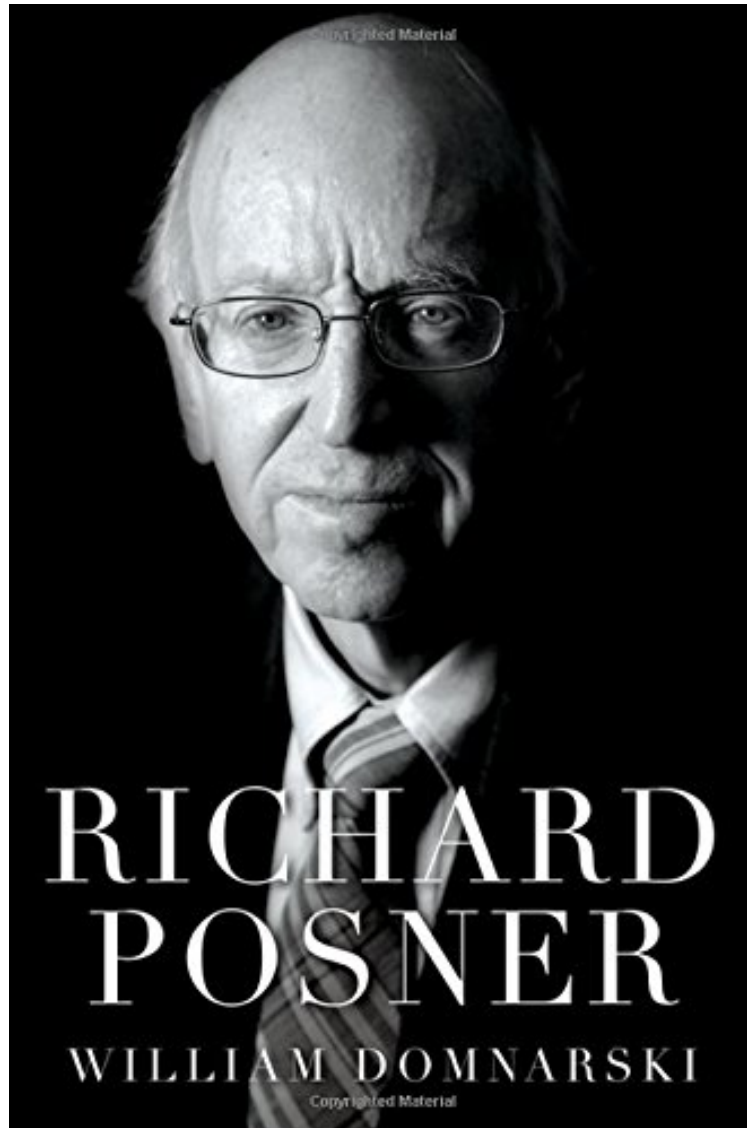


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Richard Posner

William Domnarski

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William Domnarski : Richard Posner before purchasing it in order to gage whether or not it would be worth my time, and all praised Richard Posner:

10 of 10 people found the following review helpful. An Important Intellectual biography of Judge Richard PosnerBy Ronald H. ClarkThis is quite simply a remarkable book. Richard Posner, from his perch (since 1981) on the United States Court of Appeals for the Seventh Circuit in Chicago, and his position as Senior Lecturer at the Law School of the University of Chicago (since 1969), has become one of our leading "public intellectuals." Having written over 43 books, and some five hundred articles, and being frequently designated as the most cited author for his academic work,

Posner has had the opportunity to address a breathtaking range of topics, legal and otherwise, including economic analysis of law, Antitrust, American federal courts, law and literature, Old Age, Aids, moral theory, the Clinton impeachment, "Sex and Reason," the deadlocked presidential election of 2000, Jurisprudence, intellectual property law, theories of interpretation, and Justice Scalia, to identify just a partial list. The challenge to encompass all this mass of significant work into one biographical volume has been well met in this book, although it is more an intellectual biography than a complete one. Virtually every important Posner book, article and speech is analyzed by the author in the sequence in which they appear: a major contribution of the book. The author, a California attorney well acquainted with Posner, follows generally a chronological design, which turns out to be a helpful approach given the mass of material to be covered. The first chapter, for example, traces Posner's first 30 years (1939-1969). Among other activities, Posner graduates from Yale, studies at Harvard Law School, is elected President of the Harvard Law Review, clerks for Justice Brennan, works with Philip Elman at the FTC, does a stint in the Solicitor General's office, works on a presidential commission, and joins the Stanford law faculty. The reader soon realizes that Posner is not one to take it easy, as even now in his 70's he works seven days a week, and continues teaching and judging. For those of us who are familiar with Posner, we most likely first became acquainted with him during his period as a Chicago law professor (1969-81). There he launches a crusade to utilize economic analysis of law, a component of the famous University of Chicago school of economics. His first major book, "Economic Analysis of Law," is published during this period. Seemingly, Posner tried to reduce every legal issue to an economic one, in a series of important law review articles. "Wealth maximization" becomes a primary analytical tool, which leads to some hostile reactions from folks like Ronald Dworkin. Posner employs very personal proselytizing to disseminate his ideas. This is how Posner first makes his name. The third section, particularly of interest to me since I have reviewed on many of his books on the courts, discusses Posner "making his initial judicial mark" as a 7th Circuit Judge (1981-1989). Throughout this period, Posner has been highly critical of district court judges as well as his appellate judges. I think some of his best work has emerged in this area. Particularly important here is the development of his "purpose" theory of interpretation, a welcome alternative to Scalia's originalist approach. While not abandoning economic analysis, Posner during this period becomes much more interested in pragmatism as the guiding influence in his opinions and published writings. He still pushes economic analysis on the Circuit, encountering much resistance in the process. The fourth chapter (1990-1999) continues these themes. Posner becomes intrigued with the issue of judicial greatness and publishes books on Cardozo and one of his favorites, Justice Holmes. He corresponds with Henry Friendly. And he continues his critical judgments of the bench and bar. His public intellectual period is the focus of chapter 5. His interests expand to the 2000 election, national security and terrorism, and intellectual property law. Some of his best books on the judiciary emerge during this period. In the final chapter, covering 2010-14, more books on the judiciary appear, doused in biting criticism; he urges judges to become familiar with statistics and scientific concepts,; and he advocates appellate judges make free use of the internet in reviewing material not in the record in deciding cases--part of his criticism of the adversary system. The book runs some 256 pages of text and 30 vital pages of notes. This is the best study of Judge Posner I have seen. But be advised, there is so much discussion of so many books, articles, intellectual duels, and ideas covered, that slow and careful reading is advised. It is striking how fine a job the author has done in organizing all this material--it clearly took him years of research and writing. For anyone interested in Posner and his fascinating range of ideas, this book is absolutely essential reading. It is the book that Posner deserves. 5 of 5 people found the following review helpful. A Must Read for #AppellateTwitterBy @SCOTUSPlacesJudges are generally pretty boring. They don't typically live exciting lives because exciting lives don't typically lead to judgeships. It's even worse for appellate judges, who don't even have the excitement, such as it is, of presiding over dramatic trials. Their main output as judges consists of written opinions, which inspire excitement among relatively few people. So the judicial biographer starts with a challenging task, one that is harder still if the judge doesn't have an exciting personal life outside of his judging. Add to that the necessity of describing the judge's jurisprudence and there arises an acute danger of writing something that's very boring or that slides into sticky fandom. William Domnarski meets the challenge with his biography of Richard Posner. It would be easy for this book to be boring: Posner has not led a particularly exciting life and he does not have an exciting personal life. (Like Posner himself, Domnarski does not mention Posner's family other than his parents and his cats.) He has written a lot judicial opinions (more than 3,000); describing them could be very tedious even without getting to Posner's many books and articles. It would also be easy to write a fan book about Posner, whose outsized intellect, rationality, and writing skills are unquestionable, or a slam book: Posner is not known for his warmth and modesty. Domnarski manages to avoid these traps and make some sense of perhaps the most fascinating judge alive. He was given remarkable access to Posner's archive and to Posner himself, which he supplements with interviews of the judge's contemporaries in early life, college, law school, and beyond. Through Domnarski's sifting of these materials we get an idea of what Posner was up to during all those years. What was he trying to accomplish? How did he try to reshape the law with his ideas? How did he respond to criticism? And how successful was he? Although there are few definitive answers, Domnarski sheds light on these questions by methodically working through each stage of Posner's career and the evolution of his thinking as reflected in his academic writing, judicial opinions, correspondence, and other activities. Like Posner himself, Domnarski's writing is

not boring. The reader is regularly treated to entertaining (and maybe even revealing) tidbits like Posner's high-school motto ("The Poze Knows"), his idiosyncratic takes on a wide range of subjects (cats, the death of parents, the judiciary), and various spats he's had along the way, including his infamous public debate with Justice Scalia and Bryan Garner over his review of their book on statutory interpretation *Reading Law: The Interpretation of Legal Texts*. Although I have written a lot here, Noah Feldman's blurb on the back cover sums up my review: "A must-read for anyone who thinks Richard Posner is both a genius and wrong almost all the time." Of 0 people found the following review helpful. HeartyBy HHEach era produces a jurist who, while passed over for the Supreme Court, nevertheless exerts an outsized influence on the law. For our generation, that preeminent judge is Richard A. Posner (b. 1939) of the Seventh Circuit Court of Appeals. Measured in citations alone -- i.e., the number of times other judges invoke his opinions as authority -- Posner far outstrips any contemporary. Known principally for his pragmatism and economic analysis of law, he has authored thousands of opinions on a wide range of legal issues during his 35 years on the bench. His decisions are notable for their impeccable reasoning, broadly allusive language, original analysis, and memorable turns of phrase. In addition, as a teacher and scholar, legal reformer, frequent debater, lecturer, interviewee, and the author of more than 40 books and innumerable articles and essays, he has extended his provocative thinking and influence to an audience beyond the legal community. Relying on extensive interviews, a thorough familiarity with Posner's formidable paper trail, and a forthright acknowledgment of the judge's many critics -- including the likes of philosophers Martha Nussbaum and Ronald Dworkin, former Harvard Law Dean Erwin Griswold, and Justice Antonin Scalia -- Domnarski compiles a useful, well-informed guidebook to Posner. The author provides plenty of biographical information, most of it supplied early on in his treatment of the judge's youth, his undergraduate and law school days, and his years in Washington, D.C. But the focus is on the work, on the issues and ideas that preoccupied Posner through the decades, first as a professor at Stanford and Chicago Law and then as an appellate judge. In more recent years, Posner has largely disowned the most extreme versions of law and economics theorizing that occupied his early career. Nowadays he champions a more eclectic approach to law and public policy. He approved the impeachment of President Bill Clinton but thought the Senate was right not to convict. He dismissed the Supreme Court's legal arguments in the election of 2000 but applauded the court for ending a destabilizing election crisis. After 9/11 he exhorted decision makers to take seriously the grave risks of national security crises while criticizing the Bush administration for foolish overreactions. He has even tacked left on issues like gay marriage, voter ID laws, gun rights, abortion rights and Keynesian economics. Posner's fierce mind is still on vivid display, however. He insists, for example, that judges have no moral or political obligation to adhere to the text of the Constitution, or to follow precedents set by prior cases. The Posnerian judge looks only to social consequences. The difficulty is that law itself, as Posner well knows, is precisely an attempt to resolve disagreement over the meaning and significance of those consequences. Practitioners will better understand Posner's impact on the law as a result of Domnarski's book. General readers will appreciate this introduction to that increasingly rare breed nowadays: namely, a public intellectual worthy of their time.

Judge Richard Posner is one of the great legal minds of our age, on par with such generation-defining judges as Holmes, Hand, and Friendly. A judge on the U.S. Court of Appeals for the Seventh Circuit and the principal exponent of the enormously influential law and economics movement, he writes provocative books as a public intellectual, receives frequent media attention, and has been at the center of some very high-profile legal spats. He is also a member of an increasingly rare breed of judges who write their own opinions rather than delegating the work to clerks -- and therefore we have unusually direct access to the workings of his mind and judicial philosophy. Now, for the first time, this fascinating figure receives a full-length biographical treatment. In *Richard Posner*, William Domnarski examines the life experience, personality, academic career, jurisprudence, and professional relationships of his subject with depth and clarity. Domnarski has had access to Posner himself and to Posner's extensive archive at the University of Chicago. In addition, Domnarski was able to interview and correspond with more than two hundred people Posner has known, worked with, or gone to school with over the course of his career, from grade school to the present day. The list includes among others members of the Harvard Law Review, colleagues at the University of Chicago, former law clerks over Posner's more than thirty years on the United States Court of Appeals for the Seventh Circuit, and even other judges from that court. *Richard Posner* is a comprehensive and accessible account of a unique judge who, despite never having sat on the Supreme Court, has nevertheless dominated the way law is understood in contemporary America.

"The author, a longtime attorney and legal writer, intrepidly embraces a daunting subject in this fine-tuned, well-researched intellectual biography of Richard Posner...An indispensable read for fans of Richard H. Thaler and Cass R. Sunstein's *Nudge*" -- Library Journal
About the Author
William Domnarski has been a lawyer and legal writer for 30 years. He is the author of three previous books on federal judges, as well as a book on the nature of practicing law. He has a JD from the University of Connecticut School of Law and a Ph.D. in English from the University of California,

Riverside.