
Friends of the court : the privileging of interest group litigants in Canada

Friends Of The Court The Privileging Of Interest Group Litigants In Canada

Brendan G. Carr



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Friends of the Court Ian Brodie, 2012-02-01 In the first book length study of interest group litigation in Canada Friends of the Court traces the Canadian Supreme Court's ever changing relationship with interest groups since the 1970s After explaining how the Court was pressured to welcome more interest groups in the late 1980s Brodie introduces a new theory of political status describing how the Court privileges certain groups over others By uncovering the role of the state in encouraging and facilitating litigation this book challenges the idea that interest group litigation in Canada is a grassroots phenomenon

Law, Politics and the Judicial Process in Canada Frederick Lee Morton, 2002 Since the first edition of this popular textbook appeared in 1984 the Charter of Rights and Freedoms has transformed the role of the courts in Canadian politics The book introduces students to issues raised by the new political role of Canadian judges Law Politics and the Judicial Process in Canada features new introductions and new readings that deal with current issues in the realm of Canadian law and politics

Friends of the Supreme Court: Interest Groups and Judicial Decision Making Paul M. Collins, Jr., 2008-08-15 The U S Supreme Court is a public policy battleground in which organized interests attempt to etch their economic legal and political preferences into law through the filing of amicus curiae friend of the court briefs In Friends of the Supreme Court Interest Groups and Judicial Decision Making Paul M Collins Jr explores how organized interests influence the justices decision making including how the justices vote and whether they choose to author concurrences and dissents Collins presents theories of judicial choice derived from disciplines as diverse as law marketing political science and social psychology This theoretically rich and empirically rigorous treatment of decision making on the nation's highest court which represents the most comprehensive examination ever undertaken of the influence of U S Supreme Court amicus briefs provides clear evidence that interest groups play a significant role in shaping the justices choices

Rescuing Canada's Right Tasha Kheiriddin, Adam Daifallah, 2009-12-14 A provocative and timely call to action for civic minded Canadians yearning for a more competitive political system and better government Canadians everywhere are asking what's wrong with the Conservative Party The Liberal Party of Canada has held power for 70 of the past 100 years a feat unrivaled by any other political party in the Western hemisphere This dominance has caused a great deal of frustration on all political fronts especially on the right In the past two years the long awaited merger of the Canadian Alliance and the Progressive Conservatives has not achieved the results many were expecting Despite the explosive revelations of the sponsorship scandal and attempts to improve his party's image Stephen Harper's Conservatives still trail in the polls In Rescuing Canada's Right the authors examine the problems facing the Conservative Party and the broader conservative movement and offer concrete solutions on how to fix them Some of the issues the book will address Why the Conservative Party and its predecessor parties have such a poor electoral record Why today's Conservative Party is not really conservative Why a new political vision is necessary to inspire Canadians and what it should be How the Liberals use public money to entrench an unhealthy reliance

on the state and how the right has failed to challenge it What Canadian conservatives can learn from the American and British experiences How to build a Canadian Conservative counter culture in the media academia and the law How the right can break through to the young and to immigrants in Quebec An action plan to end Canada's democratic deficit and level the political playing field Rescuing Canada's Right will be a hard hitting and groundbreaking work that will introduce new ideas and a passionate call for change for 21st century Canada *Feminist Activism in the Supreme Court* Christopher P.

Manfredi, 2004 Since 1980 the Canadian women's movement has been an active participant in constitutional politics and Charter litigation This book through its focus on the Women's Legal Education and Action Fund LEAF presents a compelling examination of how Canadian feminists became key actors in developing the constitutional doctrine of equality and how they mobilized that doctrine to support the movement's policy agenda The case of LEAF an organization that has as its goal the use of Charter litigation to influence legal rules and public policy provides rich ground for Christopher Manfredi's keen analysis of legal mobilization In a multitude of areas such as abortion pornography sexual assault family law and gay and lesbian rights LEAF has intervened before the Supreme Court to bring its understanding of equality to bear on legal policy development This study offers a deft examination of LEAF's arguments and seeks to understand how they affected the Court's consideration of the issues Perhaps most important it also contemplates the long term effects of the mobilization and considers the social impact of the legal doctrine that has emerged from LEAF cases A major contribution to law and society studies *Feminist Activism in the Supreme Court* is unparalleled in its analysis of legal mobilization as an effective strategy for social movements It will be widely read and welcomed by legal scholars political scientists lawyers feminists and activists

Governing with the Charter James B. Kelly, 2011-11-01 Since the introduction of the Canadian Charter of Rights and Freedoms in 1982 the question of judicial power and its relationship to parliamentary democracy has been an important one in Canadian politics Some critics suspicious of what they perceive as the activism of unelected and unaccountable judges view the increased power of the Supreme Court as a direct challenge to parliament But has parliamentary democracy been weakened by judicial responses to the Charter In *Governing with the Charter* James Kelly clearly demonstrates that our current democratic deficit is not the result of the Supreme Court's judicial activism On the contrary an activist framers intent surrounds the Charter and the Supreme Court has simply and appropriately responded to this new constitutional environment While the Supreme Court is admittedly a political actor it is not the sole interpreter of the Charter as the court the cabinet and bureaucracy all respond to the document which has ensured the proper functioning of constitutional supremacy in Canada Kelly analyzes the parliamentary hearings on the Charter and also draws from interviews with public servants senators and members of parliament actively involved in appraising legislation to ensure that it is consistent with the Charter He concludes that the principal institutional outcome of the Charter has been a marginalization of Parliament and that this is due to the Prime Minister's decision on how to govern with the Charter A significant contribution to law and

society studies Governing with the Charter will be widely read by political scientists legal scholars parliamentarians public servants and students of the machinery of government

Constitutional Politics in Canada and the United States

Stephen L. Newman, 2012-02-01 The Canadian constitutional reforms of 1982 which included a Charter of Rights and Freedoms analogous to the American Bill of Rights brought about a convergence with American constitutional law As in the U S Canadian courts have shown themselves highly protective of individual rights and they have not been shy about assuming a leading and sometimes controversial political role in striking down legislation In clear and easy to understand language the contributors not only chart but also explore the reasons for areas of similarity and difference in the constitutional politics of Canada and the United States

Brian Dickson Robert J. Sharpe, Kent Roach, Osgoode Society for Canadian Legal History, 2003-01-01

Engaging and incisive Brian Dickson A Judge s Journey traces Dickson s life from a Depression era boyhood in Saskatchewan to the battlefields of Normandy the boardrooms of corporate Canada and high judicial office and provides an inside look at the work of the Supreme Court during its most crucial period

Health Care

and the Charter Christopher P. Manfredi, Antonia Maioni, 2018-01-15 Since the introduction of the Canadian Charter of Rights and Freedoms in 1982 individuals and organizations have increasingly turned to the courts to try to bring about policy change in areas such as health care Health Care and the Charter explores the systematic use of Charter litigation in the area of health care and the ultimate policy impact of the resulting judicial decisions Christopher P Manfredi and Antonia Maioni examine three of the most controversial Supreme Court decisions in recent years Eldridge 1997 and Auton 2004 invited the Court to extend the scope of publicly funded services while Chaouilli 2005 asked the Court to allow private health services This book explores the paths that brought litigants to the Court the arguments and evidence they mustered to support their positions and the substance of the victory or defeat the Court provided them The volume then assesses the ultimate impact of these cases in both policy and political terms

Rebalanced and Revitalized Mike Harris, Preston Manning, Fraser

Institute (Vancouver, B.C.), Institut économique de Montréal, 2006 Examines the democratic deficit present in Confederation today and applies to it these foundational principles expanding Canadians freedom of choice challenging Canadians to accept greater personal responsibility and deepening Canada s practice of federal democracy

Friends of the Court Ian Ross

Brodie, 2002

Canadian Founding Janet Ajzenstat, 2007-05-28

A new interpretation of confederation contends that the founding fathers were John Locke s disciples champions of universal human rights and popular sovereignty Winner John T Saywell Prize for Canadian Constitutional Legal History 2009

Governing from the Bench Emmett Macfarlane, 2013

In *Governing from the Bench* Emmett Macfarlane draws on interviews with current and former justices law clerks and other staff members of the court to shed light on the institution s internal environment and decision making processes He explores the complex role of the Supreme Court as an institution exposes the rules conventions and norms that shape and constrain its justices behavior and situates the court in its broader governmental and societal context as it relates to the elected branches

of government the media and the public *The Empirical Gap in Jurisprudence* Daved Muttart,2007-01-01 Daved Muttart has made a systematic study encompassing every judgment of the Supreme Court of Canada between 1950 and 2003 Muttart uses the results of this systematic examination to test the validity of extant jurisprudential theories **Tournament of Appeals** Roy B. Flemming,2004 Canada's Supreme Court decides cases with far reaching effects on Canadian politics and public policies When the Supreme Court sets cases on its agenda it exercises nearly unrestrained discretion and considerable public authority But how does the Court choose these cases in the first place From the several hundred requests for judicial review filed every year how and why do the justices pick some cases but not others for review *Tournament of Appeals* investigates the leave to appeal process in Canada and explores how and why certain cases win a place on the Court's agenda and others do not Taking the approach that the process mimics a sports tournament this study raises several vital questions For example is there an elite Supreme Court bar that routinely wins the tournament Do the Court's rules affect the tournament's outcomes Or does winning and losing reflect the resources of the parties As players in this tournament how do the judges play the game and how does it affect their votes to grant or deny judicial review Drawing from systematically collected information on the process applications and lawyers that has never before been used in studies of Canada's Supreme Court Roy B Flemming offers both a qualitatively and quantitatively based explanation of how Canada's justices grant judicial review The first of its kind this innovative study will draw the attention of lawyers academics and students in Canada as well as in the Commonwealth and European countries whose high courts share many features of the appeals process in Canada *Vision for a Canada Strong and Free* Mike Harris,Preston Manning,2007 *Uneasy Partnership* Geoffrey E. Hale,2006-01-01 Both teachers and students are indebted to Professor Hale for this up to date comprehensive and high quality text Kenneth Kernaghan Brock University *Seeking the Court's Advice* Kate Puddister,2019-05-01 Can Parliament legalize same sex marriage Can Quebec unilaterally secede from Canada Can the federal government create a national firearms registry Each of these questions is contentious and deeply political and each was addressed by a court in a reference case not by elected policy makers Reference cases allow governments to obtain an advisory opinion from a court without a live dispute and opposing litigants and governments often wield this power strategically Through a reference case elected officials can insert the courts and the judiciary into political debates that can be both contentious and normative *Seeking the Court's Advice* is the first in depth study of the reference power drawing on over two hundred reference cases from 1875 to 2017 With novel insight and analysis Kate Puddister demonstrates that the actual outcome of a reference case win or lose is often secondary to the political benefits that can be attained from relying on courts through the reference power **High Courts in Global Perspective** Nuno Garoupa,Rebecca D. Gill,Lydia B. Tiede,2021-08-27 High courts around the world hold a revered place in the legal hierarchy These courts are the presumed impartial final arbiters as individuals institutions and nations resolve their legal differences But they also buttress and mitigate the influence of other

political actors protect minority rights and set directions for policy The comparative empirical analysis offered in this volume highlights important differences between constitutional courts but also clarifies the unity of procedure process and practice in the world s highest judicial institutions High Courts in Global Perspective pulls back the curtain on the interlocutors of court systems internationally This book creates a framework for a comparative analysis that weaves together a collective narrative on high court behavior and the scholarship needed for a deeper understanding of cross national contexts From the U S federal courts to the constitutional courts of Africa from the high courts in Latin America to the Court of Justice of the European Union high courts perform different functions in different societies and the contributors take us through particularities of regulation and legislative review as well as considering the legitimacy of the court to serve as an honest broker in times of political transition Unique in its focus and groundbreaking in its access this comparative study will help scholars better understand the roles that constitutional courts and judges play in deciding some of the most divisive issues facing societies across the globe From Africa to Europe to Australia and continents and nations in between we get an insider s look into the construction and workings of the world s courts while also receiving an object lesson on best practices in comparative quantitative scholarship today Contributors Aylin Aydin Cakir Yeditepe University Turkey Tanya Bagashka University of Houston Clifford Carrubba Emory University Amanda Driscoll Florida State University Joshua Fischman University of Virginia Joshua Fjelstul Washington University in St Louis Tom Ginsburg University of Chicago Melinda Gann Hall Michigan State University Chris Hanretty University of London Lori Hausegger Boise State University Diana Kapiszewski Georgetown University Lewis A Kornhauser New York University Dominique H Lewis Texas A M University Chien Chih Lin Academia Sinica Taiwan Sunita Parikh Washington University in St Louis Russell Smyth Monash University Australia Christopher Zorn Pennsylvania State University Constitutionalism and Democracy The Australian Constitution and National Identity Anna Olijnyk, Alexander Reilly, 2023-05-11 What does Australia s Constitution say about national identity A conventional answer might be not much Yet recent constitutional controversies raise issues about the recognition of First Peoples the place of migrants and dual citizens the right to free speech the nature of our democracy and our continuing connection to the British monarchy These are constitutional questions but they are also questions about who we are as a nation This edited collection brings together legal historical and political science scholarship These diverse perspectives reveal a wealth of connections between the Australian Constitution and Australia s national identity

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