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Law Review Scholarship in the Eyes of the Twenty-First Century
Supreme Court Justices: An Empirical Analysis

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INTRODUCTION

Chief Justice John Roberts recently threw fuel on the fire of the perennial debate about the practical value of American law review articles when he stated that, as a general matter, law reviews are not "particularly helpful for practitioners and judges."\(^1\) The Chief Justice

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\(^1\) Jess Bravin, Chief Justice Roberts on Obama, Justice Stevens, Law Reviews, More, WALL ST. J. BLOG (Apr. 7, 2010, 7:20 PM), http://blogs.wsj.com/law/2010/04/07/chief-justice-roberts-on-obama-justice-stevens-law-reviews-more. He later—perhaps hyperbolically—added in comments to attendees at the Fourth Circuit Judicial Conference in June of 2011: "'Pick up a copy of any law review that you see, . . . and the first article is likely to be, you know, the influence of Immanuel Kant on evidentiary approaches in 18th-century Bulgaria, or something, which I’m sure was of great interest to the academic that wrote it, but isn’t of much help to the bar.'" Jonathan H. Adler, Chief Justice Roberts and Current Legal Scholarship, THE VOLOKH CONSPIRACY (July 23, 2011, 11:07 AM), http://volokh.com/2011/07/23/chief-justice-roberts-and-current-legal-scholarship. Other current members of the Supreme Court have been critical of modern law review scholarship as well. See Stephen G. Breyer, Response of Justice Stephen G. Breyer, 64 N.Y.U. ANN. SURV. AM. L. 33, 33 (2009) ("[T]here is evidence that law review articles
is the most prominent among an increasing number of critics who have declared that, during recent decades, there has been a growing disconnect between law review articles written by law professors and the needs of the bench and bar in legal scholarship. Furthermore, there is convincing evidence that a substantial amount of law review scholarship today is not considered useful even by other law professors.

American law reviews have their twenty-first century defenders. Virtually all, though, are members of the legal academy, whose livelihoods depend almost exclusively on publishing law review articles rather than on their teaching prowess or service to the legal community. Furthermore, despite the general criticism leveled at modern law reviews, many judges—including every current Supreme Court justice—do believe that at least some law review scholarship has value and, in particular, is worthy of citing in judicial opinions.

An analysis of twenty-first century Justices’ citations of law review scholarship—how often they cite articles, the professional identities of authors of the cited articles, and the ranking of the law reviews in which the cited articles appear—provides an excellent prism through which to assess today’s law reviews. In addition to having had varied and rich legal careers as practitioners, policy-

have left terra firma to soar into outer space.”); Michael C. Dorf, *Justice Scalia Suggests that the Legal Academy Is Out of Touch: Is He Right?*, FINDLAW (Mar. 8, 2010), http://writ.news.findlaw.com/dorf/20100308.html.


3. See Thomas A. Smith, *The Web of Law*, 44 SAN DIEGO L. REV. 309, 336 (2007) (finding that 43% of all law review articles contained in the Lexis-Nexis database have never been cited even once in other law review articles or reported cases).

4. Legal scholars will on occasion indeed take up Kant (and there’s no shame in that). . . more often than not, published law review articles offer muscular critiques of contemporary legal doctrine, alternative approaches to solving complex legal questions, and reflect a deep concern with the practical effect of legal decision-making on how law develops in the courtroom.


5. See Newton, supra note 2, at 133–39.

6. See infra Table 1.
makers, and lower court judges, the majority of the current Justices were, at earlier points in their careers, full-time law professors. Presumably, the Justices are able to separate the wheat from the chaff in the law reviews, and, increasingly in this era of burgeoning law reviews, find the needles in the hay stack. With the assistance of the best and brightest young legal minds (the Justices’ three dozen law clerks) and cogent and comprehensive briefing and oral advocacy by the Supreme Court bar and *amicus curiae*, the Justices operate in a highly rarified intellectual atmosphere that facilitates a thorough, rigorous decisional process. The present study examined whether something meaningful might be gleaned from an analysis of the modern Justices’ practice of citing law review articles.

**I. Method**

This Article describes the results of an empirical study of the nearly two thousand signed opinions authored by the Justices—majority opinions, plurality opinions, concurring opinions, dissenting opinions, and hybrid opinions (i.e., opinions that dissented in part and concurred in part) issued after oral arguments—dated between January 1, 2001, and December 31, 2011, which cited at least one Amer-

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8. Although by no means the only measure of an article’s worth, one or more Justices’ decision to cite a particular law review article in an opinion (particularly in a majority opinion) is a strong indication of the high value of that article. Countless law professors and law school deans believe this to be true; citation of a professor’s law review article in a Supreme Court opinion is a feather proudly and justifiably worn in the professor’s cap. See, e.g., *Two UK Law Professors Cited by U.S. Supreme Court*, U.K. LAW, www.law.edu/index.php?nid=108 (quoting dean of University of Kentucky School of Law who stated his pride in the fact that a law review article written by two law professors at his school was cited in a Supreme Court opinion); *Professor Wildenthal Cited in U.S. Supreme Court Ruling*, T. JEFFERSON SCH. LAW, www.tjsl.edu/news-media/2010/527 (last visited May 1, 2012) (quoting law professor’s statement that being cited by the Supreme Court is “a thrill and an honor”); *Prof. Outterson Writes About Health Care Reform for Leading Blog*, B.U. SCH. L. HEALTH NEWSL. (Fall 2011), available at http://www.bu.edu/law/events/newsletters/healthlaw/2011fall/outterson.shtml.

can law review article.\textsuperscript{10} Cases with per curiam decisions and other unsigned opinions or summary dispositions, in-chambers opinions of individual Justices (e.g., orders ruling on applications for stays of judgment), and opinions respecting the denial of certiorari or dissenting from the denial of certiorari were not counted in this study. The study sought to identify opinions that directly cited a law review article.\textsuperscript{11} Any opinion that merely quoted a prior opinion that in turn had quoted a law review article—but did not otherwise cite or quote the article independently—was not counted as an opinion citing a law review article.

Opinions were coded to determine the following: (1) whether one or more law review articles (including law student notes or com-

\textsuperscript{10} Citations to foreign (usually British) law reviews—which occurred very rarely—were not counted. For purposes of this study, I deem a periodical to be a law review if it exclusively contains scholarly articles (including student works) on issues related to law and the legal system. With a few exceptions, such periodicals appear in the comprehensive list of law journals indexed by the Washington and Lee University School of Law’s law review ranking website. Law Journals: Submission and Ranking, WASH. & LEE U. SCH. LAW, http://lawlib.wlu.edu/LJ/ (last visited May 1, 2012). I excluded articles published in bar association journals, legal newspapers, and similar publications primarily aimed at members of the legal profession. I also did not consider citations to legal scholarship that appeared in treatises or other legal books. Although my review of the Justices’ opinions revealed a large number of citations to such legal books, my study is limited to citations to articles appearing in law reviews because the vast majority of law professors limit their legal scholarship to publication in the form of law review articles. See Newton, supra note 2, at 114 n.47.

\textsuperscript{11} In order to maximize the accuracy of the search, a two-pronged approach was taken. First, using the databases on the Supreme Court’s website, SUPREME COURT OF THE UNITED STATES, http://www.supremecourt.gov (last visited May 1, 2012), and the Supreme Court of the United States blog, SCOTUSBLOG, http://www.scotusblog.com (last visited May 1, 2012), I identified 792 cases decided after oral argument by a signed opinion between 2001 and 2011. My research assistant and I read each case and sought to identify each citation to a law review article. Second, as a means of quality control, I also employed a Westlaw search query somewhat similar to the one used by another recent empirical study of the Justices’ citations to law review articles—("l.j" or "l. j." or "l.rev." or "l. rev." or "j.l." or "j. l." or "law review" or "law journal" or "ct. rev." or "ct.rev." or "law or l. /3 j." or "law or l. /3 rev."). cf. Lee Petherbridge & David Schwartz, An Empirical Assessment of the Supreme Court’s Use of Legal Scholarship, 106 NW. U. L. REV. (forthcoming 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1884462—and reviewed every opinion issued between 2001 and 2011 identified using this search query. My query was broader in scope than the one used by Petherbridge and Schwartz; it added the disjunctive, "(law or l. /3 j.) or (law or l. /3 rev.)." My query identified many citations to articles in law reviews (e.g., Law and Society Review), which their query did not. Furthermore, an old-fashioned eyeball review of every case from 2001–2011 revealed many citations to law reviews that were not identified by the computer-aided review. A large number of law reviews cited by the Court do not use the terms journal ("j.") or review ("rev.") juxtaposed to law or legal ("l."). Examples include the Akron Tax Journal and Law and Contemporary Problems. One need only scan the lengthy list of American law reviews on Washington and Lee University School of Law’s law review ranking webpage to see which law reviews (in particular, the many specialty law reviews) would be overlooked using the above computer queries.
ments) were cited in each separate opinion; (2) which Justices wrote the opinions citing law review articles; (3) the professional status of the articles’ authors at the time that the cited articles were published (as a full-time law professor, legal practitioner, judge, law student, or “other”); and (4) the ranking of the law reviews that published the cited articles according to Washington and Lee University School of Law’s (W&L) combined-score ranking system. The results of this coding project are contained in an online appendix to this Article, which is available on the Drexel Law Review’s website, and also are on file with the author.

Because there are thousands of American law review articles published annually, and because the twenty-first century Supreme Court decides less than one hundred cases per year after oral argument, only a tiny fraction of law review articles could be cited by the Justices annually. Thus, rather than focus on the absolute number of law review articles cited by the Court each year, a better measure is the frequency with which the Court cites law review articles in relation to the total number of opinions written by the Justices at different points in time and, ideally, also in relation to the total volume of law review articles published during the relevant time periods. Just as the number of Supreme Court decisions after oral argument has shrunk in recent decades, the number of American

12. Wash. & Lee U. Sch. Law, supra note 10. All references to the W&L ranking system in the study below refer to the 2010 version, which was the latest version of the W&L rankings at the time that I conducted my research in 2011.

13. See Newton, supra note 2, at 114 (noting that there are nearly one thousand American law reviews today that publish between 150,000 and 190,000 pages per year).


15. Regretfully, I was unable to obtain reported information about the precise volume of law review scholarship published annually (i.e., precise page numbers per year) for purposes of comparing it to the changing size of the Court’s docket. It can hardly be disputed, though, that the amount of law review scholarship has risen significantly at the very time that the annual number of cases decided after oral argument has decreased. See infra note 17.

16. See Starr, supra note 14, at 1369 (noting that, in 1930, the Supreme Court decided 235 cases on the merits, while in the first decade of the twenty-first century, the Supreme Court has decided less than ninety cases on the merits each year). Ideally, an empirical analysis would also control for number of words in Supreme Court opinions—which have grown substantially in recent years—just as the number of cases decided on the merits have shrunk. See Debra Cassens Weiss, U.S. Supreme Court Sets Record for Longest Opinions Ever, A.B.A. J., Nov. 19, 2010, available at http://www.abajournal.com/news/article/u.s_supreme_court_sets_record_for_longest_opinions_ever/ (noting that the average length of the Court’s opinions has increased significantly since the mid-1950s); Ryan C. Black & James F. Spriggs II, An Empirical Analysis of the Length of U.S. Supreme Court Opinions, 45 Hous. L. Rev. 621, 635 (2009). The longer the Court’s opinions, the more opportunity exists to cite legal authorities, including law review articles. Furthermore, an analysis also should account for the increasing num-
law reviews has grown dramatically during that same time period.\textsuperscript{17} It is fair to infer that, if current Justices cite law review articles more or less frequently than past Justices, the practical value of legal scholarship to the Justices has either increased or decreased, respectively.\textsuperscript{18} A comparison of the frequency with which the Justices rely on legal scholarship over time—in particular, a comparison of the percentage of opinions citing articles and the average number of articles cited per opinion—is thus important.

The present study demonstrates that the Justices have cited law review articles less frequently since the apex of the 1970s and 1980s, when at least one Justice’s opinion in approximately half of the Court’s cases cited one or more law review articles. During the first decade of the twenty-first century, on average, one or more Justices cited articles in their opinions in 37.1\% of the Court’s cases and, on average, the Justices cited 0.52 articles per opinion compared to 0.87 articles per opinion in the early 1970s. Justices considered liberal in their judicial philosophies cited law review articles in their opinions more frequently than did Justices considered judicial conservatives.\textsuperscript{19}

In addition to looking at citation frequency rates, this study also examined two other issues: (1) the primary professional status of the authors at the time that the cited articles were published;\textsuperscript{20} and (2) the ranking of the law reviews in which the cited articles were published. With respect to the authors’ status, the primary focus was on the percentage of cited articles written by full-time law professors. Considering that America’s ten-thousand-plus full-time law professors devote the bulk of their careers to scholarship—while the other


\textsuperscript{18} See generally Petherbridge & Schwartz, supra note 11.

\textsuperscript{19} See \textit{infra} Part II.A.

\textsuperscript{20} Occasionally, an author had two professional identities at the time an article was published (e.g., judge and lecturer at a law school). In such cases, the professional identity that appeared to be the primary one at the time of the publication was chosen.

\textsuperscript{21} According to the Association of American Law Schools, in the 2008–09 academic year (the last year for which there is reported data), there were 10,965 full-time law professors (in-
er types of authors write such articles either as a neophyte or as a minor part of one’s career—one would expect that the Justices would cite law review articles by law professors at a much greater rate than articles by other types of authors. The results of this study challenge that assumption. As discussed below, nearly four in ten cited law review articles were written by authors who were not full-time law professors.

Finally, the present study analyzed the rankings of the law reviews in which the cited articles were published. This was done because the ranking of a law review in which a law professor publishes his or her work is critically important for purposes of professional advancement. To be hired, promoted, and given tenure at many law schools, professors generally must publish articles in highly ranked law reviews.22 Thus, the leaders in the legal academy (or at least those at the upper echelons of it) obviously believe that a law review article’s worth is to be gauged in significant part by the ranking of the law review in which the article appears. If Supreme Court Justices put similar stock into such rankings, then one would expect that the vast majority of the articles that they cite would appear in “tenure-worthy” law reviews. The present study also tests this hypothesis and concludes that, although articles in elite law reviews are cited more frequently than articles in other law reviews, the Justices increasingly have cited articles that likely would not be deemed tenure-worthy at many law schools. Additionally, the Justices have cited articles from higher ranked law reviews at a decided decreasing rate since the 1970s.

II. RESULTS AND DISCUSSION

A. Frequency of Justices’ Citations of Law Review Articles

The Appendix contains citations to 792 cases decided after plenary consideration (i.e., briefing and oral argument) by the Supreme

22. See Newton, supra note 2, at 133, 139; see also infra notes 42–43 and accompanying text.
Court between January 1, 2001, and December 31, 2011, in which the opinions announcing the judgment of the Court were signed by Justices. Per curiam decisions were excluded. The Appendix also includes a detailed list of all the Justices’ signed opinions (majority, plurality, concurring, dissenting, and hybrid opinions) that cited one or more law review articles. One or more Justices cited at least one law review article in 294 (37.1%) of the 792 cases. In those 294 cases, the Justices cited law review articles 1023 separate times.23 Thus, each case in which one or more Justices cited at least one law review article contained, on average, citations to 3.48 articles. The median citation count per opinion was only one law review article.24 Looking at all 1961 opinions written by the Justices between 2001 and 2011, the Justices averaged 0.52 article citations per opinion.

In 169 cases (or 21.3% of the 792 cases), one or more law review articles were cited in the majority opinion. I highlight majority opinions because a law review article would not have necessarily influenced the outcome of a case when it was only cited in a plurality, concurring, or dissenting opinion.25 Focusing on majority opinions is also important because of the continuing growth in the average number of separate opinions (concurring and dissenting opinions) per decision issued in the modern era.26 Law review articles cited in separate opinions, although important, do not possess the same indicium of value as an article cited in an opinion reflecting a majority of the Court.

Although this study was limited to the first decade of the twenty-first century, the results can be compared to similar studies that ana-

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23. If a particular law review article was cited more than once within the same opinion in a case (typically using id.- and supra-form citations), that article was only counted once per opinion. In some instances, Justices who issued separate opinions would cite the same article in their respective opinions. In these cases, I counted each citation separately. In addition, there were many instances in which the same law review article was cited in multiple cases. For these reasons, there are fewer than 1023 unique articles cited in this Article’s Appendix.

24. The large difference between the mean and median values is explained by the fact that a small percentage of opinions cited a large number of law review articles. For instance, Justice Stevens’s dissenting opinion in *McDonald v. City of Chicago*, 130 S. Ct. 3020, 3088–120 (2010), cited twenty-three law review articles.

25. In their recent empirical study of Supreme Court Justices’ citations of law review articles from 1949–2009, Professors Petherbridge and Schwartz erroneously referred to all Justices’ opinions, not just majority opinions, as being “decisions of the Supreme Court.” Petherbridge & Schwartz, supra note 11. Except for the rare case in which an opinion concurring in the judgment (providing the fifth vote) on narrower grounds than a more broadly reasoned plurality opinion—in which case the narrower concurring opinion is the holding of the Court—opinions other than majority opinions are not decisions “of the Court.” See *Marks v. United States*, 430 U.S. 188, 193 (1977).

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alyzed the Justices’ citation rates in the last few decades of the twentieth century. The rate at which the Justices have cited law review articles in their opinions has declined significantly in recent decades, even as the average opinion length and number of separate opinions issued per decision has grown (thus providing more opportunities to cite legal authorities in each case). Another recent empirical study of the Justices’ citation of law reviews contains similar data regarding this point, although its authors assert that the decrease in recent decades “might be regressing to a mean of just over a full third of reported decisions” in light of the relatively low citation rates in the decades before 1960. Whatever the case, it seems clear when considering all the empirical studies together (including the present one) that the twenty-first century Justices have not cited law review articles with the same relative frequency as they did in the period from roughly 1975 through 1995.

In addition to studying the Justices’ overall declining use of law review articles as persuasive or explanatory authority in their opinions, analysis of the individual Justices’ citations to law review articles merits discussion. According to the Supreme Court Database, the thirteen different Justices on the Court from 2001 to 2011 issued a total of 1961 signed opinions (majority, plurality, concurring, dissenting, and hybrid opinions). Table 1 below lists the number (and


28. See supra notes 16 & 27.

29. See Petherbridge & Schwartz, supra note 11. Petherbridge and Schwartz found that the Justices cited law review articles at a greater rate (in at least one opinion in 40–50% of the Court’s cases) in the 1970s and 1980s, compared to approximately one-third of cases in the last decade. See id. But because their computer-based search was flawed in that it undercounted the actual number of opinions citing law review articles, see supra note 11, the actual percentage of opinions citing one or more law review articles in the 1970s and 1980s was likely higher than their findings indicated.

percentage) of such opinions citing one or more law review articles based on the total number of opinions authored per Justice, and also lists the average number of cited articles per opinion.

**Table 1. Justices’ Citations to Law Review Articles from 2001–2011**

<table>
<thead>
<tr>
<th>Justice</th>
<th>Number of signed opinions citing ≥ one article/total number of opinions (percent)</th>
<th>Total number of cited articles/total number of opinions (mean)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rehnquist</td>
<td>8/58 (13.79)</td>
<td>20/58 (0.34)</td>
</tr>
<tr>
<td>Roberts</td>
<td>13/81 (16.04)</td>
<td>22/81 (0.27)</td>
</tr>
<tr>
<td>Stevens</td>
<td>67/273 (24.54)</td>
<td>215/273 (0.79)</td>
</tr>
<tr>
<td>O’Connor</td>
<td>17/90 (18.89)</td>
<td>40/90 (0.44)</td>
</tr>
<tr>
<td>Scalia</td>
<td>54/278 (19.42)</td>
<td>111/278 (0.40)</td>
</tr>
<tr>
<td>Kennedy</td>
<td>40/184 (21.74)</td>
<td>87/184 (0.47)</td>
</tr>
<tr>
<td>Souter</td>
<td>30/158 (18.99)</td>
<td>96/158 (0.61)</td>
</tr>
<tr>
<td>Thomas</td>
<td>35/263 (13.31)</td>
<td>83/263 (0.32)</td>
</tr>
<tr>
<td>Ginsburg</td>
<td>42/182 (23.08)</td>
<td>120/182 (0.66)</td>
</tr>
<tr>
<td>Breyer</td>
<td>63/241 (26.14)</td>
<td>163/241 (0.68)</td>
</tr>
<tr>
<td>Alito</td>
<td>21/104 (20.19)</td>
<td>53/104 (0.51)</td>
</tr>
<tr>
<td>Sotomayor†</td>
<td>5/37 (13.51)</td>
<td>7/37 (0.19)</td>
</tr>
<tr>
<td>Kagan‡</td>
<td>1/12 (8.33)</td>
<td>6/12 (0.50)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>396/1961 (20.19)</strong></td>
<td><strong>1023/1961 (0.52)</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Highest % opinions with citations</th>
<th>Highest average citation frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breyer</td>
<td>Stevens</td>
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<tr>
<td>26.14</td>
<td>0.79</td>
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<tr>
<td>Stevens</td>
<td>Breyer</td>
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<tr>
<td>24.54</td>
<td>0.68</td>
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<tr>
<td>Ginsburg</td>
<td>Ginsburg</td>
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<tr>
<td>23.08</td>
<td>0.66</td>
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</table>

<table>
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<tr>
<th>Lowest % opinions with citations</th>
<th>Lowest average citation frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thomas</td>
<td>Roberts</td>
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<tr>
<td>13.31</td>
<td>0.27</td>
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<tr>
<td>Rehnquists</td>
<td>Thomas</td>
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<tr>
<td>13.79</td>
<td>0.32</td>
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<td>Roberts</td>
<td>Rehnquists</td>
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<tr>
<td>16.04</td>
<td>0.34</td>
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† Excluded from further analyses because of the small number of opinions authored to date.
As the data show, on average, liberal Justices have cited law review articles more frequently within and across their opinions than their conservative counterparts. A plausible explanation for this trend is that law review articles, particularly those written by law professors, are more likely to reflect the ideology of the liberal Justices.31

Chief Justice Roberts’s citations to law review articles are notable in another respect: half of the articles to which he has cited (11 of 22) are at least two decades old. Excluding these older articles, his citation rate drops to an average of 0.14 articles per opinion. This finding confirms his declaration that he does not have much use for modern law review scholarship.

B. Status of Authors

Of the 1023 cited articles, 61.62% of authors were full-time law professors,32 while 38.38% were law students, legal practitioners,33 judges, or persons who were not primarily associated with the bench, bar, or legal academy (including researchers with non-academic think tanks or other private research organizations, and full-time professors from university departments other than law schools, such as economists, historians, and political scientists).34 An examination of the authors who were not full-time law professors revealed that the four subgroups each constituted roughly one quarter of the subtotal.35


32. I define law professor very broadly: any full-time professor (or dean) employed by an American law school; whether tenure track, tenured, or non-tenure track; and including experiential professors (e.g., clinical law professors), visiting law professors, and professors emeritus. I also include teaching fellows, visiting assistant professors, and similar short-term legal scholars employed on a full-time basis at a law school.

33. Authors were deemed practitioners if they identified themselves (or if other information identified them) as being primarily engaged in the practice of law for a private firm or government agency. Post-graduate judicial law clerks were deemed practitioners. If an author only identified himself or herself as “J.D.” or as a member of a state bar, such author was deemed a practitioner unless outside research revealed otherwise.

34. If an article was co-authored by multiple authors who did not share a single professional identity, each author was assigned a proportionate share of authorship (e.g., an article co-authored by a law professor, practitioner, and law student resulted in each author’s professional identity being assigned a value of 0.33).

35. Law students were 27.02%, practitioners 29.96%, judges 17.72%, and “other” 25.30%.
The identity of the authors is important because, as I have written elsewhere, publishing law review articles is the professional preoccupation of the bulk of today’s full-time American law professors. Law review scholarship is the *raison d'être* of twenty-first century law professors—they are hired, promoted, and granted tenure (with the partial exception of the small minority of experiential professors, such as clinicians, at some law schools) based primarily on publishing law review articles. Members of the legal profession who write law review articles—practitioners and judges—typically do so primarily out of intellectual curiosity and a desire to contribute their ideas to the legal community more than for professional advancement or remuneration. Neophyte law students publish notes or comments as part of their duties on their law reviews. And “other” authors—typically full-time academics who are employed by university departments other than law schools but whose professional interest is the legal system—publish law review articles as a secondary or tertiary part of their scholarly mission (books or articles in academic journals other than law reviews being their primary medium of scholarly expression). Thus, comparing the number of cited law review articles written by full-time law professors with the number written by other authors serves as one indicia of the practical value of law review articles written by members of the legal academy. The fact that nearly four out of ten of the authors of the cited law review articles wrote them as an avocation rather than a vocation (as do law professors) is telling about how the Court views legal scholarship produced by the legions of American law professors.

With respect to law review authors whose primary professional identity is not as a law professor, I am aware of no recent data on what percentage of all law review articles today are authored by non-law professors. That percentage was substantial in the past, although the number declined significantly from 1960 to 1985. A review of recent editions of the top ten law reviews as ranked by the

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36. See Newton, *supra* note 2, at 133–34, 139.
37. See id.
38. See Michael J. Saks et al., *Is There a Growing Gap Among Law, Law Practice, and Legal Scholarship?: A Systematic Comparison of Law Review Articles One Generation Apart*, 30 SUFFOLK U. L. REV. 353, 365 (1996) (noting the difference between the ratios of judge and practitioner articles to professor articles in 1960 and 1985; in 1960, the ratio of judge and practitioner articles to law professor articles was 1 to 1, but by 1985, the ratio was 1 to 2.24).
W&L system revealed that, of the thirty-four authors and co-authors of published articles (excluding student works), only one was a practitioner (who, as it turns out, was on leave from his full-time job as a law professor in order to serve temporarily as a government attorney). Another author was a law clerk for a federal circuit judge, a third was a federal circuit judge, and a fourth was a professor of medicine and genetics. The primary professional identity of the remaining thirty (88%) was full-time law professor.

By comparison, an analysis of non-student articles appearing in the most recent editions of several randomly selected law reviews (both flagship law reviews and specialty law reviews) at different places in the 2010 version of the W&L rankings revealed a very different profile of authors than that of the articles in the top ten law reviews. As a general rule, the lower a law review’s ranking, the larger was its percentage of authors other than full-time law professors. Most law reviews ranked below one hundred that were surveyed had at least as many authors who were not law professors as authors who were.

Finally, it is significant that, within the “other” category of law review article authors cited by the Justices, the single largest subgroup was composed of full-time professors from university departments other than the law school. Professors of economics, history, and political science predominated in this subgroup. One of the major controversies in the legal academy since the 1970s has been whether law professors should focus on interdisciplinary legal scholarship ("law and . . ."). The fact that the Supreme Court has

39. See supra note 12 and infra Part II.C. Those law reviews are at the law schools at Harvard, Columbia, Yale, Stanford, NYU, Virginia, Berkeley, Penn, Michigan, and Georgetown. I reviewed the editions available at the law reviews’ websites as of October 2011. All but two of the law reviews’ editions then available were from June 2011; one was from December 2010, and one was from October 2011.


41. See, e.g., Richard A. Posner, Legal Scholarship Today, 115 HARV. L. REV. 1314, 1321 (2002) ("Traditional doctrinal scholarship is disvalued at the leading law schools. They want their faculties to engage in ‘cutting edge’ research and thus orient their scholarship toward, and seek their primary readership among, other scholars, not even limited to law professors, though they are the principal audience."); Charles W. Collier, The Use and Abuse of Humanistic Theory in Law: Reexamining the Assumptions of Interdisciplinary Legal Scholarship, 41 DUKE L.J. 191, 192 (1991).
cited a substantial number of law review articles written by professors who are not members of the legal academy suggests that many law professors are needlessly working in such areas of scholarship.

C. Rankings of Law Reviews in Which Cited Articles Were Published

It is widely known that today's law professors, particularly at top-tier law schools, are expected to publish articles in prestigious law reviews in order to gain tenure and promotion. Increasingly, at least at the schools in the upper echelons of the rankings, an aspiring professor must first publish in a highly ranked law review in order to be hired in the first place.

With the decision by the Justices to cite particular law review articles serving as a strong indicator of article worth (and by association the worth of the journal in which it appears), an empirical analysis of the law reviews cited by the Justices is important to test the validity of law review rankings. Although there is no consensus among members of the academy about the best way to rank law reviews, the most widely accepted system of ranking appears to be the W&L system that is based primarily on a complex formula of citations

42. See David C. Yamada, Therapeutic Jurisprudence and the Practice of Legal Scholarship, 41 U. MEM. L. REV. 121, 123–24, 132 (2010) (discussing “rankism” in the article placement process and observing that “the quest for the proverbial ‘good placement’ has come to dominate faculty discussions of scholarship”); see also Alfred L. Brophy, The Signaling Value of Law Reviews: An Exploration of Citations and Prestige, 36 FLA. ST. U. L. REV. 229, 230 (2009) (discussing the legal academy’s obsession with law review rankings and prestige, and how evaluators often use journal placement in terms of ranking as a proxy for quality); Leah M. Christensen & Julie A. Oseid, Navigating the Law Review Selection Process: An Empirical Study of Those with All the Power—Student Editors, 59 S.C. L. REV. 175, 179 & n.11 (2007) (observing that, for new professors, “success in the legal academy may depend on what, where, and how often they publish in the appropriate law journal,” and specifically noting that some “promotion and tenure committees . . . [likely have] written or unwritten policies” requiring publication in higher ranked law journals); Kenneth Lasson, Scholarship Amok: Excesses in the Pursuit of Truth and Tenure, 103 HARV. L. REV. 926, 948–49 (1990) (“Besides the life-force craving of promotion and tenure, for many a law professor image is easily as important as substance . . . . To be published, even cited, in an Ivy League law review is considered to be a feather in one’s professional cap.”).

43. See Nora V. Demleitner, Colliding or Coalescing: Leading a Faculty and an Administration in the Academic Enterprise, 42 U. TOL. L. REV. 605, 608 & n.15 (2011) (citing several sources in support of the proposition that “calibrating the ‘success’ of scholarship is difficult [with respect to assessing prospective faculty members], and seems to focus largely on the ranking and name prestige of the law review in which the author publishes”); see also Newton, supra note 2, at 133–34.

counts (in other law reviews and judicial opinions) during a preceding eight-year period. Because the overwhelming majority of such citations appear in other law professors’ articles published in law reviews rather than in judicial decisions, this ranking system, although not perfect, is a fairly good barometer of legal academia’s view of the worth of a particular law review. Indeed, as Professor Brophy has shown, there is a strong correlation between the U.S. News & World Report ranking of a law school and the W&L ranking of the law school’s flagship law review. Thus, the present study analyzed the 2010 W&L system rankings of the law reviews that published articles cited by the Supreme Court during the study period. Of the 1023 articles cited by the Justices, 1020 appeared in law reviews that were ranked by the W&L system.

The average (mean) W&L ranking of the 1023 cited articles was 92, the median was 21, and the mode was 1. The mode indicates that the top-ranked law review, the Harvard Law Review, was cited the most times (102 or 10.1%) among the 1023 total citations. Although elite law reviews were cited disproportionately—articles in the top ten law reviews were cited 384 times (or 37.5% of the 1023 citations)—the Justices cited over 100 articles appearing in law reviews ranked at 300 or below. The results are somewhat consistent with Professor Sirico’s empirical studies of cited law review articles from the 1970s through the 1990s, although the Court in past decades cited top ten law reviews in higher proportion than the Justices have in the first decade of the twenty-first century. His study shows that in the early 1970s, 58.36% of all the Justices’ citations were to articles published in the law reviews at Harvard, Yale, Columbia, Penn,

45. See WASH. & LEE U. SCH. LAW, supra note 10.

46. Lasson, supra note 17, at 932 (“[A]s a casual glance through Shepard’s Law Review Citations will disclose, the overwhelming majority of articles are noted not by courts or legislatures, but by one another!” (emphasis in original)).


48. A significant problem with a ranking system based on citation counts is that it tends to favor law reviews that publish more articles annually. The more articles published by a particular journal, the more likely one of its articles will be cited. Flagship journals at major law schools (including all of the top-ranked schools) typically publish many more pages annually than flagship journals at lower-ranked schools or specialty law reviews at any school (and the latter typically publish fewer editions annually than flagship journals). The W&L system mitigates this bias to some degree with its impact-factor. See Explanation, WASH. & LEE U. SCH. LAW, http://lawlib.wlu.edu/LJ/method.asp#impactfactor (last visited May 1, 2012).
Virginia, Chicago, Berkeley, Michigan, NYU, and Georgetown.\(^{49}\) A decade later, 56.84% of the citations were to articles in the top ten law reviews (with Stanford having replaced Georgetown at the number ten spot).\(^{50}\) By the early 1990s, that figure had decreased to 52.69%, and, by the late 1990s, it had dropped further to 47.97%.\(^{51}\) As noted above, over the past decade, the Justices cited articles from the top ten law reviews 37.5% of the time they cited to law review articles.\(^{52}\)

Professor Sirico’s study and the present study, when considered together, demonstrate an increase in citations to lower-tier law reviews by the Supreme Court over the past few decades. His data show that, in the early 1970s, articles published in law reviews constituting the bottom fifty percent of all law reviews cited by the Court (i.e., non-elite journals) accounted for only 9.03% of all cited articles, while by the late 1990s, articles in such law reviews constituted 16.97% of citations.\(^{53}\) The finding in the present study that the mean W&L ranking for cited articles in the past decade was ninety-two is further evidence that articles in non-elite law reviews are increasingly being cited by the Justices.

There are at least three apparent explanations for this increase in the percentage of the Justices’ citations to articles in lower-ranked reviews and the corresponding proportional decline in their citations to articles in elite law reviews. First, recent decades have seen many new law reviews come into being,\(^{54}\) and thus, more law review scholarship is available to the Justices. Second, increasingly since the 1970s, the highly ranked law reviews have tended to publish scholarly articles written by law professors for law professors, rather than for members of the bench and bar.\(^{55}\) Third, with the as-

\(^{49}\) See Sirico, Jr., supra note 27, at 1014.

\(^{50}\) See id. at 1010–11 n.11, 1014.

\(^{51}\) See id.

\(^{52}\) Professor Sirico’s ranking system was based on the Court’s own citation practices (i.e., journals were ranked based on how frequently the Court cited to them). See Sirico, Jr., supra note 27, at 1014. Thus, he did not rank the reviews according to some external ranking system, as I did using the W&L system. Nonetheless, his ranking system, while different, closely correlates with the W&L ranking system, particularly for the top ten reviews. The top ten law reviews according to the W&L ranking system were Harvard, Columbia, Yale, Stanford, NYU, Virginia, Berkeley, Penn, Michigan, and Georgetown. Other than the omission of Chicago and addition of Stanford and Georgetown, Professor Sirico’s top ten ranking by Court citation frequency was the same.

\(^{53}\) Sirico, Jr., supra note 27, at 1014.

\(^{54}\) See supra note 17 and accompanying text.

\(^{55}\) See, e.g., David Hricik & Victoria S. Salzmann, Why There Should Be Fewer Articles Like This One: Law Professors Should Write More for Legal Decision-Makers and Less for Themselves, 38
The present empirical analysis of the twenty-first century Supreme Court Justices’ citation of law review articles, coupled with other similar studies, yields at least three major conclusions:

1) The current Justices have cited law review articles less frequently than their predecessors did in the three decades before, which suggests that the current Justices may view current law review scholarship as less useful than the members of the Court did a generation ago.

2) Nearly four out of ten cited article authors were not full-time members of the legal academy. Considering that writing law review articles is the primary activity of

SUFFOLK U. L. REV. 761 (2005); see also Harry T. Edwards, The Growing Disjunction Between Legal Education and the Legal Profession, 91 Mich. L. Rev. 34, 36 (1992) (“Our law reviews are now full of mediocre interdisciplinary articles. Too many law professors are ivory tower dilettantes, pursuing whatever subject piques their interest, whether or not the subject merits scholarship, and whether or not they have the scholarly skills to master it.” (emphasis in original)); Richard A. Posner, The Future of the Student-Edited Law Review, 47 Stan. L. Rev. 1131, 1132–33 (1995) (“[There] was a time when legal scholarship was understood to be doctrinal scholarship, and the more technical and intricate the doctrine, the better . . . . Doctrinal scholarship as a fraction of all legal scholarship underwent a dramatic decline to make room for a host of new forms of legal scholarship—interdisciplinary, theoretical, nondoctrinal . . . .”).
America’s ten-thousand-plus full time law professors, the fact that the Justices cite so many articles written by other authors suggests that much of the professorate’s scholarship may not have value or relevance to the Justices (or to the bench and bar generally).

(3) The Justices have cited articles from the full gamut of law reviews in the rankings, including many law reviews that are not deemed tenure-worthy, at least from the perspective of the hiring and promotion committees at many elite law schools.

As the present study demonstrates, an examination of legal scholarship through the eyes of the twenty-first century Justices can provide important insights about the contemporary value of law review articles. The legal academy would do well to take a closer look.56

56. Future research on the Court’s practice of citing law review articles might examine the following areas not addressed in this Article:

(1) the purposes for which the Justices have cited articles (e.g., for factual propositions based on data contained in an article or for a legal proposition based on legal arguments made in an article) and whether those purposes have differed over time;

(2) whether articles cited by the Justices were first cited in the briefs of the parties or amici curiae;

(3) a comparison of the Justices’ citations to law review articles with their citations to other secondary sources (e.g., legal treatises and social science journal articles) and whether the ratio between such types of citations has changed over time; and

(4) the average number of years between the cited articles’ publication date and the date of the opinions in which they were cited (providing some perspective on whether older legal scholarship may have more practical value than modern legal scholarship).
### LAW REVIEW SCHOLARSHIP IN THE EYES OF THE TWENTY-FIRST CENTURY SUPREME COURT JUSTICES: AN EMPIRICAL ANALYSIS

*Brent E. Newton*

**APPENDIX: OPINIONS ISSUED DURING 2001-11, IN WHICH ONE OR MORE JUSTICES CITED AT LEAST ONE LAW REVIEW ARTICLE**

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<td><em>Id.</em> at 177 (Stevens, J., dissenting) (citing Sam Kalen, <em>Commerce to Conservation: The Call for a National Water Policy and the Evolution of Federal Jurisdiction Over Wetlands</em>, 69 N.D. L. REV. 873 (1993)).</td>
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<td>Author: Associate, Van Ness, Feldman &amp; Curtis</td>
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<td><em>Id.</em> at 221 (Breyer, J., dissenting) (citing James F. Loebl, <em>Does the Excluded COD Income of an Insolvent S Corporation Increase the Basis of the Shareholders’ Stock?</em>, 52 U. FLA. L. REV. 957 (2000)).</td>
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Authors: James D. Lockhart: Certified Public Accountant, Lurie, Besikof, Lapidus & Co., LLP; James E. Duffy: Tax Attorney, Briggs and Morgan
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Id. at 222 (Breyer, J., dissenting) (citing Richard M. Lipton, Different Courts Adopt Different Approaches to the Impact of COD Income on S Corporations, 92 J. Tax’n 207 (2000)).

Author: Partner, McDermott, Will & Emery

Law Review Ranking: 236

Id. at 345 (Rehnquist, C.J., majority opinion) (citing Jonathan S. Kahan, Premarket Approval Versus Premarket Notification, 39 Food Drug Cosm. L.J. 510 (1984)).

Author: Partner, Hogan & Hartson

Law Review Ranking: not ranked

Id. at 350 (Rehnquist, C.J., majority opinion) (citing James M. Beck & Elizabeth D. Azari, FDA, Off-Label Use, and Informed Consent: Debunking Myths and Misconceptions, 53 Food & Drug L.J. 71 (1998)).

Authors: James M. Beck: Partner, Pepper Hamilton, LLP; Elizabeth D. Azari: Partner, Pepper Hamilton, LLP

Law Review Ranking: 331

Id. at 351 n.5 (Rehnquist, C.J., majority opinion) (citing Michael D. Green & William B. Schultz, Tort Law Deference to FDA Regulation of Medical Devices, 88 Geo. L.J. 2119 (2000)).

Authors: Michael D. Green: Professor of Law, University of Iowa; William B. Schultz: Deputy Assistant Attorney General, U.S. Dep’t of Justice

Law Review Ranking: 10


Author: [Physician] M.D., J.D.

   Authors: Robert C. Post: Alexander F. & May T. Morrison Professor of Law, University of California, Berkeley; Reva B. Siegel: Nicholas deB. Katzenbach Professor of Law, Yale Law School


   No citations


   Id. at 444 (O’Connor, J., majority opinion) (citing William R. Casto, The Origins of Federal Admiralty Jurisdiction in an Age of Privateers, Smugglers, and Pirates, 37 AM. J. LEGAL HIST. 117 (1993)).
   Author: Professor of Law, Texas Tech University School of Law


   Id. at 495 (Breyer, J., concurring) (citing Cass R. Sunstein, Is the Clean Air Act Unconstitutional?, 98 MICH. L. REV. 303 (1999)).
   Author: Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, University of Chicago Law School and Department of Political Science


   Id. at 508 (Scalia, J., majority opinion) (citing Ronan E. Degnan, Federalized Res Judicata, 85 YALE L. J. 741 (1976)).
   Author: Professor of Law, University of California, Berkeley


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<th>No.</th>
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   Id. at 343 (Souter, J., majority opinion) (citing Horace L. Wilgus, Arrest Without a Warrant, 22 Mich. L. Rev. 541 (1924)).
   Author: Professor of Law, University of Michigan
Law Review Ranking: 9

   Id. at 336 (Souter, J., majority opinion) (citing Akhil Reed Amar, Fourth Amendment First Principles, 107 Harv. L. Rev. 757 (1994)).
   Author: Southmayd Professor, Yale Law School
Law Review Ranking: 1

   Id. (Souter, J., majority opinion) (citing Thomas Y. Davies, Recovering the Original Fourth Amendment, 98 Mich. L. Rev. 547 (1999)).
   Author: Associate Professor, University of Tennessee College of Law
Law Review Ranking: 9

No citations

No citations

No citations


   Id. at 432 n.5 (Stevens, J., majority opinion) (citing Cass R. Sunstein, et al., Assessing Punitive Damages (With Notes on Cognition and Valuation in Law), 107 Yale L.J. 2071 (1998)).
   Authors: Cass R. Sunstein: Karl N. Llewellyn Distinguished Service Professor, Law School and Department of Political Science, University of Chicago; Daniel Kahneman: Eugene Higgins Professor of Psychology and Professor of Public Affairs, Princeton University; David Schkade: Professor of Management and William M. Spriegl Fellow, Graduate School of Business, University of Texas, Austin
Law Review Ranking: 3
Id. at 437 n.11 (Stevens, J., majority opinion) (citing Note, Exemplary Damages in the Law of Torts, 70 HARV. L. REV. 517 (1957)).

Author: [Law student] Harvard Law School
Law Review Ranking: 1

Id. at 438–39 (Stevens, J., majority opinion) (citing A. Mitchell Polinsky & Steven Shavell, Punitive Damages: An Economic Analysis, 111 HARV. L. REV. 869 (1998)).

Authors: A. Mitchell Polinsky: Josephine Scott Crocker Professor of Law and Economics, Stanford Law School; Steven Shavell: Professor of Law and Economics, Harvard Law School
Law Review Ranking: 1

Id. at 439–40 (Stevens, J., majority opinion) (citing Marc Galanter & David Luban, Poetic Justice: Punitive Damages and Legal Pluralism, 42 AM. U. L. REV. 1393 (1993)).

Authors: Marc Galanter: Evjue-Bascom Professor of Law and South Asian Studies, University of Wisconsin-Madison; David Luban: Morton and Sophia Macht Professor of Law, University of Maryland
Law Review Ranking: 47

Id. at 439 (Stevens, J., majority opinion) (citing Cass R. Sunstein, et al., Do People Want Optimal Deterrence?, 29 J. LEGAL STUD. 237 (2000)).

Authors: Cass R. Sunstein: Karl N. Llewellyn Distinguished Service Professor, Law School and Department of Political Science, University of Chicago; Daniel Kahneman: Eugene Higgins Professor of Psychology and Professor of Public Affairs, Princeton University; David Schkade: Professor of Management and William M. Spriegel Fellow, Graduate School of Business, University of Texas, Austin
Law Review Ranking: 78


Id. at 463 (O'Connor, J., majority opinion) (citing Donald E. Walther, Comment, Taming a Phoenix: The Year-and-a-Day Rule in Federal Prosecutions for Murder, 59 U. CHI. L. REV. 1337 (1992)).

Law Review Ranking: 16


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Id. at 534 (Stevens, J., majority opinion) (citing Samuel D. Warren & Louis D. Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890)).
Authors: Samuel D. Warren, [Practitioner]; Louis D. Brandeis, [Practitioner]
Law Review Ranking: 1

Id. at 549 (Rehnquist, C.J., dissenting) (citing Kimberly R. Thompson, Note, Cell Phone Snooping: Why Electronic Eavesdropping Goes Unpunished, 35 AM. CRIM. L. REV. 137 (1997)).
Law Review Ranking: 66


Id. at 576 (Breyer, J., majority opinion) (citing David Fellman, The Diminution of Judicial Salaries, 24 IOWA L. REV. 89 (1938)).
Author: Instructor in Political Science, University of Nebraska
Law Review Ranking: 22

Id. (Breyer, J., majority opinion) (citing Comment, Constitutional Law-Federal Taxation-Income Tax on Salary of Subsequently Appointed Federal Judge, 20 U. ILL. L. REV. 376 (1925)).
Author: [Law student] Northwestern Law School
Law Review Ranking: 13

Id. at 580 (Breyer, J., majority opinion) (citing Keith S. Rosenn, The Constitutional Guaranty Against Diminution of Judicial Compensation, 24 UCLA L. REV. 308 (1976)).
Author: Professor of Law, Ohio State University College of Law
Law Review Ranking: 12


No citations


Id. at 639 (Ginsburg, J., dissenting) (citing Keith N. Hylton, Fee Shifting and Incentives to Comply with the Law, 46 VAND. L. REV. 1069 (1993)).
Author: Associate Professor of Law, Northwestern University
Law Review Ranking: 19


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   Id. at 230 n.11 (Souter, J., majority opinion) (citing Thomas W. Merrill & Kristin E. Hickman, Chevron’s Domain, 89 Geo. L.J. 833 (2001)).

Authors: Thomas W. Merrill: John Paul Stevens Professor of Law, Northwestern University; Kristin E. Hickman: [Practitioner] Member of Bar, Illinois

Law Review Ranking: 10

   Id. at 232 (Souter, J., majority opinion) (citing Peter L. Strauss, The Rulemaking Continuum, 41 Duke L.J. 1463 (1992)).

Author: Betts Professor of Law, Columbia University

Law Review Ranking: 21

   Id. at 241 n.2 (Scalia, J., dissenting) (citing Robert A. Anthony, The Supreme Court and the APA: Sometimes They Just Don’t Get It, 10 Admin. L.J. Am. U. 1 (1996)).

Author: GMU Foundation Professor of Law Emeritus, George Mason University

Law Review Ranking: not ranked

   Id. at 255–56 (Scalia, J., dissenting) (citing John F. Manning, Constitutional Structure and Judicial Deference to Agency Interpretations of Agency Rules, 96 Colum. L. Rev. 612 (1996)).

Author: Associate Professor of Law, Columbia University

Law Review Ranking: 2

   Id. at 256 (Scalia, J., dissenting) (citing Robert A. Anthony, Which Agency Interpretations Should Bind Citizens and the Courts?, 7 Yale J. On Reg. 1 (1990)).

Author: Professor of Law, George Mason University

Law Review Ranking: 61


No citations


   Id. at 296 n.5 (Stevens, J., majority opinion) (citing Julie K. Rannik, The Anti-Terrorism and Effective Death Penalty Act of 1996: A Death Sentence for the 212(c) Waiver, 28 U. Miami Inter-Am. L. Rev. 123 (1996)).

Author: [Law student] J.D. Candidate 1997, University of Miami School of Law

Law Review Ranking: 606
Id. at 299 n.10 (Stevens, J., majority opinion) (citing William N. Eskridge, Jr. & Philip P. Frickey, *Quasi-Constitutional Law: Clear Statement Rules as Constitutional Lawmaking*, 45 Vand. L. Rev. 593 (1992)).

Authors: William N. Eskridge: Professor of Law, Georgetown University Law Center; Philip P. Frickey: Faegre & Benson Professor of Law, University of Minnesota Law Review Ranking: 19

Id. at 301 n.13 (Stevens, J., majority opinion) (citing Gerald L. Neuman, *Habeas Corpus, Executive Detention, and the Removal of Aliens*, 98 Colum. L. Rev. 961 (1998)).

Author: Herbert Wechsler Professor of Federal Jurisprudence, Columbia Law School Law Review Ranking: 2


Author: [Law student] Yale Law School Law Review Ranking: 3

Id. at 305 (Stevens, J., majority opinion) (citing Henry M. Hart, Jr., *The Power of Congress to Limit the Jurisdiction of Federal Courts: An Exercise in Dialectic*, 66 Harv. L. Rev. 1362 (1953)).

Author: Professor of Law, Harvard Law School Law Review Ranking: 1


Author: Herbert Wechsler Professor of Federal Jurisprudence, Columbia Law School Law Review Ranking: 1

Id. at 315 n.39 (Stevens, J., majority opinion) (citing Stephan H. Legomsky, *Fear and Loathing in Congress and the Courts: Immigration and Judicial Review*, 78 Tex. L. Rev. 1615 (2000)).

Author: Charles F. Nagel Professor of International and Comparative Law and Director, Institute for Global Legal Studies, Washington University Law Review Ranking: 11

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Author: [Law student(s)] Harvard Law School Law Review Ranking: 1
No citations


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Author: Professor of Law, American University, Washington College of Law
Law Review Ranking: 440

Id. (Souter, J., concurring) (citing Ada Pecos Melton, Indigenous Justice Systems and Tribal Society, 79 JUDICATURE 126 (1995)).
Author: Director, American Indian and Alaskan Native Desk at the Office of Justice Programs, U.S. Department of Justice
Law Review Ranking: 505

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Author: [Law student] Harvard Law School
Law Review Ranking: 1


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Author: Alexander F. and May T. Morrison Professor of Law, University of California, Berkeley, School of Law (Boalt Hall)
Law Review Ranking: 12


Id. at 442 n.8 (Souter, J., majority opinion) (citing Vincent Blasi, Free Speech and the Widening Gyre of Fundraising, 94 COLUM. L. REV. 1281 (1994)).
Author: Corliss Lamont Professor of Civil Liberties, Columbia Law School
Law Review Ranking: 2

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Authors: [Law student(s)] Harvard Law School
Law Review Ranking: 1

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Author: Professor of Law, Albany Law School of Union University

Law Review Ranking: 144

Id. (Souter, J., majority opinion) (citing Samuel Issacharoff, Private Parties with Public Purposes: Political Parties, Associational Freedoms, and Partisan Competition, 101 COLUM. L. REV. 274 (2001)).
Author: Professor, Columbia Law School

Law Review Ranking: 2

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Author: Vice-Dean and Joseph P. Chamberlain Professor of Legislation, Columbia University School of Law

Law Review Ranking: 2


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Author: U.S. Register of Copyrights

Law Review Ranking: 174

Id. at 497 (Ginsburg, majority opinion) (citing Wendy J. Gordon, Fine-Tuning Tasini: Privileges of Electronic Distribution and Reproduction, 66 BROOK. L. REV. 473 (2000)).
Author: Professor of Law and Paul J. Liacos Scholar in Law, Boston University School of Law

Law Review Ranking: 55

Author: Dean of Graduate Studies and International Programs, Columbia Law School

Law Review Ranking: 153

Author: Bruce Bromley Professor of Law, Harvard University

Law Review Ranking: 1
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Author: Professor of Law, Harvard Law School
Law Review Ranking: 1

Id. at 575 (Kennedy, J., concurring) (citing Alex Kozinski & Stuart Banner, Who's Afraid of Commercial Speech?, 76 VA. L. REV. 627 (1990)).
Authors: Alex Kozinski: Judge, U.S. Court of Appeals for the Ninth Circuit; Stuart Banner: Judicial law clerk, U.S. Court of Appeals for the Ninth Circuit, 1988–89
Law Review Ranking: 6

Id. at 628 (Kennedy, J. majority opinion) (citing Robert C. Ellickson, Property in Land, 102 YALE L.J. 1315 (1992)).
Author: Walter E. Meyer Professor of Property and Urban Law, Yale Law School
Law Review Ranking: 3

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Author: Professor of Law, Harvard Law School
Law Review Ranking: 1

Id. (Kennedy, J., majority opinion) (citing Richard A. Epstein, Takings: Descent and Resurrection, 1987 SUP. CT. REV. 1).
Author: James Parker Hall Professor of Law, University of Chicago
Law Review Ranking: 45

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Author: [Law student] J.D. Candidate 1995, The University of Chicago
Law Review Ranking: 16

No citations

Id. at 720 (Kennedy, J., dissenting) (citing Charles D. Weisselberg, The Exclusion and Detention of Aliens: Lessons From the Lives of Ellen Knauff and Ignatz Mezei, 143 U. PA. L. REV. 933 (1995)).
Author: Clinical Professor, University of Southern California
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the Workplace, American Civil Liberties Union
Law Review Ranking: 124


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Author: Associate Professor of Law, Emory University School of Law
Law Review Ranking: 14


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Author: Ferdinand Wakeman Hubbell Professor of Law, University of Pennsylvania Law School and Professor of Psychology and Law in Psychiatry, University of Pennsylvania School of Medicine
Law Review Ranking: 8

Id. (citing Bruce J. Winick, Sex Offender Law in the 1990s: A Therapeutic Jurisprudence Analysis, 4 PSYCHOL. PUB. POL’Y & L. 505 (1998)).
Author: Professor of Law, University of Miami School of Law
Law Review Ranking: 392


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Author: Associate Professor of Law, Suffolk University Law School
Law Review Ranking: 15


Author: Associate Professor of Law, Arizona State University, College of Law
Law Review Ranking: 6


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Author: William Rand Kenan, Jr., Professor of Law, University of North Carolina at Chapel Hill
Law Review Ranking: 96

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Author: Professor of Law, Indiana University School of Law-Bloomington
Law Review Ranking: 203

Id. (Rehnquist, J., concurring) (citing William Michael Treanor, *The Original Understanding of the Takings Clause and the Political Process*, 95 COLUM. L. REV. 782 (1995)).
Author: Associate Professor of Law, Fordham Law School


Id. at 338 n.33 (Stevens, J., majority opinion) (citing Robert H. Freilich, *Interim Development Controls: Essential Tools for Implementing Flexible Planning and Zoning*, 49 J. URB. L. 65 (1972)).
Author: Professor, University of Missouri-Kansas City School of Law
Law Review Ranking: 481

Id. at 352 (Rehnquist, J., concurring) (citing William Michael Treanor, *The Original Understanding of the Takings Clause and the Political Process*, 95 COLUM. L. REV. 782 (1995)).
Author: Associate Professor of Law, Fordham Law School
Law Review Ranking: 2

No citations


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Author: Professor of Sociology, University of Rhode Island.
Law Review Ranking: 948

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Author: Professor of Law, Harvard Law School
Law Review Ranking: 1

Authors: J. Gregory Sidak: F.K. Weyerhaeuser Fellow in Law
and Economics, American Enterprise Institute for Public Policy Research and Senior Lecturer, Yale School of Management; Daniel F. Spulber: Thomas G. Ayers Professor of Energy Resource Management and Professor of Management Strategy, J. L. Kellogg Graduate School of Management, Northwestern University.

Law Review Ranking: 2

Id. at 482 n.5 (Souter, J., majority opinion) (citing Edwin C. Goddard, *The Problem of Valuation*, 41 HARV. L. REV. 564 (1928)).

Author: Professor of Law, University of Michigan Law School.

Law Review Ranking: 1


Authors: Michael Glover: Senior Vice President & Deputy General Counsel, Verizon Communications; Donna Epps: Federal Regulatory Counsel, Verizon Communications.

Law Review Ranking: 117

Id. at 551 (Breyer, J., concurring in part and dissenting in part) (citing Thomas M. Jorde, et al., *Innovation, Investment, and Unbundling*, 17 YALE J. ON REG. 1 (2000)).

Authors: Thomas M. Jorde: Professor of Law, University of California, Berkeley; J. Gregory Sidak: F. K. Weyerhaeuser Fellow in Law and Economics, American Enterprise Institute for Public Policy Research and Senior Lecturer, Yale School of Management; David J. Teece: Mitsubishi Bank Professor, Haas School of Business, and Director, Institute for Management, Innovation, and Organization, University of California, Berkeley.

Law Review Ranking: 61

Id. at 549 (Breyer, J., concurring in part and dissenting in part) (citing Günter Knieps, *Interconnection and Network Access*, 23 FORDHAM INT’L L.J. 590 (2000)).

Author: Professor of Economics, Albert-Ludwigs-Universität, Freiburg, Germany.

Law Review Ranking: 121

Id. at 551 (Breyer, J., concurring in part and dissenting in part) (citing J. Gregory Sidak & Daniel F. Spulber, *Deregulation and Managed Competition in Network Industries*, 15 YALE J. ON REG. 117 (1998)).

Authors: J. Gregory Sidak: F. K. Weyerhaeuser Fellow in Law and Economics, American Enterprise Institute for Public Policy Research and Senior Lecturer, Yale School of...
Management; Daniel F. Spulber: Thomas G. Ayers Professor of Energy Resource Management and Professor of Management Strategy, J. L. Kellogg Graduate School of Management, Northwestern University

Law Review Ranking: 61


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Author: [Law student] William and Mary University School of Law

Law Review Ranking: 20


No citations


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Author: Associate Professor, University of Virginia School of Law

Law Review Ranking: 1

Id. at 774 (Stevens, J., dissenting) (citing David L. Shapiro, The Choice of Rulemaking or Adjudication in the Development of Administrative Policy, 78 HARV. L. REV. 921 (1965)).

Author: Assistant Professor of Law, Harvard Law School

Law Review Ranking: 1

Id. (Stevens, J., dissenting) (citing Henry J. Friendly, The Federal Administrative Agencies: The Need for Better Definition of Standards, 75 HARV. L. REV. 863 (1962)).

Author: United States Circuit Judge for the Second Circuit
Law Review Ranking: 1

Id. at 779 (Stevens, J., dissenting) (citing Gregory A. Mark, The Vestigial Constitution: The History and Significance of the Right to Petition, 66 FORDHAM L. REV. 2153 (1998)).
Author: Associate Professor, Rutgers University School of Law—Newark
Law Review Ranking: 17

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Author: Assistant Professor of Law, Widener University School of Law
Law Review Ranking: 36

No citations

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Id. at 839 (Stevens, J., concurring) (citing Rochelle Cooper Dreyfuss, The Federal Circuit: A Case Study in Specialized Courts, 64 N.Y.U. L. REV. 1 (1989)).
Author: Professor of Law, New York University
Law Review Ranking: 5

No citations


Id. at 57 (Stevens, J., dissenting) (citing Katherine B. Hazlett, Nineteenth Century Origins of the Fifth Amendment Privilege Against Self-Incrimination, 42 AM. J. LEGAL HIST. 235 (1998)).
Author: Coker Fellow and J.D., 1997, Yale Law School
Law Review Ranking: 720

Id. (Stevens, J., dissenting) (citing Akhil Reed Amar & Renee B. Lettow, Fifth Amendment First Principles: The Self-Incrimination Clause, 93 MICH. L. REV. 857 (1995)).
Authors: Akhil Reed Amar: Southmayd Professor, Yale Law School; Renee B. Lettow: [Law student] Yale Law School
Law Review Ranking: 9

No citations

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2012]  

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Author: University Research Professor of Law, University of Alabama School of Law

Law Review Ranking: 21

Id. at 318 (Stevens, J., majority opinion) (citing James W. Ellis & Ruth A. Luckasson, Mentally Retarded Criminal Defendants, 53 GEO. WASH. L. REV. 414 (1985)).

Authors: James W. Ellis: Professor of Law, University of New Mexico; Ruth A. Luckasson: Assistant Professor and Presidential Lecturer in Special Education, University of New Mexico

Law Review Ranking: 36


Authors: Ronald J. Tabak: Special Counsel and Coordinator of Pro Bono Work, Skadden, Arps, Slate, Meagher & Flom; Chair, Death Penalty Committee, American Bar Association, Committee of Individual Rights and Responsibilities; President, New York Lawyers Against the Death Penalty; J. Mark Lane: [Law student] New York University School of Law
Law Review Ranking: 102

Author: Thomas G. and Mabel A. Long Professor of Law, University of Michigan
Law Review Ranking: 14

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Author: Assistant Professor of Law, University of Michigan
Law Review Ranking: 9

No citations


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Author: Associate Professor of Law, University of Alabama School of Law
Law Review Ranking: 43


Id. at 561 (Kennedy, J., plurality opinion) (citing Nancy J. King & Susan R. Klein, Essential Elements, 54 VAND. L. REV. 1467 (2001)).
Authors: Nancy J. King: Professor of Law and Associate Dean for Research and Faculty Development, Vanderbilt University Law School; Susan R. Klein: Baker & Botts Professor of Law, University of Texas at Austin School of Law.
Law Review Ranking: 19

Author: Associate Justice, United States Supreme Court
Law Review Ranking: 539

Author: United States Senator, Utah; Ranking Republican Member, Senate Judiciary Committee
Law Review Ranking: 38

Id. (Breyer, J., concurring in part and concurring in judgment) (citing Stephen J. Schulhofer, Rethinking Mandatory Minimums, 28 WAKE FOREST L. REV. 199 (1993)).
Author: Frank & Bernice J. Greenberg Professor of Law and Director of the Center for Studies in Criminal Justice, University of Chicago Law School
Law Review Ranking: 38

Author: Professor, Southwestern University School of Law in Los Angeles
Law Review Ranking: 540


Id. at 615 (Breyer, J., concurring) (citing James W. Marquart & Jonathan R. Sorensen, A National Study of the Furman-Commuted Inmates: Assessing the Threat to Society from Capital Offenders, 23 LOY. L.A. L. REV. 5 (1989)).
Authors: James W. Marquart: Associate Professor, College of Criminal Justice, Sam Houston University; Jonathan R. Sorensen: [Doctoral student] College of Criminal Justice, Sam Houston University
Law Review Ranking: 102

Id. (Breyer, J., concurring) (citing Michael L. Radelet & Ronald L. Akers, Deterrence and the Death Penalty: The Views of the Experts, 87 J. CRIM. L. & CRIMINOLOGY 1 (1996)).
Authors: Michael L. Radelet: Professor and Chair, Department of Sociology, University of Florida; Ronald L. Akers: Professor of Sociology and Director of the Center for Studies in Criminology and Law, University of Florida
Law Review Ranking: 69
Authors: Jonathan R. Sorensen: Professor of Criminal Justice at the University of Texas – Pan American; Rocky L. Pilgrim: [Law student] Boston College Law School

Id. (Breyer, J., concurring) (citing Lee Epstein & Gary King, The Rules of Inference, 69 U. CHI. L. REV. 1 (2002)).
Authors: Lee Epstein: Edward Mallinckrodt Distinguished University Professor of Political Science and Professor of Law, Washington University in St. Louis; Gary King: Professor of Government, Harvard University and Senior Science Advisor, Evidence and Information for Policy Cluster, World Health Organization
Law Review Ranking: 16

Id. (Breyer, J., concurring) (citing Hugo Adam Bedau & Michael L. Radelet, Miscarriages of Justice in Potentially Capital Cases, 40 STAN. L. REV. 21 (1987)).
Authors: Hugo Adam Bedau: Austin Fletcher Professor of Philosophy, Tufts University; Michael L. Radelet: Associate Professor of Sociology, University of Florida
Law Review Ranking: 4

Authors: David C. Baldus: Joseph B. Tye Professor, College of Law, University of Iowa; George Woodworth: Professor, Statistics and Actuarial Science, University of Iowa; David Zuckerman: Assistant Defender, Defender Association of Philadelphia; Neil Alan Weiner: Senior Research Associate, Center for the Study of Youth Policy, School of Social Work, University of Pennsylvania; Barbara Broffitt: Research Associate, College of Law, University of Iowa
Law Review Ranking: 14

Id. (Breyer, J., concurring) (citing Stephen B. Bright, Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer, 103 YALE L.J. 1835 (1994)).
Author: Director, Southern Center for Human Rights, Atlanta, Georgia; J. Skelly Wright Fellow and Visiting Lecturer in Law, Yale Law School
Law Review Ranking: 3
No citations

Id. at 667 (Rehnquist, C.J., majority opinion) (citing Natasha Mulleneaux, The Failure to Provide Adequate Higher Education Tax Incentives for Lower–Income Individuals, 14 AKRON TAX J. 27 (1999)).
Author: Ms. Mulleneaux is employed by Ernst & Young LLP in San Jose, California where she works with the Mergers & Acquisitions Tax Group
Law Review Ranking: 569

Id. (Rehnquist, C.J., majority opinion) (citing Peter Pitegoff & Lauren Breen, Child Care Policy and the Welfare Reform Act, 6 J. AFFORDABLE HOUS. & CMTY. DEV. L. 113 (1997)).
Author: Peter Pitegoff: Professor of Law and supervising attorney in the Community Economic Development Law Clinic at the State University of New York at Buffalo; Lauren Breen: Clinical Instructor and supervising attorney in the Community Economic Development Law Clinic at the State University of New York at Buffalo
Law Review Ranking: 635

Id. at 680 (Rehnquist, C.J., majority opinion) (citing Akhil Reed Amar, The Bill of Rights as a Constitution, 100 YALE L.J. 1131 (1991)).
Author: Professor, Yale Law School
Law Review Ranking: 3

Id. (Rehnquist, C.J., majority opinion) (citing William K. Lietzau, Rediscovering the Establishment Clause: Federalism and the Rollback of Incorporation, 39 DePAUL L. REV. 1191 (1990)).
Author: Judge Advocate, United States Marine Corps
Law Review Ranking: 63

Id. at 711 (Souter, J., dissenting) (citing Noah Feldman, The Intellectual Origins of the Establishment Clause, 77 N.Y.U. L. REV. 346 (2002)).
Author: Assistant Professor of Law, New York University School of Law
Law Review Ranking: 5

Id. at 718 (Breyer, J., dissenting) (citing Paul A. Freund, Public Aid to Parochial Schools, 82 HARV. L. REV. 1680, 1692 (1969)).
Author: Carl M. Loeb University Professor, Harvard University School of Law
Law Review Ranking: 1
Id. at 720 (Breyer, J., dissenting) (citing John C. Jeffries, Jr. & James E. Ryan, A Political History of the Establishment Clause, 100 Mich. L. Rev. 279 (2001)).

Authors: John C. Jeffries: Emerson Spies Professor, Arnold H. Leon Professor, and Dean, University of Virginia School of Law; James E. Ryan: Associate Professor, University of Virginia School of Law

Law Review Ranking: 9

No citations


Id. at 789 (O’Connor, J., concurring) (citing Julian N. Eule, Crocodiles in the Bathtub: State Courts, Voter Initiatives and the Threat of Electoral Reprisal, 65 U. Colo. L. Rev. 733 (1994)).

Author: Professor of Law, University of California, Los Angeles

Law Review Ranking: 54

Id. (O’Connor, concurring) (citing Stephen B. Bright & Patrick J. Keenan, Judges and the Politics of Death: Deciding Between the Bill of Rights and the Next Election in Capital Cases, 75 B.U. L. Rev. 759 (1995)).

Authors: Stephen B. Bright: Director, Southern Center for Human Rights, Atlanta, GA; Visiting Lecturer in Law, Harvard and Yale Law Schools; Patrick J. Keenan: [Law student] Yale Law School

Law Review Ranking: 23


Author: Professor, Georgetown University Law Center

Law Review Ranking: 481

Id. at 790 (O’Connor, J., concurring) (citing David Barnhizer, “On the Make”: Campaign Funding and the Corrupting of the American Judiciary, 50 Cath. U. L. Rev. 361 (2001)).

Author: Professor of Law, Cleveland State University

Law Review Ranking: 135

Id. at 791 (O’Connor, J., concurring) (citing Stephen P. Croley, The Majoritarian Difficulty: Elective Judiciaries and the Rule of Law, 62 U. Chi. L. Rev. 689 (1995)).

Author: Assistant Professor of Law, University of Michigan Law School

Law Review Ranking: 16
Author: Assistant Executive Director for Programs, American Judicature Society
Law Review Ranking: 126

Id. (O’Connor, J., concurring) (citing Roscoe Pound, *The Causes of Popular Dissatisfaction with the Administration of Justice*, 8 BAYLOR L. REV. 1 (1956)).
Author: Former Dean of the Harvard Law School
Law Review Ranking: 181

Author: Professor of Law, University of California, Hastings College of the Law
Law Review Ranking: 29

Id. at 793 (Kennedy, J., concurring) (citing Randall T. Shepard, *Campaign Speech: Restraint and Liberty in Judicial Ethics*, 9 GEO. J. LEGAL ETHICS 1059 (1996)).
Author: Chief Justice of the Indiana Supreme Court
Law Review Ranking: 100

Id. at 802-03 (Stevens, J., dissenting) (citing Paul J. De Muniz, *Politicizing State Judicial Elections: A Threat to Judicial Independence*, 38 WILLAMETTE L. REV. 367 (2002)).
Author: Justice, Oregon Supreme Court
Law Review Ranking: 247

Author: Associate Justice, United States Supreme Court
Law Review Ranking: 16

Id. at 806 (Ginsburg, J., dissenting) (citing William H. Rehnquist, *Act Well Your Part: Therein All Honor Lies*, 7 PEPP. L. REV. 227 (1980)).
Author: Associate Justice of the United States Supreme Court
Law Review Ranking: 101

Id. at 807 (Ginsburg, J., dissenting) (citing Robert M. O’Neil, *The Canons in the Courts: Recent First Amendment Rulings*, 35 IND. L. REV. 701 (2002)).
Author: Professor of Law, University of Virginia School of Law; Director, Thomas Jefferson Center for the Protection of Free Expression
Law Review Ranking: 203

Id. at 35 (Stevens, J., concurring) (citing Lonny Sheinkopf Hoffman, Removal Jurisdiction and the All Writs Act, 148 U.P.A. L. Rev. 401 (1999)).
Author: Visiting Assistant Professor of Law, University of Cincinnati College of Law
Law Review Ranking: 8

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Id. at 201 (Ginsburg, J., majority opinion) (citing Thomas B. Nachbar, Constructing Copyright’s Mythology, 6 Green Bag 2D 37 (2002)).
Author: Associate Professor of Law at the University of Virginia
Law Review Ranking: 351

Id. at 204 (Ginsburg, J., majority opinion) (citing Symposium, The Constitutionality of Copyright Term Extension, 18 Cardozo Arts & Ent. L.J. 651 (2000)).
Author: not applicable (the citation was to the transcript of a “panel discussion” during a symposium and, thus, there was no specific “author” of a written work)
Law Review Ranking: 141
Id. at 206 (Ginsburg, J., majority opinion) (citing Shira Perlmutter, Participation in the International Copyright System as a Means to Promote the Progress of Science and Useful Arts, 36 LOY. L.A. L. REV. 323 (2002)).

Author: Vice President and Associate General Counsel, Intellectual Property Policy, AOL Time Warner, Inc.
Law Review Ranking: 102

Id. (Ginsburg, J., majority opinion) (citing Graeme W. Austin, Does the Copyright Clause Mandate Isolationism?, 26 COLUM. J.L. & ARTS 17 (2002)).

Author: Professor of Law, James E. Rogers College of Law, the University of Arizona
Law Review Ranking: 153

Id. at 259 (Breyer, J., dissenting) (citing Roberta Rosenthal Kwall, Copyright and the Moral Right: Is an American Marriage Possible?, 38 VAND. L. REV. 1 (1985)).

Author: Assistant Professor of Law, DePaul University College of Law
Law Review Ranking: 19

No citations


Id. at 291 (Breyer, J., majority opinion) (citing Alan O. Sykes, The Economics of Vicarious Liability, 93 YALE L.J. 1231 (1984)).

Author: Associate, Arnold & Porter, Washington, D.C. and doctoral candidate, Yale Department of Economics
Law Review Ranking: 3


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Author: Carter Professor of General Jurisprudence, Harvard Law School
Law Review Ranking: 1

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Author: Visiting Professor, Cornell Law School 1980-81; Professor, University of Iowa College of Law
Law Review Ranking: 4

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Id. at 24 (O’Connor, J., plurality opinion) (citing James A. Ardaiz, California’s Three Strikes Law: History, Expectations, Consequences, 32 MCGEORGE L. REV. 1 (2000)).
Author: Presiding Justice, Fifth Appellate District of
California
Law Review Ranking: 378

Id. at 27 (O'Connor, J., plurality opinion) (citing Brian P. Janiskee & Edward J. Erler, Crime, Punishment, and Romero: An Analysis of the Case Against California’s Three Strikes Law, 39 Duq. L. Rev. 43 (2000)).
Authors: Brian P. Janiskee: Assistant Professor, Department of Political Science, California State University, San Bernardino; Edward J. Erler: Professor, Department of Political Science, California State University, San Bernadino; Member, California State Advisory Commission on Civil Rights; Member, California Constitutional Revision Commission, 1996
Law Review Ranking: 416

Id. (O'Connor, J., plurality opinion) (citing Michael Vitiello, Three Strikes: Can We Return to Rationality?, 87 J. Crim. L. & Criminology 395 (1997)).
Author: Professor of Law, McGeorge School of Law
Law School Ranking: 69

No citations


Id. at 97 (Kennedy, J., majority opinion) (citing Adam J. Hirsch, From Pillory to Penitentiary: The Rise of Criminal Incarceration in Early Massachusetts, 80 Mich. L. Rev. 1179 (1982)).
Author: [Attorney and graduate student in history at Yale University] M.A., M. Phil., J.D. Yale University
Law Review Ranking: 9

Id. (Kennedy, J.), majority opinion) (citing Toni M. Massaro, Shame, Culture, and American Criminal Law, 89 Mich. L. Rev. 1880 (1991)).
Author: Professor of Law, University of Arizona
Law Review Ranking: 9

No citations


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Author: Law professor, University of Michigan Law School
Law Review Ranking: 5
Id. (Ginsburg, J., majority opinion) (citing Calvert Magruder, *Mental and Emotional Disturbance in the Law of Torts*, 49 *Harv. L. Rev.* 1033 (1936)).
Author: Law professor, Harvard Law School
Law School Ranking: 1

*Id.* at 156 (Ginsburg, J., majority opinion) (citing James A. Henderson, Jr. & Aaron D. Twerski, *Asbestos Litigation Gone Mad: Exposure-Based Recovery for Increased Risk, Mental Distress, and Medical Monitoring*, 53 *S.C. L. Rev.* 815 (2002)).
Authors: James A. Henderson, Jr.: Frank B. Ingersoll Professor of Law, Cornell Law School; Aaron D. Twerski: Newell DeValpine Professor of Law, Brooklyn Law School
Law Review Ranking: 143

*Id.* (Ginsburg, J., majority opinion) (citing William L. Prosser, *Joint Torts and Several Liability*, 25 *Calif. L. Rev.* 413 (1937)).
Author: Law professor, University of Minnesota School of Law
Law Review Ranking: 7

Authors: Christopher F. Edley, Jr.: Professor, Harvard Law School; Paul C. Weiler: Professor, Harvard Law School
Law Review Ranking: 53

Author: Simeon E. Baldwin Professor of Law, Yale Law School
Law Review Ranking: 51

No citations

No citations

No citations


Author: Associate Justice, United States Supreme Court
Law Review Ranking: 16


Law Review Ranking: 72


No citations


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Id. at 365 (O’Connor, J., plurality opinion) (citing Note, *The First Amendment Overbreadth Doctrine*, 83 HARV. L. REV. 844 (1970)).

Author: [Law student] Harvard Law School

Law Review Ranking: 1


Author: Professor of Law, Boston University

Law Review Ranking: 45


Authors: G. Robert Blakey: William J. and Dorothy O’Neill Professor of Law, Notre Dame Law School; Brian J. Murray: Law Clerk to the Honorable Diarmuid F. O'Scannlain, United States Court of Appeals for the Ninth Circuit (2001–02)

Law Review Ranking: 96

Id. at 367 (O’Connor, J., plurality opinion) (citing Gerhard Casper, Tribute to Professor Gerald Gunther, *Gerry*, 55 STAN. L. REV. 647 (2002)).

Author: President Emeritus and Peter & Helen Bing Professor in Undergraduate Education, Professor of Law, and Senior Fellow at the Institute for International Studies, Stanford University

Law Review Ranking: 4


Law Review Ranking: 47
Authors: Leonard S. Rubinowitz: Professor of Law, Northwestern University School of Law; Imani Perry: Assistant Professor of Law, Rutgers Law School-Camden Law Review Ranking: 69

No citations

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Id. at 464 (Scalia, J., majority opinion) (citing Anthony J. Bellia Jr., Federal Regulation of State Court Procedures, 110 YALE L.J. 947 (2001)).
Author: Assistant Professor of Law, Notre Dame Law School Law Review Ranking: 3


Id. at 484 (Breyer, J., concurring in part and dissenting in part) (citing Working Group of the Am. Bar Ass’n, Report, Reforming the Foreign Sovereign Immunities Act, 40 COLUM. J. TRANSNAT’L L. 489 (2002)).
Authors: [Two practitioners and three law professors] Law Review Ranking: 65

Id. at 485 (Breyer, J., concurring in part and dissenting in part) (citing Joseph W. Dellapenna, Refining the Foreign Sovereign Immunities Act, 9 WILLAMETTE J. INT’L L. & DISP. RESOL. 57 (2001)).
Author: Professor of Law, Villanova Univ. Law Review Ranking: 578


Id. at 469 (O’Connor, J., majority opinion) (citing Robert H. Jackson, Full Faith and Credit – The Lawyer’s Clause of the Constitution, 45 COLUM. L. REV. 1 (1945)).
Author: Associate Justice, Supreme Court of the United States Law Review Ranking: 2

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<th>No.</th>
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Id. at 741 (Stevens, J., concurring) (citing John Paul Stevens, “Two Questions About Justice”, 2003 U. ILL. L. REV. 821).

Author: Associate Justice, Supreme Court of the United States

Law Review Ranking: 30

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<td>Dastar Corp. v. Twentieth Century Fox Film Corp., 539 U.S. 23 (2003)</td>
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<td>Herbert Wechsler Professor of Federal Jurisprudence, Columbia Law School</td>
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Id. at 536 (O’Connor, J., concurring) (citing Gerald L. Neuman, Habeas Corpus, Executive Detention, and the Removal of Aliens, 98 COLUM. L. REV. 961 (1998)).

Author: Herbert Wechsler Professor of Federal Jurisprudence, Columbia Law School

Law Review Ranking: 2
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    Id. at 224 (Stevens, J., dissenting) (citing Gregory K. Laughlin, Sex, Lies, and Library Cards: The First Amendment Implications of the Use of Software Filters to Control Access to Internet Pornography in Public Libraries, 51 Drake L. Rev. 213 (2003)).

    Author: Associate Dean for Information Resources and Law Library Director and Associate Professor of Law, The University of Memphis
    Law Review Ranking: 164

    
    Id. at 263 n.15 (Rehnquist, C.J., majority opinion) (citing Jean Wegman Burns, Standing and Mootness in Class Actions: A Search for Consistency, 22 U.C. Davis L. Rev. 1239 (1989)).

    Author: Associate Professor of Law, Brigham Young University
    Law Review Ranking: 31

    Id. at 301 (Ginsburg, J., concurring) (citing Linda Hamilton Krieger, Civil Rights Perestroika: Intergroup Relations After Affirmative Action, 86 Calif. L. Rev. 1251 (1998)).

    Author: Acting Professor, University of California School of Law (Boalt Hall)
    Law Review Ranking: 7

    Id. (Ginsburg, J., concurring) (citing James E. Ryan, Schools, Race, and Money, 109 Yale L.J. 249 (1999)).

    Author: Associate Professor, University of Virginia School of Law
    Law Review Ranking: 3

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    Author: William K. Townsend Professor, Yale Law School
Author: Professor of Law, Yale University
Law Review Ranking: 3

Id. at 302 (Ginsburg, J., concurring) (citing Goodwin Liu, *The Causation Fallacy: Bakke and the Basic Arithmetic of Selective Admissions*, 100 Mich. L. Rev. 1045 (2002)).
Author: Attorney, O'Melveny & Myers, LLP, Washington, D.C.
Law Review Ranking: 9

Id. at 345 (Ginsburg, J., concurring) (citing Linda Hamilton Krieger, *Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 Calif. L. Rev. 1251 (1998)).
Author: Acting Professor, University of California School of Law (Boalt Hall)
Law Review Ranking: 7


Id. at 345 (Ginsburg, J., concurring) (citing Linda Hamilton Krieger, *Civil Rights Perestroika: Intergroup Relations After Affirmative Action*, 86 Calif. L. Rev. 1251 (1998)).
Author: Acting Professor, University of California School of Law (Boalt Hall)
Law Review Ranking: 7

Id. at 371 (Thomas, J., dissenting) (citing Stephen Thernstrom & Abigail Thernstrom, *Reflections on the Shape of the River*, 46 UCLA L. Rev. 1583 (1999)).
Authors: Stephen Thernstrom: Winthrop Professor of History, Harvard University, and Senior Fellow, Manhattan Institute; Abigail Thernstrom: Senior Fellow, Manhattan Institute, and members of the Massachusetts State Board of Education
Law Review Ranking: 12

Author: Simeon E. Baldwin Professor of Law, Yale University
Law Review Ranking: 58

Id. (Thomas, J., dissenting) (citing Jed Rubenfeld, *Affirmative Action*, 107 Yale L.J. 427 (1997)).
Author: Professor, Yale Law School
Law Review Ranking: 3

   
   Author: John Norton Pomeroy Professor of Law and Legal Direction, Brennan Center for Justice, New York University School of Law
   Law Review Ranking: 50

   Author: Professor of Law, Whittier Law School; Research Fellow, Holocaust Educational Trust, London, U.K.; Associate, Davis Center for Russian Studies
   Law Review Ranking: 129

   *Id.* at 420 (Souter, J., majority opinion) (citing Harold G. Maier, *Preemption of State Law: A Recommended Analysis*, 83 Am. J. Int’l L. 832 (1989)).
   Author: David Daniels Allen Professor of Law, Vanderbilt University
   Law Review Ranking: 33

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   Author: Professor of Law, New York University School of Law
   Law Review Ranking: 24

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Id. at 571 (Kennedy, J., majority opinion) (citing William N. Eskridge, Jr., Hardwick and Historiography, 1999 U. Ill. L. Rev. 631).

Author: John A. Garver Professor of Jurisprudence, Yale Law School

Law Review Ranking: 30

Id. at 589 (Scalia, J., dissenting) (citing Richard A. Posner, Judges’ Writing Styles (And Do They Matter?), 62 U. Chi. L. Rev. 1421 (1995)).

Author: Chief Judge, U.S. Court of Appeals for the Seventh Circuit; Senior Lecturer in Law, The University of Chicago Law Review Ranking: 16


Id. at 619 (Breyer, J., majority opinion) (citing Alan L. Adlestein, Conflict of the Criminal Statute of Limitations with Lesser Offenses at Trial, 37 WM. & MARY L. Rev. 199 (1995)).

Author: Associate Professor, Widener University School of Law

Law Review Ranking: 20

Id. (2003) (Breyer, J., majority opinion) (citing Forrest Revere Black, Statutes of Limitations and the Ex Post Facto Clauses, 26 KY. L.J. 41 (1937)).

Author: Member of the staff of the Attorney General of the United States

Law Review Ranking: 186

Id. at 623 (Breyer, J., majority opinion) (citing Clayton Roberts, The Law of Impeachment in Stuart England: A Reply to Raoul Berger, 84 YALE L.J. 1419 (1975)).

Author: Professor of History, Ohio State University

Law Review Ranking: 3

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Author: [Practitioner] J.D. Stetson University College of Law, 1997

Law Review Ranking: 432

Id. at 651 (Breyer, J., majority opinion) (citing Thomas G. Burroughs, Note, Retroactive Application of Legislatively Enlarged Statutes of Limitations for Child Abuse: Time’s No Bar to Revival, 22 IND. L. Rev. 989 (1989)).

Author: [Law student] Indiana University School of Law
Law Review Ranking: 203

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Author: [Law student] University of Michigan Law School

Law Review Ranking: 9


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Author: Judge, United States Court of Appeals for the District of Columbia Circuit

Law Review Ranking: 3


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Author: Langdell Professor of Law, Harvard Law School

Law Review Ranking: 126


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<td>Banks v. Dretke, 540 U.S. 668 (2004).</td>
<td><em>Id.</em> at 701–02 (Ginsburg, J., majority opinion) (citing Steven S. Trott, Words of Warning for Prosecutors Using Criminals as Witnesses, 47 Hastings L.J. 1381 (1996)). Author: Circuit Judge, United States Court of Appeals for the Ninth Circuit Law Review Ranking: 34</td>
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Authors: Frank R. Herrmann, S.J.: Assistant Professor of Law, Boston College Law School; Brownlow M. Speer: [Practitioner] Chief Appellate Attorney, Massachusetts Committee for Public Counsel Services
Law Review Ranking: 49

Id. at 61 (Scalia, J. majority opinion) (citing Richard D. Friedman, Confrontation: The Search for Basic Principles, 86 GEO. L.J. 1011 (1998)).
Author: Professor of Law, University of Michigan Law School
Law Review Ranking: 10

Id. at 64 (Scalia, J., majority opinion) (citing Roger W. Kirst, Appellate Court Answers to the Confrontation Questions in Lilly v. Virginia, 53 SYRACUSE L. REV. 87 (2003)).
Author: Henry M. Grether Professor of Law, University of Nebraska
Law Review Ranking: 266

Id. at 70 n.1 (Rehnquist, C.J., dissenting) (citing T.P. Gallanis, The Rise of Modern Evidence Law, 84 IOWA L. REV. 499 (1999)).
Author: Assistant Professor of Law, The Ohio State University
Law Review Ranking: 22

Author: Professor of Law, Duke University
Law Review Ranking: 30

Author: Professor of Law, Cleveland-Marshall College of Law, Cleveland State University
Law Review Ranking: 14

Id. (Rehnquist, C.J., dissenting) (citing John H. Langbein, The Criminal Trial before the Lawyers, 45 U. CHI. L. REV. 263 (1978)).
Author: Professor of Law, University of Chicago School of Law
Law Review Ranking: 16

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*Id.* at 138 (Souter, J., majority opinion) (citing Jim Chen, *Legal Process and Political Economy of Telecommunications Reform*, 97 COLUM. L. REV. 835 (1997)).

Author: Associate Professor of Law, University of Minnesota Law School

Law Review Ranking: 2

*Id.* at 142 n.1 (Stevens, J., dissenting) (citing Kathryn A. Tongue, Note, *Municipal Entry into the Broadband Cable Market: Recognizing the Inequities Inherent in Allowing Publicly Owned Cable Systems to Compete Directly against Private Providers*, 95 NW. U. L. REV. 1099 (2001)).

Author: [Law student] J.D. candidate, Northwestern University School of Law, May 2001

Law Review Ranking: 13

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*Id.* at 283 (Scalia, J., plurality opinion) (citing Edward Still, *Hunting of the Gerrymander*, 38 UCLA L. REV. 1019 (1991)).

Author: [Practitioner] Member of the Bar of Alabama

Law Review Ranking: 12

*Id.* (Scalia, J., plurality opinion) (citing Peter H. Schuck, *The Thickest Thicket: Partisan Gerrymandering and Judicial Regulation of Politics*, 87 COLUM. L. REV. 1325 (1987)).

Author: Simeon E. Baldwin Professor of Law, Yale Law School; Visiting Professor, Georgetown University Law Center, 1986-87

Law Review Ranking: 2
Id. (Scalia, J., plurality, opinion) (citing Samuel Issacharoff, 
*Judging Politics: The Elusive Quest for Judicial Review of Political 
Fairness*, 71 Tex. L. Rev. 1643 (1993)). 
Author: Professor, The University of Texas School of Law 
Law Review Ranking: 11

Id. (Scalia, J., plurality opinion) (citing Bernard Grofman, *An 
Expert Witness Perspective on Continuing and Emerging Voting 
Rights Controversies: From One Person, One Vote to Partisan 
Gerrymandering*, 21 Stetson L. Rev. 783 (1992)). 
Author: Professor of Political Science, University of 
California, Irvine 
Law Review Ranking: 518

Id. at 289 (Scalia, J., plurality opinion) (citing Daniel H. 
Lowenstein & Jonathan Steinberg, *The Quest for Legislative 
Districting in the Public Interest: Elusive or Illusory?*, 33 UCLA 
L. Rev. 1 (1985)). 
Authors: Daniel H. Lowenstein: Professor of Law, University 
of California, Los Angeles; Jonathan Steinberg: [Practitioner] 
Attorney, Irell & Manella 
Law Review Ranking: 12

Id. at 332 n.24 (Stevens, J., dissenting) (citing Note, *A New 
Map: Partisan Gerrymandering as a Federalism Injury*, 117 
Harv. L. Rev. 1196 (2004)). 
Author: [Law student] Harvard Law School 
Law Review Ranking: 1

Id. at 345 (Souter, J., dissenting) (citing Samuel Issacharoff, 
*Gerrymandering and Political Cartels*, 116 Harv. L. Rev. 593 
(2002)). 
Author: Harold R. Medina Professor in Procedural 
Jurisprudence, Columbia Law School 
Law Review Ranking: 1

Id. (Souter, J., dissenting) (citing Pamela S. Karlan, *The Fire 
Next Time: Reapportionment After the 2000 Census*, 50 Stan. L. 
Rev. 731 (1998)). 
Author: Professor of Law and Roy L. and Rosamond 
Woodruff Morgan Research Professor, University of Virginia 
School of Law 
Law Review Ranking: 4

Id. (Souter, J., dissenting) (citing Richard H. Pildes, *Principled 
Limitations on Racial and Partisan Redistricting*, 106 Yale L.J. 
2505 (1997)). 
Author: Professor of Law, The University of Michigan Law 
School 
Law Review Ranking: 3

Authors: Richard H. Pildes: Professor of Law, The University of Michigan Law School; Richard G. Niemi: Professor of Political Science, University of Rochester

Law Review Ranking: 9

Id. at 349 n.3 (Souter, J., dissenting) (citing Daniel D. Polsby & Robert D. Popper, The Third Criterion: Compactness as a Procedural Safeguard Against Partisan Gerrymandering, 9 Yale L. & Pol’y Rev. 301 (1991)).

Authors: Daniel D. Polsby: Kirkland & Ellis Professor of Law, Northwestern University School of Law; Robert D. Popper: [Practitioner] Associate, Orrick, Herrington & Sutcliffe

Law Review Ranking: 58

Id. (Souter, J., dissenting) (citing Joseph E. Schwartzberg, Reapportionment, Gerrymanders, and the Notion of “Compactness”, 50 Minn. L. Rev. 443 (1966)).

Author: Associate Professor of Geography, University of Minnesota

Law Review Ranking: 15

Id. at 350 n.5 (Souter, J., dissenting) (citing Samuel Issacharoff & Richard H. Pildes, Politics as Markets: Partisan Lockups of the Democratic Process, 50 Stan. L. Rev. 643 (1998)).

Authors: Samuel Issacharoff: Charles Tilford McCormick Professor of Law, University of Texas School of Law; Richard H. Pildes: Professor of Law and Roy F. and Jean Humphrey Profitt Research Professor, University of Michigan Law School

Law Review Ranking: 1


Author: Associate Justice, United States Supreme Court

Law Review Ranking: 16

Id. at 358 (Souter, J., dissenting) (citing Nathaniel Persily, Reply In Defense of Foxes Guarding Henhouses: The Case for Judicial Acquiescence to Incumbent–Protecting Gerrymanders, 116 Harv. L. Rev. 649 (2002)).

Author: Assistant Professor, University of Pennsylvania Law School

Law Review Ranking: 1

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Law Review Ranking: 14

Id. (Stevens, J., majority opinion) (citing William Wirt Blume & B. J. George, Jr., Limitations and the Federal Courts, 49 MICH. L. REV. 937 (1951)).
Authors: William Wirt Blume: Professor of Law, University of Michigan; B. J. George, Jr.: [Law student] University of Michigan
Law Review Ranking: 9

Id. (Stevens, J., majority opinion) (citing Note, Federal Statutes Without Limitations Provisions, 53 COLUM. L. REV. 68 (1953)).
Author: [Law student] Columbia Law School
Law Review Ranking: 2

Id. (Stevens, J., majority opinion) (citing Note, Disparities in Time Limitations on Federal Causes of Action, 49 YALE L.J. 738 (1940)).
Author: [Law student] Yale Law School
Law Review Ranking: 3

No citations

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Id. at 482 n.23 (Stevens, J., plurality opinion) (citing Scott F. Norberg, Consumer Bankruptcy’s New Clothes: An Empirical Study of Discharge and Debt Collection in Chapter 13, 7 AM. BANKR. INST. L. REV. 415 (1999)).
Author: Visiting Professor, University of California, Hastings College of the Law
Law Review Ranking: 206

Id. at 493 (Scalia, J., dissenting) (citing Marjorie L. Girth, The Role of Empirical Data in Developing Bankruptcy Legislation for Individuals, 65 IND. L.J. 17 (1989)).
Author: Professor of Law, State University of New York at Buffalo
Law Review Ranking: 32

Id. at 493 n.1 (Scalia, J., dissenting) (citing William C. Whitford, The Ideal of Individualized Justice: Consumer Bankruptcy as Consumer Protection, and Consumer Protection in Consumer Bankruptcy, 68 AM. BANKR. L.J. 397 (1994)).

Author: Young-Bascom Professor of Business Law, University of Wisconsin Law School

Law Review Ranking: 148

Id. at 493 n.1 (Scalia, J., dissenting) (citing Scott F. Norberg, Consumer Bankruptcy’s New Clothes: An Empirical Study of Discharge and Debt Collection in Chapter 13, 7 AM. BANKR. INST. L. REV. 415 (1999)).

Author: Visiting Professor, University of California, Hastings College of the Law

Law Review Ranking: 206

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Author: [Practitioner] Principal, Jameson & Dunagan, P.C.

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Authors: Edward L. Glaeser: Professor of Economics, Harvard University, University of Chicago Law School, and National Bureau of Economic Research; Jose Scheinkman: Professor of Economics, Harvard University

Law Review Ranking: 315


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Authors: Ruth Colker: Heck-Faust Memorial Chair in Constitutional Law, Michael E. Moritz College of Law, The Ohio State University; Adam Milani: Assistant Professor, Walter F. George School of Law, Mercer University

Law Review Ranking: 72

Id. at 536 (Ginsburg, J., concurring) (citing Samuel R. Bagenstos, Subordination, Stigma, and “Disability”, 86 VA. L. REV. 397 (2000)).

Author: Lecturer on Law, Harvard Law School

Law Review Ranking: 6
   No citations

   Id. at 610 (Souter, J., majority opinion) (citing Richard H. Fallon, Jr., Commentary, As-Applied and Facial Challenges and Third-Party Standing, 113 HARV. L. REV. 1321 (2000)).
   Author: Professor of Law, Harvard Law School Law Review Ranking: 1

   Id. at 628 (Scalia, J., concurring opinion) (citing Myron Moskovitz, A Rule in Search of a Reason: An Empirical Reexamination of Chimel and Belton, 2002 Wis. L. REV. 657).
   Author: Professor of Law, Golden Gate University School of Law
   Law Review Ranking: 40

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   Author: Justice, Supreme Judicial Court of Massachusetts
   Law Review Ranking: 1

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   Author: [Law student] University of Michigan Law School
   Law Review Ranking: 9

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Author: Professor of Law, University of Chicago Law School 

Law Review Ranking: 1 


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Author: Visiting Assistant Professor of Law, Northwestern University School of Law 

Law Review Ranking: 247 

Id. at 142 (Ginsburg, J., majority opinion) (citing Cathy Shuck, Comment, That’s It, I Quit: Returning to First Principles in Constructive Discharge Doctrine, 23 BERKELEY J. EMP. & LAB. L. 401 (2002)). 

Author: [Law student], University of California, Berkeley (Boalt Hall) 

Law Review Ranking: 247 


Id. at 171 (Breyer, J., majority opinion) (citing Joseph P. Griffin, Extraterritoriality in U.S. and EU Antitrust Enforcement, 67 ANTITRUST L.J. 159 (1999)). 

Author: [Practitioner] Member of the District of Columbia Bar 

Law Review Ranking: 126 


Id. at 182 (Kennedy, J., majority opinion) (citing Alan D. Hallock, Stop-and-Identify Statutes After Kolender v. Lawson: Exploring the Fourth and Fifth Amendment Issues, 69 IOWA L. REV. 1057 (1984)). 

Author: [Law student] University of Iowa College of Law 

Law Review Ranking: 22 

Id. (Kennedy, J., majority opinion) (citing Nicholas C. Mabrist, Note, Stop and Identify Statutes: A New Form of an Inadequate Solution to an Old Problem, 12 RUTGERS L.J. 585 (1981)).

Author: [Law student] Rutgers University School of Law
Law Review Ranking: 212

Id. at 183 (Kennedy, J., majority opinion) (citing Sam B. Warner, The Uniform Arrest Act, 28 VA. L. REV. 315 (1942)).

Author: Professor of Law, Harvard Law School
Law Review Ranking: 6


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Author: Sterling Professor of Law and Legal History, Yale University
Law Review Ranking: 2


No citations


Id. at 248 (Ginsburg, J., majority opinion) (citing Harry Leroy Jones, International Judicial Assistance: Procedural Chaos and a Program for Reform, 62 YALE L.J. 515 (1953)).

Author: [Practitioner] Chief Hearing Examiner, Office of Alien Property, Department of Justice
Law Review Ranking: 3

Id. at 248 n.1 (Ginsburg, J., majority opinion) (citing Hans Smit, International Litigation under the United States Code, 65 COLUM. L. REV. 1015 (1965)).

Author: Professor of Law, Columbia Law School
Law Review Ranking: 2

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Author: Professor of Law, Columbia Law School
Law Review Ranking: 265

Id. at 262 n.12 (Ginsburg, J., majority opinion) (citing Geoffrey C. Hazard, Jr., Discovery and the Role of the Judge in Civil Law Jurisdictions, 73 NOTRE DAME L. REV. 1017 (1998)).

Author: Director, American Law Institute; Professor of Law, University of Pennsylvania
Law Review Ranking: 18


Author: Professor of Law, Columbia Law School


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Author: Associate Professor, University of Iowa College of Law

Law Review Ranking: 4

Id. at 311 (Scalia, J., majority opinion) (citing Nancy J. King & Susan R. Klein, *Apprendi and Plea Bargaining*, 54 STAN. L. REV. 295 (2001)).

Authors: Nancy J. King: Professor of Law, Vanderbilt University Law School; Susan R. Klein: Baker & Botts Professor of Law, University of Texas at Austin School of Law

Law Review Ranking: 3

Id. at 316 (O’Connor, J., dissenting) (citing Stephen Breyer, *The Federal Sentencing Guidelines and the Key Compromises Upon Which They Rest*, 17 HOFSTRA L. REV. 1 (1988)).

Author: Circuit Judge, United States Court of Appeals for the First Circuit

Law Review Ranking: 62


Author: Associate Professor of Law, Seton Hall University School of Law

Law Review Ranking: 24


Author: Frank and Bernice J. Greenberg Professor of Law, Center for Studies in Criminal Justice, University of Chicago Law School

Law Review Ranking: 66

Id. at 332 (Breyer, J., dissenting) (citing Anthony C. Thompson, *Navigating the Hidden Obstacles to Ex-Offender Reentry*, 45 B.C. L. REV. 255 (2004)).

Author: Professor of Law, New York University School of Law

Law Review Ranking: 27
Id. at 336 (Breyer, J., dissenting) (citing Alex Kozinski & Sean Gallagher, \textit{Death: The Ultimate Run-On Sentence}, 46 CASE W. RES. L. REV. 1 (1995)).

Authors: Alex Kozinski: Judge, U.S. Court of Appeals for the Ninth Circuit; Sean Gallagher: [Practitioner] Judicial Law Clerk
Law Review Ranking: 117

\begin{itemize}
\item Author: [Practitioner] Special Counsel, Skadden, Arps, Slate, Meagher, & Flom LLP; Chair, Death Penalty Committee, American Bar Association Section of Individual Rights and Responsibilities; President, New York Lawyers Against the Death Penalty
Law Review Ranking: 14
\end{itemize}

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\item Author: Associate Professor of Law, Georgetown University Law Center
Law Review Ranking: 10
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\item Id. at 520 (O'Connor, J., plurality opinion) (citing Jordan J. Paust, \textit{Judicial Power to Determine the Status and Rights of Persons Detained Without Trial}, 44 HARV. INT’L L.J. 503 (2003)).
\item Author: Law Foundation Professor, University of Houston Law Center
Law Review Ranking: 28
\end{itemize}

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\item Id. at 566 (Scalia, J., dissenting) (citing Ingrid Brunk Wuerth, \textit{The President’s Power to Detain “Enemy Combatants”: Modern Lessons from Mr. Madison’s Forgotten War}, 98 NW. U. L. REV. 1567 (2004)).
\item Author: Associate Professor of Law, University of Cincinnati College of Law
Law Review Ranking: 13
\end{itemize}

   Id. at 611 (Souter, J., plurality opinion) (citing Charles D. Weisselberg, Saving Miranda, 84 CORNELL L. REV. 109 (1998)).

   Author: Law Professor and Director, Center for Clinical Education, University of California at Berkeley School of Law
   Law Review Ranking: 14


   No citations


   Id. at 672 (Kennedy, J., majority opinion) (citing Stuart Minor Benjamin, Stepping into the Same River Twice: Rapidly Changing Facts and the Appellate Process, 78 TEXAS L. REV. 269 (1999)).

   Author: Associate Professor, University of San Diego Law School
   Law Review Ranking: 11


   Author: Assistant Professor of Law, University of Maryland Law School
   Law Review Ranking: 46


   Author: Professor of Law, Cornell Law School
   Law Review Ranking: 150

   Id. (Souter, J., majority opinion) (citing Symeon C. Symeonides, Choice of Law in the American Courts in 2002:
Sixteenth Annual Survey, 51 AM. J. COMP. L. 1 (2003)).
Author: Dean & Professor of Law, Willamette University College of Law
Law Review Ranking: 76

Id. at 710 (Souter, J., majority opinion) (citing James A. Shapiro, Choice of Law Under the Federal Tort Claims Act: Richards and Renvoi Revisited, 70 N.C. L. REV. 641 (1992)).
Author: [Practitioner] Assistant United States Attorney
Law Review Ranking: 24

Id. at 713 (Souter, J., majority opinion) (citing William R. Casto, The Federal Courts’ Protective Jurisdiction over Torts Committed in Violation of the Law of Nations, 18 CONN. L. REV. 467 (1986)).
Author: Associate Professor of Law, Texas Tech University School of Law
Law Review Ranking: 44

Author: Professor of Law, University of California, Hastings College of Law
Law Review Ranking: 49

Id. at 717 (Souter, J., majority opinion) (citing Kenneth C. Randall, Federal Jurisdiction over International Law Claims: Inquiries into the Alien Tort Statute, 18 N.Y.U. J. INT’L L. & POL. 1 (1985)).
Author: Assistant Professor of Law, University of Alabama School of Law
Law Review Ranking: 356

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Author: [Practitioner]
Law Review Ranking: 1

Author: Professor of Law, University of California, Hastings College of the Law
Law Review Ranking: 291

Id. at 723 (Souter, J., majority opinion) (citing R.H. Helmholz, Use of the Civil Law in Post-Revolutionary American Jurisprudence, 66 TUL. L. REV. 1649 (1992)).
Author: Ruth Wyatt Rosenson Professor of Law, University of Chicago Law School
Law Review Ranking: 87

Id. at 724 (Souter, J., majority opinion) (citing Beth Stephens, *Individuals Enforcing International Law: The Comparative and Historical Context*, 52 DePaul L. Rev. 433 (2002)).
Author: Associate Professor, Rutgers-Camden School of Law

Law Review Ranking: 63

Author: Judge, United States Court of Appeals for the Second Circuit

Law Review Ranking: 5

Author: Professor of Law, DePaul University College of Law

Law Review Ranking: 162

Id. at 739 (Scalia, J., concurring) (citing Ernest A. Young, *Sorting out the Debate Over Customary International Law*, 42 Va. J. Int’l L. 365 (2002)).
Author: Assistant Professor of Law, University of Texas at Austin School of Law

Law Review Ranking: 49

Authors: Curtis A. Bradley: Associate Professor, University of Colorado School of Law; Jack L. Goldsmith: Associate Professor, University of Virginia School of Law

Law Review Ranking: 1

Author: Associate Professor of Law, George Washington University School of Law

Law Review Ranking: 8

Author: Story Professor of Law, Harvard Law School

Law Review Ranking: 49
Id. at 751 (Ginsburg, J., concurring) (citing Symeon C. Symeonides, Choice of Law in the American Courts in 2002: Sixteenth Annual Survey, 51 AM. J. COMP. L. 1 (2003)).
Author: Dean & Professor of Law, Willamette University College of Law
Law Review Ranking: 76

Id. (Ginsburg, J., concurring) (citing Herma Hill Kay, Theory into Practice: Choice of Law in the Courts, 34 MERCER L. REV. 521 (1983)).
Author: Professor of Law, University of California, Berkeley School of Law
Law Review Ranking: 315

Id. at 757 (Ginsburg, J., concurring) (citing James A. Shapiro, Choice of Law Under the Federal Tort Claims Act: Richards and Renvoi Revisited, 70 N.C. L. REV. 641 (1992)).
Author: [Practitioner] Assistant United States Attorney
Law Review Ranking: 24

No citations


Id. at 19 (O’Connor, J., majority opinion) (citing Michael F. Sturley, Carriage of Goods by Sea, 31 J. MAR. L. & COM. 241 (2000)).
Author: Stanley D. and Sandra J. Rosenberg Centennial Professor of Law, University of Texas at Austin School of Law
Law Review Ranking: 597

Id. at 28 (O’Connor, J., majority opinion) (citing Stephen G. Wood, Multimodal Transportation: An American Perspective on Carrier Liability and Bill of Lading Issues, 46 AM. J. COMP. L. 403 (Supp. 1998)).
Author: Professor of Law, Brigham Young University Law School
Law Review Ranking: 76


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Author: Associate Justice, Supreme Court of the United States
Law Review Ranking: 8

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Goodpaster, The Trial for Life: Effective Assistance of Counsel in
Death Penalty Cases, 58 N.Y.U. L. REV. 299 (1983)).
Author: Professor of Law, King Hall, University of
California, Davis
Law Review Ranking: 5

Id. (Ginsburg, J., majority opinion) (citing Andrea B. Lyon,
Defending the Death Penalty Case: What Makes Death Different?,
42 MERCER L. REV. 695, 708 (1991)).
Author: [Practitioner] Director, Illinois Capital Resource
Center
Law Review Ranking: 315

Id. at 192 (Ginsburg, J., majority opinion) (citing Scott E.
Sundby, The Capital Jury and Absolution: The Intersection of
Trial Strategy, Remorse, and the Death Penalty, 83 CORNELL L.
REV. 1557 (1998)).
Author: Professor of Law, Washington & Lee School of Law
Law Review Ranking: 14

No citations


Id. at 247 (Breyer, J., majority opinion) (citing Adrian
Vermeule, Saving Constructions, 85 GEO. L.J. 1945 (1997)).
Author: Fellow, Georgetown University Law Center
Law Review Ranking: 10

Id. at 280 (Stevens, J., concurring) (citing Robert L. Stern,
Separability and Separability Clauses in the Supreme Court, 51
HARV. L. REV. 76 (1937)).
Author: [Practitioner] Department of Justice
Law Review Ranking: 1

Id. at 290 (Stevens, J., concurring) (citing Williams J. Stuntz,
Plea Bargaining and Criminal Law’s Disappearing Shadow, 117
HARV. L. REV. 2548 (2004)).
Author: Professor, Harvard Law School
Law Review Ranking: 1
Id. at 291 n.11 (Stevens, J., concurring) (citing Patti B. Saris, Below the Radar Screens: Have the Sentencing Guidelines Eliminated Disparity? One Judge’s Perspective, 30 SUFFOLK U. L. REV. 1027 (1997)).

Author: Judge, United States District Court for the District of Massachusetts

Law Review Ranking: 229


Authors: Ilene H. Nagel: [Practitioner and Law Professor] Member, U.S. Sentencing Commission and Professor of Law, Indiana University (Bloomington) School of Law; Stephen J. Schulhofer: Frank & Bernice J. Greenburg Professor and Director of the Center for Studies in Criminal Justice, University of Chicago School of Law

Law Review Ranking: 9

Id. at 292 (Stevens, J., concurring) (citing Kenneth R. Feinberg, Federal Criminal Sentencing Reform: Congress and the United States Sentencing Commission, 28 WAKE FOREST L. REV. 291 (1993)).

Author: [Practitioner]

Law Review Ranking: 38


Author: United States Senator, Utah and Ranking Republican Member, Senate Judiciary Committee

Law Review Ranking: 38

Id. at 293 (Stevens, J., concurring) (citing Kate Stith & Steve Y. Koh, The Politics of Sentencing Reform: The Legislative History of the Federal Sentencing Guidelines, 28 WAKE FOREST L. REV. 223 (1993)).

Authors: Kate Stith: Professor of Law, Yale Law School; Steve Y. Koh: [Practitioner] Law clerk, United States Court of Appeals for the District of Columbia Circuit

Law Review Ranking: 38
Id. at 295 n.13 (Stevens, J., concurring) (citing William W. Wilkins, Jr., Phyllis J. Newton, & John R. Steer, Competing Sentencing Policies in a “War on Drugs” Era, 28 WAKE FOREST L. REV. 305 (1993)).


Law Review Ranking: 38

Id. at 320 (Thomas, J., dissenting) (citing Adrian Vermeule, Saving Constructions, 85 GEO. L.J. 1945 (1997)).

Author: Fellow, Georgetown University Law Center

Law Review Ranking: 10

Id. at 334 (Breyer, J., dissenting) (citing Comment, Sixth Amendment – State Sentencing Guidelines, 118 HARV. L. REV. 333 (2004)).

Author: [Law student] Harvard Law School

Law Review Ranking: 1


No citations


Id. at 381 (Scalia, J., majority opinion) (citing Adrian Vermeule, Saving Constructions, 85 GEO. L.J. 1945 (1997)).

Author: Fellow, Georgetown University Law Center

Law Review Ranking: 10


No citations


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Author: [Law student] Yale Law School

Law Review Ranking: 3


No citations

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Author: Chad Trulson: Professor of Criminal Justice, University of North Texas; James W. Marquart: Professor of Criminal Justice, Sam Houston State University
Law Review Ranking: 198

Author: [Practitioner]
Law Review Ranking: 47


Id. at 566 (Kennedy, J., majority opinion) (citing Elizabeth S. Scott & Thomas Grisso, The Evolution of Adolescence: A Developmental Perspective on Juvenile Justice Reform, 88 J. CRIM. L. & CRIMINOLOGY 137 (1997)).
Authors: Elizabeth S. Scott: University Professor, University of Virginia School of Law; Thomas Grisso: Professor of Psychiatry, University of Massachusetts Medical Center
Law Review Ranking: 69

Id. at 624 (Kennedy, J., majority opinion) (citing Craig M. Bradley, Mapp Goes Abroad, 52 CASE W. RES. L. REV. 375 (2001)).
Author: James Louis Calamaras Professor of Law, Indiana University School of Law
Law Review Ranking: 117

Id. at 625 (Kennedy, J., majority opinion) (citing Joan L. Larsen, Importing Constitutional Norms from a “Wider Civilization”: Lawrence and the Rehnquist Court’s Use of Foreign and International Law in Domestic Constitutional Interpretation, 65 OHIO ST. L.J. 1283 (2004)).
Author: [Practitioner]
Law Review Ranking: 43

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_Id._ at 204 (Ginsburg, J., majority opinion) (citing Gerald Gunther, _Government Power and New York Indian Lands: A Reassessment of a Persistent Problem of Federal-State Relations_, 8 _BUFF. L. REV._ 1 (1958)).

Author: Associate Professor of Law, Columbia University, School of Law
Law Review Ranking: 90

_Id._ at 205 (Ginsburg, J., majority opinion) (citing Robert N. Clinton & Margaret Tobey Hotopp, _Judicial Enforcement of the Federal Restraints on Alienation of Indian Land_, 31 _ME. L. REV._ 17 (1979)).

Authors: Robert N. Clinton Law: Professor, University of Iowa College of Law; Margaret Tobey Hotopp: [Law student] University of Iowa College of Law
Law Review Ranking: 233


Author: Associate Professor of Labor Relations, Law and History, School of Industrial and Labor Relations, Cornell University
Law Review Ranking: 247


Author: Associate Professor, School of Industrial and Labor Relations, Cornell University
Law Review Ranking: 247
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Id. at 359 (Thomas, J., majority opinion) (citing William J. Stuntz, The Pathological Politics of Criminal Law, 100 Mich. L. Rev. 505 (2002)).
Author: Professor, Harvard Law School
Law Review Ranking: 9

Id. at 361 (Thomas, J., majority opinion) (citing Robert A. Leflar, Extrastate Enforcement of Penal and Governmental Claims, 46 Harv. L. Rev. 193 (1932)).
Author: Professor, Harvard Law School
Law Review Ranking: 1

Id. (Thomas, J., majority opinion) (citing William S. Dodge, Breaking the Public Law Taboo, 43 Harv. Int’l L.J. 161 (2002)).
Author: Professor of Law, University of California, Hastings College of Law
Law Review Ranking: 28


Id. at 402 (Thomas, J., dissenting) (citing Stephen Breyer, On the Uses of Legislative History in Interpreting Statutes, 65 S. Cal. L. Rev. 845 (1992)).
Author: Chief Judge, United States Court of Appeals for the First Circuit
Law Review Ranking: 29

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**APPENDIX TO 4 DREXEL L. REV. 399**  

*Id.* at 457 (Thomas, J., concurring in part and dissenting in part) (citing Caleb Nelson, *Preemption*, 86 VA. L. REV. 225 (2000)).  
Author: Professor of Law, University of Virginia School of Law  
Law Review Ranking: 6

*Id.* at 480 (Kennedy, J., majority opinion) (citing Lindsay Rogers, *Interstate Commerce in Intoxicating Liquors Before the Webb-Kenyon Act*, 4 VA. L. REV. 353 (1917)).  
Author: Professor of Political Science, University of Virginia  
Law Review Ranking: 6

*Id.* at 483, 486 (Kennedy, J., majority opinion) (citing Howard S. Friedman, Note, *Legislation, Constitutional Law: State Regulation of Importation of Intoxicating Liquor Under Twenty-first Amendment*, 21 CORNELL L.Q. 504 (1936)).  
Author: [Law student] Cornell Law School  
Law Review Ranking: 14

*Id.* at 486 (Kennedy, J., majority opinion) (citing Note, *Recent Cases, Constitutional Law — Twenty-first Amendment — Commerce Clause — Equal Protection Clause — Validity of State License Fee for Importing Beer*, 85 U. PA. L. REV. 322 (1937)).  
Author: [Law student] University of Pennsylvania Law School  
Law Review Ranking: 8

*Id.* (Kennedy, J., majority opinion) (citing Note, *Legislation, Liquor Control: The Latest Phase*, 38 COLUM. L. REV. 644 (1938)).  
Author: [Law student] Columbia Law School  
Law Review Ranking: 2

*Id.* (Kennedy, J., majority opinion) (citing Ralph L. Wiser & Richard F. Arledge, Note, *Does the Repeal Amendment Empower a State to Erect Tariff Barriers and Disregard the Equal Protection Clause in Legislating on Intoxicating Liquors in Interstate Commerce?*, 7 GEO. WASH. L. REV. 402 (1939)).  
Law Review Ranking: 36

*Id.* (Kennedy, J., majority opinion) (citing Joe De Ganahl, *The Scope of Federal Power Over Alcoholic Beverages Since the Twenty-first Amendment*, 8 GEO. WASH. L. REV. 819 (1940)).  
Author: [Practitioner] Member of the District of Columbia Bar  
Law Review Ranking: 36
Id. (Kennedy, J., majority opinion) (citing Note, 55 Yale L.J. 815 (1946)).
Author: [Law student] Yale Law School
Law Review Ranking: 3

Id. at 508 (Thomas, J., dissenting) (citing Lindsay Rogers, Interstate Commerce in Intoxicating Liquors Before the Webb-Kenyon Act, 4 Va. L. Rev. 353 (1917)).
Author: Professor of Political Science, University of Virginia
Law Review Ranking: 6

Id. at 517 (Thomas, J., dissenting) (citing Robert H. Skilton, State Power Under the Twenty-First Amendment, 7 Brook. L. Rev. 342 (1938)).
Author: Instructor in Business Law, Wharton School of Business, University of Pennsylvania
Law Review Ranking: 55

Id. at 518–19 n.6 (Thomas, J., dissenting) (citing Note, Economic Localism in State Alcoholic Beverage Laws – Experience Under the Twenty-First Amendment, 72 Harv. L. Rev. 1145 (1959)).
Author: [Law student] Harvard Law School
Law Review Ranking: 1

Id. at 519 (Thomas, J., dissenting) (citing Joseph E. Kallenbach, Interstate Commerce in Intoxicating Liquors Under the Twenty-First Amendment, 14 Temp. L.Q. 474 (1940)).
Author: Professor of Political Science, University of Michigan
Law Review Ranking: 144.

Id. (Thomas, J., dissenting) (citing John H. Crabb, State Power Over Liquor Under the Twenty-First Amendment, 12 U. Det. L.J. 11, 27 (1948)).
Author: [Practitioner] Member of Michigan Bar
Law Review Ranking: 481

Id. at 520 (Thomas, J., dissenting) (citing Joe De Ganahl, The Scope of Federal Power Over Alcoholic Beverages Since the Twenty-first Amendment, 8 Geo. Wash. L. Rev. 819 (1940)).
Author: [Practitioner] Member of the District of Columbia Bar
Law Review Ranking: 36

Id. (Thomas, J., dissenting) (citing Howard S. Friedman, Note, Legislation, Constitutional Law: State Regulation of Importation of Intoxicating Liquor Under Twenty-first Amendment, 21 Cornell L.Q. 504 (1936)).
Author: [Law student] Cornell Law School
Law Review Ranking: 14
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Id. (Thomas, J., dissenting) (citing Note, Recent Cases, Constitutional Law – Twenty-first Amendment – Commerce Clause – Equal Protection Clause – Validity of State License Fee for Importing Beer, 85 U. PA. L. REV. 322 (1937)).
Author: [Law student] University of Pennsylvania Law School
Law Review Ranking: 8

Id. at 521 (Thomas, J. dissenting) (citing Note, Legislation, Liquor Control: The Latest Phase, 38 COLUM. L. REV. 644 (1938)).
Author: [Law student] Columbia Law School
Law Review Ranking: 2

Id. (Thomas, J., dissenting) (citing Ralph L. Wiser & Richard F. Arledge, Note, Does the Repeal Amendment Empower a State to Erect Tariff Barriers and Disregard the Equal Protection Clause in Legislating on Intoxicating Liquors in Interstate Commerce?, 7 GEO. WASH. L. REV. 402 (1939)).
Law Review Ranking: 36

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Id. at 612 n.2 (Stevens, J., dissenting) (citing John C. Courtney, Redistricting: What the United States Can Learn from Canada, 3 ELECTION L.J. 488 (2004)).
Author: Professor of Political Science, University of Saskatchewan (Canada)
Law Review Ranking: 465


Id. at 629 (Breyer, J., majority opinion) (citing Joan M. Krauskopf, Physical Restraint of the Defendant in the Courtroom, 15 ST. LOUIS U. L.J., 351 (1971)).
Author: [Practitioner]
Law Review Ranking: 162

Id. at 653 (Thomas, J., dissenting) (citing David E. Westman, Note, Handling the Problem Criminal Defendant in the Courtroom: The Use of Physical Restraints and Expulsion in the Modern Era, 2 SAN DIEGO JUST. J. 507 (1994)).
Author: [Law student] Thomas Jefferson School of Law
Law Review Ranking: 470
No citations


Id. at 727 n.1 (Thomas, J., dissenting) (citing Michael W. McConnell, Establishment and Disestablishment at the Founding, Part I: Establishment of Religion, 44 WM. & MARY L. REV. 2105 (2003)).
Author: Circuit Judge, United States Court of Appeals for the Tenth Circuit and Presidential Professor, S.J. Quinney College of Law, University of Utah
Law Review Ranking: 20

No citations


Id. at 16 n.25 (Stevens, J., majority opinion) (citing Robert L. Stern, That Commerce Which Concerns More States Than One, 47 HARV. L. REV. 1335 (1934)).
Author: Practitioner Department of Justice
Law Review Ranking: 1

Id. at 59 (Thomas, J., dissenting) (citing Randy E. Barnett, The Original Meaning of the Commerce Clause, 68 U. CHI. L. REV. 101 (2001)).
Author: Professor of Law, Boston University School of Law
Law Review Ranking: 16

Id. (Thomas, J., dissenting) (citing Randy E. Barnett, New Evidence of the Original Meaning of the Commerce Clause, 55 ARK. L. REV. 847 (2003)).
Author: Professor of Law, Boston University School of Law
Law Review Ranking: 331

Id. at 65 (Thomas, J., dissenting) (citing Randy E. Barnett, The Original Meaning of the Necessary and Proper Clause, 6 U. PA. J. CONST. L. 183 (2003)).
Author: Professor of Law, Boston University School of Law
Law Review Ranking: 60

Id. at 66 (Thomas, J., dissenting) (citing Susan A. Ehrlich, The Increasing Federalization of Crime, 32 ARIZ. ST. L.J. 825 (2000)).
Author: Judge, Arizona Court of Appeals
Law Review Ranking: 106

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   Id. at 268 (Breyer, J., concurring) (citing Anthony Page, Batson’s Blind-Spot: Unconscious Stereotyping and the Peremptory Challenge, 85 B.U. L. REV. 155 (2005)).
   Author: Assistant Professor of Law, Indiana University School of Law - Indianapolis
   Law Review Ranking: 23

   Id. (Breyer, J., concurring) (citing David C. Baldus, et al., The Use of Peremptory Challenges in Capital Murder Trials: A Legal and Empirical Analysis, 3 U. PA. J. CONST. L. 3 (2001)).
   Authors: David C. Baldus: Joseph B. Tyce Professor, College of Law, University of Iowa; George Woodworth: Professor, Statistics and Actuarial Science, University of Iowa; David Zuckerman: [Practitioner]; Neil Alan Weiner, Senior Research Associate, Center for the Study of Youth Policy, School of Social Work, University of Pennsylvania; Barbara Broffitt: Research Associate, College of Law, University of Iowa
   Law Review Ranking: 60

   Id. at 269 (Breyer, J., concurring) (citing Kenneth J. Melilli, Batson in Practice: What We Have Learned About Batson and Peremptory Challenges, 71 NOTRE DAME L. REV. 447 (1996)).
   Author: Professor of Law, Albany Law School of Union University
   Law Review Ranking: 18

   Id. (Breyer, J., concurring) (citing Jeffrey S. Brand, The Supreme Court, Equal Protection and Jury Selection: Denying That Race Still Matters, 1994 Wis. L. REV. 511 (1994)).
   Author: Professor of Law, University of San Francisco School of Law
   Law Review Ranking: 40

   Author: [Law student] Boston College School of Law
   Law Review Ranking: 27
A-68

DREXEL LAW REVIEW


Author: Professor of Law, University of San Diego School of Law

Law Review Ranking: 68

Id. at 272 (Breyer, J., concurring) (citing Raymond J. Broderick, Why the Peremptory Challenge Should Be Abolished, 65 Temp. L. Rev. 369 (1992)).

Author: Senior Judge, United States District Court of the Eastern District of Pennsylvania

Law Review Ranking: 144

Id. (Breyer, J., concurring) (citing Morris B. Hoffman, Peremptory Challenges Should be Abolished: A Trial Judge’s Perspective, 64 U. Chi. L. Rev. 809 (1997)).

Author: District Court Judge, Second Judicial District (Denver), State of Colorado

Law Review Ranking: 16


Author: Wilson-Dickinson Professor of Law, The University of Chicago

Law Review Ranking: 16

Id. (Breyer, J., concurring) (citing Akhil Reed Amar, Reinventing Juries: Ten Suggested Reforms, 28 U.C. Davis L. Rev. 1169 (1995)).

Author: Southmayd Professor, Yale Law School

Law Review Ranking: 31

Id. at 273 (Breyer, J., concurring) (citing John Paul Stevens, Foreword, Symposium: The Jury at a Crossroad: The American Experience, 78 Chi.-Kent L. Rev. 907 (2003)).

Author: Associate Justice, United States Supreme Court

Law Review Ranking: 83


Id. at 317 (Souter, J., majority opinion) (citing Note, Mr. Smith Goes to Federal Court: Federal Question Jurisdiction over State Law Claims Post-Merrell Dow, 115 Harv. L. Rev. 2272 (2002)).

Author: [Law student] Harvard Law School

Law Review Ranking: 1


No citations


   Id. at 479 (Stevens, J., majority opinion) (citing Philip Nichols, Jr., The Meaning of Public Use in the Law of Eminent Domain, 20 B.U. L. REV. 615 (1940)).
   Author: Senior Attorney, Lands Division, Department of Justice
   Law Review Ranking: 23

   Author: Assistant Professor of Law, Saint Louis University
   Law Review Ranking: 80

   Id. (Thomas, J., dissenting) (citing Nathan Alexander Sales, Note, Classical Republicanism and the Fifth Amendment’s “Public Use” Requirement, 49 DUKE L.J. 339 (1999)).
   Author: [Law student] Duke Law School
   Law Review Ranking: 21

   Id. at 512 (Thomas, J., dissenting) (citing Note, The Public Use Limitation on Eminent Domain: An Advance Requiem, 58 YALE L.J. 599 (1949)).
   Author: [Law student] Yale Law School
   Law Review Ranking: 3

   Id. at 513 n.2 (Thomas, J., dissenting) (citing Note, Public Use in Eminent Domain, 21 N.Y.U. L.Q. REV. 285 (1946).
   Author: [Law student] New York University Law School
   Law Review Ranking: 5

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   Author: Law professor, Yale Law School
   Law Review Ranking: 3

Author: Assistant Professor of Law, University of Pennsylvania Law School

Law Review Ranking: 58


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Author: Circuit Judge, United States Court of Appeals for the District of Columbia

Law Review Ranking: 22

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Authors: Thomas D. Rowe, Jr.: Professor of Law, Duke University; Stephen B. Burbank: Professor of Law, University of Pennsylvania; Thomas M. Mengler: Professor of Law, University of Illinois

Law Review Ranking: 26

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Author: Professor of Law, University of Illinois College of Law

Law Review Ranking: 8

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Author: William Nelson Cromwell Professor of Law, Harvard University

Law Review Ranking: 5


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<td>Id. at 670 (Souter, J., dissenting) (citing Note, Developments in the Law-Federal Habeas Corpus, 83 Harv. L. Rev. 1038 (1970)).</td>
<td>Author: [Law student] Harvard Law School</td>
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<td>Author: Professor of Law, Northwestern University</td>
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<td>Author: Chapman Distinguished Professor, University of Tulsa College of Law</td>
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<td>Author: Assistant Professor of Law, New York University School of Law</td>
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<td>Author: Sterling Professor of Law, Yale Law School</td>
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<td>Author: Associate Professor of Law, Roger Williams University School of Law</td>
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Author: [Law students] Harvard Law School
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Author: Staff Attorney, National Center on Women and Family Law
Law Review Ranking: 69

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Author: [Law student] University of Illinois School of Law
Law Review Ranking: 30

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Author: Sergeant, New York City Police Department
Law Review Ranking: 325

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Author: John Paul Stevens Professor of Law, Northwestern University
Law Review Ranking: 6

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Author: Professor of Law, Valparaiso University School of Law
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Author: Associate Professor, Duke University School of Law
Law Review Ranking: 20
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Author: Associate Justice, United States Supreme Court Law Review Ranking: 52


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Author: Morton L. Janklow Professor of Literary and Artistic Property Law, Columbia Law School Law Review Ranking: 2

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Authors: Douglas Lichtman: Professor of Law, University of Chicago Law School; William Landes: Clifton R. Musser Professor of Law and Economics, University of Chicago Law School Law Review Ranking: 25

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Author: Associate Professor of Law, University of Virginia School of Law Law Review Ranking: 6

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Authors: Mark A. Lemley: Elizabeth Josslyn Boalt Chair in Law, Boalt Hall, University of California at Berkley; R. Anthony Reese: Thomas W. Gregory Professor of Law, University of Texas School of Law and Special Counsel, Morrison & Foerster LLP Law Review Ranking: 4

Author: Assistant Professor of Law, University of Michigan Law School Law Review Ranking: 11

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Author: Wilson, Sonsini, Goodrich & Rosati Professor of Law, University of California, Berkeley (Boalt Hall) School of
Law, and Professor of Law, University of California, Davis School of Law  
Law Review Ranking: 16

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Author: Professor of Law, Yale Law School  
Law Review Ranking: 3

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Author: [Law student] University of California, Berkeley (Boalt Hall) School of Law  
Law Review Ranking: 59

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Author: Executive Director, Kernochan Center for Law, Media and the Arts, Columbia Law School  
Law Review Ranking: 153


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Author: Professor of Law, The University of Chicago  
Law Review Ranking: 36


Author: Professor, Vanderbilt Law School  
Law Review Ranking: 19


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Author: Associate Professor of Law, University of Nevada at Las Vegas Boyd School of Law
Law Review Ranking: 139


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Author: Senior Judge, United States Court of Appeals for the Second Circuit
Law Review Ranking: 26


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Author: Carol S. Steiker: Assistant Professor, Harvard Law School; Jordan M. Steiker: Professor of Law, University of Texas School of Law
Law Review Ranking: 1

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Author: [Law student] Tulane Law School
Law Review Ranking: 87


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Author: Professor of Law, The Institute of Law, The Johns Hopkins University

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Author: Professor Emeritus, University of Virginia School of Law

Law Review Ranking: 148

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Author: Lecturer, New York University School of Law

Law Review Ranking: 720

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Author: Associate Professor of Law, University of Tennessee College of Law

Law Review Ranking: 247

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Author: Professor of Law, University of Virginia

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Author: United States Bankruptcy Judge, District of Arizona

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Author: Professor of Law, University of Illinois College of
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<td>Author: Partner, Sughrue, Mion, Zinn, Macpeak &amp; Seas</td>
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<td>Authors: William J. Baumol: Professor of Economics at New York University and Professor Emeritus, Princeton University; Daniel G. Swanson: [Practitioner]</td>
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   Author: Professor of Law, The University of Chicago Law
   School
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   Author: Professor of Law, Loyola Law School
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   Author: Senior Attorney at the National Center on Women &
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   Author: Seth P. Waxman: Partner, Wilmer, Cutler &
   Pickering, and Distinguished Visitor from Practice,
   Georgetown University Law Center; Trevor W. Morrison:
   Assistant Professor of Law Designate, Cornell Law School
   Law Review Ranking: 3

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   Author: Assistant Professor, University of Houston Law
   Center Law Review Ranking: 34

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   The Probate Jurisdiction of the Federal Courts, 14 PROBATE L.J. 77
Author: [Practitioner]
Law Review Ranking: unranked

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Author: Assistant Professor, University of Washington School of Law
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Author: Associate Professor, Northeastern University School of Law
Law Review Ranking: 1

Author: Karl N. Llewellyn Professor of Jurisprudence, University of Chicago Law School and Department of Political Science
Law Review Ranking: 9

Id. (Ginsburg, J., concurring) (citing William A. Fletcher, The Structure of Standing, 98 YALE L.J. 221 (1988)).
Author: Professor of Law, Boalt Hall School of Law, University of California at Berkeley
Law Review Ranking: 3

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Author: Alexander F. & May T. Morrison Professor, School

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Author: Chief Justice, Supreme Court of the United States

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Author: Judge, United States Court of Appeals for the Second Circuit

Law Review Ranking: 16


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Author: Clarence Darrow Distinguished Professor of Law, University of Michigan and Professor of Law, University of San Diego

Law Review Ranking: 51


Authors: [Law Students] Georgetown University Law Center

Law Review Ranking: 715
Id. at 610 (Breyer, J., dissenting) (citing Potter Stewart, *The Road to Mapp v. Ohio and Beyond: The Origins, Development and Future of the Exclusionary Rule in Search-and-Seizure Cases*, 83 COLUM. L. REV. 1365 (1983)).

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Authors: Spencer LeRoy: Partner, Lord, Bissell & Brook; Kirk A. Borchardt: Associate, Lord, Bissell & Brook; JoAnn M. Hornak: Associate, Lord, Bissell & Brook; Richard N. Gloding: Of Counsel, Rudnick & Wolfe; Salvatore A Barbatano: Partner, Rudnick & Wolfe; James H.M. Sprayregen, Associate Rudnick & Wolfe
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Author: Assistant Professor of Law, University of Washington
Law Review Ranking: 3


Author: Herbert Wechsler Professor of Federal Jurisprudence, Columbia Law School
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Author: Assistant Professor, University of Pennsylvania Law School
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Authors: Stephen J. Markman: Assistant Attorney General, Office of Legal Policy, United States Department of Justice; Paul G. Cassell: Special Assistant United States Attorney, Eastern District of Virginia
Law Review Ranking: 4

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Author: District Attorney of Clatsop County, Astoria, Oregon
Law Review Ranking: 69

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Author: Associate Professor, University of Iowa College of Law
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Author: Assistant Professor, Washington & Lee Law School
Law Review Ranking: 10

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Author: Professor of Law, Hofstra University School of Law
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Author: Professor of Law, Seton Hall University School of Law
Law Review Ranking: 120


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Authors: Peter J. Kuriloff: Professor, University of Pennsylvania Graduate School of Education; Steven S. Goldberg: Member of the Pennsylvania Bar, Visiting Lecturer in Education Law, Rutgers Las School–Camden and the University of Pennsylvania, and Professor of Education Law, Beaver College
Law Review Ranking: 85

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Author: Associate Professor of Education, University of Pennsylvania
Law Review Ranking: 42 (Issue 1 Winter 1985)


Id. at 344 (Roberts, C.J., majority opinion) (citing Craig M. Bradley, Mapp Goes Abroad, 52 CASE W. RES. L. REV. 375 (2001)).

Author: James Louis Calamaras Professor of Law, Indiana University School of Law, Bloomington, Indiana
Law Review Ranking: 117

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Author: Professor of Law, University of Pennsylvania
Law Review Ranking: 8

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Author: Professor of Law, University of California, Hastings College of Law
Law Review Ranking: 229
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Author: Associate Professor of Law, Indiana University at Bloomington
Law Review Ranking: 1


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Authors: Trevor Potter: President and General Counsel, The Campaign Legal Center; Marianne H. Viray: Managing Director, The Campaign Legal Center
Law Review Ranking: 68

Author: Assistant Professor of Law, The University of Chicago Law School
Law Review Ranking: 45

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Author: Associate, Wilmer, Cutler, Pickering, Hale & Door L.L.P.
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Author: Samuel Issacharoff: Harold R. Medina Professor in Procedural Jurisprudence, Columbia Law School; Pamela Karlan: Kenneth and Harle Montgomery Professor of Public Interest Law, Stanford Law School
Law Review Ranking: 8

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Authors: Bernard Grofman: School of Social Sciences, University of California, Irvine; Lisa Handley: Frontier International Electoral Consulting; David Lublin: Department of Government, American University
Law Review Ranking: 24
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Author: [Law student] New York University School of Law
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Authors: Curtis A. Bradley: Professor, University of Virginia School of Law; Jack L. Goldsmith: Professor, Harvard Law School
Law Review Ranking: 1

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Author: Lieutenant Colonel, U.S. Army and Assistant Professor of Law, United States Military Academy
Law Review Ranking: 356

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Author: Colonel, J.A.G.D., Reserve
Law Review Ranking: 33

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Author: Foundation Professor, University of Houston
Law Review Ranking: 87


Author: Legal Adviser, United States Department of State
Law Review Ranking: 75

Id. at 733 (Scalia, J., dissenting) (citing Jeremy A. Blumenthal, Shedding Some Light on Calls for Hearsay Reform: Civil Law Hearsay Rules in Historical and Modern Perspective, 13 PACE INT’L L. REV. 93 (2001)).

Author: Ph.D. candidate, Harvard University
Law Review Ranking: 459
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<td>Author: [Law student] University of Arizona School of Law</td>
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<td>Author: Steinhart Foundation Professor of Law, University of Nebraska College of Law</td>
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<td>Author: Stephen J. Morse: Orrin B. Evans Professor of Law, University of Southern California Law Center and Professor of Psychiatry and the Behavioral Sciences, University of Southern California School of Medicine</td>
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<td>Author: Professor of Law Emeritus, University of</td>
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   Author: Professor of Law, Research School of Social Sciences, Australian National University
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   Author: Associate Justice, United States Supreme Court
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   Authors: April Kestell Cassou: Instructor of Legal Research, University of San Francisco, School of Law; Brian Taugher: Chief Counsel to the Community Release Board and Adjunct Professor of Law, University of the Pacific, McGeorge School of Law
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Author: Don Stemen: Senior Research Associate, Vera Institute of Justice; Daniel F. Wilhelm: Director, State Sentencing and Corrections Program, Vera Institute of Justice

Law Review Ranking: 650

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Author: Douglas A. Berman: William B. Saxbe Designated Professor of Law, Moritz College of Law at The Ohio State University; Stephanos Bibas: Professor, University of Pennsylvania Law School

Law Review Ranking: 115

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Author: Judge, U.S. Court of Appeals for the Tenth Circuit

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Author: Rory K. Little: Professor of Law, University of California, San Francisco, Hastings College of the Law; Teresa Chen: Deputy Prosecutor in Grant County, Washington

Law Review Ranking: 650


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Author: Assistant Professor, Seattle University School of Law

Law Review Ranking: 126

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Author: Roger D. Blair: Huber Hurst Professor of Business and Legal Studies, University of Florida; Jeffrey L. Harrison: Professor of Law, University of Florida School
Law Review Ranking: 14

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Author: Vice President, General Counsel, and Secretary, Parker Hannifin Corporation

Law Review Ranking: 34

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Author: Professor of Economics and Law, Georgetown University Law Center and Senior Consultant, Charles River Associates

Law Review Ranking: 126

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Author: Professor of Economics and Director, Stanford Center for International Development, Stanford University

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   Author: Professor of Law, Stanford University
   Law Review Ranking: 4

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   Author: [Law student] J.D. Candidate 2005, New York University School of Law
   Law Review Ranking: 5

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   Author: Assistant Professor of Law, University of Michigan Law School
   Law Review Ranking: 9


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   Author: Acting Professor of Law, University of California at Berkeley
   Law Review Ranking: 4


   Author: Professor of Law, New York University
   Law Review Ranking: 8

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   Author: Harry M. Cross Distinguished Visiting Professor, University of Washington School of Law and Professor of Law, Harvard Law School
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Id. at 188 (Ginsburg, J., dissenting) (citing Michael C. Dorf, Facial Challenges to State and Federal Statutes, 46 STAN. L. REV. 235 (1994)).
Author: Assistant Professor of Law, Rutgers University (Camden)
Law Review Ranking: 4

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Author: Professor of Law, Harvard Law School
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Author: Associate Professor, Fordham University School of Law
Law Review Ranking: 275

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Authors: Kristyn Noeth: [Law student] Georgetown University Law Center; Jalena Curtis: [Law student] Georgetown University Law Center
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Author: Judge, United States Court of Appeals for the Second Circuit
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   Author: Professor of Law, Harvard Law School
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   Author: [Law student] J.D. Candidate 2003, New York University School of Law
   Law Review Ranking: 5

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Author: Judge, United States Court of Appeals for the Seventh Circuit and Senior Lecturer, University of Chicago Law Review Ranking: 23

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Author: Trustee Professor of Law, University of Pennsylvania and Director, The American Law Institute Law Review Ranking: 11

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Author: Professor of Law, University of Illinois Law Review Ranking: 2

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Author: Professor of Law, Yale Law School Law Review Ranking: 2

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Author: Professor of Law, Yale Law School Law Review Ranking: 3

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Author: Judge, United States Court of Appeals for the Seventh Circuit and Senior Lecturer, University of Chicago Law Review Ranking: 23


Authors: Leonard Bierman: Professor, Mays Business School,
Texas A&M University; Rafael Gely: Professor of Law, University of Cincinnati Law School
Law Review Ranking: 247

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Author: Assistant Professor of History, University of Missouri, Columbia
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Author: Ben V. & Dorothy Willie Professor of Law and History, University of Iowa
Law Review Ranking: 85
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Author: Ben V. & Dorothy Willie Professor of Law and History, University of Iowa

Law Review Ranking: 85


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Author: Circuit Judge, United States Court of Appeals for the First Circuit

Law Review Ranking: 62


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Author: [Law student] Vanderbilt Law School

Law Review Ranking: 19

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Author: Assistant Professor of Law, University of Georgia School of Law

Law Review Ranking: 36


Author: Judge, United States Court of Appeals for the Second Circuit

Law Review Ranking: 5


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Authors: Samuel Issacharoff: Joseph D. Jamail Centennial Chair in Law, The University of Texas School of Law and Visiting Professor of Law, Columbia Law School; Pamela S. Karlan: Professor of Law, Stanford Law School
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   Author: Chief, Wildlife and Marine Resources Section, Environment and Natural Resources Division, United States Department of Justice, Washington, D.C.
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   Author: [Law student] J.D. Candidate 1999, University of California Hastings School of the Law
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   Authors: Robert L. Crain: Senior Social Scientist, The Rand Corporation and Academic Visitor, The London School of Economics; Rita E. Mahard: Assistant Social Scientist, The Rand Corporation
   Law Review Ranking: 42

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   Author: White Chair of Sociology, University of Notre Dame
   Law Review Ranking: 43

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   Author: Henry R. Luce Professor of Jurisprudence, Yale Law School
   Law Review Ranking: 3

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Author: Simeon E. Baldwin Professor of Law, Yale University
Law Review Ranking: 58


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Author: [Practitioner] Federal Trade Commission
Law Review Ranking: 315

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Authors: Benjamin Klein: Professor of Law, University of California, Los Angeles; Kevin M. Murphy: Professor of Law, University of Chicago
Law Review Ranking: 315

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Authors: Howard P. Marvel: Professor Emeritus of Economics, The Ohio State University; Stephen McCafferty: Professor Emeritus of Economics, The Ohio State University
Law Review Ranking: 315

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Author: Professor of Law, University of Chicago
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Author: Consultant, Washington, D.C.
Law Review Ranking: 126

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Author: Dean and Professor of Law, Georgetown University Law Center
Law Review Ranking: 10
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Author: Professor of Economics, Swarthmore College
Law Review Ranking: 126

Author: Lee and Brenna Freeman Professor of Law, The University of Chicago
Law Review Ranking: 16

Author: [Practitioner] Federal Trade Commission
Law Review Ranking: 315

Id. (Breyer, J., dissenting) (citing Frank H. Easterbrook, *Vertical Arrangements and the Rule of Reason*, 53 Antitrust L.J. 135 (1984)).
Author: Professor of Law, University of Chicago
Law Review Ranking: 126

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Author: [Economist] Consultant, Washington, D.C.
Law Review Ranking: 617

Author: Professor of Economics, University of California at Santa Barbara
Law Review Ranking: 1

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Author: Assistant Professor of Law, Harvard University
Law Review Ranking: 1

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Author: Professor of Law, Harvard Law School
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Author: Assistant Professor of Law, Northwestern University
Law Review Ranking: 69

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Author: Professor of Law, University of Pennsylvania Law School
Law Review Ranking: 1

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Author: Judge, Supreme Court of Missouri
Law Review Ranking: 169

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Author: Professor of Law, University of South Dakota School of Law
Law Review Ranking: 72

Author: Professor of Law, University of Pennsylvania Law School
Law Review Ranking: 1


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Authors: Robert B. Leflar: Professor, University of Arkansas School of Law; Robert S. Adler: Professor, Kenan-Flagler School of Business, University of North Carolina

Id. at 337 n.6 (Ginsburg, J., dissenting) (citing David C. Vladeck, *Preemption and Regulatory Failure*, 33 Pepp. L. Rev. 95 (2005)).
Author: Associate Professor of Law and Director, Institute for Public Representation, Georgetown University Law Center, and Scholar, Center for Progressive Reform

Id. at 337 n.7 (Ginsburg, J., dissenting) (citing Robert S. Adler & Richard A. Mann, *Preemption and Medical Devices: The Courts Run Amok*, 59 Mo. L. Rev. 895 (1994)).
Authors: Robert S. Adler: Associate Professor of Legal Studies, Kenan-Flagler School of Business, University of North Carolina; Richard A. Mann: Professor of Legal Studies, Kenan-Flagler School of Business, University of North Carolina

Id. at 338 (Ginsburg, J., dissenting) (citing Margaret Jane Porter, *The Lohr Decision: FDA Perspective and Position*, 52 Food & Drug L.J. 7 (1997)).
Author: Chief Counsel, Food and Drug Administration

Authors: Robert B. Leflar: Professor, University of Arkansas School of Law; Robert S. Adler: Professor, Kenan-Flagler School of Business, University of North Carolina

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   Author: [Practitioner] Member of the Florida Bar and
   Instructor of the Law of Taxation, New York University Law
   School

   Law Review Ranking: 117

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   Autonomy and Two-Party Electoral Competition, 149 U. PA. L.
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   Author: Robson Professor of Political Science and Director of
   the Institute of Governmental Studies, University of
   California, Berkley

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   Author: Associate Professor of Law, Georgetown University
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   Law Review Ranking: 33
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Author: Professor of Law & Co-Director, Joseph R. Crowley Program in International Human Rights, Fordham Law School
Law Review Ranking: 2


Author: Professor of Law, University of California at Berkeley School of Law (Boalt Hall); John M. Olin Foundation Faculty Fellow
Law Review Ranking: 2

Id. at 545 (Breyer, J., dissenting) (citing Tim Wu, *Treaties’ Domains*, 93 VA. L. REV. 571 (2007)).

Author: Professor, Columbia Law School
Law Review Ranking: 6


Author: Circuit Judge, United States Court of Appeals for the First Circuit
Law Review Ranking: 156

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   Author: Professor of Law, Fordham University School of Law

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   Author: Arthur A. McGivney Professor of Law, Fordham University School of Law

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   Author: Arthur A. McGivney Professor of Law, Fordham University School of Law

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   Author: Associate Director, Death Penalty Clinic, University of California, Berkeley, School of Law

   Law Review Ranking: 93

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   Author: Professor of Law, Fordham University School of Law

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Author: [Law student] Harvard Law School
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Authors: H. Naci Mocan: Professor of Economics, University of Colorado at Denver; R. Kaj Gittings: Professor of Law, Cornell University
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Author: Professor of Law and Public Health, Columbia University
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Authors: John J. Donohue: Leighton Homer Surbeck Professor of Law, Yale Law School; Justin Wolfers: Assistant Professor of Business and Public Policy, The Wharton School, University of Pennsylvania, and CEPR, IZA, and NBER
Law Review Ranking: 4

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Author: Baker Ferguson Professor of Politics and Leadership, Whitman College
Law Review Ranking: 3

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Author: Professor of Law, Thurgood Marshall School of Law, Texas Southern University, Houston, Texas
Law Review Ranking: 275

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Authors: Alex Kozinski: Judge, Ninth Circuit Court of Appeals; Sean Gallagher: [Practitioner] J.D. Michigan, 1994
Law Review Ranking: 117
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Author: Associate Professor, University of Virginia School of Law
Law Review Ranking: 2

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Author: Professor of Law, Seton Hall University School of Law
Law Review Ranking: 69

Id. at 89 (Scalia, J., concurring) (citing Cass R. Sunstein & Adrian Vermeule, Is Capital Punishment Morally Required? Acts, Omissions, and Life-Life Tradeoffs, 58 STAN. L. REV. 703 (2005)).
Authors: Cass R. Sunstein: Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, the University of Chicago Law School, Department of Political Science, and the College; Adrian Vermeule: Bernard D. Meltzer Professor of Law, the University of Chicago
Law Review Ranking: 4

Id. at 108 (Breyer, J., concurring) (citing Deborah W. Denno, The Lethal Injection Quandary: How Medicine Has Dismantled the Death Penalty, 76 FORDHAM L. REV. 49 (2007)).
Author: Arthur A. McGivney Professor of Law, Fordham University School of Law
Law Review Ranking: 17

Id. at 108, 111 (Breyer, J., concurring) (citing Deborah W. Denno, When Legislatures Delegate Death: The Troubling Paradox Behind State Uses of Electrocuition and Lethal Injection and What It Says About Us, 63 OHIO ST. L.J. 63 (2002)).
Author: Professor of Law, Fordham University School of Law
Law Review Ranking: 43

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Author: Associate Professor, University of Tennessee College of Law
Law Review Ranking: 9

Id. at 170 (Scalia, J., majority opinion) (citing Akhil Reed Amar, Fourth Amendment First Principles, 107 Harv. L. Rev. 757 (1994)).
Author: Southmayd Professor, Yale Law School
Law Review Ranking: 1


Id. at 221 (Stevens, J., plurality opinion) (citing Spencer Overton, Voter Identification, 105 Mich. L. Rev. 631 (2007)).
Author: Associate Professor of Law, The George Washington University Law School
Law Review Ranking: 9

No citations

No citations

No citations


Author: Professor of Law, Vanderbilt Law School; Senior Research Associate, Vanderbilt Institute for Public Policy Studies
Law Review Ranking: 19


Id. at 391 (Alito, J., majority opinion) (citing Richard S. Frase, State Sentencing Guidelines: Diversity, Consensus, and Unresolved Policy Issues, 105 Colum. L. Rev. 1190 (2005)).
Author: Benjamin N. Berger Professor of Criminal Law, University of Minnesota
Law Review Ranking: 2

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Law Review Ranking: 66

Id. at 537 (Alito, J., dissenting) (citing Rachel Ratliff, Third-Party Money Laundering: Problems of Proof and Prosecutorial Discretion, 7 STAN. L. & POL’Y REV. 173 (1996)).
Author: [Law student] J.D. Candidate 1996, Stanford Law School
Law Review Ranking: 96

Id. (Alito, J., dissenting) (citing Scott Sultzer, Money Laundering: The Scope of the Problem and Attempts to Combat It, 63 TENN. L. REV. 143 (1995)).
Author: [Law student] J.D. Candidate 1996, University of Tennessee College of Law
Law Review Ranking: 247

No citations


Id. at 584 (Alito, J., majority opinion) (citing Jonathan R. Siegel, The Use of Legislative History in a System of Separated Powers, 53 VAND. L. REV. 1457 (2000)).
Author: Associate Professor of Law, George Washington University Law School
Law Review Ranking: 19

No citations


Author: Associate Professor of Law, George Washington University School of Law
Law Review Ranking: 471

No citations

No citations


Id. at 740 (Kennedy, J., majority opinion) (citing Paul D. Halliday & G. Edward White, The Suspension Clause: English Text, Imperial Contexts, and American Implications, 94 VA. L. REV. 575 (2008)).

Authors: Paul D. Halliday: Associate Professor of History, Corcoran Department of History, University of Virginia; G. Edward White: David and Mary Harrison Distinguished Professor of Law, University of Virginia School of Law

Law Review Ranking: 6

Id. at 741 (Kennedy, J., majority opinion) (citing Rex A. Collings, Jr., Habeas Corpus for Convicts – Constitutional Right or Legislative Grace?, 40 CAL. L. REV. 335 (1952)).

Author: [Practitioner] Member of the California Bar

Law Review Ranking: 7

Id. at 743 (Kennedy, J., majority opinion) (citing Akhil Reed Amar, Of Sovereignty and Federalism, 96 YALE L.J. 1425 (1987)).

Author: Assistant Professor of Law, Yale Law School

Law Review Ranking: 3

Id. at 756 (Kennedy, J., majority opinion) (citing Christina Duffy Burnett, Untied States: American Expansion and Territorial Deannexation, 72 U. CHI. L. REV. 797 (2005)).

Author: Law Clerk, Chambers of Justice Stephen G. Breyer, U.S. Supreme Court, October 2004 Term

Law Review Ranking: 16

Id. at 780 (Kennedy, J., majority opinion) (citing Dallin H. Oaks, Legal History in the High Court – Habeas Corpus, 64 MICH. L. REV. 451 (1966)).

Author: Professor of Law, The University of Chicago

Law Review Ranking: 9

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Authors: Richard H. Fallon: Ralph S. Tyler Professor of Constitutional Law, Harvard Law School; Daniel J. Meltzer: Story Professor of Law, Harvard Law School

Law Review Ranking: 1

Id. at 783 (Kennedy, J., majority opinion) (citing Gerald L. Neuman, Habeas Corpus, Executive Detention, and the Removal of Aliens, 98 COLUM. L. REV. 961 (1998)).

Author: Herbert Wechsler Professor of Federal
2012]  

**APPENDIX TO 4 DREXEL L. REV. 399**  

Jurisprudence, Columbia Law School  
Law Review Ranking: 2  

Author: Richard and Marcy Horvitz Professor of Law, Duke Law School  
Law Review Ranking: 33  

*Id.* at 845 (Scalia, J., dissenting) (citing Akhil Reed Amar, *Sixth Amendment First Principles*, 84 Geo. L.J. 641 (1996)).  
Author: Southmayd Professor, Yale Law School  
Law Review Ranking: 10  

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Author: Sterling Professor of Law and Legal History, Yale University  
Law Review Ranking: 13  

*Id.* at 117 (Breyer, J., majority opinion) (citing Leo Herzel & Dale E. Colling, *The Chinese Wall and Conflict of Interest in Banks*, 34 Bus. Law. 73 (1978)).  
Authors: Leo Herzel: [Practitioner] Member of the Illinois Bar; Dale E. Colling: [Practitioner] Member of the Illinois Bar  
Law Review Ranking: 80  

No citations  

*Id.* at 178 (Breyer, J., majority opinion) (citing Erica J. Hashimoto, *Defending the Right of Self-Representation: An
Author: Assistant Professor, University of Georgia School of Law
Law Review Ranking: 24

Id. at 207–08 (Souter, J., majority opinion) (citing Joseph D. Grano, Rhode Island v. Innis: A Need to Reconsider the Constitutional Premises Underlying the Law of Confessions, 17 AM. CRIM. L. REV. 1 (1979)).
Author: Professor of Law, Wayne State University
Law Review Ranking: 66

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Author: Professor of Law, Harvard Law School
Law Review Ranking: 90

Id. at 276 (Breyer, J., majority opinion) (citing W. S. Holdsworth, The History of the Treatment of Choses in Action by the Common Law, 33 HARV. L. REV. 997 (1920)).
Author: Professor of Law, Oxford University, St. John’s College, Oxford, England
Law Review Ranking: 1

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Author: Professor of Law, University Chicago Law School
Law Review Ranking: 1

Id. at 280 (Breyer, J., majority opinion) (citing Charles E. Clark & Robert M. Hutchins, The Real Party in Interest, 34 YALE L.J. 259 (1925)).
Authors: Charles E. Clark: Professor of Law, Yale Law School; Robert M. Hutchins: Professor of Law, Yale Law School
Law Review Ranking: 3

Id. at 282 (Breyer, J., majority opinion) (citing Michael C. Ferguson, Comment, The Real Party in Interest Rule Revitalized: Recognizing Defendant’s Interest in the Determination of Proper Parties Plaintiff, 55 CAL. L. REV. 1452 (1967)).
Author: [Law student] University of California, Berkeley School of Law
Law Review Ranking: 7

Id. at 310 (Roberts, C.J., dissenting) (citing Warren K. Urbom, S.Ed, Recent Decisions, Civil Procedure – Parties – Real Party in Interest When Insurer Has Equitable Interest Claim, 51 Mich. L. Rev. 587 (1953)).
Author: [Law student] Michigan Law School
Law Review Ranking: 9

Id. (Roberts, C.J., dissenting) (citing Michael C. Ferguson, Comment, The Real Party in Interest Rule Revitalized: Recognizing Defendant’s Interest in the Determination of Proper Parties Plaintiff, 55 Cal. L. Rev. 1452 (1967)).
Author: [Law student] University of California, Berkeley School of Law
Law Review Ranking: 7

No citations


Id. at 385 (Breyer, J., dissenting) (citing John W. Wade, Acquisition of Property by Willfully Killing Another – A Statutory Solution, 49 Harv. L. Rev. 715 (1936)).
Author: Professor of Law, Harvard Law School
Law Review Ranking: 1

Id. at 405 (Breyer, J., dissenting) (citing Tom Lininger, Prosecuting Batterers after Crawford, 91 Va. L. Rev. 747 (2005)).
Author: Assistant Professor, University of Oregon School of Law
Law Review Ranking: 6


Id. at 439 (Kennedy, J., majority opinion) (citing John Blume, Theodore Eisenberg & Martin T. Wells, Explaining Death Row’s Population and Racial Composition, 1 J. Empirical Legal Stud. 165 (2004)).
Authors: John Blume: Associate Professor of Law and Director, Cornell Law School Death Penalty Project; Theodore Eisenberg: Henry Allen Mark Professor of Law, Cornell Law School; Martin T. Wells: Professor of Statistics, Department of Social Statistics, and Elected Member of the Law Faculty, Cornell University
Law Review Ranking: 63

Id. at 443 (Kennedy, J., majority opinion) (citing Stephen J. Ceci & Richard D. Friedman, The Suggestibility of Children: Scientific Research and Legal Implications, 86 Cornell L. Rev. 33 (2000)).
Authors: Stephen J. Ceci: Helen L. Carr Professor of Developmental Psychology, Department of Human Development, Cornell University; Richard D. Friedman: Ralph W. Aigler Professor of Law, University of Michigan Law School
Law Review Ranking: 14


Authors: Samuel R. Gross: Thomas & Mabel Long Professor of Law, University of Michigan Law School; Kristen Jacoby: [Law student] J.D. Candidate 2005, University of Michigan Law School; Daniel J. Matheson: Associate, King & Spalding LLP; Nicholas Montgomery: [Graduate student] University of Michigan Department of Economics and Ford School of Public Policy, Ph.D. Candidate 2007; Sujata Patil: Research Biostatistician, Department of Biostatistics and Epidemiology, The Children’s Hospital of Philadelphia
Law Review Ranking: 69

*Id.* at 445 (Kennedy, J., majority opinion) (citing Corey Rayburn, *Better Dead Than R(ap)ed?: The Patriarchal Rhetoric Driving Capital Rape Statutes*, 78 St. John’s L. Rev. 1119 (2004)).

Author: Judicial Law Clerk, Hon. Michael J. Melloy, United States Court of Appeals for the Eighth Circuit
Law Review Ranking: 139


Author: [Law student] Northwestern University School of Law
Law Review Ranking: 69


Author: [Law student] Washington and Lee University School of Law
Law Review Ranking: 55


Author: [Law student] J.D. Candidate 1999, Notre Dame
Law School
Law Review Ranking: 362

Id. (Alito, J., dissenting) (citing Stephen P. Garvey, “As the Gentle Rain from Heaven”: Mercy in Capital Sentencing, 81 CORNELL L. REV. 989 (1996)).
Author: Assistant Professor, Cornell Law School
Law Review Ranking: 14

Id. (Alito, J., dissenting) (citing Ved P. Nanda, Recent Developments in the United States and Internationally Regarding Capital Punishment – An Appraisal, 67 ST. JOHN’S L. REV. 523 (1993)).
Author: Thompson G. Marsh Professor Law, University of Denver College of Law
Law Review Ranking: 139

Id. (Alito, J., dissenting) (citing Van W. Ellis, Note, Guilty but Mentally Ill and the Death Penalty: Punishment Full of Sound and Fury, Signifying Nothing, 43 DUKE L.J. 87 (1994)).
Author: [Law student] Duke University School of Law
Law Review Ranking: 21

Author: Executor Director of the National Coalition to Abolish the Death Penalty
Law Review Ranking: 131

Id. at 468 (Alito, J., dissenting) (citing Melissa Meister, Murdering Innocence: The Constitutionality of Capital Child Rape Statutes, 45 ARIZ. L. REV. 197 (2003)).
Author: [Law student] University of Arizona College of Law
Law Review Ranking: 47

Author: Briefing Attorney to Honorable Sharon Keller, Texas Court of Criminal Appeals
Law Review Ranking: 416

Id. (Alito, J., dissenting) (citing Yale Glazer, Child Rapists Beware! The Death Penalty and Louisiana’s Amended Aggravated Rape Statute, 25 AM. J. CRIM. L. 79 (1997)).
Author: Assistant District Attorney, Bronx County, New York
Law Review Ranking: 275

Id. at 496 (Souter, J., majority opinion) (citing John Y.
Gotanda, Punitive Damages: A Comparative Analysis, 42
COLUM. J. TRANSNAT’L L. 391 (2004)).
Author: Associate Dean for Research, Professor of Law and
Director, J.D./M.B.A. Program, Villanova University School of
Law
Law Review Ranking: 65

Id. at 497 (Souter, J., majority opinion) (citing John Y.
Gotanda, Charting Developments Concerning Punitive Damages:
Is the Tide Changing?, 45 COLUM. J. TRANSNAT’L L. 507
(2007)).
Author: Associate Dean for Faculty Research, Professor of
Law, Director J.D./M.B.A. Program, Villanova University
School of Law
Law Review Ranking: 65

Id. (Souter, J., majority opinion) (citing Note, Developments in
the Law – The Paths of Civil Litigation: Problems and Proposals in
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Authors: [Law student] Harvard Law School
Law Review Ranking: 1

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Nicholas M. Pace & Stephen J. Carroll, Punitive Damages in
Financial Injury Jury Verdicts, 28 J. LEGAL STUD. 283 (1999)).
Authors: Erik K. Moller: Associate, Menlo Park office of
Howrey & Simon; Consultant, RAND Institute for Civil
Justice; Nicholas M. Pace: Resident Consultant, RAND
Institute for Civil Justice; Stephen J. Carroll: Senior
Economist, RAND Institute for Civil Justice
Law Review Ranking: 78

Id. (Souter, J., majority opinion) (citing Neil Vidmar & Mary
R. Rose, Punitive Damages by Juries in Florida, 38 HARV. J. ON
LEGIS. 487 (2001)).
Authors: Neil Vidmar: Russell M. Robinson Professor of
Law, Duke Law School; Mary R. Rose: Research Fellow,
American Bar Foundation
Law Review Ranking: 53

Id. (Souter, J., majority opinion) (citing A. Mitchell Polinsky,
Are Punitive Damages Really Insignificant, Predictable, and
Rational? A Comment on Eisenberg Et Al., 26 J. LEGAL STUD.
663 (1997)).
Author: Stanford Law School and National Bureau of
Economic Research
Law Review Ranking: 78
Id. (Souter, J., majority opinion) (citing Thomas A. Eaton, David B. Mustard & Susette M. Talarico, The Effects of Seeking Punitive Damages on the Processing of Tort Claims, 34 J. LEGAL STUD. 343 (2005)).

Authors: Thomas A. Eaton: J. Alton Professor of Law, University of Georgia; David B. Mustard: Associate Professor of Economics, University of Georgia; Susette M. Talarico: Albert Berry Saye Professor of American Government and Constitutional Law and Professor of Political Science, University of Georgia

Law Review Ranking: 78

Id. (Souter, J., majority opinion) (citing Herbert M. Kritzer & Frances Kahn Zemans, The Shadow of Punitives: An Unsuccessful Effort to Bring It into View, 1998 WIS. L. REV. 157 (1998)).

Authors: Herbert M. Kritzer: Professor and Chair of Political Science and Professor of Law, University of Wisconsin-Madison; Frances Kahn Zemans: Former Executive Director, American Judicature Society

Law Review Ranking: 40

Id. at 500 (Souter, J., majority opinion) (citing Brian J. Ostrom, David B. Rottman & John A. Goerdt, A Step Above Anecdote: A Profile of the Civil Jury in the 1990s, 79 JUDICATURE 233 (1996)).


Law Review Ranking: 505

Id. at 501 (Souter, J., majority opinion) (citing David Schkade, Cass R. Sunstein & Daniel Kahneman, Deliberating About Dollars: The Severity Shift, 100 COLUM. L. REV. 1139 (2000)).

Authors: David Schkade: Herbert D. Kelleher/MCorp Professor of Business, Graduate School of Business, University of Texas, Austin; Cass R. Sunstein: Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, Law School and Department of Political Science, University of Chicago; Daniel Kahneman: Eugene Higgins Professor of Psychology and Professor of Public Affairs, Princeton University

Law Review Ranking: 2
Id. (Souter, J., majority opinion) (citing Cass R. Sunstein, Daniel Kahneman & David Schkade, Assessing Punitive Damages (with Notes on Cognition and Valuation in Law), 107 YALE L.J. 2071 (1998)).

Authors: Cass R. Sunstein: Karl N. Llewellyn Distinguished Service Professor, Law School and Department of Political Science, University of Chicago; Daniel Kahneman: Eugene Higgins Professor of Psychology and Professor of Public Affairs, Princeton University; David Schkade: Professor of Management and William M. Spiegel Fellow, Graduate School of Business, University of Texas, Austin

Law Review Ranking: 3

Id. at 502 (Souter, J., majority opinion) (citing Oliver W. Holmes, The Path of the Law, 10 HARV. L. REV. 457 (1897)).

Author: Justice, Supreme Judicial Court of Massachusetts

Law Review Ranking: 1

Id. at 505 (Souter, J., majority opinion) (citing Ilene H. Nagel, Structuring Sentencing Discretion: The New Federal Sentencing Guidelines, 80 J. CRIM. L. & CRIMINOLOGY 883 (1990)).

Author: Commissioner, United States Sentencing Commission; Professor of Law, Indiana University School of Law (Bloomington)

Law Review Ranking: 69


Id. at 537 (Scalia, J., majority opinion) (citing Seth Blumsack, Measuring the Benefits and Costs of Regional Electric Grid Integration, 28 ENERGY L.J. 147 (2007)).

Author: Postdoctoral Research Fellow, Tepper School of Business, Carnegie Mellon University, Pittsburgh, PA

Law Review Ranking: 477

Id. at 538 (Scalia, J., majority opinion) (citing Richard D. Cudahy, Whither Deregulation: A Look at the Portents, 58 N.Y.U. ANN. SURV. AM. L. 155 (2001)).

Author: Senior Judge, United States Court of Appeals for the Seventh Circuit

Law Review Ranking: 110

Id. at 546 (Scalia, J., majority opinion) (citing David G. Tewksbury & Stephanie S. Lim, Applying the Mobile-Sierra Doctrine to Market-Based Rate Contracts, 26 ENERGY L.J. 437 (2005)).

Law Review Ranking: 477


Id. at 577 (Scalia, J., majority opinion) (citing Eugene Volokh, The Commonplace Second Amendment, 73 N.Y.U. L. REV. 793 (1998)).

Author: Acting Professor of Law, University of California, Los Angeles

Law Review Ranking: 5

Id. at 586 (Scalia, J., majority opinion) (citing Eugene Volokh, State Constitutional Rights to Keep and Bear Arms, 11 TEX. REV. L. & POL. 191 (2006)).

Author: Gary T. Schwartz Professor of Law, UCLA

Law Review Ranking: 356

Id. at 587 (Scalia, J., majority opinion) (citing Randy E. Barnett, Was the Right to Keep and Bear Arms Conditioned on Service in an Organized Militia?, 83 TEX. L. REV. 237 (2004) (book review)).

Author: Austin B. Fletcher Professor, Boston University School of Law

Law Review Ranking: 11

Id. at 588 (Scalia, J., majority opinion) (citing Clayton E. Cramer & Joseph Edward Olson, What Did “Bear Arms” Mean in the Second Amendment?, 6 GEO. J.L. & PUB. POL’Y 511 (2008)).

Authors: Clayton E. Cramer: [Adjunct Professor of History, College of Western Idaho]; Joseph Edward Olson: Professor of Law, Hamline School of Law

Law Review Ranking: 412

Id. at 597 (Scalia, J., majority opinion) (citing Eugene Volokh, “Necessary to the Security of a Free State”, 83 NOTRE DAME L. REV. 1 (2007)).

Author: Gary T. Schwartz Professor of Law, UCLA School of Law

Law Review Ranking: 18


Author: Professor of Law, DePaul University College of Law

Law Review Ranking: 13

Id. at 602 (Scalia, J., majority opinion) (citing Don B. Kates, Jr., Handgun Prohibition and the Original Meaning of the Second Amendment, 82 MICH. L. REV. 204 (1983)).

Author: [Practitioner] Member of the California, District of
Columbia, Missouri and United States Supreme Court Bars; Partner, Benenson, Kates and Hardy (San Francisco office); Of Counsel, O’Brien & Hallisey, San Francisco, California

Id. at 623 (Scalia, J., majority opinion) (citing Brian L. Frye, The Peculiar Story of United States v. Miller, 3 N.Y.U. J. L. & LIBERTY 48 (2008)).

Id. at 632 (Scalia, majority opinion) (citing Robert H. Churchill, Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment, 25 LAW & HIST. REV. 139 (2007)).


Id. at 667 (Stevens, J., dissenting) (citing Saul Cornell, St. George Tucker and the Second Amendment: Original Understandings and Modern Misunderstandings, 47 WM. & MARY L. REV. 1123 (2006)).

Id. at 684 (Breyer, J., dissenting) (citing Robert H. Churchill, Gun Regulation, the Police Power, and the Right to Keep Arms in Early America: The Legal Context of the Second Amendment, 25 LAW & HIST. REV. 139 (2007)).

Id. at 685 (Breyer, J., dissenting) (citing Saul Cornell & Nathan DeDino, A Well Regulated Right: The Early American Origins of Gun Control, 73 FORDHAM L. REV. 487 (2004)).

Authors: Saul Cornell: Director, Second Amendment Research Center, John Glenn Institute for Public Service and Public Policy; Associate Professor of History, The Ohio State University; Nathan DeDino: [Graduate student] Ph.D. Candidate, Department of Political Science, Ohio State University; Research Associate, John Glenn Institute for
Public Service and Public Policy
Law Review Ranking: 17

Id. at 691 (Breyer, J., dissenting) (citing Adam Winkler, Scrutinizing the Second Amendment, 105 Mich. L. Rev. 683 (2007)).
Author: Acting Professor, UCLA School of Law
Law Review Ranking: 9

Authors: Gary Kleck: [Law student] Northwestern University, School of Law; Marc Gertz: [Law student] Northwestern University, School of Law
Law Review Ranking: 69

Id. at 701 (Breyer, J., dissenting) (citing Randy E. Barnett & Don B. Kates, Under Fire: The New Consensus on the Second Amendment, 45 Emory L.J. 1139 (1996)).
Authors: Randy E. Barnett: Austin B. Fletcher Professor of Law, Boston University; Don B. Kates: [Practitioner] Attorney at Law, San Francisco, CA, LL.B., Yale 1966
Law Review Ranking: 26

Authors: Chester L. Britt: [Graduate student] Crime, Law, and Justice Program, Department of Sociology, Pennsylvania State University; Gary Kleck: [Graduate student] School of Criminology and Criminal Justice, Florida State University; David J. Bordua: [Graduate student]
Law Review Ranking: 198

Id. at 716 (Breyer, J., dissenting) (citing David A. Sklansky, The Private Police, 46 UCLA L. Rev. 1165 (1999)).
Author: Acting Professor of Law, UCLA School of Law
Law Review Ranking: 12


Id. at 757 (Stevens, J., dissenting) (citing Cass R. Sunstein, Political Equality and Unintended Consequences, 94 Colum. L. Rev. 1390 (1994)).
Author: Karl N. Llewellyn Professor of Jurisprudence, Law School and Department of Political Science, University of Chicago
Law Review Ranking: 2
Id. (Stevens, J., dissenting) (citing J. Skelly Wright, Politics and the Constitution: Is Money Speech?, 85 YALE L.J. 1001 (1976)).
Author: Judge, United States Court of Appeals for the District of Columbia Circuit
Law Review Ranking: 3

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Id. at 143 (Roberts, J., majority opinion) (citing Henry J. Friendly, The Bill of Rights as a Code of Criminal Procedure, 53 CALIF. L. REV. 929 (1965)).
Author: Judge, United States Court of Appeals for the Second Circuit
Law Review Ranking: 7

Id. at 152 (Ginsburg, J., dissenting) (citing Potter Stewart, The Road to Mapp v. Ohio and Beyond: The Origins, Development and Future of the Exclusionary Rule in Search-and-Seizure Cases, 83 COLUM. L. REV. 1365 (1983)).
Author: Associate Justice (Retired), Supreme Court of the United States
Law Review Ranking: 2

Id. at 151 (Ginsburg, J., dissenting) (citing Henry J. Friendly, The Bill of Rights as a Code of Criminal Procedure, 53 CALIF. L. REV. 929 (1965)).
Author: Judge, United States Court of Appeals for the Second Circuit
Law Review Ranking: 7

Id. at 152 (Ginsburg, J., dissenting) (citing Yale Kamisar, Does (Did) (Should) the Exclusionary Rule Rest on a “Principled Basis” Rather Than an “Empirical Proposition”? , 16 CREIGHTON L. REV. 565 (1983)).
Author: Law professor, University of Michigan School of Law
Law Review Ranking: 247

Id. at 207 (Ginsburg, J., dissenting) (citing Anthony G. Amsterdam, Perspectives on the Fourth Amendment, 58 MINN. L. REV. 349 (1974)).
Author: Law professor, Stanford Law School
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Id. at 398 (Breyer, J., concurring) (citing William W. Quinn, Jr., Federal Acknowledgment of American Indian Tribes: The Historical Development of a Legal Concept, 34 AM. J. LEGAL HIST. 331 (1990)).
Author: Associate, Shea & Wilks
Law Review Ranking: 720

No citations

Id. at 453 (Roberts, C.J., majority opinion) (citing Phillip Areeda, Essential Facilities: An Epithet in Need of Limiting Principles, 58 ANTITRUST L.J. 841 (1989)).
Author: Langdell Professor of Law, Harvard Law School
Law Review Ranking: 126

No citations

Id. at 527 (Scalia, J., concurring) (citing Adam B. Cox & Eric A. Posner, The Second-Order Structure of Immigration Law, 59 STAN. L. REV. 809 (2007)).
Authors: Adam B. Cox: Assistant Professor of Law, University of Chicago School of Law; Eric A. Posner: Kirkland and Ellis Professor of Law, University of Chicago School of Law
Law Review Ranking: 4

Id. at 529 (Scalia, J., concurring) (citing Nathaniel L. Nathanson, Administrative Discretion in the Interpretation of Statutes, 3 VAND. L. REV. 470 (1950)).
Author: Law professor, Northwestern University School of Law
Law Review Ranking: 19

Id. at 578 (Stevens, J., majority opinion) (citing Margaret Jane Porter, The Lohr Decision: FDA Perspective and Position, 52 FOOD & DRUG L.J. 7 (1997)).
Author: Chief Counsel, Food & Drug Administration
Law Review Ranking: 331

Id. at 572 (Stevens, J., majority opinion) (citing David A. Kessler & David C. Vladeck, A Critical Examination of the FDA’s Efforts to Preempt Failure-to-Warn Claims, 96 GEO. L.J. 461 (2008)).
Authors: David A. Kessler: Dean and Vice Chancellor for Medical Affairs, University of California, San Francisco School of Medicine; David A. Vladeck: Law Professor and
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Director of the Center on health Regulation and Governance of the O’Neill Institute, Georgetown University Law Center
Law Review Ranking: 10

Id. at 591 (Thomas, J., concurring) (citing Caleb Nelson, Preemption, 86 VA. L. REV. 225 (2000)).
Author: Associate Professor, University of Virginia School of Law
Law Review Ranking: 6

Id. at 601 (Thomas, J., concurring) (citing John F. Manning, What Divides Textualists from Purposivists?, 106 COLUM. L. REV. 70 (2006)).
Author: Professor of Law, Harvard Law School
Law Review Ranking: 2

Id. at 624 (Alito, J., dissenting) (citing Mary J. Davis, Unmasking the Presumption in Favor of Preemption, 53 S.C. L. REV. 967 (2002)).
Author: Stiles and Harbison Professor of Law, University of Kentucky College of Law
Law Review Ranking: 143

No citations


Id. at 1242 (Kennedy, J., plurality opinion) (citing Richard H. Pildes, Is Voting-Rights Law Now at War with Itself? Social Science and Voting Rights in the 2000s, 80 N.C. L. REV. 1517 (2002)).
Author: Professor of Law, New York University School of Law
Law Review Ranking: 24

Id. at 1247 (Kennedy, J., plurality opinion) (citing Luke McLoughlin, Gingles in Limbo: Coalitional Districts, Party Primaries and Manageable Vote Dilution Claims, 80 N.Y.U. L. REV. 312 (2005)).
Author: [Law student] J.D. Candidate 2005, New York University School of Law
Law Review Ranking: 5

Author: [Law student] Harvard Law School
Law Review Ranking: 1
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<td><em>Id.</em> at 1272 (Ginsburg, J., majority opinion) (citing Herbert Wechsler, <em>Federal Jurisdiction and the Revision of the Judicial Code</em>, 13 L. &amp; CONTEMP. PROBS. 216 (1948)).</td>
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<td>Author: Professor of Law, Columbia Law School</td>
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<td><em>Id.</em> at 1290 (Ginsburg, J., majority opinion) (citing Ruth Bader Ginsburg, Book Review, 92 HARV. L. REV. 340 (1978)).</td>
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<td>Author: Professor of Law, Columbia Law School</td>
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Author: Professor of Law, Golden Gate Law School
Law Review Ranking: 40

No citations


Id. at 1763 (Kennedy, J., concurring) (citing Cathy Catterson, Symposium, Ninth Circuit Conference, Changes in Appellate Caseload and Its Processing, 48 ARIZ. L. REV. 287, 297 (2006)).
Author: Clerk, United States Court of Appeals for the Ninth Circuit
Law Review Ranking: 47

No citations


Id. at 1815 (Scalia, J., plurality opinion) (citing Elena Kagan, Presidential Administration, 114 HARV. L. REV. 2245 (2001)).
Author: Visiting Professor, Harvard Law School
Law Review Ranking: 1

Id. (Scalia, J., plurality opinion) (citing Steven G. Calabresi & Saikrishna B. Prakash, The President’s Power to Execute the Laws, 104 YALE L.J. 541 (1994)).
Authors: Steven G. Calabresi: Associate Professor, Northwestern Law School; Saikrishna B. Prakash: [Practitioner] J.D., Yale University 1993
Law Review Ranking: 3

Author: Judge, United States Court of Appeals for the Seventh Circuit
Law Review Ranking: 1

Id. at 1822 (Thomas, J., concurring) (citing Randolph J. May, Charting a New Constitutional Jurisprudence for the Digital Age, 3 CHARLESTON L. REV. 373 (2009)).
Author: President, The Free State Foundation
Law Review Ranking: 444

Id. at 1823 (Kennedy, J., concurring) (citing Richard B. Stewart & Cass R. Sunstein, Public Programs and Private Rights, 95 HARV. L. REV. 1193 (1982)).
Authors: Richard B. Stewart: Professor of Law, Harvard Law School; Cass R. Sunstein: Assistant Professor of Law,
University of Chicago School of Law
Law Review Ranking: 1

Id. at 1831 (Breyer, J., dissenting) (citing Louis L. Jaffe, Judicial Review: Constitutional and Jurisdictional Fact, 70 HARV. L. REV. 953 (1957)).
Author: Byrne Professor of Administrative Law, Harvard Law School
Law Review Ranking: 1

No citations

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Id. at 1886 (Ginsburg, J., dissenting) (citing Benjamin Kaplan, Arthur T. von Mehren & Rudolph Schaefer, Phases of German Civil Procedure I, 71 HARV. L. REV. 1193 (1958)).
Authors: Benjamin Kaplan: Professor of Law, Harvard Law School; Arthur T. von Mehren: Professor of Law, Harvard Law School; Rudolph Schaefer: Judge, Hamburg Amtsgericht.
Law Review Ranking: 1

No citations

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Id. at 1974 (Ginsburg, J., dissenting) (citing Courtini E. Molnar, “Has the Millennium Yet Dawned?”: A History of Attitudes Toward Pregnant Workers in America, 12 MICH. J. GENDER & L. 163 (2005)).
Author: [Law student] J.D. Candidate 2005, University of Michigan School of Law
Law Review Ranking: 152

Id. at 1980 (Ginsburg, J., dissenting) (citing Katharine T. Bartlett, Pregnancy and the Constitution: The Uniqueness Trap, 62 CALIF. L. REV. 1532 (1974)).
Author: [Law student] J.D. Candidate 1974, Boalt Hall School of Law
Law Review Ranking: 7
Id. (Ginsburg, J., dissenting) (citing William N. Eskridge, Jr., *America’s Statutory “Constitution”*, 41 U.C. DAVIS L. REV. 1 (2007)).
Author: Professor of Law, Yale Law School
Law Review Ranking: 31

Id. (Ginsburg, J., dissenting) (citing Kenneth L. Karst, *The Supreme Court 1976 Term Foreword: Equal Citizenship Under the Fourteenth Amendment*, 91 HARV. L. REV. 1 (1977)).
Author: Professor of Law, University of California, Los Angeles
Law Review Ranking: 1

Author: Professor of Law, New York University
Law Review Ranking: 8

Author: [Law student] St. Louis Law School
Law Review Ranking: 162

Id. (Ginsburg, J., dissenting) (citing Reva Siegel, *Reasoning from the Body: A Historical Perspective on Abortion Regulation and Questions of Equal Protection*, 44 STAN. L. REV. 261 (1992)).
Author: Acting Professor of Law, University of California at Berkeley
Law Review Ranking: 4

Author: Professor of Law, Yale Law School
Law Review Ranking: 4

Id. (Ginsburg, J., dissenting) (citing Nadine Taub & Wendy W. Williams, *Will Equality Require More Than Assimilation, Accommodation or Separation from the Existing Social Structure?*, 37 RUTGERS L. REV. 825 (1985)).
Authors: Nadine Taub: Professor of Law, Rutgers Law School; Wendy W. Williams: Professor of Law, Georgetown University Law Center
Law Review Ranking: 135

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   "Id. at 2120 (Thomas, J., dissenting) (citing Charles Warren, Federal Criminal Laws and the State Courts, 38 HARV. L. REV. 545 (1925))."
   Author: [Practitioner]
   Law Review Ranking: 1

   No citations

   No citations

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   "Id. at 2259 (Kennedy, J., majority opinion) (citing John P. Frank, Disqualification of Judges, 56 YALE L.J. 605 (1947))."
   Author: Assistant Professor of Law, Indiana University School of Law
   Law Review Ranking: 3

   No citations
   No citations


   Id. at 2316 (Roberts, C.J., majority opinion) (citing Brandon L. Garrett, Claiming Innocence, 92 MINN. L. REV. 1629 (2008)).
   Author: Associate Professor, University of Virginia School of Law
   Law Review Ranking: 15

   Id. at 2321 (Roberts, C.J., majority opinion) (citing Henry J. Friendly, Is Innocence Irrelevant? Collateral Attack on Criminal Judgments, 38 U. CHI. L. REV. 142 (1970)).
   Author: Judge, United States Court of Appeals for the Second Circuit
   Law Review Ranking: 16

   Id. at 2327 (Alito, J., concurring) (citing Erin Murphy, The Art in the Science of DNA: A Layperson’s Guide to the Subjectivity Inherent in Forensic DNA Typing, 58 EMORY L.J. 489 (2008)).
   Author: Assistant Professor, University of California, Berkeley School of Law
   Law Review Ranking: 26

   Id. at 2328 (Alito, J., concurring) (citing Erin Murphy, The New Forensics: Criminal Justice, False Certainty, and the Second Generation of Scientific Evidence, 95 CALIF. L. REV. 721 (2007)).
   Author: Assistant Professor of Law, University of California, Berkeley School of Law
   Law Review Ranking: 7

   Id. at 2337 (Stevens, J., dissenting) (citing Brandon L. Garrett, Judging Innocence, 108 COLUM. L. REV. 55 (2008)).
   Author: Associate Professor, University of Virginia School of Law
   Law Review Ranking: 2

   No citations

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   Id. at 2480 (Scalia, J., concurring) (citing Lisa Schultz Bressman, How Mead Has Muddled Judicial Review of Agency Action, 58 VAND. L. REV. 1443 (2005)).
   Author: Professor, Vanderbilt Law School
   Law Review Ranking: 19

   No citations

Id. at 2511 (Roberts, C.J., majority opinion) (citing Samuel Issacharoff, Is Section 5 of the Voting Rights Act a Victim of Its Own Success?, 104 COLUM. L. REV. 1710 (2004)).

Author: Harold R. Medina Professor of Procedural Jurisprudence, Columbia Law School
Law Review Ranking: 2

Id. (Roberts, C.J., majority opinion) (citing Nathaniel Persily, The Promise and Pitfalls of the New Voting Rights Act, 117 YALE L.J. 174 (2007)).

Author: Professor of Law and Political Science, Columbia Law School
Law Review Ranking: 3


Author: Associate Dean and Professor of Law, Marshall-Wythe School of Law
Law Review Ranking: 50


Authors: Ellen Katz: Professor of Law, University of Michigan School of Law; Margaret Aisenbrey, Anna Baldwin, Emma Cheuse, & Anna Weisbrodt: [Law students] J.D. Candidates 2006-07, University of Michigan Law School
Law Review Ranking: 68


Id. at 2537 (Scalia, J., majority opinion) (citing Pamela R. Metzger, Cheating the Constitution, 59 VAND. L. REV. 475 (2006)).

Author: Associate Professor of Law, Tulane Law School
Law Review Ranking: 19

Id. (Scalia, J., majority opinion) (citing Brandon L. Garrett & Peter J. Neufeld, Invalid Forensic Science Testimony and Wrongful Convictions, 95 VA. L. REV. 1 (2009)).

Authors: Brandon L. Garrett: Associate Professor, University of Virginia School of Law; Peter J. Neufeld: Co-Founder and Co-Director, The Innocence Project
Law Review Ranking: 6
2012]  

APPENDIX TO 4 DREXEL L. REV. 399 A-133

Id. at 2538 (Scalia, J., majority opinion) (citing Evidence – Official Records – Coroner’s Inquest, 65 U. PA. L. REV. 290 (1917)).
Author: Professor of Law, University of Pennsylvania School of Law
Law Review Ranking: 8

Id. at 2541 (Scalia, J., majority opinion) (citing Lori Ann Irish, Comment, Alibi Notice Rules: The Preclusion Sanction as Procedural Default, 51 U. CHI. L. REV. 254 (1984)).
Author: [Law student] University of Chicago School of Law
Law Review Ranking: 16

Id. at 2544 (Kennedy, J., dissenting) (citing Miguel A. Méndez, Crawford v. Washington: A Critique, 57 STAN. L. REV. 569 (2004)).
Author: Adelbert H. Sweet Professor of Law, Stanford University
Law Review Ranking: 4

Id. at 2546 (Kennedy, J., dissenting) (citing Carolyn Zabrycki, Comment, Toward a Definition of “Testimonial”: How Autopsy Reports Do Not Embody the Qualities of a Testimonial Statement, 96 CALIF. L. REV. 1093 (2008)).
Author: Clerk, United States Court of Appeals for the Seventh Circuit
Law Review Ranking: 7


Id. at 2568 (Thomas, J., majority opinion) (citing David W. Robertson, Punitive Damages in American Maritime Law: Miles, Baker, and Townsend, 28 J. MAR. L. & COMM. 73 (1997)).
Author: W. Page Keeton Chair in Tort Law, University of Texas at Austin
Law Review Ranking: 597

Id. at 2569 (Thomas, J., majority opinion) (citing Paul S. Edelman, Guevara v. Maritime Overseas Corp.: Opposing the Decision, 20 TUL. MAR. L.J. 349 (1996)).
Author: Partner, Kreindler & Kreindler
Law Review Ranking: 569


Author: Professor of Law, University of Chicago School of Law
Law Review Ranking: 72
Id. (Alito, J., majority opinion) (citing Donald L. Horowitz, Decreeing Organizational Change: Judicial Supervision of Public Institutions, 1983 DUKE L.J. 1265).
Author: Professor of Law, Duke University School of Law
Law Review Ranking: 21

Author: Judge, United States Court of Appeals for the Seventh Circuit
Law Review Ranking: 72

Id. at 2620 (Breyer, J., dissenting) (citing Abram Chayes, The Role of the Judge in Public Law Litigation, 89 HARV. L. REV. 1281 (1976)).
Author: Professor of Law, Harvard University
Law Review Ranking: 1

Id. at 2628 (Breyer, J., dissenting) (citing Michael A. Rebell, Poverty, “Meaningful” Educational Opportunity, and the Necessary Role of the Courts, 85 N.C. L. REV. 1467 (2007)).
Author: Executive Director, Campaign for Educational Equity, and Professor of Law and Educational Practice, Teachers College, Columbia University, and Lecturer in Law, Columbia Law School
Law Review Ranking: 24

Id. (Breyer, J., dissenting) (citing Cristina M. Rodríguez, Language and Participation, 94 CALIF. L. REV. 687 (2006)).
Author: Assistant Professor of Law, N.Y.U. School of Law.
Law Review Ranking: 7

No citations


Id. at 2682 (Scalia, J., concurring) (citing Richard A. Primus, Equal Protection and Disparate Impact: Round Three, 117 HARV. L. REV. 493 (2003)).
Author: Assistant Professor of Law, University of Michigan
Law Review Ranking: 1


Id. at 2724 (Thomas, J., concurring in part and dissenting in part) (citing Roscoe Pound, Visitatorial Jurisdiction Over Corporations in Equity, 49 HARV. L. REV. 369 (1936)).
Author: Professor, Harvard Law School
Law Review Ranking: 1

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2012]  

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| No citations |
| *Id.* at 618 (Roberts, C.J., majority opinion) (citing Daniel J. Meltzer, *State Court Forfeitures of Federal Rights*, 99 HARV. L. REV. 1128 (1986)). |
| Author: Assistant Professor of Law, Harvard Law School |
| Law Review Ranking: 1 |
| No citations |
| No citations |
| No citations |
| No citations |
| No citations |
| Author: Professor of Law, at Harvard Law School |
| Law Review Ranking: 1 |
| *Id.* at 901 (Kennedy, J., majority opinion) (citing Allison R. Hayward, *Revisiting the Fable of Reform*, 45 HARV. J. ON LEGIS. 421 (2008)). |
| Author: Assistant Professor of Law, George Mason University School of Law |
| Law Review Ranking: 53 |
| *Id.* at 909 (Kennedy, J., majority opinion) (citing Comment, *The Regulation of Union Political Activity: Majority and Minority Rights and Remedies*, 126 U. PA. L. REV. 386 (1977)). |
| Author: [Law student] University of Pennsylvania Law School |
Law Review Ranking: 8

Author: Professor of Law, UCLA School of Law
Law Review Ranking: 45

Id. (Roberts, C.J., concurring) (citing Elizabeth Garrett, New Voices in Politics: Justice Marshall’s Jurisprudence on Law and Politics, 52 HOW. L.J. 655 (2009)).
Author: Sydney M. Irmas Professor of Public Interest Law, Legal Ethics, Political Science and Policy, Planning and Development, University of Southern California
Law Review Ranking: 192

Id. at 922 n.2 (Roberts, C.J., concurring) (citing David A. Strauss, Corruption, Equality, and Campaign Finance Reform, 94 COLUM. L. REV. 1369 (1994)).
Author: Harry N. Wyatt Professor of Law, University of Chicago School of Law
Law Review Ranking: 2

Id. (Roberts, C.J., concurring) (citing Gerald G. Ashdown, Controlling Campaign Spending and the “New Corruption”: Waiting for the Court, 44 VAND. L. REV. 767 (1991)).
Author: Professor of Law, West Virginia University College of Law
Law Review Ranking: 19

Id. at 927 (Scalia, J., concurring) (citing Note, Corporate Political Affairs Programs, 70 YALE L.J. 821 (1961)).
Author: [Law student] Yale Law School
Law Review Ranking: 3

Id. at 928 (Scalia, J., concurring) (citing Zephyr Teachout, The Anti-Corruption Principle, 94 CORNELL L. REV. 341 (2009)).
Author: Visiting Law Professor, Duke University Law School
Law Review Ranking: 14

Id. (Scalia, J., concurring) (citing David Fagundes, State Actors as First Amendment Speakers, 100 NW. U. L. REV. 1637 (2006)).
Author: Bigelow Fellow and Lecturer in Law, University of Chicago Law School
Law Review Ranking: 13

Id. (Scalia, J., concurring) (citing Randall P. Bezanson, Institutional Speech, 80 IOWA L. REV. 735 (1995)).
Author: Professor of Law, Washington & Lee Law School
Law Review Ranking: 22
2012]  

APPENDIX TO 4 DREXEL L. REV. 399  

Id. at 940 (Stevens, J., concurring in part and dissenting in part) (citing David B. Magleby, The Importance of the Record in McConnell v. FEC, 3 ELECTION L.J. 285 (2004)).

Author: Dean, College of Family, Home and Social Sciences, Brigham Young University

Law Review Ranking: 465

Id. at 947 n.49 (Stevens, J., concurring in part and dissenting in part) (citing Michael Odell Walker, Note, “Don’t Show Them Where to Click and Vote”: An Assessment of Electioneering Law in the United States as a Consideration in Implementing Internet Voting Regimes, 91 KY. L.J. 715 (2003)).

Author: [Law student] J.D. Candidate 2004, University of Kentucky School of Law

Law Review Ranking: 186

Id. at 948 (Stevens, J., concurring in part and dissenting in part) (citing Zephyr Teachout, The Anti-Corruption Principle, 94 CORNELL L. REV. 341 (2009)).

Author: Visiting Assistant Professor of Law, Duke University Law School

Law Review Ranking: 14

Id. (Stevens, J., concurring in part and dissenting in part) (citing David A. Strauss, Corruption, Equality, and Campaign Finance Reform, 94 COLUM. L. REV. 1369 (1994)).

Author: Harry N. Wyatt Professor of Law, University of Chicago

Law Review Ranking: 2

Id. at 948 n.52 (Stevens, J., concurring in part and dissenting in part) (citing Daniel P. Tokaji, First Amendment Equal Protection: On Discretion, Inequality, and Participation, 101 MICH. L. REV. 2409 (2003)).

Author: Assistant Professor of Law, Moritz College of Law, Ohio State University

Law Review Ranking: 9

Id. at 949 (Stevens, J., concurring in part and dissenting in part) (citing Henry Hansmann & Reinier Kraakman, The End of History for Corporate Law, 89 GEO. L.J. 439 (2001)).

Authors: Henry Hansmann: Professor, Yale Law School; Reinier Kraakman: Professor, Harvard Law School

Law Review Ranking: 10

Id. (Stevens, J., concurring in part and dissenting in part) (citing Robert H. Bork, Neutral Principles and Some First Amendment Problems, 47 IND. L.J. 1 (1971)).

Author: Professor of Law, Yale Law School

Law Review Ranking: 32
Id. at 950 (Stevens, J., concurring in part and dissenting in part) (citing David Shelledy, Autonomy, Debate, and Corporate Speech, 18 HASTINGS CONST. L.Q. 541 (1991)).

Author: Harry A. Bigelow Teaching Fellow and Lecturer in Law, University of Chicago
Law Review Ranking: 198

Id. (Stevens, J., concurring in part and dissenting in part) (citing David Fagundes, State Actors as First Amendment Speakers, 100 NW. U. L. REV. 1637 (2006)).

Author: Bigelow Fellow and Lecturer in Law, University of Chicago
Law Review Ranking: 13

Id. (Stevens, J., concurring in part and dissenting in part) (citing Randall P. Bezanson, Institutional Speech, 80 IOWA L. REV. 735 (1995)).

Author: Professor of Law, Washington & Lee University School of Law
Law Review Ranking: 22

Id. (Stevens, J., concurring in part and dissenting in part) (citing Adam Winkler, “Other People’s Money”: Corporations, Agency Costs and Campaign Finance Law, 92 GEO. L.J. 871 (2004)).

Author: Acting Professor, UCLA School of Law
Law Review Ranking: 10

Id. at 963 (Stevens, J., concurring in part and dissenting in part) (citing Frank Pasquale, Reclaiming Egalitarianism in the Political Theory of Campaign Finance Reform, 2008 U. ILL. L. REV. 599 (2008)).

Author: Associate Professor of Law, Seton Hall Law School
Law Review Ranking: 30

Id. at 970 (Stevens, J., concurring in part and dissenting in part) (citing Richard H. Pildes, The Supreme Court 2003 Term Foreword: The Constitutionalization of Democratic Politics, 118 HARV. L. REV. 28 (2004)).

Author: Sudler Family Professor of Constitutional Law, New York University School of Law
Law Review Ranking: 1

Id. at 971 (Stevens, J., concurring in part and dissenting in part) (citing Margaret M. Blair & Lynn A. Stout, A Team Production Theory of Corporate Law, 85 VA. L. REV. 247 (1999)).

Authors: Margaret M. Blair: Professor of Law, Georgetown University Law Center and Senior Fellow, The Brookings Institute; Lynn A. Stout: Professor of Law, Georgetown University Law Center
Law Review Ranking: 6
Id. at 972 (Stevens, J., concurring in part and dissenting in part) (citing Martin H. Redish, The Value of Free Speech, 130 U. Pa. L. Rev. 591 (1982)).

Author: Professor of Law, Northwestern University

Law Review Ranking: 8

Id. at 975 (Stevens, J., concurring in part and dissenting in part) (citing Robert H. Sitkoff, Corporate Political Speech, Political Extortion, and the Competition for Corporate Charters, 69 U. Chi. L. Rev. 1103 (2002)).

Author: Assistant Professor of Law, Northwestern University

Law Review Ranking: 16

Id. at 977 (Stevens, J., concurring in part and dissenting in part) (citing Adam Winkler, Beyond Bellotti, 32 Loy. L.A. L. Rev. 133 (1998)).

Author: [Practitioner] Adjunct Professor of Law, Loyola Law School

Law Review Ranking: 102

Id. at 978 (Stevens, J., concurring in part and dissenting in part) (citing Alicia Davis Evans, A Requiem for the Retail Investor?, 95 Va. L. Rev. 1105 (2009)).

Author: Assistant Professor, University of Michigan Law School

Law Review Ranking: 6


Id. at 999 (Breyer, J., dissenting) (citing William L. Prosser, Misrepresentation and Third Persons, 19 Vand. L. Rev. 231 (1966)).

Author: Professor of Law, Hastings College of Law, University of California

Law Review Ranking: 19

Id. (Breyer, J., dissenting) (citing Henry J. Terry, Intent to Defraud, 25 Yale L.J. 87 (1915)).

Author: Professor of Law, Yale Law School

Law Review Ranking: 3


Id. at 1190 (Breyer, J., majority opinion) (citing Jack H. Friedenthal, New Limitations on Federal Jurisdiction, 11 Stan. L. Rev. 213 (1959)).

Author: Assistant Professor of Law, Stanford Law School

Law Review Ranking: 4


No citations

Id. at 1231 n.10 (Stevens, J., concurring) (citing Richard A. Leo & Welsh S. White, *Adapting to Miranda: Modern Interrogators’ Strategies for Dealing with the Obstacles Posed by Miranda*, 84 MINN. L. REV. 397 (1999)).

Authors: Richard A. Leo: Assistant Professor of Criminology, Law and Society and Assistant Professor of Psychology and Social Behavior, University of California at Irvine; Welsh S. White: Professor of Law, University of Pittsburgh

Law Review Ranking: 15


No citations


Author: [Law student] Duke Law School

Law Review Ranking: 21


No citations


No citations


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Id. at 1396 (Thomas, J., concurring) (citing Albert W. Alschuler & Andrew G. Deiss, A Brief History of the Criminal Jury in the United States, 61 U. Chi. L. Rev. 867 (1994)).

Authors: Albert W. Alschuler: Wilson-Dickinson Professor, University of Chicago School of Law; Andrew G. Deiss: [Law student] Doctoral Student in History and J.D. Candidate 1995, University of Chicago

Law Review Ranking: 16


Id. at 1406 (Stevens, J., majority opinion) (citing John Paul Stevens, The Shakespeare Canon of Statutory Construction, 140 U. Pa. L. Rev. 1373 (1992)).

Author: Associate Justice, Supreme Court of the United States

Law Review Ranking: 8


No citations


Id. at 1441 (Scalia, J., plurality opinion) (citing Jos R. Torres & Steve Windsor, State Legislative Histories: A Select, Annotated Bibliography, 85 LAW LIBR. J. 545 (1993)).

Authors: Jos R. Torres: Legal Reference Librarian, Law Library of Congress; Steve Windsor: Judicial Law Clerk, United States District Court for the Southern District of Texas

Law Review Ranking: 548

Id. at 1448 (Scalia, J., plurality opinion) (citing Bradford R. Clark, Erie’s Constitutional Source, 95 CALIF. L. REV. 1289 (2007)).

Author: William Cranch Research Professor of Law, George Washington University Law School

Law Review Ranking: 7

Id. at 1452 n.7 (Stevens, J., concurring) (citing John Hart Ely, The Irrepressible Myth of Erie, 87 HARV. L. REV. 693 (1974)).

Author: Professor of Law, Harvard Law School

Law Review Ranking: 1

Id. at 1460 (Ginsburg, J., dissenting) (citing Roger J. Traynor, Is This Conflict Really Necessary?, 37 TEX. L. REV. 657 (1959)).

Author: Associate Justice, Supreme Court of California

Law Review Ranking: 11
Id. at 1469 (Ginsburg, J., dissenting) (citing Walter Wheeler Cook, “Substance” and “Procedure” in the Conflict of Laws, 42 YALE L.J. 333 (1933)).  
Author: Professor of Law, The Institute of Law, Johns Hopkins University  
Law Review Ranking: 3

Id. at 1470 (Ginsburg, J., dissenting) (citing William F. Baxter, Choice of Law and the Federal System, 16 STAN. L. REV. 1 (1963)).  
Author: Associate Professor of Law, Stanford Law School  
Law Review Ranking: 4


Id. at 1481 n.8 (Stevens, J., majority opinion) (citing Jenny Roberts, Ignorance is Effectively Bliss: Collateral Consequences, Silence, and Misinformation in the Guilty-Plea Process, 95 IOWA L. REV. 119 (2009)).  
Author: Associate Professor and Director, Criminal Defense Clinic, Syracuse University College of Law  
Law Review Ranking: 22

Id. at 1482 (Stevens, J., majority opinion (citing Gabriel J. Chin & Richard W. Holmes, Jr., Effective Assistance of Counsel and the Consequences of Guilty Pleas, 87 CORNELL L. REV. 697 (2002)).  
Authors: Gabriel J. Chin: Interim Associate Dean For Faculty Research and Development and Rufus King Professor of Law, University of Cincinnati College of Law;  
Richard W. Holmes, Jr.: Associate, Graydon, Head & Ritchey  
Law Review Ranking: 14


Id. at 1595 n.3 (Alito, J., dissenting) (citing Note, Economics and Ethics in the Genetic Engineering of Animals, 19 HARV. J.L. & TECH. 413 (2006)).  
Author: [Law student] J.D. Candidate 2006, Texas Tech School of Law  
Law Review Ranking: 25


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Authors: Janet Weinstein: Professor of Law, California Western School of Law; Ricardo Weinstein: Psychologist, Private Practice
Law Review Ranking: 68

Id. at 1683 (Breyer, J., concurring in part and dissenting in part) (citing Jonathan M. Barnett, Certification Drag: The Opinion Puzzle and Other Transactional Curiosities, 33 Iowa J. Corp. L. 95 (2007)).
Author: Assistant Professor, Gould School of Law, University of Southern California
Law Review Ranking: Unranked


Author: [Practitioner]
Law Review Ranking: 87

Id. at 1765 n.1 (Alito, J., majority opinion) (citing Lourdes M. Andreu, Comment, A Comparative Analysis of Charter Party Agreements “Subject to” Respective American and British Laws and Decisions . . . It’s All in the Details, 26 Tul. Mar. L.J. 291 (2002)).
Author: [Law student] J.D. Candidate 2002, Tulane Law School
Law Review Ranking: 569

Id. at 1769 n.6 (Alito, J., majority opinion) (citing Charles Merrill Hough, Admiralty Jurisdiction—Of Late Years, 37 Harv. L. Rev. 529 (1924)).
Author: Professor of Law, Harvard Law School
Law Review Ranking: 1


Id. at 1800 (Scalia, J., concurring) (citing John P. Dawson, Undiscovered Fraud and Statutes of Limitation, 31 Mich. L. Rev. 591 (1933)).
Author: Associate Professor of Law, University of Michigan
Law Review Ranking: 9

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<td>Author: Professor of Law, University of Maryland School of Law Law Review Ranking: 325</td>
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<td><strong>Id.</strong> (Kennedy, J., majority opinion) (citing Linda D. Elrod, Reforming the System to Protect Children in High Conflict Custody Cases, 28 WM. MITCHELL L. REV. 495 (2001)).**</td>
<td>Author: Distinguished Professor of Law, Washburn University School of Law Law Review Ranking: 236</td>
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Id. at 1972 (Thomas, J., dissenting) (citing Randy E. Barnett, *The Original Meaning of the Necessary and Proper Clause*, 6 U. PA. J. CONST. L. 183 (2003)).
Author: Austin B. Fletcher Professor, Boston University School of Law
Law Review Ranking: 60

Authors: Gary Lawson: Associate Professor of Law, Northwestern University School of Law; Patricia B. Granger: Bigelow Teaching Fellow and Lecturer in Law, University of Chicago School of Law
Law Review Ranking: 21


Id. at 2032 (Kennedy, J., majority opinion) (citing Kristin Henning, *Loyalty, Paternalism, and Rights: Client Counseling Theory and the Role of Child’s Counsel in Delinquency Cases*, 81 NOTRE DAME L. REV. 245 (2005)).
Author: Associate Professor of Law, Georgetown University Law Center
Law Review Ranking: 18

Id. at 2033 (Kennedy, J., majority opinion) (citing Connie de la Vega & Michelle Leighton, *Sentencing Our Children to Die in Prison: Global Law and Practice*, 42 U.S.F. L. REV. 983 (2008)).
Authors: Connie de la Vega: Professor of Law and Director of the Frank C. Newman International Human Rights Clinic, University of San Francisco School of Law; Michelle Leighton: Director of Human Rights Programs, Center for Law and Global Justice, University of San Francisco School of Law
Law Review Ranking: 158

Id. at 2044–45 (Thomas, J., dissenting) (citing Kathryn Preyer, *Penal Measures in the American Colonies: An Overview*, 26 AM. J. LEGAL HIST. 326 (1982)).
Author: Professor of History, Wellesley College
Law Review Ranking: 720

Id. at 2047 (Thomas, J., dissenting) (citing Rachel E. Barkow, *The Court of Life and Death: The Two Tracks of Constitutional Sentencing Law and the Case for Uniformity*, 107 MICH. L. REV. 1145 (2009)).
Author: Professor of Law, NYU School of Law
Law Review Ranking: 9
Id. (Thomas, J., dissenting) (citing Daniel Suleiman, Note, The Capital Punishment Exception: A Case for Constitutionalizing the Substantive Criminal Law, 104 COLUM. L. REV. 426 (2004)).

Author: [Law student] Columbia Law School

Law Review Ranking: 2

Id. (Thomas, J., dissenting) (citing Carol S. Steiker & Jordan M. Steiker, Opening a Window or Building a Wall? The Effect of Eighth Amendment Death Penalty Law and Advocacy on Criminal Justice More Broadly, 11 U. PA. J. CONST. L. 155 (2009)).

Authors: Carol S. Steiker: Howard J. and Katherine W. Aibel Professor of Law, Harvard Law School; Jordan M. Steiker: Judge Robert M. Parker Chair in Law, University of Texas School of Law

Law Review Ranking: 60

Id. at 2050 (Thomas, J., dissenting) (citing Stephen Breyer, Federal Sentencing Guidelines Revisited, 11 FED. SENT’G RPRTR. 180 (1999)).

Author: Associate Justice, Supreme Court of the United States

Law Review Ranking: 650

Id. (Thomas, J., dissenting) (citing Barry C. Feld, Unmitigated Punishment: Adolescent Criminal Responsibility and LWOP Sentences, 10 J.L. & FAM. STUD. 11 (2007)).

Author: Centennial Professor of Law, University of Minnesota

Law Review Ranking: 407


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Id. at 2181 (Stevens, J., concurring) (citing Gary T. Lowenthall, Mandatory Sentencing Laws: Undermining the Effectiveness of Determinate Sentencing Reform, 81 CALIF. L. REV. 61 (1993)).

Author: Professor of Law, Arizona State University

Law Review Ranking: 7

Id. (Stevens, J., concurring) (citing Stephen J. Schulhofer, Rethinking Mandatory Minimums, 28 WAKE FOREST L. REV. 199 (1993)).

Author: Frank & Bernice J. Greenberg Professor of Law and Director of the Center for Studies in Criminal Justice, University of Chicago Law School

Law Review Ranking: 38
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   Id. at 2210 (Stevens, J., majority opinion) (citing Edward B. Rock, Corporate Law Through an Antitrust Lens, 92 COLUM. L. REV. 497 (1992)).
   Author: Assistant Professor of Law, University of Pennsylvania Law School
   Law Review Ranking: 2

   Id. at 2213 (Stevens, J., majority opinion) (citing Phillip Areeda, Intraenterprise Conspiracy in Decline, 97 HARV. L. REV. 451, (1983)).
   Author: Langdell Professor of Law, Harvard University
   Law Review Ranking: 1


   Id. at 2278 (Sotomayor, J., dissenting) (citing Marcy Strauss, The Sounds of Silence: Reconsidering the Invocation of the Right to Silence Under Miranda, 17 WM. & MARY BILL RTS. J. 773 (2009)).
   Author: Professor of Law, Loyola Law School
   Law Review Ranking: 99


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<td>693.</td>
<td>Barber v. Thomas, 130 S. Ct. 2499 (2010).</td>
<td>No citations</td>
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Author: Former Chairman of the NLRB
Law Review Ranking: 772

Author: Career NLRB attorney
Law Review Ranking: 135

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*Id.* at 2767 n.5 (Stevens, J., dissenting) (citing Ronald M. Levin, “Vacation” at Sea: Judicial Remedies and Equitable Discretion in Administrative Law, 53 DUKE L.J. 291 (2003)).
Author: Henry Hitchcock Professor of Law, Washington University in St. Louis
Law Review Ranking: 21

*Id.* at 2769 (Stevens, J., dissenting) (citing Leslye A. Herrmann, *Injunctions for NEPA Violations: Balancing the Equities*, 59 U. CHI. L. REV. 1263 (1992)).
Author: [Law student] J.D. Candidate 1992, The University of Chicago
Law Review Ranking: 16

No citations

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Author: Graduate Fellow, Yale Law School
Law Review Ranking: 90

No citations


Authors: Stephen J. Choi: Murray and Kathleen Bring
Professor of Law, NYU Law School; Linda J. Silberman: Martin Lipton Professor of Law, NYU Law School

Id. (Scalia, J., majority opinion) (citing Kun Young Chang, Multinational Enforcement of U.S. Securities Laws: The Need for the Clear and Restrained Scope of Extraterritorial Subject-Matter Jurisdiction, 9 FORDHAM J. CORP. & FIN. L. 89 (2004)).

Author: Law clerk, Kelley Belcher & Brown, Bloomington, Indiana
Law Review Ranking: 232

Id. (Scalia, J., majority opinion) (citing Donald C. Langevoort, Schoenbaum Revisited: Limiting the Scope of Antifraud Protection in an Internationalized Securities Marketplace, 55 LAW & CONTEMP. PROBS. 241 (1992)).

Author: Lee S. and Charles A. Speir Professor of Law, Vanderbilt University
Law Review Ranking: 42

Id. at 2881 (Scalia, J., majority opinion) (citing Margaret V. Sachs, The International Reach of Rule 10b-5: The Myth of Congressional Silence, 28 COLUM. J. TRANSNAT’L L. 677 (1990)).

Author: Associate Professor, University of Georgia School of Law
Law Review Ranking: 65


Author: [Law student] J.D., Georgetown University Law Center
Law Review Ranking: 655

Id. at 2886 (Scalia, J., majority opinion) (citing Hannah L. Buxbaum, Multinational Class Actions Under Federal Securities Law: Managing Jurisdictional Conflict, 46 COLUM. J. TRANSNAT’L L. 14 (2007)).

Author: Professor of Law and Louis F. Neizer Faculty Fellow, Indiana University School of Law-Bloomington
Law Review Ranking: 65

Id. at 2890 (Stevens, J., concurring) (citing Louis Loss, In Memoriam: Henry J. Friendly, 99 HARV. L. REV. 1722 (1986)).

Author: William Nelson Cromwell Professor of Law, Emeritus, Harvard University
Law Review Ranking: 1
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Id. at 2892 (Stevens, J., concurring) (citing William S. Dodge, Understanding the Presumption Against Extraterritoriality, 16 BERKELEY J. INT’L L. 85 (1998)).
Author: Associate Professor, University of California, Hastings College of the Law
Law Review Ranking: 124

Id. at 2895 (Stevens, J., concurring) (citing Joseph P. Griffin, Extraterritoriality in U.S. and EU Antitrust Enforcement, 67 ANTITRUST L.J. 159 (1999)).
Author: Former Counsel for the British Government in Hartford Fire and member of both American Bar Association Task Forces that reviewed the 1995 and 1988 Antitrust Enforcement Guidelines for International Operations
Law Review Ranking: 126

Id. at 2927 (Ginsburg, J., majority opinion) (citing Daniel J. Hurson, Limiting the Federal Mail Fraud Statute—A Legislative Approach, 20 AM. CRIM. L. REV. 423 (1983)).
Author: Partner, Hundley & Cacheris, Washington, D.C.
Law Review Ranking: 66

No citations

Id. at 2985 (Ginsburg, J., majority opinion) (citing Eugene Volokh, Freedom of Expressive Association and Government Subsidies, 58 STAN. L. REV. 1919 (2006)).
Author: Gary T. Schwartz Professor of Law, UCLA School of Law
Law Review Ranking: 4

Id. at 3030 (Alito, J., plurality opinion) (citing Fredrick M. Lawrence, Civil Rights and Criminal Wrongs: The Mens Rea of Federal Civil Rights Crimes, 67 TUL. L. REV. 2113, 2153 (1993)).
Author: Associate Professor of Law, Boston University
Law Review Ranking: 87

Id. at 3033 (Alito, J., plurality opinion) (citing Charles Fairman, Does the Fourteenth Amendment Incorporate the Bill of Rights?, 2 STAN. L. REV. 5 (1949)).
Author: Professor of Law and Political Science, Stanford University
Law Review Ranking: 4

Author: Law professor, Harvard Law School (emeritus)

Law Review Ranking: 43

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Id. (Alito, J., plurality opinion) (citing David T. Hardy, *Original Popular Understanding of the Fourteenth Amendment as Reflected in the Print Media of 1866-1868*, 30 WHITTIER L. REV. 695 (2009)).

Author: [Practitioner]

Law Review Ranking: 272

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Id. (Alito, J., plurality opinion) (citing Richard L. Aynes, *On Misreading John Bingham and the Fourteenth Amendment*, 103 YALE L.J. 57 (1993)).

Author: Associate Dean and Professor of Law, University of Akron School of Law

Law Review Ranking: 3

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Id. at 3037 (Alito, J., plurality opinion) (citing Clayton E. Cramer, Nicholas J. Johnson & George A. Mocsary, “This Right is Not Allowed by Governments That Are Afraid of The People”: The Public Meaning of the Second Amendment When the Fourteenth Amendment Was Ratified, 17 GEO. MASON L. REV. 823 (2010)).

Authors: Clayton E. Cramer: Adjunct History Faculty, College of Western Idaho; Nicholas J. Johnson: Professor, Fordham University School of Law; George A. Mocsary: Law Clerk to the Honorable Harris L Hartz, U.S. Court of Appeals for the Tenth Circuit

Law Review Ranking: 168

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Id. at 3041 (Alito, J., plurality opinion) (citing Stephen G. Calabresi & Livia Fine, *Two Cheers for Professor Balkin’s Originalism*, 103 NW. U. L. REV. 663 (2009)).

Authors: Stephen G. Calabresi: George C. Dix Professor of Constitutional Law, Northwestern University; Livia Fine: [Law student] J.D. candidate, Northwestern University School of Law 2010

Law Review Ranking: 13

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Authors: Stephen G. Calabresi: George C. Dix Professor of Constitutional Law, Northwestern University; Sarah E. Agudo: [Law student] Northwestern University School of
Law and candidate for a Master in Public Policy at Harvard University, Kennedy School of Government
Law Review Ranking: 11

*Id.* at 3044 n.28 (Alito, J., plurality opinion) (citing Gordon Van Kessel, *Adversary Excesses in the American Criminal Trial*, 67 NOTRE DAME L. REV. 403 (1992)).

Author: Professor of Law, University of California, Hastings College of the Law
Law Review Ranking: 18


Author: Associate Professor of Law, University of California's Hastings College of the Law
Law Review Ranking: 115


Author: Assistant Professor of Law, Florida State University
Law Review Ranking: 4

*Id.* (Alito, J., plurality opinion) (citing David Alan Sklansky, *Anti-Inquisitorialism*, 122 HARV. L. REV. 1634 (2009)).

Author: Professor of Law, University of California, Berkeley, School of Law
Law Review Ranking: 1

*Id.* at 3045 n.29 (Alito, J., plurality opinion) (citing Elizabeth Christensen, *Is the Lutheran Church Still the State Church? An Analysis of Church-State Relations in Finland*, 1995 BYU L. REV. 585).

Author: [Law student]
Law Review Ranking: 96

*Id.* at 3064 (Thomas, J., concurring) (citing Kurt T. Lash, *The Origins of the Privileges or Immunities Clause, Part I: “Privileges and Immunities” as an Antebellum Term of Art*, 98 GEO. L.J. 1241 (2010)).

Author: Alumni Distinguished Professor of Law, University of Illinois College of Law (as of August 2010)
Law Review Ranking: 10

*Id.* at 3072 (Thomas, J., concurring) (citing Bryan H. Wildenthal, *Nationalizing the Bill of Rights: Revisiting the Original Understanding of the Fourteenth Amendment in 1866-67*, 68 OHIO ST. L.J. 1509 (2007)).

Author: Associate Professor, Thomas Jefferson School of Law
Law Review Ranking: 43
Id. at 3079 (Thomas, J., concurring) (citing David T. Hardy, *Original Popular Understanding of the Fourteenth Amendment as Reflected in the Print Media of 1866-1868, 30 Whittier L. Rev. 695* (2009)).

Author: [Practitioner]
Law Review Ranking: 272

Id. at 3081 (Thomas, J, concurring) (citing Robert J. Cottrol & Raymond T. Diamond, *The Second Amendment: Toward an Afro-Americanist Reconsideration, 80 Geo. L.J. 309* (1991)).

Author: Robert J. Cottrol: Associate Professor, Rutgers (Camden) School of Law; Raymond T. Diamond: Associate Professor, Tulane University School of Law
Law Review Ranking: 10

Id. at 3089 (Stevens, J, dissenting) (citing David P. Currie, *The Reconstruction Congress, 75 U. Chi. L. Rev. 383* (2008)).

Author: Edward H. Levi Distinguished Service Professor of Law Emeritus, The University of Chicago
Law Review Ranking: 16


Author: Judge, United States Court of Appeals for the Fourth Circuit
Law Review Ranking: 51

Id. (Stevens, J., dissenting) (citing Christopher R. Green, *The Original Sense of the (Equal) Protection Clause: Subsequent Interpretation and Application, 19 Geo. Mason U. C.R. L.J. 219* (2009)).

Author: Assistant Professor of Law, University of Mississippi School of Law
Law Review Ranking: 370

Id. (Stevens, J., dissenting) (citing Philip Hamburger, *Privileges or Immunities, 105 Nw. U. L. Rev.* (forthcoming)).

Author: Maurice and Hilda Friedman Professor of Law, Columbia University
Law Review Ranking: 13

Id. at 3091 (Stevens, J., dissenting) (citing James W. Ely, Jr., *The Oxymoron Reconsidered: Myth and Reality in the Origins of Substantive Due Process, 16 Const. Comment. 315* (1999)).

Author: Professor of Law and History, Vanderbilt University
Law Review Ranking: 144

Id. (Stevens, J., dissenting) (citing Frederick Mark Gedicks, *An Originalist Defense of Substantive Due Process: Magna Carta, Higher-Law Constitutionalism, and the Fifth Amendment, 58 Emory L.J. 585* (2009)).
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Author: Visiting Professor of Law, Notre Dame Law School, Guy Anderson Chair & Professor of Law, J. Reuben Clark Law School, Brigham Young University  
Law Review Ranking: 26  

Id. (Stevens, J., dissenting) (citing Earl M. Maltz, Fourteenth Amendment Concepts in the Antebellum Era, 32 AM. J. LEGAL HIST. 305 (1988)).  
Author: Professor of Law, Rutgers (Camden)  
Law Review Ranking: 720  

Author: Tyler Professor of Constitutional Law, Harvard Law School  
Law Review Ranking: 1  

Id. (Stevens, J., dissenting) (citing John Paul Stevens, The Third Branch of Liberty, 41 U. MIAMI L. REV. 277 (1986)).  
Author: Associate Justice of the Supreme Court of the United States  
Law Review Ranking: 126  

Id. at 3092 (Stevens, J., dissenting) (citing John Paul Stevens, The Bill of Rights: A Century of Progress, 59 U. CHI. L. REV. 13 (1992)).  
Author: Associate Justice of the Supreme Court of the United States  
Law Review Ranking: 16  

Id. (Stevens, J., dissenting) (citing Jamal Greene, The So-Called Right to Privacy, 43 U.C. DAVIS L. REV. 715 (2010)).  
Author: Associate Professor of Law, Columbia Law School  
Law Review Ranking: 31  

Id. (Stevens, J., dissenting) (citing Felix Frankfurter, Memorandum on “Incorporation” of the Bill of Rights into the Due Process Clause of the Fourteenth Amendment, 78 HARV. L. REV. 746 (1965)).  
Author: Associate Justice, United States Supreme Court, retired  
Law Review Ranking: 1  

Id. at 3095 (Stevens, J., dissenting) (citing Eugene Volokh, State Constitutional Rights to Keep and Bear Arms, 11 TEX. REV. L. & POL. 191 (2006)).  
Author: Gary T. Schwartz Professor of Law, UCLA  
Law Review Ranking: 356
Id. (Stevens, J., dissenting) (citing J. A. C. Grant, Felix Frankfurter: A Dissenting Opinion, 12 UCLA L. REV. 1013 (1965)).

Author: Professor of Political Science, University of California, Los Angeles

Law Review Ranking: 12

Id. at 3099 (Stevens, J., dissenting) (citing William H. Rehnquist, The Notion of a Living Constitution, 54 TEX. L. REV. 693 (1976)).

Author: Associate Justice, United States Supreme Court

Law Review Ranking: 11

Id. at 3100 (Stevens, J., dissenting) (citing Robert C. Post, The Supreme Court 2002 Term-Foreword: Fashioning the Legal Constitution: Culture, Courts, and Law, 117 HARV. L. REV. 4 (2003)).

Author: David Boies Professor of Law, Yale Law School

Law Review Ranking: 1

Id. at 3102 (Stevens, J., dissenting) (citing Kermit Roosevelt, III, Forget the Fundamentals: Fixing Substantive Due Process, 8 U. PA. J. CONST. L. 983 (2006)).

Author: Assistant Professor, University of Pennsylvania Law School

Law Review Ranking: 60

Id. at 3106 (Stevens, J., dissenting) (citing Darrell H. Miller, Guns as Smut: Defending the Home-Bound Second Amendment, 109 COLUM. L. REV. 1278 (2009)).

Author: Assistant Professor of Law, University of Cincinnati College of Law

Law Review Ranking: 2

Id. at 3108 (Stevens, J., dissenting) (citing Carl T. Bogus, Gun Control and America’s Cities: Public Policy and Politics, 1 ALB. GOVT. L. REV. 440 (2008)).

Author: Professor of Law, Roger Williams University School of Law

Law Review Ranking: 587

Id. (Stevens, J., dissenting) (citing Lawrence Rosenthal, Second Amendment Plumbing After Heller: Of Standards of Scrutiny, Incorporation, Well-Regulated Militias, and Criminal Street Gangs, 41 URB. LAW. 1 (2009)).

Author: Professor of Law, Chapman University School of Law

Law Review Ranking: 481

Id. at 3113 (Stevens, J., dissenting) (citing Saul Cornell & Nathan DeDino, A Well Regulated Right: The Early American Origins of Gun Control, 73 FORDHAM L. REV. 487 (2004)).
Authors: Saul Cornell: Director of the Second Amendment Research Center, John Glenn Institute for Public Service and Public Policy ("Glenn Institute"); Associate Professor of History, The Ohio State University; Nathan DeDino: J.D., The Ohio State University Moritz College of Law, 2003; Ph.D. Candidate, Department of Political Science, Ohio State University; Research Associate, Glenn Institute Law Review Ranking: 17

Id. (Stevens, J., dissenting) (citing Adam Winkler, Scrutinizing the Second Amendment, 105 Mich. L. Rev. 683 (2007)).
Author: Acting Professor, UCLA School of Law Law Review Ranking: 9

Id. at 3116 (Stevens, J., dissenting) (citing Cass R. Sunstein, Second Amendment Minimalism: Heller as Griswold, 122 Harv. L. Rev. 246 (2008)).
Author: Felix Frankfurter Professor of Law, Harvard Law School Law Review Ranking: 1

Id. at 3121 (Breyer, J., dissenting) (citing David Thomas Konig, Why the Second Amendment Has a Preamble: Original Public Meaning and the Political Culture of Written Constitutions in Revolutionary America, 56 UCLA L. Rev. 1295 (2009)).
Author: Professor of History and Professor of Law, Washington University in St. Louis Law Review Ranking: 12

Id. (Breyer, J., dissenting) (citing Paul Finkelman, It Really Was About a Well Regulated Militia, 59 Syracuse L. Rev. 267 (2008)).
Author: President William McKinley Distinguished Professor of Law and Public Policy, Albany Law School Law Review Ranking: 266

Author: Associate Professor, Washburn Law School Law Review Ranking: 69

Id. (Breyer, J., dissenting) (citing Saul Cornell, St. George Tucker’s Lecture Notes, the Second Amendment, and Originalist Methodology, 103 Nw. U. L. Rev. 1541 (2009)).
Author: Professor of History, Fordham University Law Review Ranking: 13

Author: James Parker Hall Distinguished Service Professor of Law, The University of Chicago

Law Review Ranking: 266

Id. at 3124 (Breyer, J., dissenting) (citing Akhil Reed Amar, *The Bill of Rights as a Constitution*, 100 YALE L.J. 1131 (1991)).

Author: Professor, Yale Law School

Law Review Ranking: 3

Id. at 3124 (Breyer, J., dissenting) (citing Jack N. Rakove, *The Second Amendment: The Highest Stage of Originalism*, 76 CHI.-KENT L. REV. 103 (2000)).

Author: Coe Professor of History and American Studies, and Professor of Political Science, Stanford University

Law Review Ranking: 83

Id. at 3125 (Breyer, J., dissenting) (citing Reva B. Siegel, *Dead or Alive: Originalism as Popular Constitutionalism in Heller*, 122 HARV. L. REV. 191 (2008)).

Author: Nicholas deB. Katzenbach Professor of Law, Yale University

Law Review Ranking: 1

Id. at 3130 (Breyer, J., dissenting) (citing Adam Winkler, *Scrutinizing the Second Amendment*, 105 MICH. L. REV. 683 (2007)).

Author: Acting Professor, UCLA School of Law

Law Review Ranking: 9

Id. at 3131 (Breyer, J., dissenting) (citing Robert H. Churchill, *Gun Regulation, the Police Power, and the Right to Keep Arms: The Legal Context of the Second Amendment*, 25 LAW & HIST. REV. 139 (2007)).

Author: Assistant professor of history in the department of humanities at the University of Hartford

Law Review Ranking: 540

Id. at 3132 (Breyer, J., dissenting) (citing Saul Cornell, *Early American Gun Regulation and the Second Amendment: A Closer Look at the Evidence*, 25 LAW & HIST. REV. 197 (2007)).

Author: associate professor of history at The Ohio State University and director of the Second Amendment Research Center, John Glenn Institute

Law Review Ranking: 540
Id. at 3133 (Breyer, J., dissenting) (citing Rosenthal, The New Originalism Meets the Fourteenth Amendment: Original Public Meaning and the Problem of Incorporation, 18 J. CONTEMP. LEGAL ISSUES 361 (2009)).

Author: Professor of Law, Chapman University School of Law
Law Review Ranking: 42

Id. (Breyer, J., dissenting) (citing Carole Emberton, The Limits of Incorporation: Violence, Gun Rights, and Gun Regulation in the Reconstruction South, 17 STAN. L. & POL’Y REV. 615 (2006)).

Author: Ph.D. candidate, History Department, Northwestern University
Law Review Ranking: 96

Id. at 3136 (Breyer, J., dissenting) (citing Eugene Volokh, Implementing the Right to Keep and Bear Arms for Self-Defense: An Analytical Framework and a Research Agenda, 56 UCLA L. REV. 1443 (2009)).

Author: Gary T. Schwartz Professor of Law, UCLA School of Law
Law Review Ranking: 12

Id. at 3137 (Breyer, J., dissenting) (citing J. Harvie Wilkinson, III, Of Guns, Abortions, and the Unraveling Rule of Law, 95 VA. L. REV. 253 (2009)).

Author: Circuit Judge, United States Court of Appeals for the Fourth Circuit
Law Review Ranking: 6


Id. at 3166 (Breyer, J., dissenting) (citing Lawrence Lessig, Readings By Our Unitary Executive, 15 CARDOZO L. REV. 175 (1993)).

Author: Assistant Professor of Law, University of Chicago
Law Review Ranking: 37

Id. (Breyer, J., dissenting) (citing Charles Tiefer, The Constitutionality of Independent Officers as Checks on Abuses of Executive Power, 63 B.U. L. REV. 59 (1983)).

Author: Assistant United States Senate Legal Counsel
Law Review Ranking: 23


Author: William B. Graham Distinguished Service Professor of Law, University of Chicago
Law Review Ranking: 20
Author: Herzog Professor of Law, University of San Diego School of Law
Law Review Ranking: 14

Id. (Breyer, J., dissenting) (citing Edward S. Corwin, *Tenure of Office and the Removal Power Under the Constitution*, 27 COLUM. L. REV. 353 (1927)).
Author: Law professor, Columbia Law School
Law Review Ranking: 2

Id. (Breyer, J., dissenting) (citing Lawrence Lessig & Cass R. Sunstein, *The President and the Administration*, 94 COLUM. L. REV. 1 (1994)).
Authors: Lawrence Lessig: Assistant Professor of Law, University of Chicago Law School; Cass R. Sunstein: Karl N. Llewellyn Professor of Jurisprudence, University of Chicago, Law School and Department of Political Science
Law Review Ranking: 2

Id. at 3170 (Breyer, J., dissenting) (citing Peter L. Strauss, *The Place of Agencies in Government: Separation of Powers and the Fourth Branch*, 84 COLUM. L. REV. 573 (1984)).
Author: Law professor, Columbia Law School
Law Review Ranking: 2

Id. (Breyer, J., dissenting) (citing Harold H. Bruff, *Bringing the Independent Agencies in from the Cold*, 62 VAND. L. REV. EN BANC 63 (2009)).
Author: Law professor, University of Colorado School of Law
Law Review Ranking: 669

Author: Law professor, NYU School of Law
Law Review Ranking: 669

Authors: Marshall J. Breger: Professor of Law, Columbus School of Law, Catholic University; Gary J. Edles: Professor of Law, Program on Law and Government, American University Washington College of Law, and Visiting Professor of Law, University of Hull
Law Review Ranking: 117
Id. at 3178 (Breyer, J., dissenting) (citing Eric J. Konecke, The Appointments Clause and Military Judges: Inferior Appointment to a Principal Office, 5 SETON HALL CONST. L.J. 489 (1995)).

Author: [Law student] Seton Hall Law School

Law Review Ranking: 122

Id. (Breyer, J., dissenting) (citing John M. Burkoff, Appointment and Removal Under the Federal Constitution: The Impact of Buckley v. Valeo, 22 WAYNE L. REV. 1335 (1976)).

Author: Assistant Professor of Law, University of Pittsburgh

Law Review Ranking: 444

Id. at 3181 (Breyer, J., dissenting) (citing David J. Barron & Martin S. Lederman, The Commander in Chief at the Lowest Ebb–A Constitutional History, 121 HARV. L. REV. 941 (2008)).

Authors: David J. Barron: Professor of Law, Harvard Law School; Martin S. Lederman: Visiting Professor of Law, Georgetown University Law Center

Law Review Ranking: 1


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Law Review Ranking: 412

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Author: Deputy Laboratory Counsel, University of California Los Alamos National Laboratory, Los Alamos, NM

Law Review Ranking: 291

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Author: Partner, Quarles, Herriott & Clemons, Milwaukee, Wis.

Law Review Ranking: 341

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Author: [Practitioner]
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Author: Associate Professor of Law, George Washington University
Law Review Ranking: 27

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Author: Associate, Staas & Halsey, Washington DC
Law Review Ranking: 720

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Author: Professor of Law, University of Pittsburgh School of Law
Law Review Ranking: 26

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Author: Patent Counsel, Bohn Aluminum & Brass Corp., Detroit
Law Review Ranking: 36

Author: Associate Professor of Law, George Washington University
Law Review Ranking: 141

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Author: [Practitioner]
Law Review Ranking: 341

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Author: Wilson Sonsini Goodrich & Rosati Professor of Law, Boalt Hall School of Law, University of California, Berkeley
Law Review Ranking: 59

Authors: Dan L. Burk: Oppenheimer, Wolff & Donnelly Professor of Law, University of Minnesota; Mark A. Lemley: Professor of Law, Boalt Hall, University of California at Berkeley; of counsel, Keker & Van Nest LLP

Law Review Ranking: 6


Author: Assistant Professor, Rutgers University School of Law-Camden

Law Review Ranking: 8

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Author: Professor of Law, NYU School of Law and Director, Engelberg Center on Innovation Law and Policy

Law Review Ranking: 153


Authors: Michael Abramowicz: Professor of Law, George Washington University Law School; John F. Duffy: Oswald Symister Colclough Research Professor of Law, George Washington University Law School

Law Review Ranking: 5

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Author: Assistant Professor, Boston College Law School, and Non-Resident Fellow, Stanford Law School Center for Internet and Society

Law Review Ranking: 144

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Authors: Robert P. Merges: Associate Professor, Boston University School of Law; Richard R. Nelson: Henry Luce Professor of International Political Economy, Columbia
University
Law Review Ranking: 2

Author: Professor of Law, Brooklyn Law School
Law Review Ranking: 141

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Author: Associate Professor of Law, University of Virginia School of Law
Law Review Ranking: 6

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Author: Robert & Barbara Luciano Professor of Law, University of Michigan Law School
Law Review Ranking: 19

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Author: Associate Professor of Law at Boston University School of Law
Law Review Ranking: 27

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Author: U.S. Circuit Judge, United States Court of Appeals for the Federal Circuit
Law Review Ranking: 5

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Author: Jack N. and Lillian R. Berkman Professor for Entrepreneurial Legal Studies, Harvard Law School; Fellow, Wissenschaftskolleg zu Berlin, 1999
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Authors: Joanna B. Apolinsky: Associate Professor, John Marshall Law School, Atlanta, Georgia; Jeffrey A. Van Detta: Professor of Law, John Marshall Law School, Atlanta, Georgia.

Law Review Ranking: 104

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Author: General Counsel, American Home Products Corporation

Law Review Ranking: 331


Author: Associate Professor of Law, Pepperdine University School of Law

Law Review Ranking: 36
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Author: William T. Lafferty Professor of Law, University of Kentucky College of Law
Law Review Ranking: 186

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Author: [Practitioner] Adjunct Professor, Seton Hall University Law School
Law Review Ranking: 3

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Author: Ralph W. Aigler Professor of Law, University of Michigan Law School
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Authors: Cass R. Sunstein; Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, University of Chicago Law School and Department of Political Science; Adrian
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Law Review Ranking: 9

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Author: Professor of Law, University of Chicago  
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Author: Assistant Professor of Law, University of Chicago  
Law Review Ranking: 20

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Author: Assistant Professor of Law, New York University School of Law  
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Author: Corliss Lamont Professor of Civil Liberties,  
Columbia Law School and David Lurton Massee Professor of Law, University of Virginia
Law Review Ranking: 14

Authors: Thomas C. Berg: Professor of Law, University of St. Thomas School of Law (Minnesota); Douglas Laycock: Alice McKean Young Regents Chair in Law, University of Texas School of Law

Law Review Ranking: 239

Author: Associate Professor, Duke University School of Law

Law Review Ranking: 20

Author: Arlin M. Adams: Counsel, Schnader, Harrison, Segal & Lewis, Philadelphia; Charles J. Emmerich: Research Consultant, University of Pennsylvania Law School

Law Review Ranking: 8

Author: Fulbright and Jaworski Professor of Law, University of Texas

Law Review Ranking: 20


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Author: D. Lurton Massee, Jr. Professor and Horace L. and Grace Doherty Charitable Foundation Research Professor, University of Virginia School of Law

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Author: Member, New York Bar. Partner, Stroock, Stroock & Lavan
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Author: Professor of Law, University of Alabama School of Law
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Author: Law professor, University of Virginia School of Law
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School of Law
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Author: Acting Professor of Law, Boalt Hall School of Law, University of California, Berkeley
Law Review Ranking: 3

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Author: Professor of Law, Duke University School of Law
Law Review Ranking: 21
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Author: Judge of the United States Court of Appeals for the Second Circuit
Law Review Ranking: 5


Authors: Douglas N. Husak: Professor of Philosophy, Rutgers University; Craig A. Callender: Ph.D. ( Philosophy), Rutgers University (expected 1995)
Law Review Ranking: 40

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Author: Frederick J. Haas Professor of Law and Philosophy, Georgetown University Law Center
Law Review Ranking: 10


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    Author: U.S. District Court judge since 1999 in the Northern District of California
    Law Review Ranking: 59

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    Authors: Doug Lichtman: Professor of Law, UCLA School of Law; Mark A. Lemley: William H. Neukom Professor, Stanford Law School; of counsel, Keker & Van Nest LLP
    Law Review Ranking: 4

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    Author: Associate Professor of Law, Columbia University
    Law Review Ranking: 2

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    Author: Assistant Professor of Law, Indiana University; Visiting Professor, Yale University School of Law, summer 1946
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   Law Review Ranking: 7

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Author: [Law student] Yale Law School
Law Review Ranking: 3

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Author: Associate Professor, Rutgers University School of Law-Newark
Law Review Ranking: 17

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Author: Law professor, University of Alabama School of Law. Law Review Ranking: 43.

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Author: Professor of Law, University of Illinois College of Law
Law Review Ranking: 13

Id. (Scalia, J., concurring) (citing Stephen A. Higginson, A Short History of the Right to Petition Government for the Redress of Grievances, 96 YALE L.J. 142 (1986)).
Author: [Law student] Yale Law School
Law Review Ranking: 3


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Author: Professor, University of South Carolina School of Law
Law Review Ranking: 104

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Author: Professor of Law and Director of the Cecil D. Branstetter Litigation & Dispute Resolution Program,
Vanderbilt University Law School  
Law Review Ranking: 5

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Authors: John Walker: John S. Shannon Distinguished Professor of Law, University of Virginia; Laurens Walker: T. Munford Boyd Professor of Law, University of Virginia; Gregory Mitchell: Professor of Law and E. James Kelly, Jr.-Class of 1965 Research Professor, University of Virginia Law Review Ranking: 6

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Author: Professor, Vanderbilt University Law School Law Review Ranking: 2


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Author: Associate Professor, University of Virginia School of Law Law Review Ranking: 6


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Author: Associate Professor of Law, University of Tennessee College of Law Law Review Ranking: 148

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Author: Late John P. Wilson Professor of Law, University of Chicago Law School Law Review Ranking: 203


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Authors: Susan R. Klein: Alice McKean Young Regents Chair in Law, University of Texas School of Law; Sandra Guerra Thompson: University of Houston Law Foundation
Professor of Law and Criminal Justice Institute Director, University of Houston Law Center
Law Review Ranking: 239


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Author: Associate Professor, George Washington University Law School
Law Review Ranking: 8

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Authors: Puneet Manchanda: Associate Professor of Marketing, Graduate School of Business, University of Chicago; Elisabeth Honka: Doctoral Student, Graduate School of Business, University of Chicago
Law Review Ranking: 113


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Law Review Ranking: 356

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Author: Professor of Law, Duke University
Law Review Ranking: 30

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Author: Assistant Professor of Law, Ohio State University
Law Review Ranking: 22

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Author: Southmayd Professor, Yale Law School
Law Review Ranking: 10


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Author: [Practitioner]
Law Review Ranking: 11
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*Id.* at 2642 (Ginsburg, J., majority opinion) (citing Jeremiah Smith, *Legal Cause in Actions of Tort*, 25 HARV. L. REV. 103 (1911)).

Author: Professor of Law, Harvard Law School and former judge, Supreme Court of New Hampshire

Law Review Ranking: 1

*Id.* (Ginsburg, J., majority opinion) (citing Jeremiah Smith, *Legal Cause in Actions of Tort (Continued)*, 25 HARV. L. REV. 223 (1912)).

Author: Professor of Law, Harvard Law School and former judge, Supreme Court of New Hampshire

Law Review Ranking: 1

*Id.* (Ginsburg, J., majority opinion) (citing Walter W. Steele & Elizabeth G. Thornburg, *Jury Instructions: A Persistent Failure to Communicate*, 67 N.C. L. REV. 77 (1988)).

Authors: Walter W. Steele: Professor of Law, Southern Methodist University; Elizabeth G. Thornburg, Visiting Assistant Professor of Law and Director of Legal Research and Writing, Southern Methodist University

Law Review Ranking: 24


Authors: Robert P. Charrow: Assistant Professor of Law, Howard University; Veda R. Charrow: Research Scientist, American Institutes for Research

Law Review Ranking: 2

*Id.* at 2643 (Ginsburg, J., majority opinion) (citing Jeremiah Smith, *Legal Cause in Actions of Tort (Concluded)*, 25 HARV. L. REV. 303 (1912)).

Author: Professor of Law, Harvard Law School and former judge, Supreme Court of New Hampshire

Law Review Ranking: 1


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Author: [Law student] Harvard Law School

Law Review Ranking: 1

Authors: Harry T. Edwards: Chief Circuit Judge, United States Court of Appeals for the D.C. Circuit; Mitchell N. Berman: J.D. 1993, University of Michigan Law School

Law Review Ranking: 13


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Author: Professor of Law and holder of the John B. Connally Chair in Civil Jurisprudence, University of Texas School of Law

Law Review Ranking: 31

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Author: Nathan Baker Professor, Yale Law School

Law Review Ranking: 3

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Author: Associate Professor of Law, Georgetown University Law Center

Law Review Ranking: 27


Author: Associate Professor of Law, George Washington University National Law Center

Law Review Ranking: 36

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Author: James Parker Hall Distinguished Service Professor of Law, The Law School at The University of Chicago

Law Review Ranking: 72

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Author: Professor of Law, Pepperdine University School of Law

Law Review Ranking: 30


Author: Associate Professor of Law, University of Utah, S.J. Quinney College of Law

Law Review Ranking: 5
Id. (Ginsburg, J., dissenting) (citing Ronan E. Degnan & Mary K. Kane, The Exercise of Jurisdiction Over and Enforcement of Judgments Against Alien Defendants, 39 HASTINGS L.J. 799 (1988)).

Authors: Ronan E. Degnan: Professor of Law, Boalt Hall School of Law, University of California, Berkeley; Mary K. Kane: Professor of Law, Hastings College of the Law, University of California

Law Review Ranking: 34

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Author: Professor of Law, Hastings College of the Law, University of California

Law Review Ranking: 297

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Authors: Kevin M. Clermont: Flanagan Professor of Law, Cornell University; John R.B. Palmer: Associate Supervisory Staff Attorney, United States Court of Appeals for the Second Circuit

Law Review Ranking: 233


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Authors: Arthur T. von Mehren: Professor of Law, Harvard Law School; Donald T. Trautman, Professor of Law, Harvard Law School

Law Review Ranking: 1

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Law Review Ranking: 11

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Law Review Ranking: 1
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Law Review Ranking: 233

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