



Judicial Entrepreneurship: The Role of the Judge in the Marketplace of Ideas (Contributions in Legal Studies)

Cynthia L. Cates, Wayne McIntosh

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A fresh and provocative perspective on the judicial process and the transmission of ideas into law. Professors McIntosh and Cates demonstrate, through the actions and writings of such diverse jurists as Louis Brandeis, Sandra Day O'Connor, Jerome Frank, and Hans Linde, how judges' pet intellectual projects become the fodder for new ideas in the law.

Through a series of case studies, Professors McIntosh and Cates argue for the assessment of judicial activity from a fresh perspective. They focus on the appellate system and those judges who help to move the law?i.e., entrepreneurs. Appeals court judges are in a unique position in that they are presented with real opportunities to influence the shape and meaning of law.

Jurists have special interests, some areas of the law that particularly attract them. When questions arise in these fields, jurists are likely to seize the moment, allowing them to express their expertise and be creative. This is not only a natural course for highly motivated individuals, but also a mode of operation that is important to the development of our law. Through an examination of the actions and writings of such diverse jurists as Louis Brandeis, Sandra Day O'Connor, Jerome Frank, and Hans Linde, the authors explore this concept of entrepreneurship, in which judges take on and promote their pet projects. Of great interest to scholars and researchers in political science and law, and those concerned with judicial process and behavior, and court policymaking.

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