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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).

Book Chapters

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).

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).

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 (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 (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 (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 (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 (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)).