

<b>Tool</b>	<b>Primary Audience</b>	<b>Costs</b>	<b>Benefits</b>
Express overruling or extension of precedent	Future Supreme Court, lower courts, Congress, litigants, and the public	Potential public and scholarly criticism	Clear change in law binding on all parties
Stealth overruling	Lower courts and litigants	Greater uncertainty than express overruling and criticism that the Court is hiding its actions	Changes law without incurring public criticism
Anticipatory overruling	Congress and the public	Leaves law in place that is at odds with the Court's majority preferences and creates greater uncertainty than express or stealth overruling	Can avoid confrontation with political branches and the public, and can prepare the public for an eventual change in law
Invitation (to litigants)	Litigants	Less direct than express, stealth, or anticipatory overruling; and leaves the law in place	Helps shape issues on the Court's docket and influences the direction of the law
Invitation (to Congress)	Congress	Puts matters in the hands of Congress, not the Court, and is less direct than other tools	Provides an additional way for a Justice in the minority on the Court to direct change in law
Time Bomb	Future Supreme Court and possibly lower courts	Less direct than express, stealth, or anticipatory overruling; and could be ignored by a future Court	Can "fly under the radar" and affect changes in law over the long term, and can bind other Justices without requiring actual agreement on substance
Inadvertence	Future Supreme Court and lower courts	Not an express tool (occurs by accident) and can move the law in unintended ways	Can "fly under the radar" and affect changes in law over the long term, and can bind other Justices without requiring actual agreement on substance