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**Books**

HOW CIVILITY WORKS (2016).

ALL JUDGES ARE POLITICAL—EXCEPT WHEN THEY ARE NOT: ACCEPTABLE HYPOCRISIES AND THE RULE OF LAW (2010).

MISTAKEN IDENTITY: THE SUPREME COURT AND THE POLITICS OF MINORITY REPRESENTATION (1998).

**Books, Edited**

STANFORD STUDIES IN LAW AND POLITICS (series editor) (2012- ).

LAW, POLITICS, AND THE MEDIA (Social Science Research Network subject matter e-journal) (editor) (2009- ), <https://www.ssrn.com/link/Law-Politics-Media.html>.

LAW, POLITICS, AND THE MEDIA (series editor) (2007-2011).

BENCH PRESS: THE COLLISION OF COURTS, POLITICS, AND THE MEDIA (2007).

**Law Review and Other Scholarly Articles**

*Law and/or/as Civility*, 17 ANN. REV. L. & SOC. SCI. 1 (2021).  
<https://www.annualreviews.org/doi/full/10.1146/annurev-lawsocsci-120920-084221>.

*The Rise of Trump and the Death of Civility*, LAW, CULTURE AND THE HUMANITIES, June 28, 2018, at 00, doi.org/10.1177/1743872118785956.

*Muckraking: The Case of the United States Supreme Court*, 4 OÑATI SOCIO-LEGAL SERIES 597 (2014).

Symposium, *Law in the Age of Media Logic*, 4 OÑATI SOCIO-LEGAL SERIES 593 (2014).

*The Supreme Court: An Autobiography (with Angela G. Narasimhan)*, 61 STUD. L. POL. & SOC'Y 179 (2013).

*Open Secret: Why the Supreme Court has Nothing to Fear from the Internet*, 88 CHI.-KENT L. REV. 309 (2013).

*All Judges Are Political – Except When They Are Not: A Response*, 38 LAW & SOC. INQUIRY 215 (2013).

*The Limits of Debate or What We Talk About When We Talk About Gender Imbalance on the Bench*, 2012 MICH. ST. L. REV. 1481 (2012).

*Judging in Place: Architecture, Design, and the Operation of Courts*, 37 LAW & SOC. INQUIRY 1014 (2012).

*Paying Attention to What Judges Say: New Directions in the Study of Judicial Decision Making*, 8 ANN. REV. L. & SOC. SCI. 69 (2012).

*Will the Real Elena Kagan Please Stand Up? Conflicting Public Images in the Supreme Court Confirmation Process*, 1 WAKE FOREST J. L. & POL'Y 137 (2011).

*Efficient, Fair, and Incomprehensible: How the State “Sells” its Judiciary* (with Heather Pincock), 33 LAW & POL'Y 1 (2011).

Symposium, *The Importance of Judicial Appearances: A Symposium on Law, Politics and the Media*, 59 SYRACUSE L. REV. 361 (2009).

*Legalizing Public Reason: The American Dream, Same-Sex Marriage, and the Management of Radical Disputes* (with Cyril Ghosh), 49 STUD. L. POL. & SOC'Y 125 (2009).

Symposium, *Creators vs. Consumers: The Rhetoric, Reality and Reformation of Intellectual Property Law and Policy*, 58 SYRACUSE L. REV. 427 (2008).

*How Would You Know a Virtuous Citizen if You Saw One?*, 30 INT'L J. PUB. ADMIN. 683 (2007).

Symposium, *Law in Action: Commentary on Article by Susan Burgess*, 59 POL. RES. Q. 415 (2006).

*Legal Realism, Common Courtesy, and Hypocrisy*, 1 LAW, CULTURE & HUMAN. 75 (2005).

The Forum, *Citizenship At Home and Abroad, Editor's Note*, 7 INT'L STUD. REV. 503 (2005).

*The Political Significance of Legal Ambiguity: The Case of Affirmative Action*, 34 LAW & SOC'Y REV. 263 (2000).

*Essentially Contested Membership: Racial Minorities and the Politics of Inclusion*, 21 LEGAL STUD. F. 469 (1997).

## Book Chapters

*Does the Constitution Protect the Right to Lie?* in *THE U.S. CONSTITUTION IN FIVE MINUTES* (Joseph L. Smith & David E. Klein eds., 2023).

*Free Speech, Free Press and Fake News: What if the Marketplace of Ideas Isn't About Identifying the Truth?* (with Laura Jenkins), in *FREE SPEECH THEORY: UNDERSTANDING THE CONTROVERSIES* (Helen J. Knowles & Brandon T. Metroka eds., 2020).

*Courts and Judges: The Legitimacy Imperative and the Importance of Appearances* (with Angela G. Narasimhan), in *THE HANDBOOK OF LAW AND SOCIETY* (Austin Sarat & Patricia Ewick eds., 2015).

*Potter Stewart Meets the Press*, in *JUDGING FREE SPEECH: FIRST AMENDMENT JURISPRUDENCE OF U.S. SUPREME COURT JUSTICES* (Helen J. Knowles & Steven B. Lichtman eds., 2015).

*The Rule of Law is Dead! Long Live the Rule of Law!*, in *WHAT'S LAW GOT TO DO WITH IT? WHAT JUDGES DO, WHY THEY DO IT, AND WHAT'S AT STAKE* (Charles Gardner Geyh ed., 2011).

*The Polite Thing to Do*, in *THE FUTURE OF GAY RIGHTS IN AMERICA* (H. N. Hirsch ed., 2005).

*The Liberal Arts, Legal Scholarship, and the Democratic Critique of Judicial Power*, in *LAW IN THE LIBERAL ARTS* (Austin Sarat ed., 2004).

*Democratic Theory and Race-Conscious Redistricting: The Supreme Court Constructs the American Voter*, in *THE SUPREME COURT IN AMERICAN POLITICS: NEW INSTITUTIONALIST APPROACHES* (Howard Gillman & Cornell Clayton eds., 1999).

## Reports, News, and Commentary

*So You Read That Scandalous Report About Donald Trump and Russia – Now What?*, *TEEN VOGUE* (Jan. 11, 2017), <http://www.teenvogue.com/story/russia-trump-report-unverified-buzzfeed-cnn-what-to-take-away-ethics> (last visited Sept. 13, 2017).

*How Should We Understand Trump's "Uncivil" Behaviour*, *OPEN DEMOCRACY* (Sept. 27, 2016), <https://www.opendemocracy.net/keith-j-bybee/how-should-we-understand-trump-s-uncivil-behaviour> (last visited Sept. 13, 2017).

*Why Manners Matter*, *STAN. U. PRESS: BLOG* (Aug. 23, 2016), <http://stanfordpress.typepad.com/blog/2016/08/why-manners-matter.html> (last visited Sept. 13, 2017).

*Professor Bybee Discusses Supreme Court's New Term: What Will the Justice's Decide? And How Will They Look Doing It?*, *SYRACUSE UNIV. COLL. OF L.: NEWS & EVENTS* (Sept. 28, 2015),

[http://law.syr.edu/news\\_events/news/professor-bybee-discusses-supreme-courts-new-term](http://law.syr.edu/news_events/news/professor-bybee-discusses-supreme-courts-new-term) (last visited Sept. 13, 2017).

*U.S. Public Perception of the Judiciary: Mixed Law and Politics*, JURIST (Apr. 10, 2011), <http://jurist.org/forum/2011/04/us-public-perception-of-the-judiciary-mixed-law-and-politics.php> (last visited Sept. 13, 2017).

*Politics or Impartiality in the Courtroom?*, WASH. POST: POLITICAL BOOKWORM (Jan. 3, 2011), [http://voices.washingtonpost.com/political-bookworm/2011/01/politics\\_or\\_impartiality\\_in\\_th.html](http://voices.washingtonpost.com/political-bookworm/2011/01/politics_or_impartiality_in_th.html) (last visited Sept. 13, 2017).

*Judicial Ethics: Appearances Still Matter*, JURIST (Oct. 18, 2010), <http://jurist.org/forum/2010/10/judicial-ethics-appearances-still-matter.php> (last visited Sept. 13, 2017).

*Kagan Delay Hypocrisy*, WASH. POST: POLITICAL BOOKWORM (July 14, 2010), [http://voices.washingtonpost.com/political-bookworm/2010/07/kagan\\_delay\\_hypocrisy.html](http://voices.washingtonpost.com/political-bookworm/2010/07/kagan_delay_hypocrisy.html) (last visited Sept. 13, 2017).

*Kagan's Confirmation: Conflicting Imagery*, JURIST (June 28, 2010), <http://jurist.org/forum/2010/06/kagans-confirmation-conflicting-imagery.php> (last visited Sept. 13, 2017).

*The Media's Role in Selecting Impartial Justices*, CBSNEWS (Oct. 27, 2006), [http://www.cbsnews.com/8301-500486\\_162-2130543-500486.html](http://www.cbsnews.com/8301-500486_162-2130543-500486.html) (last visited Sept. 13, 2017).

Op-Ed., *All Judges Are Political Actors – Except When They Aren't* (with Jeffrey Stonecash), KNIGHT-RIDDER, Dec. 14, 2005, available at [http://www.maxwell.syr.edu/campbell/programs/The\\_Maxwell\\_Poll](http://www.maxwell.syr.edu/campbell/programs/The_Maxwell_Poll) (last visited Sept. 13, 2017).

## Book Reviews

Book Review, 9 AM. POL. THOUGHT 173 (2020) (reviewing LESLIE F. GOLDSTEIN, *THE U.S. SUPREME COURT AND RACIAL MINORITIES: TWO CENTURIES OF JUDICIAL REVIEW ON TRIAL* (2017)).

Book Review, 26 LAW & POL. BOOK REV. 78 (2016) (reviewing JASON E. WHITEHEAD, *JUDGING JUDGES: VALUES AND THE RULE OF LAW* (2014)).

Book Review, 22 LAW & POL. BOOK REV. 477 (2012) (reviewing JAMES L. GIBSON, *ELECTING JUDGES: THE SURPRISING EFFECTS OF CAMPAIGNING ON JUDICIAL LEGITIMACY* (2012)).

Book Review, 21 LAW & POL. BOOK REV. 214 (2011) (reviewing PAUL CANE, *THE HART-FULLER DEBATE IN THE TWENTY-FIRST CENTURY* (2010)).

Book Review, 17 LAW & POL. BOOK REV. 659 (2007) (reviewing RISA L. GOLUBOFF, *THE LOST PROMISE OF CIVIL RIGHTS* (2007)).

Book Review, 16 LAW & POL. BOOK REV. 608 (2006) (reviewing ROGER BERKOWITZ, *THE GIFT OF SCIENCE: LEIBNIZ AND THE MODERN LEGAL TRADITION* (2005)).

Book Review, 14 LAW & POL. BOOK REV. 393 (2004) (reviewing RICHARD A. PRIDE, *THE POLITICAL USE OF RACIAL NARRATIVES: SCHOOL DESEGREGATION IN MOBILE ALABAMA, 1954-97* (2002)).

Book Review, 13 LAW & POL. BOOK REV. (2003) (reviewing TINSLEY E. YARBROUGH, *RACE AND REDISTRICTING: THE SHAW-CROMARTIE CASES* (2002)).

Book Review, 64 J. POL. 270 (2002) (reviewing JED RUBENFELD, *FREEDOM AND TIME: A THEORY OF CONSTITUTIONAL SELF-GOVERNMENT* (2001)).

*The Jurisprudence of Uncertainty*, 35 LAW & SOC'Y REV. 943 (2001) (reviewing CASS R. SUNSTEIN, *ONE CASE AT A TIME: JUDICIAL MINIMALISM ON THE SUPREME COURT* (1999)).

Book Review, 10 LAW & POL. BOOK REV. 287 (2000) (reviewing STEPHEN M. FELDMAN, *AMERICAN LEGAL THOUGHT FROM PREMODERNISM TO POSTMODERNISM* (2000)).

Book Review, 9 LAW & POL. BOOK REV. 236 (1999) (reviewing *RACE AND REDISTRICTING IN THE 1990S* (Bernard Grofman ed., 1998)).

*Splitting the Difference: The Representation of Ideas and Identities in Modern Democracy*, 22 LAW & SOC. INQUIRY 389 (1997) (reviewing ANNE PHILLIPS, *THE POLITICS OF PRESENCE* (1995)).

Book Review, 111 POL. SCI. Q. 375 (1996) (reviewing SCOTT DOUGLAS GERBER, *TO SERVE THESE RIGHTS: THE DECLARATION OF INDEPENDENCE AND CONSTITUTIONAL INTERPRETATION* (1995)).

Book Review, 4 LAW & POL. BOOK REV. 68 (1996) (reviewing PATRICIA J. WILLIAMS, *THE ROOSTER'S EGG: ON THE PERSISTENCE OF PREJUDICE* (1996)).