

*WHO DECIDES?*  
*What Should be Local and What*  
*Should Be National in Judicial Review*  
– HIGH COURT PUBLIC LECTURE 2023

HON. JEFFREY S. SUTTON,  
CHIEF JUDGE, UNITED STATES COURT  
OF APPEALS, SIXTH CIRCUIT

*Introduced by the Honourable Chief Justice Stephen Gageler AC*



HIGH COURT  
OF AUSTRALIA  
PUBLIC LECTURE

High Court of Australia  
Canberra, Courtroom 1  
8 November 2023 – 6 pm



JEFFREY S. SUTTON is the Chief Judge of the United States Court of Appeals for the Sixth Circuit. He has served as Chair of the Federal Judicial Conference Committee on Rules of Practice and Procedure and as Chair of the Advisory Committee on Appellate Rules. He currently serves on the Executive Committee of the Judicial Conference of the United States, and as the Commissioner of the Supreme Court Fellows Program. Since 1993, Chief Judge Sutton has been an adjunct professor at The Ohio State University College of Law, where he teaches seminars on State Constitutional Law, the United States Supreme Court, and Appellate Advocacy. He also teaches a class on State Constitutional

Law at Harvard Law School. Among other publications, he is the author of *Who Decides? States as Laboratories of Constitutional Experimentation* and *51 Imperfect Solutions: States and the Making of American Constitutional Law*. He is the co-author of a casebook, *State Constitutional Law: The Modern Experience*, as well as *The Law of Judicial Precedent*. He is also the co-editor of *The Essential Scalia: On the Constitution, the Courts, and the Rule of Law*.



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SYNOPSIS

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## *WHO DECIDES? What Should be Local and What Should Be National in Judicial Review*

One question dominates every other in American history: What should be national and what should be local? Over the last 100 years or so, Americans have tended to favor national answers over local ones when it comes to constitutional law. Often with good reasons: dealing with difficult chapters in American history; addressing policy challenges that have emerged from an increasingly national and global economy. Recent decisions of the United States Supreme Court have brought more attention to the localism side of federalism. In debates about constitutional law in a federal system, there are many ways in which state constitutions and state courts have critical roles to play. The lecture will consider some areas of American constitutional law in which localism has taken precedence. It will also discuss some of the ways in which the American and Australian constitutional traditions are similar and different.



HIGH COURT OF AUSTRALIA

**All welcome**  
**Refreshments to follow**

RSVP by 3 November 2023  
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