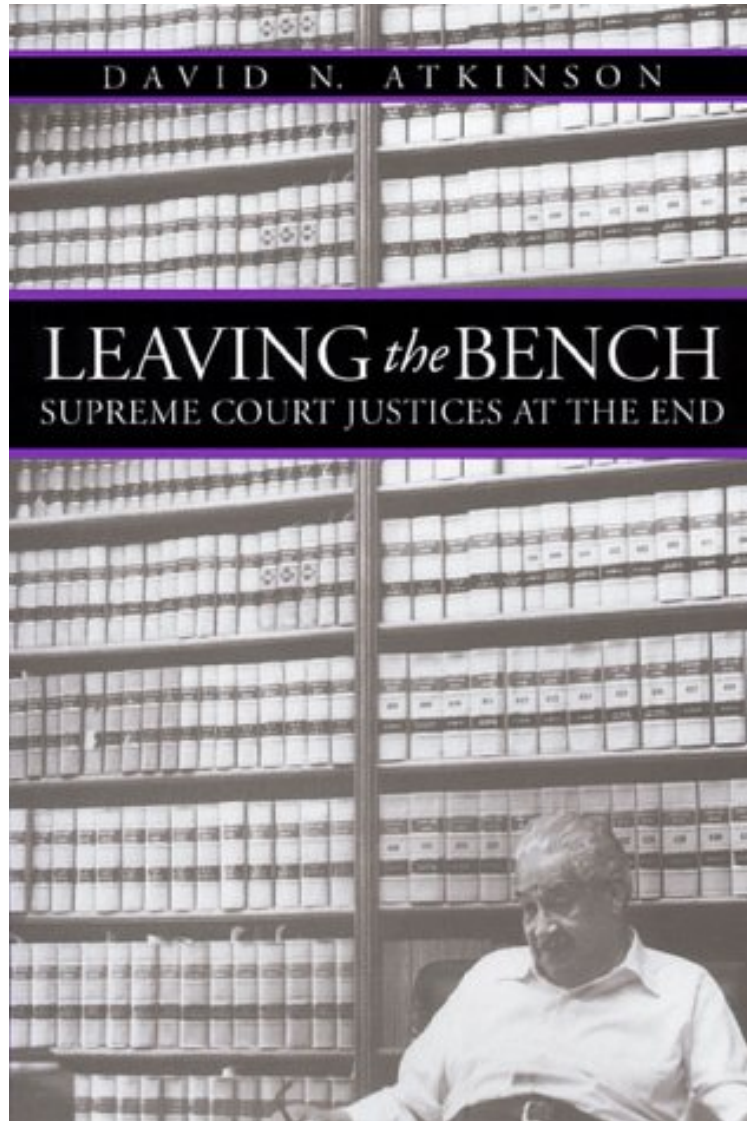


# Leaving the Bench: Supreme Court Justices at the End

David N. Atkinson

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**David N. Atkinson : Leaving the Bench: Supreme Court Justices at the End** before purchasing it in order to gage whether or not it would be worth my time, and all praised Leaving the Bench: Supreme Court Justices at the End:

33 of 33 people found the following review helpful. Curiously addictive scholarship By Julian P Killingley I am a Supreme Court junkie but I confess this is one of the most curious books about the court that I have ever read. If you thought that there was no aspect of the lives of US Supreme Court justices too obscure for CQ's The Supreme Court Compendium to answer, think again. David Atkinson's book looks at only one thing - the circumstances in which US

Supreme Court justices come to leave the bench and the details of their deaths. I suspect that some might consider this book the epitome of the scholarship of trivia but I would disagree. It has a very narrow focus but a larger and more important picture emerges from it - the reluctance of justices to leave the bench and the near impossibility of removing them against their will. By the time you have read it you may be surprised how many justices remained on the bench long past their "sell by" dates. It is also interesting to see the strange devices adopted by the court to work around the problems of coping with brain damaged, mentally unstable, or senile tenured colleagues. Atkinson's scholarship is impeccable - no justice is too obscure or their tenure too distant or too short for him to have unearthed nothing about them. The book details what is known about the circumstances in which each justice left the bench whether through death, resignation or retirement. For completeness Atkinson always gives details of the circumstances (both physical and medical) in which each justice died. The level of detail is extraordinary - it even includes details of members of the court attending their funerals or of justices who refused to sign their testimonials. My biggest headache was giving this book its star rating. I first considered a three star rating because in the ranks of Supreme Court studies this must bring up the rear. However, the book deserves to be judged in terms of what it set out to achieve: to catalog the circumstances in which justices leave the Supreme Court bench. Its achievement cannot be faulted in those terms and thus it earns its five stars. However, in quite different terms it also merits five stars. I bought this book mainly as a reference source but found myself reading it straight through. Because coverage is comprehensive and the section on each justice is short, the whole book is curiously addictive. 'Leaving the Bench' had to compete with my pleasure reading of John Grisham's novel *The Brethren* - and Mr Atkinson won. I'm not suggesting that University Press of Kansas has a dark horse best seller on its hands but this book really can be read with interest. 5 of 6 people found the following review helpful. Unique and fascinating. By Schmerguls This book gives the details on the death and/or retirement of every Supreme Court justice, and gathers information not easily found any place else. The book is meticulously researched, and presents, after the examination of the problems sometimes encountered with Supreme Court justices who would not resign, a simple and I think probably effective solution which would not require a Constitutional amendment. The book also includes an appendix which lists the burial site of each Justice. Ten are buried in Arlington Cemetery and none are buried west of Boulder, Colorado. Anyone interested in Supreme Court history will find this book hard to lay down. I did. 1 of 1 people found the following review helpful. Over and Under as well as "Leaving the Bench" By Allen M. Agnew This was an approach studying individual justices rather than cases in describing the Supreme Court. Would highly recommend social science instructors use the material when discussing the workings of the Court. Would like to have seen more information on the problems and contributions of the many law clerks who are essential to the operation of the Court.

Suffering from a bad heart, emphysema, glaucoma, and deafness, Thurgood Marshall finally retired from the Supreme Court at the age of 82 in spite of having always claimed "I was appointed to a life term, and I intend to serve it." Many observers felt he should have left much earlier. Life appointments make Supreme Court justices among the most powerful officials in government and allow even dysfunctional judges to stay on long after they should have departed. For that reason, when a justice leaves the bench is often as controversial as when he's appointed. This first comprehensive historical treatment of their deaths, resignations, and retirements explains when and why justices do step down. It considers the diverse circumstances under which they leave office and clarifies why they often are reluctant to, showing how factors like pensions, party loyalty, or personal pride come into play. It also relates physical ailments to mental faculties, offering examples of how a justice's disability sometimes affects Court decisions. David Atkinson examines each of the nearly 100 men who have left the bench and provides anecdotal glimpses into the lives of famous and obscure justices alike. He reveals how men like Salmon Chase and William O. Douglas determinedly continued to serve after suffering strokes, how Joseph McKenna persevered despite knowing he was professionally unqualified, and how, long before Thurgood Marshall, the ailing octogenarian Gabriel Duvall finally retired after struggling to protect another ideological position on the Court. Ultimately, Atkinson shows just how human these people are and enhances our understanding of how the Court conducts its business. He also suggests specific ways to improve the present situation, weighing the pros and cons of mandatory retirement and calling for reform in the delegation of duties to law clerks who in recent years have dominated the actual writing of many justices' decisions. As the current Court ages, how long might we expect justices to remain on the bench? Because our next president will likely make several appointments, now is the time to consider what shape the Supreme Court will take in the next century. Offering a wealth of information never before collected, *Leaving the Bench* provides substantial grist for that debate and will serve as an unimpeachable reference on the Court.

From Library Journal Here is a well-written, sometimes depressing account of how and why each of the nearly 100 former Supreme Court justices left the bench. Law professor Atkinson (Univ. of Missouri, Kansas City) uses biographies, judicial papers, and interviews to extract interesting anecdotes about the justices. For example, Justice Bushrod Washington (1762-1869), the president's nephew, refused to free his slaves after his Aunt Martha's death. Justice William Douglas (1898-1980), impaired by a stroke, refused to quit, leaving only after a doctor told him that he

might live longer if he retired. The book is organized chronologically, with short descriptions of how each justice died, ending with three suggestions for improving the Court: Atkinson proposes that justices be more forthcoming about their health, rely less on law clerks to do their work, and leave the Court while still in good health. While scholarly in its presentation and use of sources, this is an accessible and commendable work. Recommended for public and academic libraries.

A Harry Charles, Attorney at Law, St. Louis Copyright 1999 Reed Business Information, Inc.

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