

**Everyone Has an Opinion:
Valuing Persuasive Authority from Outside the Jurisdiction**

American Bar Association Judicial Division
2006 Annual Meeting
Honolulu, Hawaii
Friday, August 4, 2006
2:00 p.m. – 3:30 p.m.

SELECTED BIBLIOGRAPHY

United States Supreme Court

William H. Manz, *Citations in Supreme Court Opinions and Briefs: A Comparative Study*, 95 Law Library J. 267 (2002). Study of use of authority by the United States Supreme Court during the October 1996 Term, as compared to the authorities cited in the briefs submitted to the Court.

United States Court of Appeals

David Klein & Darby Morrisroe, *The Prestige and Influence of Individual Judges on the U.S. Courts of Appeals*, 28 J. Legal Stud. 371 (1999).

William M. Landes, Lawrence Lessig & Michael E. Solimine, *Judicial Influence: A Citation Analysis of Federal Courts of Appeals Judges*, 27 J. Legal Stud. 271 (1998).

State Appellate Courts, Generally

Lawrence M. Friedman, Robert A. Kagan, Bliss Cartwright & Stanton Wheeler, *State Supreme Courts: A Century of Style and Citation*, 33 Stan. L. Rev. 773, 792-817 (1981). Quantitative study of 5900 state supreme court decisions in 16 states from 1870 to 1970, including citation patterns.

David J. Walsh, *On the Meaning and Pattern of Legal Citations: Evidence from State Wrongful Discharge Precedent Cases*, 31 L. & Soc'y Rev. 337 (1997).

State Appellate Courts, Specific States

Arkansas: A. Michael Beard, *Citations to Authority by the Arkansas Appellate Courts, 1950-2000*, U. Ark. Little Rock L. Rev. 301 (2003).

California: John Henry Merryman, *Toward a Theory of Citations: An Empirical Study of the Citation Practice of the California Supreme Court in 1950, 1960 and 1960*, 50 S. Cal. L. Rev. 381 (1977); John Henry Merryman, *The Authority of Authority: What the California Supreme Court Cited in 1950*, 6 Stan. L. Rev. 613 (1954).

Kansas: Joseph A. Custer, *Citation Practices of the Kansas Supreme Court and Kansas Court of Appeals*, 8 Kan. J.L. & Pub. Pol'y 126 (1999).

Montana: Fritz Snyder, *The Citation Practices of the Montana Supreme Court*, 57 Mont. L. Rev. 453 (1996).

New York: William H. Manz, *The Citation Practices of the New York Court of Appeals, 1850-1993*, 43 Buff. L. Rev. 121 (1995); William H. Manz, *The Citation Practices of the New York Court of Appeals: A Millennium Update*, 49 Buff. L. Rev. 1273 (2001).

North Carolina: Richard A. Mann, *The North Carolina Supreme Court 1977: A Statistical Analysis*, 15 Wake Forest L. Rev. 39 (1979).

Ohio: James Leonard, *An Analysis of Citations to Authority in Ohio Appellate Decisions Published in 1990*, 86 L. Library J. 129 (1994).

Law Reviews

R.L. Bard, *Advocacy Masquerading as Scholarship; or, Why Legal Scholars Cannot Be Trusted*, 55 Brook. L. Rev. 853 (1989).

Michael D. McClintock, *The Declining Use of Legal Scholarship by Courts: An Empirical Study*, 51 Okla. L. Rev. 659 (1998).

Deborah J. Merritt & Melanie Putnam, *Judges and Scholars: Do Courts and Scholarly Journals Cite the Same Law Review Articles?*, 71 Chicago-Kent L. Rev. 871 (1996).

Louis J. Sirico, Jr., *The Citing of Law Reviews by the Supreme Court*, 75 Ind. L.J. 1009, 1015 (2000).

Bart Sloan, Note, *What Are We Writing For? Student Works as Authority and Their Citation by the Federal Bench, 1986-1990*, 61 George Washington L. Rev. 221 (1992).

Non-Legal Materials

Ellie Margolis, *Beyond Brandeis: Exploring the Uses of Non-Legal Materials in Appellate Briefs*, 34 U. San Francisco L. Rev. 197 (2000).