

Type of Policymaking	Definition	Major Policymakers	Legal Basis	Eras of Greatest Policymaking
Constitutional	Judicial Review of governmental action to determine its consistency with constitutional requirements	United States Supreme Court, state supreme courts	Federal constitution, state constitution	For Federal courts, since the late 19th century; for state courts, 1900-1930's and 1970's to the present.
Remedial	Establishment and implementation of requirements to eliminate constitutional violations or meet constitutional requirements	Federal district courts	Use of equity power to achieve constitutionally mandated situation	Since the late 1950's (Brown v. Board of Education)
Statutory Interpretation	Interpretation and application of legislative enactments	Federal Courts of appeals; state appellate courts	Federal legislation, state legislation	Since the increase in legislation in the late 19th and early 20th centuries
Oversight of administrative activity	Review of administrative activity to ensure that it is consistent with constitutional, statutory and/or agency requirements.	Federal courts of appeals; state appellate courts	Federal or state constitution, federal or state legislation; agency rules or other requirements.	Since the growth of regulator agencies, beginning in the early 20th century, with major increases during the New Deal (1930's) and Great Society (1960's)
Common-law	Judicial enunciation and application of legal standards in the absence of legislation or administrative action	State appellate courts	Judicial precedents, societal standards	During the 2nd half of the 19th century and in tort law since World War II
Cumulative	Judicial development of policy through the exercise of discretion in resolving a large number of similar cases.	State trial courts.	Established practices within the courts or jurisdiction	No particular period
			(from G. Alan Tarr	cited on other side)