

Judging Under Uncertainty An Institutional Theory Of Legal Interpretation

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Statutory Interpretation and Decision Theory

Judging under Uncertainty: An Institutional Theory of Legal Interpretation, Adrian Vermeule Harvard, 2006 Pp viii, 333 In a series of articles published over the last decade, Adrian Ver-meule has established himself as one of the smartest and most inter-esting theorists of statutory interpretation in the American legal acad-emy

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Judging under Uncertainty: An Institutional Theory of Legal Interpretation, Adrian Vermeule Harvard, 2006 Pp viii, 333 In a series of articles published over the last decade, Adrian Ver-meule has established himself as one of the smartest and most inter-esting theorists of statutory interpretation in the American legal acad-emy

Preemption and Institutional Choice

ADRIAN VERMEULE, JUDGING UNDER UNCERTAINTY: AN INSTITUTIONAL THEORY OF LEGAL INTERPRETATION (2006) Comparative institutional analysis in law is not new A prominent work from an earlier generation is HENRY M HART & ALBERT M SACKS, THE LEGAL PROCESS: BASIC PROBLEMS IN THE MAKING AND APPLICATION OF LAW

A Decision Theory of Statutory Interpretation: Legislative ...

VERMEULE, JUDGING UNDER UNCERTAINTY: AN INSTITUTIONAL THEORY OF LEGAL INTERPRETATION 113 (2006) (questioning whether parties and judges "lack the comprehensive background knowledge of the legislative process necessary to assess the significance and weight of the sources"); Robert A Katzmann, Statutes, 87 NYU L REV

Judges as Humans: Interdisciplinary Research and the ...

cf adrian vermeule, judging under uncertainty: an institutional theory of LEGAL INTERPRETATION 3 (2006) (discussing what he calls "the institutionalist dilemma") [Vol 36:125

JUDICIAL CAPACITY AND EXECUTIVE POWER I J C MODEL OF ...

13See, eg, Adrian Vermeule, Judging Under Uncertainty: An Institutional Theory of Legal Interpretation 268 (2006) It took more than one hundred Lilliputians to subdue Gulliver, and he was only twelve times their height See Jonathan Swift, Gulliver's Travels 22, 39 (Claude Rawson ed, 2005)

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Uncertainty is something which, in the right contexts, can be actively sought, created and harnessed, but it can never be completely subdued or Judging under Uncertainty: An Institutional Theory of Legal Interpretation (Harvard University Press, 2006); Richard A ...

Purposivism in the Executive Branch: How Agencies ...

8 ADRIAN VERMEULE, JUDGING UNDER UNCERTAINTY: AN INSTITUTIONAL THEORY OF LEGAL INTERPRETATION 213-14, 226 (2006) (suggesting that agencies' superior expertise may justify wider-ranging interpretive methods than apply for courts); Michael Herz, Purposivism and Institutional Competence in Statutory Interpretation, 2009 MICH ST

Justice Scalia and the Idea of Judicial Restraint

Vermeule, Judging Under Uncertainty: An Institutional Theory of Legal Interpretation 33 (2006), which argues that "[b]ecause the Constitution does not speak to interpretive method, the decisive considerations are institutional"

The Institutional Theory of Legal Interpretation

tive system are empirical and institutional rather than conceptual, but in which the relevant empirical information is largely absent' (289) Vermeule focuses on the empirical realities facing the American system as a way of demonstrating that judging under uncertainty is the 'only type of judging ...

Judicial Capacity and the Substance of Constitutional Law

economics, and public policy 123-50 (1994); adrian vermeule, judging under uncertainty: an institutional theory of legal interpretation (2006) 3 compare barry friedman, the will of people: how public opinion has influenced the supreme court and shaped the meaning of the constitution (2009)

II. The Argument from Judging under Uncertainty

In Judging under Uncertainty, Vermeule develops two different projects One is a theory about judicial interpretation Its goal is to defend a very strict model of judicial institutional capabilities of courts and, this time, legislatures The argument developed in the book starts with a critique

In the United States Court of Appeals

Interpretation of Legal Texts (2012); Adrian Vermeule, Judging Under Uncertainty: An Institutional Theory of Legal Interpretation (2006); Victoria F Nourse, A Decision Theory of Statutory Interpretation: Legislative History by the Rules, 122 Yale LJ 70 (2012); Cass R Sunstein, Interpreting Statutes in the Regulatory State,

The Ghost And The Goth By Stacey Kade

leadership: follow them and people will follow you, judging under uncertainty: an institutional theory of legal interpretation, learning to fall: a novel, dragon fall, by disney 2014 disney classic mickey mouse wall calendar, punished at the backdoor, your german shepherd puppy month by

Uniformity, Inferiority, and the Law of the Circuit Doctrine

See generally Caleb Nelson, Statutory Interpretation and Decision Theory: Judging Under Uncertainty: An Institutional Theory of Legal Interpretation, Adrian Vermeule, 74 U CHI L REV 329, 358 n52 (2007); see also Miriam A Cherry & Robert L Rogers, Tiresias and the Justices:

Modest Hope for a Modest Roberts Court: Deference, Facial ...

MODEST HOPE FOR A MODEST ROBERTS COURT: DEFERENCE, FACIAL CHALLENGES, AND THE COMPARATIVE COMPETENCE OF COURTS

Edward A Hartnett* HILE some seem to believe that "ever since Marbury," con-

UNIFORMITY, INFERIORITY, AND THE LAW OF THE CIRCUIT ...

See generally Caleb Nelson, Statutory Interpretation and Decision Theory: Judging Under Uncertainty: An Institutional Theory of Legal Interpretation, Adrian Vermeule, 74 U CHI L REV 329, 358 n52 (2007); see also Miriam A Cherry & Robert L Rogers, Tiresias and the Justices: Using Information Markets to Predict Supreme Court Decisions, 100

On Law's Tiebreakers

probabilities across known outcomes) Consider also Adrian Vermeule, Judging under Uncertainty: An Institutional Theory of Legal Interpretation ch 6 (Harvard 2006) (applying many of these strategies to issues of judicial interpretation) My investigation overlaps these ideas

'CHEVRON' AND THE SUBSTANTIVE CANONS: A ...

Adrian Vermeule, Judging Under Uncertainty: An Institutional Theory of Legal Interpretation 206-14 (2006) 4 See Kenneth A Bamberger, Normative Canons in the Review of Administrative Policymaking, 118 Yale LJ 64, 68 (2008) 594