# From Learning the Law to Making the Law: Influence of Law School in Supreme Court Justices' Constitutional Rulings

**Abstract**

In this paper, I look into the possible relationship between the legal education of a United States Supreme Court justice and how they rule in cases dealing with the interpretation of the U.S. Constitution. There is plenty of previous research dealing with what influences Supreme Court decisions, but none of that research has ever proposed the possibility of the justice's law school. I argue that the law school a Supreme Court justice attended does in fact influence the way Supreme Court justices rule on Constitutional issues. I research this by defining each law school that a justice has attended over the past 40 years as either liberal or conservative, and then compare those definitions to whether they ruled in a liberal or conservative way in cases dealing with the interpretation of the United States Constitution. The results show that there is a positive correlation between justices attending a liberal school making liberal rulings, as well as justices attending a conservative school making conservative rulings. The research in this paper lays a basis for more investigation into how much the legal education of U.S. Supreme Court justices influences the decisions that they make.

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## I. Introduction

The United States Supreme Court is the court with the utmost authority in the United States' judicial system, so it would make sense that the justices that make up the Supreme Court hold a lot of power in the rulings that they give. However, chances are that the majority of people have not ever considered what influences the decisions that they make, what kinds of things make up their rulings that in all reality become federal laws in which everyone must abide by. There are a relatively small amount of scholars that have wondered these very things, most of which focus on a debate of whether personal political preferences affect the decisions that justices of the U.S. Supreme Court make or whether it is strictly legal reasoning that leads them to the conclusions they arrive at.

At the beginning of my research, I decided to join the minority in this issue by questioning what influences the decisions the Supreme Court makes. However, I didn't just join the minority of the whole, I became a minority in this already narrowed group of scholars, by more specifically questioning whether the legal education of a United States Supreme Court justice influences the way that justice rules in cases related to the Constitution. I intend to do this by analyzing law reviews from every law school that a justice, who has ruled in a case in the last forty-five years, attended in order to define each school at the period of time that each justice graduated as either liberal or conservative. I will then compare those results to each justice's individual rulings in a series of forty-eight cases between the years of 1971 and 2010, which will also be defined as liberal or conservative, in order to find out if there is a correlation between these two variables, and if there is a relationship, how strong it may be.

## II. Literature Review

The Justices that make up the Supreme Court of the United States have always been known as some of the greatest legal minds in the country's history, which can make it difficult to remember that, at one point, each one was just another law student. No one could have known that they would one day go on to be on the U.S. Supreme Court with the power to interpret the Constitution, thus changing the law that those very law schools teach. However, could it be possible that there is a relationship between the law school that a Justice of the U.S. Supreme Court attended and the way that justice interprets the Constitution? The existing literature of both legal and political scholars fails to pose this question, so as it stands presently, there are no arguments that address this relationship. Thus in order to show the importance of this possible relationship, literature will be presented dealing with what influences opinions given by Justices of the U.S. Supreme Court, and the ideologies of law schools and their faculty.

The topic of the judicial decision making process and what influences the decision a judge makes has been a large source for scholarly journal entries over the past several decades. The attitudinal model is at the center of the argument with proponents asserting "that an attitude represents a residue of previous experience which exercises a patterned tendency to respond to stimuli in a certain way," with principal support being provided by studies of the United States Supreme Court which rely on the justice's votes as the single source of data (Gibson, 1978). There are even scholars disagreeing on which is the best way to measure the ideologies associated with the attitudinal model, for example "researchers have examined the votes of

Justices and characterized the ideological direction of the case outcome on a binary (liberal vs. conservative) basis but have not assessed the content of the opinion" (Cross, 2012). Other scholars supporting the same attitudinal theory believe that more than one factor must do into determining ideology such as incorporating attitudes, role orientations and decision-making behavior (Gibson, 1978). Tracy Lightcap highlighted an argument was made that showed research supporting that Court decisions that can be viewed as crucial, such as interpretation of statutes or constitutionality, were more likely to have judges vote based on ideology (Lightcap, 2010).

There are also many scholars that disagree with the attitudinal model, showing research that disproves it by way of their own methods of defining the influence that ideology has on a judge's voting behavior. The Supreme Court has been analyzed in this way specifically through its use of legislative history showing that "Justices use legislative history for both legal and ideological reasons, but the legal reasons are predominant" with the majority of Justices that use legislative history being liberal (Law, 2010). Here, the phrase "legislative history" is referring to previous rulings made by courts in the United States. Another study examined the voting records of Supreme Court Justices in civil liberties cases heard in 1946-1985, with results questioning the attitudinal model when voting of the Supreme Court is viewed over longer periods of time (Baum, 1989). One scholar undermined the accuracy of the attitudinal model by showing that the political preferences of U.S. Supreme Court Justices who sat for 10 or more terms experienced significant change over the time they served (Epstein, Lee 1998).

However, my topic has two sides to be discussed, the second being law schools and the cultures that define them. Law schools have been dealing with increasing criticism of what is

being referred to as intellectual diversity, with faculties that tilt heavily to the political left (Dent Jr.). One scholar wrote about his experience as a law professor at the University of Georgetown Law School stating, "We are a faculty of 120, and, to my knowledge, the number of professors who are openly conservative, or libertarian, or Republican or, in any sense, to the right of the American center, is three—three out of 120. There are more conservatives on the nine-member United States Supreme Court than there are on this 120-member faculty. Moreover, the ideological median of the other 117 seems to lie not just left of center, but closer to the left edge of the Democratic Party" (Rosenkranz). In a journal article discussing the elite law schools and how they continually hire their own graduates stated that "of the forty-seven current non-clinical tenure-track members of the Yale Law School faculty who have their initial law degree from an American law school, thirty-nine received that degree from either Yale or Harvard" and "of the eighty-one current non-clinical tenure-track members of the Harvard Law School faculty who have their initial law degree from an American law school, seventy-one received that degree from either Harvard or Yale" (Campos). This can be heavily attributed to the Association of American Law Schools (AALS) which law schools are not legally obligated to join, but only a few schools choose not to, even with the openly left-leaning leadership in the AALS (Dent Jr, 2011). Law school faculty set the curricula and "determine what should be taught in each class. In almost all law school classes, they speak far more than any individual student and often speak more than all students collectively. Beyond the classroom, they are responsible for inviting the most distinguished academics to workshops, symposia, and other engagements, which themselves generate policy discussions on campus for the benefit of students" (McGinnis, 2005). Another author addresses this saying, "This is a serious problem for students, who do not get the

full range of views in important current debates...Moreover, the experience of many students suggests that many instructors do not even try to give both sides…students say that they rarely hear conservative or libertarian viewpoints from their instructors and that, indeed, those viewpoints are often ridiculed in class" (Dent Jr.). It also stands that in most law schools "the liberal version of the conservative argument is generally a caricature of the actual conservative argument" (Rosenkranz).

Through this literature it is clear that there is a possible connection between the law school that a Supreme Court Justice attends and how they tend to vote. Justice Antonin Scalia, a current Justice of the Supreme Court even openly stated that "the ideology emanating from law schools is moving the American judiciary and the institutions of American society to the left on a variety of issues" (McGinnis, 2005). One author, an active professor at Georgetown Law School, summed it up when he posed, "How are students to learn how to persuade Justices Scalia, Thomas, Alito, Roberts, and Kennedy, when they do not encounter a single professor with a similar perspective?" (Rosenkranz).

## III. Research Method & Design

The literature shows many opinions about both what influences Supreme Court decisions and the political culture of law schools, however the literature does not reveal any research examining the relationship between these two subjects. Through my research I intend to examine just that, specifically by examining the law schools and opinions twenty-two U.S. Supreme Court justices in forty-eight Constitutional cases between 1971 and 2010. I

hypothesize that the data will show a significant positive relationship between the law school a justice attended and how they interpret the United States Constitution. Over the course of this research design, I will explain how I plan to go about researching this and justify my reasoning for that plan.

There are a couple factors that went into my selection of the cases I intend to use. The first of which is the span of time, 1971 through 2010. The reason I decided not to look at any cases earlier than 1971 is simply due to the lack of availability of information related to law schools at the time of attendance. In cases prior to 1971, there were justices on the Supreme Court that graduated law school in the 1800s, and the earlier the justice graduated, the more difficult it would be to define the law school at that time as liberal or conservative. The second, and most significant, factor of my case selection is the specific 48 cases I chose to examine. The reason behind the selection of these cases is that each case is a landmark decision in the area of Constitutional Law in the United States. These selected cases highlight the most important interpretations of the United States Constitution made by Supreme Court justices, thus effectively changing federal law in the United States.

As far as the operationalization of the variables for my research goes, defining the decisions of Supreme Court justices as conservative or liberal is on the easier side while defining whether law schools are liberal or conservative will be a more difficult endeavor. In the context of defining a justice's opinion, on a case by case basis, as conservative or liberal, each justice's opinions and reasoning were examined and sorted into seven different categories of law, with each category having its own standards for what is considered either liberal or conservative.[1] On

[1] Refer to Appendix A for the listing of specified ideology definitions

the other hand, when looking in the context of defining each law school as liberal or conservative, I have examined the law reviews of each law school that was attended by at least one of the justices. More specifically, I will choose between seven to ten articles from law reviews published during the years that each justice was in attendance. Law reviews are student edited scholarly journals that are often comprised of the research done by the faculty of the school. In the situation of law reviews either not being readily available to me or not having existed at the time of a justice's attendance, I will instead look at articles from law reviews published as close as possible to the time of a justice's attendance in the same manner. Throughout my examination of these articles, I will be coding sentences that show opinions supporting ideals defined as conservative or liberal, determined by the same standards set forth by the examination of the justice's opinions.

After collecting and organizing data, I intend to analyze it looking for a correlation between if a liberal law school leads to more liberal decisions and vice-versa. If a relationship does exist, I intend to examine whether it is positive or negative as well as how strong the relationship is. I acknowledge the fact that there are weaknesses in my research design. These include the operationalization of laws schools as legal or conservative, the lack of availability of information used to define law school ideologies, and the other possible factors that influence decisions of the Supreme Court. However, even with these weaknesses, I still intend to move forward with my research on this topic due to the clear lack of research on how much law schools impact the legal and political reasoning of the students that attend them, and in this case specifically those students that end up becoming United States Supreme Court justices. This research could be the start of an important factor in the selection of Supreme Court justices in the

future, and even further than that, may provide guidance regarding the laws that may or may not be enacted by decisions of the U.S. Supreme Court.

## IV. Data Analysis & Assessment

Throughout the last century the justices of the United States Supreme Court have made many rulings in cases concerning the Constitution and how it should be interpreted and applied to the legal system. While these decisions were being made, many theories were also made as to what factors were influencing how the justices were ruling on these cases. However, one theory that was never suggested was if the law school that these justices each attended played a significant role in how they interpret and rule on cases dealing with the Constitution. I have been studying this possible relationship, and through my research have determined that this previously unheard of theory may hold some merit. I took two general steps of analysis to result in this possible relationship, determining whether each justice attended a law school that, at their time of attendance, was liberal or conservative, and statistically comparing those results to the rulings of Supreme Court justices which were also categorized as liberal or conservative. I will first explain how I came to the determinations of liberal or conservative in order to then discuss the statistical analysis results and any possible implications.

There were nine different law schools that I examined through this process, with three of them being split into multiple time periods. I analyzed and coded 7-10 law review articles from

each time period of all 9 schools in order to determine the ideology of each law school at the time a justice was in attendance.

*Law School Coding Results: Table #1*

| | **Conservative** | **Liberal** |
|---|---|---|
| **Yale 1940s** | 3 | 11 |
| **Yale 1970s** | 7 | 6 |
| **Harvard 1930s** | 11 | 6 |
| **Harvard 1960s** | 0 | 12 |
| **Harvard 1970s** | 9 | 14 |
| **Columbia 1920s** | 10 | 6 |
| **Columbia 1950s** | 2 | 15 |
| **Stanford** | 16 | 4 |
| **Northwestern** | 8 | 30 |
| **New York** | 21 | 17 |
| **Alabama** | 16 | 6 |
| **Howard** | 4 | 14 |
| **William Mitchell** | 10 | 8 |

The chart above shows the total number of ideological references, for each side, that were identified through the coding process. I then took this information and compared these results with the decisions made by Supreme Court justices in 48 different Constitutional cases. The determinations of the ideology of the justices' various opinions were a part of a dataset I discovered through the 2014 Supreme Court Database (Spaeth, 2014). There are twenty-two United States Supreme Court justices that were sitting members for at least 2 of the 48 examined cases, specifically William Brennan Jr., Harry Blackmun, Lewis F. Powell Jr., Antonin Scalia, Anthony Kennedy, Stephen Breyer, David Souter, John Roberts, Potter Stewart, Byron White, Clarence Thomas, Samuel Alito, Sonia Sotomayor, Sandra Day O'Connor, William Rehnquist, William Douglas, Ruth Bader Ginsburg, John Paul Stevens, John Marshall Harlan II, Hugo Black, Thurgood Marshall, and Warren E. Burger. Sonia Sotomayor is the most recently appointed justice to the Supreme Court, therefore she has only had the opportunity to rule on a limited number of cases overall. The minimum amount of cases ruled on arose from Sotomayor having only ruled in two significant Constitutional cases.

I analyzed the ideology of the law school and the ideology of the opinions of justices through the crosstabulation seen above. As you can see, out of the rulings that were made by a justice that attended a conservative law school, 60.5% of them supported a conservative ideology. On the other hand, out of the rulings that were made by a justice that attended a liberal law school, 63% of them supported a liberal ideology.

**ideology of law school * justice direction Crosstabulation**

| | | | justice direction | | |
|---|---|---|---|---|---|
| | | | conservative | liberal | Total |
| ideology of law school | Conservative | Count | 107 | 70 | 177 |
| | | % within ideology of law school | 60.5% | 39.5% | 100.0% |
| | Liberal | Count | 84 | 143 | 227 |
| | | % within ideology of law school | 37.0% | 63.0% | 100.0% |
| Total | | Count | 191 | 213 | 404 |
| | | % within ideology of law school | 47.3% | 52.7% | 100.0% |

Through this same crosstabulation, I also analyzed the possibility of a relationship and the strength of it if such a relationship exists. Through the use of Pearson's Chi Square and Continuity Correction, I determined that there is a statistically significant relationship between these two variables. This leads me to the table seen above. Because both of these variables are nominal, Phi must be used to determine the strength of the observed relationship. In this case the result was 0.233, which shows that the relationship is positive with moderate strength. This suggests that this resulting relationship holds moderate significance as to how much influence law schools may have on the rulings of Supreme Court justices. Also, the moderate strength of the relationship gives reason to future scholars to research this topic further in order to observe any noticeable changes in the strength of the relationship shown through the analysis of my sample.

**Symmetric Measures**

| | | Value | Asymp. Std. Error[a] | Approx. T[b] | Approx. Sig. |
|---|---|---|---|---|---|
| Nominal by Nominal | Phi | .233 | | | .000 |
| | Cramer's V | .233 | | | .000 |

a. Not assuming the null hypothesis.
b. Using the asymptotic standard error assuming the null hypothesis.
c. Based on normal approximation.

Through my research and analysis I have come to a result that supports my hypothesis. Based on the analysis of my sample there is a significant relationship between the ideologies of the law school attended by United States Supreme Court justices and how those justices interpreted the Constitution between 1971 and 2010.

## V. Conclusion

Based on the important role that the Supreme Court plays as an actor in the United States Government, it is not surprising that scholars have been creating theories as to the influences behind Supreme Court decisions. However, it is surprising that not a single one of those scholars had ever looked for a relationship between the legal education of the justices as a possible influence. Law school is where each of the justices learned the law of the United States, and it seems like common sense to think that how they interpret the Constitution has been heavily influenced by the institution that taught them about that very Constitution.

I acknowledge that the study I conducted has weaknesses. It is possible that the law schools that did not have law reviews available at the time of a justice's attendance may not be defined as the same ideology over the stretch of time between the year a justice attended and the year the law review I analyzed was written. I also admit that there is a possibility of human error through my coding and analysis of all the law reviews. Also, the issue of a lack of conservative representation in law schools seems to be a recent phenomenon. My research did not show any

support that suggested that this was the case further back in time when many of the justices I analyzed attended law school.

However, even when taking all of these things into consideration, I still believe that I have made a significant contribution through my research. The result of a statistically significant positive relationship between legal education and the Constitutional interpretation of Supreme Court justices is the first of its kind. There are so many possibilities for future research on the relationship that my study suggests exists. Scholars with access to resources that I did not have could build off of this analysis to explore additional court cases and justices. If this relationship stands to be true, the implications that it could have on politics and the government make this worth analyzing further. Since humans cannot predict the future, they can't possibly know how a justice is going to end up interpreting the Constitution after a lifetime appointment. Humans may not be able to see into the future, but they can look at the past. And according to my research, the past may be just the place to look to predict the judicial behavior of the justices that make up the United States Supreme Court.

**Appendix A** (Spaeth, 2014)

"In order to determine whether an outcome is liberal (=2) or conservative (=1), the following scheme is employed.

1. In the context of issues pertaining to criminal procedure, civil rights, First Amendment, due process, privacy, and attorneys, liberal (2)=

- pro-person accused or convicted of crime, or denied a jury trial
- pro-civil liberties or civil rights claimant, especially those exercising less protected civil rights (e.g., homosexuality)
- pro-child or juvenile
- pro-indigent
- pro-Indian
- pro-affirmative action
- pro-neutrality in establishment clause cases
- pro-female in abortion
- pro-underdog
- anti-slavery
- incorporation of foreign territories
- anti-government in the context of due process, except for takings clause cases where a pro-government, anti-owner vote is considered liberal except in criminal forfeiture cases or those where the taking is pro-business
- violation of due process by exercising jurisdiction over nonresident
- pro-attorney or governmental official in non-liability cases
- pro-accountability and/or anti-corruption in campaign spending
- pro-privacy vis-a-vis the 1st Amendment where the privacy invaded is that of mental incompetents
- pro-disclosure in Freedom of Information Act issues except for employment and student records

conservative (1)=the reverse of above

2. In the context of issues pertaining to unions and economic activity, liberal (2)=

- pro-union except in union antitrust where liberal = pro-competition
- pro-government

- anti-business
- anti-employer
- pro-competition
- pro-injured person
- pro-indigent
- pro-small business vis-a-vis large business
- pro-state/anti-business in state tax cases
- pro-debtor
- pro-bankrupt
- pro-Indian
- pro-environmental protection
- pro-economic underdog
- pro-consumer
- pro-accountability in governmental corruption
- pro-original grantee, purchaser, or occupant in state and territorial land claims
- anti-union member or employee vis-a-vis union
- anti-union in union antitrust
- anti-union in union or closed shop
- pro-trial in arbitration

conservative (1)= reverse of above

3. In the context of issues pertaining to judicial power, liberal (2)=

- pro-exercise of judicial power
- pro-judicial "activism"
- pro-judicial review of administrative action

conservative (1)=reverse of above

4. In the context of issues pertaining to federalism, liberal (2)=

- pro-federal power
- pro-executive power in executive/congressional disputes
- anti-state

conservative (1)=reverse of above

5. In the context of issues pertaining to federal taxation, liberal (2)= pro-United States; conservative (1)= pro-taxpayer

6. In interstate relations and private law issues, unspecifiable (3) for all such cases."

## Appendix B

Law Journals Coded:

A. C. Grant, J. (1949). Judicial control of legislative procedure in California. *Stanford Law Review, 1*(3), 428-451.

Arthur Schiller, A. (1958). Jurists' law. *Columbia Law Review, 58*(8), 1226-1238.

Ashenfelter, O., Eisenberg, T., & Schwab, S. J. (1995). Politics and the judiciary: The influence of judicial background on case outcomes. *The Journal of Legal Studies, 24*(2), 257-281.

Atneosen, S. T., & Wolfe, B. J. (1994). The "plain feel" exception: Is the standard sufficiently plain? *William Mitchell Law Review, 20*, 81.

Berger, R. (1974). The president, congress, and the courts. *The Yale Law Journal, 83*(6), 1111-1155.

Berle Jr, A. A. (1958). "Control" in corporate law. *Columbia Law Review, 58*(8), 1212-1225.

Bohlen, F. H. (1929). Misrepresentation as deceit, negligence, or warranty. *Harvard Law Review, 42*(6), 733-747.

Brady, S. (1997). Municipal liability for police misconduct: Experiences in the eighth circuit. *William Mitchell Law Review, 23*, 81.

Brilmayer, L. (1979). The jurisprudence of article III: Perspectives on the "case or controversy" requirement. *Harvard Law Review, 93*(2), 297-321.

Brown, B. A., Emerson, T. I., Falk, G., & Freedman, A. E. (1971). The equal rights amendment: A constitutional basis for equal rights for women. *The Yale Law Journal, 80*(5), 871-985.

Bruce La Pierre, D. (1985). Political accountability in the national political process -- the alternative to judicial review of federalism issues. *Northwestern University Law Review, 80*, 577.

Brudney, V. (1979). Insiders, outsiders, and informational advantages under the federal securities laws. *Harvard Law Review, 93*(2), 322-376.

Cahn, E. N. (1946). Justice, power and law. *The Yale Law Journal, 55*(2), 336-364.

Carpenter, C. E. (1928). Interference with contract relations. *Harvard Law Review, 41*(6), 728-768.

Carrington, P. D. (1962). The modern utility of quasi in rem jurisdiction. *Harvard Law Review, 76*(2), 303-321.

Cassella, S. D. (1994). Establishing probably cause for forfeiture in federal money laundering cases. *New York Law School Law Review, 39*, 163.

Chemerinsky, E. (1985). Rethinking state action. *Northwestern University Law Review, 80*, 503.

Curtis, C. P. (1951). The ethics of advocacy. *Stanford Law Review, 4*(1), 3-23.

Cusimano, G. S., & Roberts, M. L. (1993). Proposed Alabama rules of evidence: What's the same? what's different? *Alabama Law Review, 45*, 109.

Dana, D. A. (2006). The law and expressive meaning of condemning the poor after Kelo. *Northwestern University Law Review, 101*, 5.

Davidow, J. (1974). Antitrust, foreign policy, and international buying cooperation. *The Yale Law Journal, 84*(2), 268-292.

Davis Jr, K. B. (1985). Judicial review of fiduciary decisionmaking -- some theoretical perspectives. *Northwestern University Law Review, 80*, 1.

Dawson, J. P. (1975). Lawyers and involuntary clients in public interest litigation. *Harvard Law Review, 88*(5), 849-930.

Deadly force and its effects on police-community relations. (1984). *Howard Law Journal, 27*, 1131.

Degnan, R. E. (1962). The law of federal evidence reform. *Harvard Law Review, 76*(2), 275-302.

Denbeaux, M. P. (1986). The first word of the first amendment. *Northwestern University Law Review, 80*, 1156.

Dession, G. H. (1944). The mentally ill offender in federal criminal law and administration. *The Yale Law Journal, 53*(4), 684-699.

Developments in the law: Corporate crime: Regulating corporate behavior through criminal sanctions. (1979). *Harvard Law Review, 92*(6), 1227-1375.

Dewind, A. W., & Anthoine, R. (1956). Collapsible corporations. *Columbia Law Review, 56*(4), 475-534.

Ehrenzweig, A. A. (1966). A counter: Revolution in conflicts law? from beale to cavers. *Harvard Law Review, 80*(2), 377-401.

Ely, J. H. (1970). Legislative and administrative motivation in constitutional law. *The Yale Law Journal, 79*(7), 1205-1341.

Forer, L. G. (1961). Water supply: Suggested federal regulation. *Harvard Law Review, 75*(2), 332-349.

Fraenkel, O. K. (1925). The juristic status of foreign states, their property and their acts. *Columbia Law Review, 25*(5), 544-570.

Frank, L. K. (1924). An institutional analysis of the law. *Columbia Law Review, 24*(5), 480-499.

Frederick, D. A. (1993). Legal rights of producers to collectively negotiate. *William Mitchell Law Review, 19*, 433.

Garth, B. G. (1997). Observations on an uncomfortable relationship: Civil procedure and empirical research. *Alabama Law Review, 49*, 103.

Ginger, T. J. (1985). Affirmative action:  answer for law schools. *Howard Law Journal, 28*, 701.

Giving sobriety checkpoints the cold shoulder: A proposed balancing test for suspicionless seizures under the Minnesota constitution. (1994). *William Mitchell Law Review, 20*, 515.

Golinski, C. (1994). In protest of NOW v. Scheidler. *Alabama Law Review, 46*, 163.

Graham, H. J. (1943). Justice field and the fourteenth amendment. *The Yale Law Journal, 52*(4), 851-889.

Grano, J. D. (1985). Prophylactic rules in criminal procedure: A question of article III legitimacy. *Northwestern University Law Review, 80*, 100.

Gregg, E. B. (1951). Some new patent cases in the Supreme Court. *Stanford Law Review, 3*(4), 601-615.

Henderson, E. G. (1966). The background of the seventh amendment. *Harvard Law Review, 80*(2), 289-337.

Jaffe, L. L. (1961). Standing to secure judicial review: Private actions. *Harvard Law Review, 75*(2), 255-305.

Jamar, S. D. (1996). Accommodating religion at work: A principled approach to title VII and religious freedom. *New York Law School Law Review, 40*, 719.

James Jr, F. (1946). Accident liability: Some wartime developments. *The Yale Law Journal, 55*(2), 365-400.

Jessup, P. C. (1959). The United Nations conference on the law of the sea. *Columbia Law Review, 59*(2), 234-268.

Johnstone, Q. (1994). Government control of urban land use: A comparative major program analysis. *New York Law School Law Review, 39*, 373.

Jones Jr, J. E. (1982). "Reverse discrimination" in employment: Judicial treatment of affirmative action programs in the United States. *Howard Law Journal, 25*, 217.

Karjala, D. S. (1986). Federalism, full disclosure, and the national markets in the interpretation of federal securities law. *Northwestern University Law Review, 80*, 1473.

Katz, W. G. (1930). Federal legislative courts. *Harvard Law Review, 43*(6), 894-924.

Kay, R. S. (1988). Adherence to the original intentions in constitutional adjudication: Three objections and responses. *Northwestern University Law Review, 82*, 226.

Keeffe, A. J., Landis Jr, W. B., & Shaad, R. B. (1950). Sense and nonsense about judicial notice. *Stanford Law Review, 2*(4), 664-690.

Kent, A. H. (1950). Pension funds and problems under California community property laws. *Stanford Law Review, 2*(3), 447-470.

King, R. G. (1951). The control of organized crime in America. *Stanford Law Review, 4*(1), 52-67.

Langworthy, D. J. (1996). Project-labor agreements after Boston harbor: Do they violate competitive bidding laws? *William Mitchell Law Review, 21*, 1103.

Lattin, N. D. (1931). Remedies of dissenting stockholders under appraisal statutes. *Harvard Law Review, 45*(2), 233-270.

Legal theory and legal education. (1970). *The Yale Law Journal, 79*(6), 1153-1178.

Leier, R. A. (1996). Torts: Defining the duty imposed on physicians by the doctrine of informed consent. *William Mitchell Law Review, 22*, 149.

Lieske, R. (1995). Civil forfeiture law: Replacing the common law with a common sense application of the excessive fines clause of the eighth amendment. *William Mitchell Law Review, 21*, 265.

Loewenstein, M. J. (1994). The SEC and the future of corporate governance. *Alabama Law Review, 45*, 783.

Marx, R. S. (1925). Compulsory compensation insurance. *Columbia Law Review, 25*(2), 164-193.

Matthewman, W. D. (1984). Title VII and genetic testing: Can your genes screen you out of a job? *Howard Law Journal, 27*, 1185.

McDonald, N. Y. (2003). Under fire: The fight for the war correspondent's privilege. *Howard Law Journal, 47*(1), 133.

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Moore, J. W., & A. Rogers, E. B. (1946). Federal relief from civil judgments. *The Yale Law Journal, 55*(4), 623-693.

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Orschel, A. K. (1952). Administrative protection for shareholders in California recapitalizations. *Stanford Law Review, 4*(2), 215-236.

Pannier, R. F. (1996). Lopez and federalism. *William Mitchell Law Review, 22*, 71.

Patterson, E. W. (1924). The apportionment of business risks through legal devices. *Columbia Law Review, 24*(4), 335-359.

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