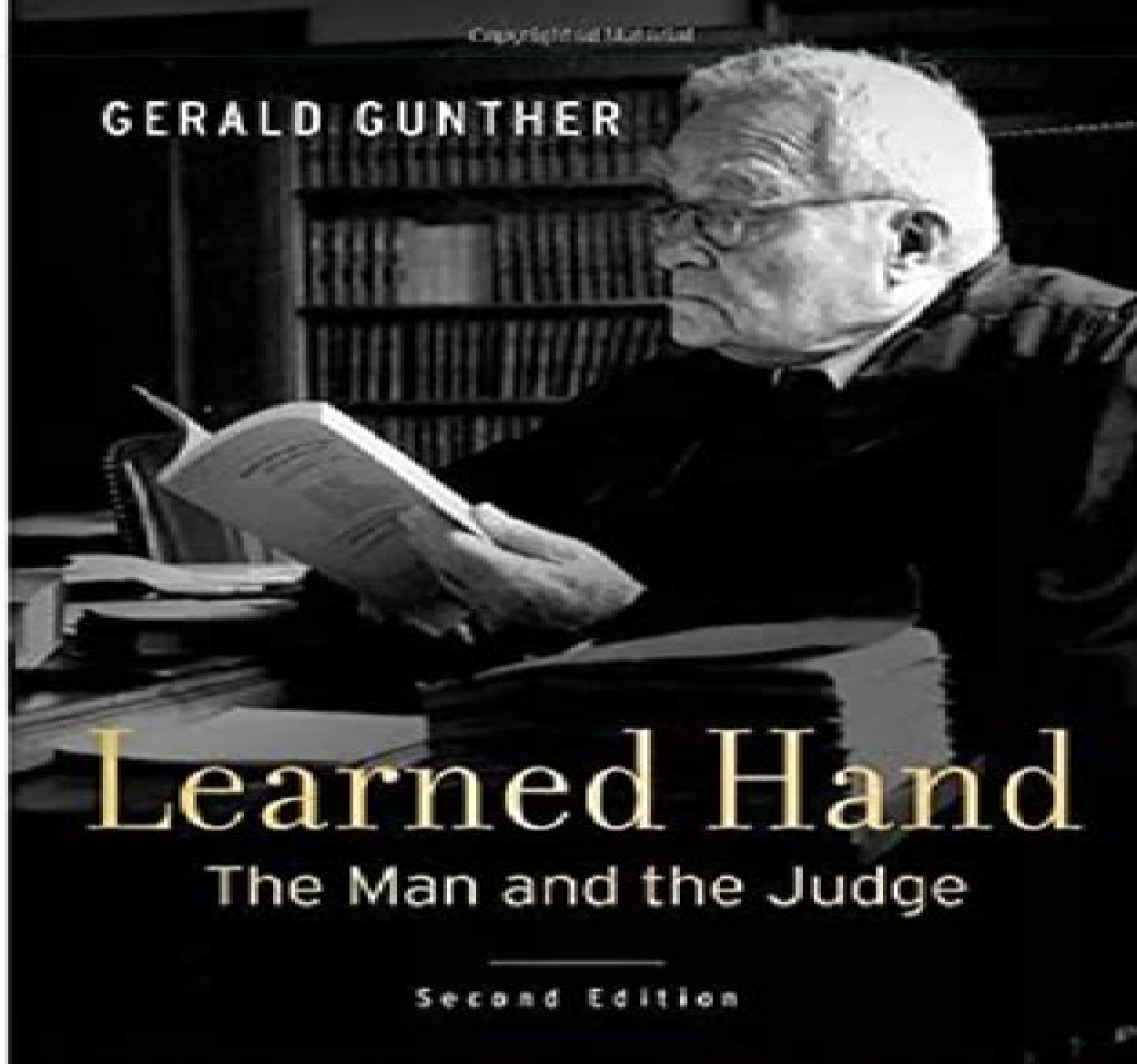


GERALD GUNTHER



Learned Hand

The Man and the Judge

Second Edition

Foreword by **RUTH BADER GINSBURG**

OXFORD

Learned Hand The Man And The Judge

J Dewey



Learned Hand The Man And The Judge:

Learned Hand Gerald Gunther, 2011 Previous edition 1st published in 1994 *Learned Hand* Gerald Gunther, 1997-04-01 A Masterful moving account of the life and work of one of the great judges of the twentieth century whose work has left a profound mark on our legal intellectual and social landscape The greatest judge never to be appointed to the Supreme Court Learned Hand is widely considered the peer of Justices Holmes Brandeis and Cardozo In his more than fifty years on the bench he left an unequalled legacy of lastingly influential writings This distinctive biography goes well beyond Hand s official work however to depict both a complex human being and the times in which he lived The first to draw on the enormous collection of the judge s private papers the eminent constitutional scholar Gerald Gunther vividly portrays a public man consumed by private doubts Gunther s lively account moves from Hand s childhood in a formidable and anxiety producing family of lawyers to his years at Harvard as a studious outsider his frustrating experience in private law practice his felt inadequacies in marriage and his work as a federal judge Throughout his life Hand believed himself unworthy of the accolades bestowed upon him self doubt permeated all aspects of his life Gunther subtly explores the ties between the modest uncertain man a liberal skeptic who was never too sure he was right and his public record and suggests that Hand s personal traits shaped his modest approach to judging the questioning human being could not help acting that way as a judge Hand s most enduring legacy is his advocacy of judicial restraint repeatedly he sounded the dangers of excessive activism in unelected judges Yet he mustered the courage to support such basic values as freedom of expression from his personally costly defense of dissenters amid the hysteria of World War I to his strong affirmation of free speech in his rulings on obscenity and his outspoken attacks on McCarthyism in the 1950s This biography also offers the perspective of one of this era s most sensitive public figures on the rich political and social history of the first six decades of the twentieth century By examining Hand s voluminous correspondence with such acquaintances as Walter Lippmann Felix Frankfurter and Herbert Croly with whom he was a founding contributor to The New Republic Gunther illuminates Hand s intense involvement with the public issues of his times such as his enthusiastic support of Theodore Roosevelt s Progressive party Gunther gives us a graphic portrait of a complex and uncommon man whose thoughts and words inspired generations of Americans and continue to do so today **Learned Hand** Gerald Gunther, 2010-06-24 Billings Learned Hand was one of the most influential judges in America In *Learned Hand The Man and the Judge* Gerald Gunther provides a complete and intimate account of the professional and personal life of Learned Hand He conveys the substance and range of Hand s judicial and intellectual contributions with eloquence and grace This second edition features photos of Learned Hand throughout his life and career and includes a foreword by Ruth Bader Ginsburg Gunther a former law clerk for Hand reviewed much of Hand s published work opinions and correspondence He meticulously describes Hand s cases and discusses the judge s professional and personal life as interconnected with the political and social circumstances of the times in which he lived Born in 1872 Hand

served on the United States District Court for the Southern District of New York and the United States Court of Appeals for the Second Circuit He clearly crafted and delivered thousands of decisions in a wide range of cases through extensive conscientious investigation and analysis while at the same time exercising wisdom and personal detachment His opinions are still widely quoted today and will remain as an everlasting tribute to his life and legacy **Learned Hand's Court** Marvin Schick,2019-12-01 Originally published in 1970 This is a study of one of the most highly respected tribunals in the history of the English speaking world the United States Court of Appeals for the Second Circuit Situated in Manhattan the Second Circuit Court serving New York Connecticut and Vermont is the most important commercial court in the country But like other inferior courts it has never been studied in depth Marvin Schick provides a comprehensive analysis From 1941 to 1951 Learned Hand presided over the Second Circuit as chief judge and the court bore his stamp But on its bench sat other men of great competence judges Thomas W Swan August N Hand and Harrie B Chase as well as Charles E Clark and Jerome N Frank whose constant disagreement characterized much of the court s work Schick studies the Second Circuit Court from several angles historical biographical behavioral and case analytical He tells a history of the court from its origins in 1789 He provides biographical sketches of the six judges who sat during Learned Hand s tenure as chief judge He analyzes the many decisions handed down by the court including the precedent setters He examines the court s decision making process especially its unique procedures such as the memorandum system which requires from the judges preliminary opinions in the cases they hear A novel feature of this book is the correlation of votes of the Second Circuit judges with subsequent decisions of the Supreme Court Schick was aided in his study by having access to the private papers of Judge Clark These thousands of memoranda and letters throw much light on the workings of the Second Circuit Court and reveal the bargaining that went on among the judges in difficult cases The Clark papers make possible a clearer understanding of the incessant conflict between Clark and Frank and show how this unusual relationship gave vitality to the Second Circuit Judge Learned Hand, an Examination of His Philosophy and Its Implications for the American Judiciary Kathryn Percy Griffith,1967 **The American Judicial Tradition** G. Edward White,2007-01-11 In this revised third edition of a classic in American jurisprudence G Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W Holmes to Warren E Burger with a new chapter on the Rehnquist Court White traces the development of the American judicial tradition through biographical sketches of the careers and contributions of these renowned judges In this updated edition he argues that the Rehnquist Court s approach to constitutional interpretation may have ushered in a new stage in the American judicial tradition The update also includes a new preface and revised bibliographic note Congressional Record United States. Congress,1974 **These Exalted Acres: Unlocking the Secrets of Albany Rural Cemetery** Paul Grondahl,2013 **The American Judicial Tradition : Profiles of Leading American Judges** G. Edward White John B. Minor

Professor of Law and Cromwell Research Professor of History University of Virginia, 1988-12-01 Now available in a newly revised and updated second edition this highly acclaimed volume presents a series of portraits of the most famous appellate judges in American history from John Marshall to the Burger court G Edward White traces the American judicial tradition through sketches of the careers and contributions of such significant judges as John Marshall Joseph Story Roger Taney Stephen Field Oliver Wendell Holmes Louis Brandeis Charles Evans Hughes Felix Frankfurter Hugo Black Earl Warren William Brennan and Sandra Day O Connor This expanded edition contains a new preface an updated bibliographical note and two new chapters one on Justice William O Douglas and one on the Burger Court *The Safety of the Kingdom* J. Michael Martinez, 2015-08-25 The horrendous events of September 11 2001 heightened awareness of terrorism unlike all but a handful of major catastrophes in American history Like the Japanese attack on Pearl Harbor on December 7 1941 and President Kennedy's assassination on November 22 1963 9 11 is a date forever enshrined in our national memory But 9 11 once again raised the question What should government do to eliminate or reduce the likelihood of a future attack How should national leadership balance its responsibility to protect the civil liberties of U S citizens with its sworn duty to protect their lives In *The Safety of the Kingdom* J Michael Martinez takes up the question of how the United States government has responded to terrorist attacks and in the absence of an attack the fear of foreign and subversive elements that may harm the nation In some cases the government overreaction led to a series of abuses that amplified the severity of the original threat Rather than selecting every instance of government reaction to threats Martinez examines representative cases from the alien and sedition acts in the eighteenth century to the post 9 11 war on terror Edward Snowden's disclosure of classified information related to the NSA's surveillance program brought to the fore an important debate about government scrutiny of its citizens As J Michael Martinez makes clear in this book it is a debate that has been ongoing for centuries Skyhorse Publishing as well as our Arcade imprint are proud to publish a broad range of books for readers interested in history books about World War II the Third Reich Hitler and his henchmen the JFK assassination conspiracies the American Civil War the American Revolution gladiators Vikings ancient Rome medieval times the old West and much more While not every title we publish becomes a New York Times bestseller or a national bestseller we are committed to books on subjects that are sometimes overlooked and to authors whose work might not otherwise find a home **The Encyclopedia of American Civil Liberties** Paul Finkelman, 2006 Publisher Description **The New York Times Book Review**, 1994-04 Presents extended reviews of noteworthy books short reviews essays and articles on topics and trends in publishing literature culture and the arts Includes lists of best sellers hardcover and paperback [Great American Judges](#) John R. Vile, 2003-06-23 Inspiring and instructive biographies of the 100 most influential judges from state and federal courts in one easy to access volume Great American Judges profiles 100 outstanding judges and justices in a full sweep of U S history Chosen by lawyers historians and political scientists these men and women laid the foundation of U S law A complement to Great American

Lawyers together these two volumes create a complete picture of our nation's top legal minds from colonial times to today. Following an introduction on the role of judges in American history are A-Z biographical entries portraying this diverse group from extraordinarily different backgrounds. Students and history enthusiasts will appreciate the accomplishments of these role models and the connections between their inspiring lives and their far-reaching legal decisions. William Rehnquist, Oliver Wendell Holmes Jr. and 12 other Supreme Court justices are found alongside federal judges like Skelly Wright who ordered school desegregation in 1960. Influential state judges such as Rose Elizabeth Bird, California's first woman Supreme Court Chief Justice are also featured.

LIFE, 1944-07-03 LIFE Magazine is the treasured photographic magazine that chronicled the 20th Century. It now lives on at LIFE.com the largest most amazing collection of professional photography on the internet. Users can browse, search and view photos of today's people and events. They have free access to share print and post images for personal use.

The 20th Century Go-N Frank N. Magill, 2014-03-05 Each volume of the Dictionary of World Biography contains 250 entries on the lives of the individuals who shaped their times and left their mark on world history. This is not a who's who. Instead, each entry provides an in-depth essay on the life and career of the individual concerned. Essays commence with a quick reference section that provides basic facts on the individual's life and achievements. The extended biography places the life and works of the individual within an historical context and the summary at the end of each essay provides a synopsis of the individual's place in history. All entries conclude with a fully annotated bibliography.

LIFE, 1946-11-04 LIFE Magazine is the treasured photographic magazine that chronicled the 20th Century. It now lives on at LIFE.com the largest most amazing collection of professional photography on the internet. Users can browse, search and view photos of today's people and events. They have free access to share print and post images for personal use.

The Brandeis-Frankfurter Connection: The Secret Political Activities of Two Supreme Court Justices Bruce Allen Murphy, 2019-11-20 Originally published in 1982 by Oxford University Press and featured in a front page story in the Sunday New York Times, this book describes the relationship between Justice Louis D. Brandeis and then Harvard law professor Felix Frankfurter. While on the Court, Brandeis provided Frankfurter with funds to promote a variety of political reforms. The book sparked a debate about the ethics of extrajudicial activities by Supreme Court justices. This book sets out an historical narrative of hitherto unknown, undiscovered yet rather extensive political activities by two major, highly respected justices of the United States Supreme Court. It now appears that in one of the most unique relationships in the Court's history, Brandeis enlisted Frankfurter, then a professor at Harvard Law School, as his paid political lobbyist and lieutenant. Working together over a period of twenty-five years, they placed a network of disciples in positions of influence and labored diligently for the enactment of their desired programs. This adroit use of the politically skillful Frankfurter as an intermediary enabled Brandeis to keep his considerable political endeavors hidden from the public. Not surprisingly, after his own appointment to the Court, Frankfurter resorted to some of the same methods to advance governmental goals consonant with his own political

philosophy As a result history virtually repeated itself with the student placing his own network of disciples in various agencies and working through this network for the realization of his own goals Bruce Allen Murphy in the Introduction to The Brandeis Frankfurter Connection This study of the extrajudicial activities of two celebrated Justices of the Supreme Court makes a valuable and fascinating if somewhat schizophrenic book Murphy has done a first class job of research supplementing his labors in the Brandeis and Frankfurter papers by extensive investigation in other manuscript collections and the Columbia University oral histories and by fruitful interviews with survivors The Brandeis Frankfurter Connection is a useful book It is useful because it makes us think hard about standards of judicial behavior And it is useful because it makes us think realistically about the Court itself Arthur Schlesinger Jr The New York Times The Brandeis Frankfurter Connection contains at once a great historical find and a thoughtful and at times brilliant essay on judicial propriety This book deals superbly with questions not only of a citizen s legitimate expectations for Supreme Court behavior but also of the broader role and hope for the performance of government Murphy is a very reluctant muckraker who after laying out the details tries in a four page conclusion to take much of it back insisting that both the late justices will survive as giants of twentieth century America Bob Woodward The Washington Post Fascinating reading a serious and commendable work of scholarship a partial but engaging and persuasive portrait of the Washington political community for a good slice of the 20th century Nelson W Polsby Commentary Magazine A valuable study the views of Brandeis and Frankfurter and their efforts to win acceptance for them have never been so searchingly studied and evaluated Frank Freidel The American Historical Review Murphy has authored a solidly researched and important book Murphy amply demonstrates both his thorough research abilities and his talent for weaving material together to produce a work that flows like a well written mystery and deserve s much credit for assembling hitherto known and unknown facts and placing them in a useful perspective an important work Alan Betten University of Baltimore Law Review Murphy s book persuasively demonstrates that Brandeis and Frankfurter never ceased to be the kind of men they were before they went to the bench political men Not that their behavior was unique or unprecedented Murphy reminds readers that two thirds of those who have sat on the highest court have engaged in off the bench political activity Perhaps this book continues to stir emotions precisely because it establishes so convincingly the political effectiveness of two remarkable judges men who have too long been esteemed as models of a pristine judicial probity that in our nation probably cannot exist Victoria Schuck The Wilson Quarterly

Liber Amicorum Ibrahim F.I. Shihata

Sabine Schlemmer-Schulte, Ko-Yung Tung, 2021-10-25 This Liber Amicorum is dedicated to an exceptional lawyer who laid many foundations of international finance and development law Ibrahim F I Shihata in commemoration of his retirement from the World Bank after 15 years of service as Vice President later Senior Vice President and General Counsel and Secretary General of the International Centre for Settlement of Investment Disputes Ibrahim F I Shihata s groundbreaking contributions to the theory and practice of international law arose out of his service in major international finance and

development institutions Among the positions he held prior to his service at the World Bank and ICSID were Legal Adviser Kuwait Fund for Arab Economic Development Executive Director International Fund for Agricultural Development Director General OPEC Fund for International Development and Chairman International Development Law Institute He shaped these institutions legal architecture and advanced these institutions contribution to development This Liber Amicorum brings together essays of incumbent or former general counsels or heads of the World Bank the International Finance Corporation the Multilateral Investment Guarantee Agency the Inter American Development Bank the Inter American Investment Corporation the Asian Development Bank the African Development Bank the European Bank for Reconstruction and Development the Islamic Development Bank the Nordic Investment Bank the International Fund for Agricultural Development the OPEC Fund the Arab Fund for Economic and Social Development and other international finance and development institutions Collectively with distinguished academics jurists and arbitrators in international tribunals such as the International Court of Justice World Trade Organization s Appellate Body and the International Centre for Settlement of Investment Disputes well known practitioners and colleagues of Dr Shihata at the World Bank s Legal Department they write about current and emerging issues in international finance and development law These include issues such as the various institutions special development assistance profile the settlement of international investment disputes foreign investment law legal and judicial reform the environment the rule of law corruption accountability of international financial institutions etc reflecting the broad spectrum of the part of law to the development of which Ibrahim Shihata contributed tremendously

Federal Reporter ,1925 **Pacific Law Journal** ,1995 Vols for 1971 include Review of significant California legislation for 1972 the annual Review of selected California legislation and 1982 the annual Review of selected Nevada legislation

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Table of Contents Learned Hand The Man And The Judge

1. Understanding the eBook Learned Hand The Man And The Judge
 - The Rise of Digital Reading Learned Hand The Man And The Judge
 - Advantages of eBooks Over Traditional Books
2. Identifying Learned Hand The Man And The Judge
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Learned Hand The Man And The Judge
 - User-Friendly Interface
4. Exploring eBook Recommendations from Learned Hand The Man And The Judge
 - Personalized Recommendations
 - Learned Hand The Man And The Judge User Reviews and Ratings
 - Learned Hand The Man And The Judge and Bestseller Lists
5. Accessing Learned Hand The Man And The Judge Free and Paid eBooks
 - Learned Hand The Man And The Judge Public Domain eBooks
 - Learned Hand The Man And The Judge eBook Subscription Services
 - Learned Hand The Man And The Judge Budget-Friendly Options

6. Navigating Learned Hand The Man And The Judge eBook Formats
 - ePub, PDF, MOBI, and More
 - Learned Hand The Man And The Judge Compatibility with Devices
 - Learned Hand The Man And The Judge Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Learned Hand The Man And The Judge
 - Highlighting and Note-Taking Learned Hand The Man And The Judge
 - Interactive Elements Learned Hand The Man And The Judge
8. Staying Engaged with Learned Hand The Man And The Judge
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Learned Hand The Man And The Judge
9. Balancing eBooks and Physical Books Learned Hand The Man And The Judge
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Learned Hand The Man And The Judge
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Learned Hand The Man And The Judge
 - Setting Reading Goals Learned Hand The Man And The Judge
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Learned Hand The Man And The Judge
 - Fact-Checking eBook Content of Learned Hand The Man And The Judge
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

Learned Hand The Man And The Judge Introduction

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