

LAWSG132: Judges, Courts and Judicial Decision-Making: Cheryl Thomas

[View Online](#)

Aston, John, and Cathy Gordon, 'Minister's Lawyers Attack "torture" Case Judges The Independent', The Independent, 2008
<<http://www.independent.co.uk/news/uk/home-news/ministers-lawyers-attack-torture-case-judges-1840649.html>>

Austin Lovegrove, 'Public Opinion, Sentencing and Lenience: An Empirical Study Involving Judges Consulting the Community', Criminal Law Review, Oct, 2007, 769-81
<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/I393E8AB1529F11DCB2ABCD1148869588/View/FullText.html?skipAnonymous=true>>

Baum, L., 'Motivation and Judicial Behaviour: Expanding the Scope of Inquiry', in The Psychology of Judicial Decision Making (New York: Oxford University Press, 2010), American Psychology-Law Society series
<https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14455024690004761&institutionId=4761&customerId=4760&VE=true>

Baum, Lawrence, Judges and Their Audiences: A Perspective on Judicial Behavior (Princeton, N.J.: Princeton University Press, 2006)

Callaway, Ewen, 'Justice May Be Hard-Wired into the Human Brain', New Scientist, 2008
<<http://www.newscientist.com/article/dn16256-justice-may-be-hardwired-into-the-human-brain.html#.Umk0Olv1D6U>>

Cameron, C., and C. Cummings, 'Diversity and Judicial Decision-Making: Evidence from Affirmative Action Cases in the Federal Courts of Appeal 1971-1999'

Cheryl Thomas, 'Exposing the Myths of Jury Service', Criminal Law Review, 6, 2008, 415-30
<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/I11381A7114F711DD9CE4E82430A3B777/View/FullText.html?skipAnonymous=true>>

Court of Appeal (Civil Division), Binyam Mohamed v Secretary of State for Foreign and Commonwealth Affairs EWCA Civ 65, R. (on the Application of Mohamed) v Secretary of State for Foreign and Commonwealth Affairs, 2010
<<http://login.westlaw.co.uk/maf/wluk/ext/app/document?docguid=IDC00550016C211DF970C9D47B1B6D882&crumb-action=reset&entityID=https://shib-idp.ucl.ac.uk/shibboleth>>

———, Binyam Mohamed v Secretary of State for Foreign and Commonwealth Affairs (Approved Judgment) EWCA Civ 158, 2010

<<http://login.westlaw.co.uk/maf/wluk/ext/app/document?crumb-action=reset&docguid=I7ABDB6D0235511DFB9AA9F265CBD0413&entityID=https://shib-idp.ucl.ac.uk/shibboleth>>

Court of Appeal (Criminal Division), R. v Hughes (Michael), Court of Appeal (Criminal Division) | June 17, 2011 | 2011 WL 883594, 17AD

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/I30DBAEE09D2111E09B45D883AEA2A88A/View/FullText.html?skipAnonymous=true>>

———, R. v Thompson (Benjamin) R. v Crawford (Jason) R. v Gomulu (Ahmed) R. v Allen (Christopher) R. v Blake (David) R. v Kasunga (Kamulete), Court of Appeal (Criminal Division) | July 14, 2010 | 2010 WL 2754137, 2010

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/IB1183210905F11DFA138B71712AA6103/View/FullText.html?skipAnonymous=true>>

———, R. v. Twomey, 2009

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/I72178E105D4011DE87E28F67B42D8222/View/FullText.html?skipAnonymous=true>>

Dwoell, Katy, 'Dinah Rose QC Hailed for Actions That Led Her to Apologise in Torture Hearing', Lawyer, 24.8 (2010)

<<https://search-ebshost-com.libproxy.ucl.ac.uk/login.aspx?direct=true&AuthType=ip,shib&db=bth&AN=49868416&site=ehost-live&scope=site&custid=s8454451>>

Epstein, Lee, and Jack Knight, 'A Strategic Account of Judicial Decision-Making', in The Choices Justices Make (Washington, D.C.: CQ Press, 1998)

European Court of Human Rights (Grand Chamber), Taxquet v Belgium (926/05), 16AD

<<https://signon.thomsonreuters.com/federation/UKF?entityID=https://shib-idp.ucl.ac.uk/shibboleth&returnto=https://uk.practicallaw.thomsonreuters.com/Document/I6A0C1310836411E1BC298D03BAA33194/View/FullText.html?skipAnonymous=true>>

Farber, D., and S. Sherry, 'Building a Better Judiciary', in The Psychology of Judicial Decision Making (New York: Oxford University Press, 2010), American Psychology-Law Society series

<https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14455024690004761&institutionId=4761&customerId=4760&VE=true>

Feeley, Malcolm, and Edward L. Rubin, Judicial Policy-Making and the Modern State, Judicial Policy-Making and the Modern State (Cambridge: Cambridge University Press, 1998), Cambridge criminology series

Genn, Hazel., 'The Attractiveness of Senior Judicial Appointment to Highly Qualified Practitioners: Report to the Judicial Executive Board', 2008

<<http://copac.ac.uk/search?title=The%20attractiveness%20of%20senior%20judicial%20appointment%20to%20highly%20qualified%20practitioners&sort-order=rank&rn=1>>

Geyh, Charles G., 'The Dimensions of Judicial Impartiality', SSRN Electronic Journal, 2012
<<https://doi.org/10.2139/ssrn.2016522>>

Gibb, Frances, 'Judges Fear Prisons Will Burst under New Rules', The Times, 2010
<<http://www.lexisnexis.com/uk/nexis/docview/getDocForCuiReq?Ini=7Y08-2FX0-Y9M1-H0N5&csi=10939&oc=00240&perma=true>>

Gibb, Francis, 'Supreme Ambition, Jealousy and Outrage', The Times, 2010
<<http://www.lexisnexis.com/uk/nexis/docview/getDocForCuiReq?Ini=7XPT-31W0-Y9M1-H0CN&csi=10939&oc=00240&perma=true>>

Guarnieri, Carlo, Pederzoli, Patrizia, Thomas, C. A., and European Secretariat for Scientific Publications, The Power of Judges: A Comparative Study of Courts and Democracy (Oxford: Oxford University Press, 2002), Oxford socio-legal studies
<<http://dx.doi.org/10.1093/acprof:oso/9780198298359.001.0001>>

Guarnieri, Carlo, Patrizia Pederzoli, and C.A. Thomas, 'The Judicial System', in The Power of Judges: A Comparative Study of Courts and Democracy (Oxford: Oxford University Press, 2002), Oxford socio-legal studies
<<http://dx.doi.org/10.1093/acprof:oso/9780198298359.001.0001>>

Hale, B., 'The Appointment and Removal of Judges: Independence and Diversity', International Association of Women Judges, 2006
<<http://www.iawj.org/InternationalConferences.html>>

Hickinbottom, G., 'What Makes a Good Judge', in Judicial Appointments: Balancing Independence, Accountability and Legitimacy. (S.I.: s.n., 2010)
<<http://copac.ac.uk/search?title=Judicial%20Appointments%253A%2520Balancing&sort-order=rank&rn=1>>

Hirsch, Afua Robert Booth Ian Cobain, Robert Booth, and Ian Cobain, 'Government Fury after Judges Attack Security Services', The Guardian, 2010
<<http://www.lexisnexis.com/uk/nexis/docview/getDocForCuiReq?Ini=7XXC-R5N1-2R54-201V&csi=138620&oc=00240&perma=true>>

House of Lords, and Select Committee on the Constitution, 'Judicial Appointments: 25th Report of Session', 2010
<<http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/publications/>>

House of Lords Select Committee on the Constitution, 'Judicial Appointments Process - UK Parliament'
<<http://www.parliament.uk/business/committees/committees-a-z/lords-select/constitution-committee/inquiries/judicial-appointments-process/>>

Jacobson, Jessica, Mitigation: The Role of Personal Factors in Sentencing (London: Prison Reform Trust, 2007)
<<http://copac.jisc.ac.uk/id/24551221?style=html&title=Mitigationthe%20role%20of%20personal%20factors%20in%20sentencing>>

Judge, Sir Igor, 'The Sentencing Decision', 2005

'Judges, Tribunals and Magistrates | 2012 | The Queen (on the Application of Tony Nicklinson) -v- Ministry of Justice'
<<http://www.judiciary.gov.uk/media/judgments/2012/tony-nicklinson-judgment-16082012>>

Judith, Resnik, 'Judicial Selection and Democratic Theory: Demand, Supply, and Life Tenure', 26 Cardozo Law Review 597, 2005
<http://digitalcommons.law.yale.edu/fss_papers/759/>

King's Bench Division, R. v Sussex Justices Ex p. McCarthy, 1924
<<http://login.westlaw.co.uk/maf/wluk/ext/app/document?docguid=I6D7D1670E42811DA8FC2A0F0355337E9&crumb-action=reset&entityID=https://shib-idp.ucl.ac.uk/shibboleth>>

Klein, David E. and Mitchell, Gregory, The Psychology of Judicial Decision Making (New York: Oxford University Press, 2010), American Psychology-Law Society series
<<https://doi-org.libproxy.ucl.ac.uk/10.1093/acprof:oso/9780195367584.001.0001>>

Knight, Jack, 'Are Empiricists Asking the Right Questions about Judicial Decisionmaking', Duke Law Journal, 58 (2009), 1531-56 <<http://scholarship.law.duke.edu/dlj/vol58/iss7/9/>>

Lord Chief Justice, 'Judges, Tribunals and Magistrates | 2010 | NI Judicial Studies Board Lecture, Belfast: Jury Trials'
<<http://www.judiciary.gov.uk/media/speeches/2010/speech-by-lcj-jsb-lecture-jury-trials>>

Maveety, Nancy, The Pioneers of Judicial Behavior [Electronic Resource] (Ann Arbor: University of Michigan Press, 2003)

'Multiple Constraint Satisfaction in Judging', in The Psychology of Judicial Decision Making (New York: Oxford University Press, 2010), American Psychology-Law Society series
<https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14455024690004761&institutionId=4761&customerId=4760&VE=true>

Norton-Taylor, Richard, 'Judges "irresponsible" for Wanting CIA Torture Files Disclosed', The Guardian, 2009
<<http://www.lexisnexis.com/uk/nexis/docview/getDocForCuiReq?Ini=7X9Y-P7V1-2R54-209J&csi=138620&oc=00240&perma=true>>

Powell, HJ, 'A RESPONSE TO PROFESSOR KNIGHT, ARE EMPIRICISTS ASKING THE RIGHT QUESTIONS ABOUT JUDICIAL DECISIONMAKING?'
<<http://scholarship.law.duke.edu/dlj/vol58/iss7/>>

Prashar, U., 'Translating Aspirations into Reality: Establishing the Judicial Appointments Commission', in Judicial Appointments: Balancing Independence, Accountability and Legitimacy (S.I.: s.n., 2010)
<<http://copac.ac.uk/search?title=Judicial%2520Appointments%253A%2520Independence%252C%2520Accountability%2520and%2520Legitimacy&sort-order=rank&rn=1>>

Review by: Anne Bloom, 'The "Post-Attitudinal Moment": Judicial Policymaking through the Lens of New Institutionalism', Law & Society Review, 35.1 (2001), 219-30

<<http://www.jstor.org/stable/3185391>>

Roberts, J. V., 'Sentencing Guidelines and Judicial Discretion: Evolution of the Duty of Courts to Comply in England and Wales', *British Journal of Criminology*, 51.6 (2011), 997-1013 <<https://doi.org/10.1093/bjc/azr044>>

Schauer, F., 'Is There a Psychology of Judging?', in *The Psychology of Judicial Decision Making* (New York: Oxford University Press, 2010), American Psychology-Law Society series

<https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14455024690004761&institutionId=4761&customerId=4760&VE=true>

Sedley, Stephen, 'Judicial Politics', *London Review of Books*, 34.4 (2012)
<<http://www.lrb.co.uk/contributors/stephen-sedley>>

Sedley, Stephen, 'When Should a Judge Not Be a Judge?', *London Review of Books*, 2011
<<http://www.lrb.co.uk/contributors/stephen-sedley>>

Sentencing Guidelines in England and Wales: An Evolutionary Approach (London: Sentencing Commission Working Group, 2008)
<<http://copac.jisc.ac.uk/id/1878814?style=html&title=Sentencing%20guidelines%20in%20England%20and%20Walesan%20evolutionary>>

Sheldon Goldman, 'Voting Behavior on the United States Courts of Appeals Revisited', *The American Political Science Review*, 69.2 (1975), 491-506
<<http://www.jstor.org/stable/1959082>>

Sumption, J., 'The Constitutional Reform Act 2005', in *Judicial Appointments: Balancing Independence, Accountability and Legitimacy* (S.I.: s.n., 2010)
<<http://copac.ac.uk/search?title=Judicial%2520Appointments%253A%2520Independence%252C%2520Accountability%2520and%2520Legitimacy&sort-order=rank&rn=1>>

Sunstein, Cass R., 'Are Judges Conformists Too?', in *Why Societies Need Dissent* (Cambridge, Mass: Harvard University Press, 2003), Oliver Wendell Holmes lectures
<<https://www-jstor-org.libproxy.ucl.ac.uk/stable/j.ctv1pncntj.12>>

Sutton Trust, 'Research - Sutton Trust'
<<http://www.suttontrust.com/our-work/research/item/law-educational-backgrounds/>>

Thomas, C., 'Review of Judicial Diversity in the UK and Other Jurisdictions: Parts 1 and 2', 2006 <<http://www.ucl.ac.uk/laws/judicial-institute/publications.html>>

Thomas, Cheryl, *Are Juries Fair* (London%20%3A: Ministry%20of%20Justice%2C, 2010)
<<http://copac.ac.uk/search?title=Are%20juries%20fair&sort-order=rank&rn=1>>

Vidmar, N., 'A Historical and Comparative Perspective on the Common Law Jury', in *World Jury Systems* (Oxford: Oxford University Press, 2000), Oxford socio-legal studies
<<https://doi-org.libproxy.ucl.ac.uk/10.1093/acprof:oso/9780198298564.001.0001>>

Wistrich, A., 'Defining Good Judging', in *The Psychology of Judicial Decision Making* (New

York: Oxford University Press, 2010), American Psychology-Law Society series
<https://ucl.primo.exlibrisgroup.com/view/action/uresolver.do?operation=resolveService&package_service_id=14455024690004761&institutionId=4761&customerId=4760&VE=true>