## CONTENTS

## List of Tables / ix Preface / xi Acknowledgments / xiii

ONE / A First Look at Judicial Specialization / 1

Questions to Address / 2

Extent: The Landscape of Judicial Specialization / 6

Plan of the Book / 24

Appendix: The Scholarship on Judicial Specialization / 25

Two / Perspectives on Causes and Consequences / 29

Consequences: The Impact of Judicial Specialization / 31

Causes: The Sources of Judicial Specialization / 41

Summing Up and Looking Ahead / 55

Appendix: Research Strategy / 55

Overseas Courts / 63
Military Justice / 67
The Foreign Intelligence Surveillance Courts / 81
The Removal Court / 89
Discussion / 91

FOUR / Criminal Cases / 95

Promoting Efficiency / 98

Occasional Efforts to Attack Crime with Sanctions / 101

## Socialized Courts in the Progressive Era / 105 Problem-solving Courts of the Current Era / 114 Discussion / 131

FIVE / Economic Issues: Government Litigation / 137

Revenue / 138
Expenditures / 154
Regulation / 164
Discussion / 171

SIX / Economic Issues: Private Litigation / 175

Patents / 175

Corporate Governance: The Delaware Courts / 186

Business Courts / 191

Bankruptcy / 194

Discussion / 204

SEVEN / Putting the Pieces Together / 207

The Causes of Specialization / 207
The Consequences of Specialization / 217
Evaluating Judicial Specialization / 226
The Future of Judicial Specialization / 227

References / 231 Index / 275