman Alan Murie

Alexander Hamilton's Public Administration Richard T. Green, 2019-04-09 Examines how Hamilton's thoughts and experiences about public administration theory and practice have shaped the nation American public administration inherited from Alexander Hamilton a distinct republican framework through which we derive many of our modern governing standards and practices His administrative theory flowed from his republican vision prescribing not only the how of administration but also what should be done and why Administration and policy merged seamlessly in his mind each conditioning the other His Anti Federalist detractors clearly saw this and fought his vision tooth and nail That conflict endures to this day because Americans still have not settled on just one vision of the American republic That is why Richard Green argues Hamilton is a pivotal figure in our current reckoning If we want to more fully understand ourselves and our ways of governing today we must start by understanding Hamilton and we cannot do that without exploring his administrative theory and practice in depth Alexander Hamilton's Public Administration considers Hamilton both as a founder of the American republic steeped in the currents of political philosophy and science of his day and as its chief administrative theorist and craftsman deeply involved in establishing the early institutions and policies that would bring his interpretation of the written Constitution to life Accordingly this book addresses the complex mix of classical and modern ideas that informed his vision of a modern commercial and administrative republic the administrative ideas institutions and practices that flowed from that vision and the substantive policies he deemed essential to its realization Green s analysis grows out of an immersion in Hamilton's extant papers including reports letters pamphlets and essays Readers will find a comprehensive explanation of his theoretical contributions and a richly detailed account of his ideas and practices in From Schoolhouse to Courthouse Martin R. West, Joshua Dunn, 2010-02-01 A Brookings Institution historical context Press and the Thomas B Fordham Institute publication From race to speech from religion to school funding from discipline to special education few aspects of education policy have escaped the courtroom over the past fifty years Predictably much controversy has ensued Supporters of education litigation contend that the courts are essential to secure student and civil rights while critics insist that the courts distort policy and that the mere threat of litigation undermines the authority of teachers and administrators From Schoolhouse to Courthouse brings together experts on law political science and education policy to test these claims Shep Melnick Boston College and James Ryan University of Virginia School of Law draw lessons from judicial efforts to promote school desegregation and civil rights Martha Derthick University of Virginia John Dinan Wake Forest University and Michael Heise Cornell Law School discuss litigation over high stakes testing and school finance in the era of No Child Left Behind Richard Arum New York University Samuel R Bagenstos Washington University Law School and Frederick M Hess American Enterprise Institute analyze the consequences of court rulings for school discipline special education and district management Finally editors Joshua Dunn and Martin R West probe the tangled relationship between religious freedom student speech and school choice Courts, Corrections, and the Constitution John J. DiIulio, John J. DiIulio (Jr.),1990 By some definitions most American prisons and jails are overcrowded by any definition many penal facilities are filthy and violence ridden Over the last twenty years dozens of state and local corrections systems have come under court orders to reform What have been the causes and consequences of judicial involvement in this area and how in the future can judges act to improve the quality of life behind bars at a reasonable human and financial cost This volume by a diverse and distinguished group of contributors provides a much needed answer to this question It offers an introductory statement on enhancing judicial capacity a critical review of the relevant literatures original in depth analyses of selected state and local cases a statistical study of the likely effect of the Republicanization of the federal bench on judicial involvement and a provocative essay by a corrections practitioner with over three decades of litigation experience Under the heading What Judges Can Do to Improve Prisons and Jails the concluding chapter by DiJulio highlights key findings offers policy prescriptions and suggests an agenda for future research The Body and the State Cary Federman, 2012-02-01 The writ of habeas corpus is the principal means by which state prisoners many on death row attack the constitutionality of their conviction in federal courts In The Body and the State Cary Federman contends that habeas corpus is more than just a get out of jail free card it gives death row inmates a constitutional means of overturning a jury s mistaken determination of guilt Tracing the history of the writ since 1789 Federman examines its influence on federal state relations and argues that habeas corpus petitions turn legal language upside down threatening the states sovereign judgment to convict and execute criminals as well as upsetting the discourse created by the Supreme Court that the federal state relationship ought not be disturbed by convicted criminals making habeas corpus appeals He pays particular attention to the changes in the discourse over federalism and capital punishment that have restricted the writ's application over time The Least Dangerous Branch? Stephen P. Powers, Stanley Rothman, 2002-11-30 Is the American judiciary still the least dangerous branch as Alexander Hamilton and legal scholar Alexander Bickel characterized it Unlike legislatures or administrative agencies courts do not make policy so much as direct and redirect policy as it is implemented. The judicial contribution to policymaking involves the infusion of constitutional rights into the realm of public policy and as the government has grown the courts have become more powerful from doing more and more of this Powers and Rothman explore the impact of the federal courts providing a brief account of the development of constitutional law and an overview of the judiciary s impact in six controversial areas of public policy Busing Affirmative action Prison reform Mental health reform Procedural reforms in law enforcement Electoral

redistricting In each of these areas the authors review significant cases that bear on the particular policy exploring the social science evidence to assess the impact of the courts on policies and the consequences of that intervention Powers and Rothman conclude that judicial intervention in public policy has often brought about undesirable consequences sometimes even for the intended beneficiaries of government intervention Places of Their Own Andrew Wiese, 2009-04-24 On Melbenan Drive just west of Atlanta sunlight falls onto a long row of well kept lawns Two dozen homes line the street behind them wooden decks and living room windows open onto vast woodland properties Residents returning from their jobs steer SUVs into long driveways and emerge from their automobiles They walk to the front doors of their houses past sculptured bushes and flowers in bloom For most people this cozy image of suburbia does not immediately evoke images of African Americans But as this pioneering work demonstrates the suburbs have provided a home to black residents in increasing numbers for the past hundred years in the last two decades alone the numbers have nearly doubled to just under twelve million Places of Their Own begins a hundred years ago painting an austere portrait of the conditions that early black residents found in isolated poor suburbs Andrew Wiese insists however that they moved there by choice withstanding racism and poverty through efforts to shape the landscape to their own needs Turning then to the 1950s Wiese illuminates key differences between black suburbanization in the North and South He considers how African Americans in the South bargained for separate areas where they could develop their own neighborhoods while many of their northern counterparts transgressed racial boundaries settling in historically white communities Ultimately Wiese explores how the civil rights movement emboldened black families to purchase homes in the suburbs with increased vigor and how the passage of civil rights legislation helped pave the way for today s black middle class Tracing the precise contours of black migration to the suburbs over the course of the whole last century and across the entire United States Places of Their Own will be a foundational book for anyone interested in the African American experience or the role of race and class in the making of America's suburbs Winner of the 2005 John G Cawelti Book Award from the American Culture Association Winner of the 2005 Award for Best Book in North American Urban History from the Urban History Association **Foundations of Public** Service Douglas F. Morgan, Douglas F. Green, Richard T. Green, Craig W. Shinn, Robert K. Robinson, 2015-07-17 Designed to serve as a basic text for an introductory course in Public Administration this innovative work provides students with an understanding of the basic management functions that are covered in all standard textbooks with two important differences First it is written to address the needs of both the experienced practitioner and the entry level public servant Case examples bridge the content rich environment of practitioners with the basic principles of public administration sought by pre service students Second the discussion of basic management practices is grounded in the political and ethical tensions inherent in the American constitutional form of governance This reflects the authors belief that public administration operates as an integral part of the country's political traditions and thereby helps define the political culture. The book provides a framework for understanding American political traditions and how they inform public administration as a political practice Key Changes in the Second Edition include A new introductory chapter that explains what the authors mean by a constitutional approach and why that is important An expanded discussion of the role of civil society in promoting the common good A new section in chapter 5 on New Public Governance Updated exhibits that incorporate up to date census data and revenue figures chapter 10 A new section in chapter 14 that recognises the importance of maintaining accountability in contract and networked systems of governance Significantly rewritten chapters to add emphasis on the relevance of the chapter material to nonprofit organisations A significantly revised bibliography which incorporates new bodies of research that have appeared since the first edition Senator Sam Ervin, Last of the Founding Fathers Karl E. Campbell,2007 Drawing on newly opened archival material Karl Campbell illuminates the character of the man and the historical forces that shaped him The senator s distrust of centralized power Campbell argues helps explain his ironic reputation as a foe of civil rights and a champion of civil liberties from publisher description

Reviewing Hard Judicial Choices Federal District Court Judges And State And Local Officials: Unlocking the Spellbinding Force of Linguistics

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