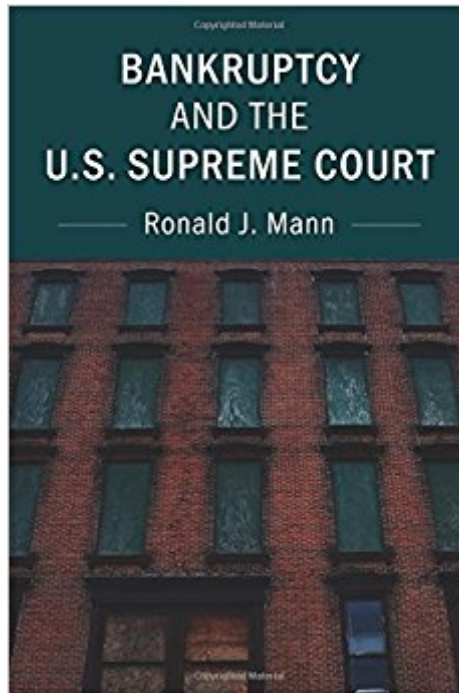




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Bankruptcy And The U.S. Supreme Court



Synopsis

In this illuminating work, Ronald J. Mann offers readers a comprehensive study of bankruptcy cases in the Supreme Court of the United States. He provides detailed case studies based on the Justices' private papers on the most closely divided cases, statistical analysis of variation among the Justices in their votes for and against effective bankruptcy relief, and new information about the appearance in opinions of citations taken from party and amici briefs. By focusing on cases that have neither a clear answer under the statute nor important policy constraints, the book unveils the decision-making process of the Justices themselves - what they do when they are left to their own devices. It should be read by anyone interested not only in the jurisprudence of bankruptcy, but also in the inner workings of the Supreme Court.

Book Information

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Advance praise: 'Both bankruptcy specialists and scholars of the Supreme Court will find this book fascinating. Mann's analysis of the way that generalist judges understand bankruptcy issues provides priceless insights to specialists. He also shows how the Court's decisions on apolitical issues often 'rest on various types of information not immediately apparent even to a trained observer.' Jay L. Westbrook, Benno C. Schmidt Chair of Business Law, University of Texas School of Law

Advance praise: 'Ronald J. Mann's book is a masterpiece of outstanding academic scholarship. It is more than the single best scholarly inquiry into bankruptcy law in the United States Supreme Court. Sophisticated, probing, and insightful, Mann has deftly combined his expertise as a Supreme Court advocate, former Supreme Court law clerk, and preeminent bankruptcy law scholar to produce the best book of any kind on the dynamics of contemporary Supreme Court advocacy

and decision making.’ Richard Lazarus, Howard J. and Katherine W. Aibel Professor of Law, Harvard Law School
Advance praise: ‘Mann offers a rare glimpse into the Supreme Court’s decision making away from the spotlight. This book is a fascinating exploration of the Court’s efforts in cases that generate little public attention but divide the justices ... This is a book that should be read by Court watchers, who can gain a better appreciation for how the Court works on the inside, and bankruptcy aficionados, who sometimes shake their heads quizzically at the Court’s decisions in this area.’ Robert K. Rasmussen, J. Thomas McCarthy Trustee Chair in Law and Political Science, University of Southern California Gould School of Law
Advanced praise: ‘Mann and Veenstra offer a tour through cases over the last 40 years in the Supreme Court that deal with bankruptcy. The most obvious consumers are Supreme Court legal scholars and political scientists. But Mann’s dissection of particular cases will interest two other groups: advocates and voyeurs. By reporting the raw bargains among members of the Court and by showing justices’ migration from the majority to the dissent and vice versa, Mann offers an uncommon opportunity to step behind the curtain. The view there will inform advocates and titillate the voyeurs.’ James J. White, Emeritus Professor, University of Michigan Law School

In this book, Ronald J. Mann provides detailed case studies of the Supreme Court’s closely divided bankruptcy cases, based on the Justices’ private papers and a detailed examination of the sources on which the Justices rely. This book will appeal to scholars, students, and practitioners in the fields of bankruptcy and constitutional law.

The title to this well-written and excellent treatment describes the subject and the audience this reaches. Prof. Mann is a first-rate scholar on an area not always familiar to those who follow the Supreme Court rulings most for other issues in constitutional law such as First Amendment or Due Process matters. As he notes, the grant of authority under Article One that empowers Congress to legislate in the area of bankruptcy has not been fully rationalized with other areas such as labor law, environmental law, and criminal law. His proposal to create an expertise in administration is insightful as well. This is an impressive study, carefully annotated with statistical analysis. His concern that non-efficient, ad hoc, outcomes in bankruptcy adjudications, while expedient, create ongoing social costs merits further consideration.

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