

Specialization in Specialized Courts

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This Article empirically tests whether judges on specialized courts specialize by examining opinion assignments in the U.S. Court of Appeals for the Federal Circuit from 1995-2005. It reveals that opinion specialization is a regular part of the Federal Circuit's practice, and that a significant number of judges specialize in specific subject matter areas. This Article then turns to normative considerations and argues that at least for a subset of specialized courts further specialization by judges is likely undesirable. More specifically, it argues that opinion specialization in courts that have exclusive jurisdiction likely amplifies the costs more than it amplifies the benefits commonly associated with specialized courts. As a result, the Article concludes by exploring mechanisms in which specialization in courts of exclusive jurisdiction may be diminished.