
COURT REFORM ON TRIAL

Why Simple Solutions Fail

MALCOLM M. FEELEY

WITH NEW FOREWORD BY GREG BERMAN

Court Reform On Trial Why Simple Solutions Fail

**Michael R. Gottfredson, Don M.
Gottfredson**



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Court Reform on Trial Malcolm M. Feeley, 2013-07-19 COURT REFORM ON TRIAL is a recognized study of innovation in the process of criminal justice and why it so often fails despite the best intentions of judges administrators and reformers The arc of innovation and disappointment is analyzed through such programs as bail reform pretrial diversion speedy trials and determinate sentencing The much maligned system of plea bargaining shifts power to prosecutors away from judges and formal trials recede in importance but is that really the problem Perhaps failure lies in unrealistic expectations splintered systems and decisionmaking waning political will unempowered constituencies and reformers hubris Feeley analyzes the persistent failure and proposes insightful pathways out of the cycle First commissioned as a study in the influential Twentieth Century Fund series the book is accessible for today's readers as part of the Classics of Law Society series of Quid Pro Books It adds a reflective preface by the author and a new foreword by Greg Berman Executive Director of the Center for Court Innovation Calling it an intellectual touchstone that's brimming with energy not resignation Berman writes that the book has all of the hallmarks of Feeley's best work Lucid prose Idiosyncratic analysis A willingness to speak truth to vested interests And a commitment to describing the way the world actually works from a ground level perspective as opposed to the official versions of how systems theoretically should function New ebook edition features active TOC linked Notes and proper formatting in a modern digital presentation

Failures of American Civil Justice in International Perspective James R. Maxeiner, 2011-08-29 Civil justice in the United States is neither civil nor just Instead it embodies a maxim that the American legal system is a paragon of legal process which assures its citizens a fair and equal treatment under the law Long have critics recognized the system's failings while offering abundant criticism but few solutions This book provides a comparative critical introduction to civil justice systems in the United States Germany and Korea It shows the shortcomings of the American system and compares them with German and Korean successes in implementing the rule of law The author argues that these shortcomings could easily be fixed if the American legal systems were open to seeing how other legal systems civil justice processes handle cases more efficiently and fairly Far from being a treatise for specialists this book is an introductory text for civil justice in the three aforementioned legal systems

The Changing Role of the American Prosecutor John Worrall, M. Elaine Nugent-Borakove, 2014-03-14 Leading prosecution researchers throughout the United States are brought together in this book to illuminate the new environment of prosecution in America the prosecution of troubling and emerging crime problems prosecutorial problem solving and community prosecution and the future of prosecution in the twenty first century The contributors explore how American prosecutors are moving away from a traditional reactive approach to the crime problem and instead how they are developing creative problem solving strategies for dealing with crime and disorder

Earl Warren and the Warren Court Harry N. Scheiber, 2007-01-01 Earl Warren and the Warren Court comprises essays written by leading experts from the fields of law history and social science on the most important areas of the Warren Court's

contributions in American law In addition Scheiber includes appraisals of the Warren Court's influence abroad written by authorities of legal development in Europe Latin America Canada and East Asia This book offers a unique set of analyses that portray how innovations in American law generated by the Warren Court led to a reconsideration of law and the judicial role and in many areas of the world to transformations in judicial procedure and the advancement of substantive human rights Also explored within these pages are the personal role of Earl Warren in the shaping of Warren era law and the ways in which his character and background influenced his role as Chief Justice *Drug Abuse Services Research Series*, 1992

Decision Making in Criminal Justice Michael R. Gottfredson, Don M. Gottfredson, 2013-11-11 The study of decisions in the criminal justice process provides a useful focus for the examination of many fundamental aspects of criminal justice These decisions are not always highly visible They are made or dinarily within wide areas of discretion The aims of the decisions are not always clear and indeed the principal objectives of these decisions are often the subject of much debate Usually they are not guided by explicit decision policies Often the participants are unable to verbalize the basis for the selection of decision alternatives Adequate information for the decisions is usually unavailable Rarely can the decisions be demonstrated to be rational By a rational decision we mean that decision among those possible for the decisionmaker which in the light of the information available maximizes the probability of the achievement of the purpose of the decisionmaker in that specific and particular case Wilkins 1974a 70 also 1969 This definition which stems from statistical decision theory points to three fundamental characteristics of decisions First it is assumed that a choice of possible decisions or more precisely of possible alternatives is available If only one choice is possible there is no decision problem and the question of rationality does not arise Usually of course there will be a choice even if the alternative is to decide not to decide a choice that of course often has profound consequences **Criminal Justice Theory** Edward Maguire, David Duffee, 2015-02-11 Criminal Justice Theory

Second Edition is the first and only text edited by U S criminal justice educators on the theoretical foundations of criminal justice not criminological theory This new edition includes entirely new chapters as well as revisions to all others with an eye to accessibility and coherence for upper division undergraduate and beginning graduate students in the field

Contemplating Courts Lee Epstein, 1995-01-01 Seventeen thought provoking essays in this sophisticated yet accessible reader demonstrate how political scientists conduct research on law courts and the judicial process and at the same time answer interesting substantive questions Illustrating the breadth and depth of judicial politics studies the essays convey to students the array of contemporary thinking both theoretical and methodological at work in the field The book's five parts cover subjects taught in most judicial politics courses Because each chapter stands alone instructors have the flexibility of assigning less than the whole book or chapters in a different order Topics examined range from information used by voters electing judges to the credibility of victims of sexualized violence Accessible to both undergraduate and graduate students Contemplating Courts offers fascinating views into both the law and courts field and the research process itself Epstein

provides in the first chapter an overview of the key elements of judicial process research and defines key terms Technical notes and methodology appendices offer students additional guidance Restorative Community Justice Gordon Bazemore, Mara Schiff, 2015-05-20 An anthology of original essays this book presents debates over practice theory and implementation of restorative justice Attention is focused on the movement's direction toward a more holistic community oriented approach to criminal justice intervention The Legal Process and the Promise of Justice Rosann Greenspan, Hadar Aviram, Jonathan Simon, 2019-06-04 Malcolm Feeley one of the founding giants of the law and society field is also one of its most exciting diverse and contemporary scholars His works have examined criminal courts prison reform the legal profession legal professionalism and a variety of other important topics of enduring theoretical interest with a keen eye for the practical implications In this volume The Legal Process and the Promise of Justice an eminent group of contemporary law and society scholars offer fresh and original analyses of his work They assess the legacy of Feeley's theoretical innovations put his findings to the test of time and provide provocative historical and international perspectives for his insights This collection of original essays not only draws attention to Professor Feeley's seminal writings but also to the theories and ideas of others who inspired by Feeley have explored how courts and the legal process really work to provide a promise of justice

Studies in Law, Politics, and Society Austin Sarat, 2009-05-21 Contains a Special Issue on crime and criminal justice This title brings together the work of scholars whose work usefully illuminates central questions in about how we define and process those who violate the criminal law and about the technologies of policing and punishment Community Justice John R. Hamilton Jr., Todd R. Clear, John R Hamilton, Jr., Eric Cadora, 2010-12-08 Community Justice discusses concepts of community within the context of justice policy and programs and addresses the important relationship between the criminal justice system and the community in the USA Taking a bold stance in the criminal justice debate this book argues that crime management is more effective through the use of informal as opposed to formal social control It demonstrates how an increasing number of criminal justice elements are beginning to understand that the development of partnerships within the community that enhance informal social control will lead to a stabilization and possibly a decline in crime especially violent crime and make communities more liveable Borrowing from an eclectic toolbox of ideas and strategies community organizing environmental crime prevention private public partnerships justice initiatives Community Justice puts forward a new approach to establishing safe communities and highlights the failure of the current American justice system in its lack of vision and misuse of resources Providing detailed information about how community justice fits within each area of the criminal justice system and including relevant case studies to exemplify this philosophy in action this book is essential reading for undergraduate and postgraduate students of subjects such as criminology law and sociology **Critical Issues in Policing** Roger G. Dunham, Geoffrey P. Alpert, 2015-02-19 The Seventh Edition of Critical Issues in Policing includes many new and updated contributions that offer fresh perspectives and research on the most current trends in policing The entire

collection of 34 articles carefully chosen for their broad application sharpens readers sense and understanding of the complexities of police work Styles of policing uses of technology and roles played by citizens in determining a proper measure of performance in law enforcement are among the essential topics addressed Comprehensive and fair Critical Issues in Policing provides ready access to the brightest and best minds in the field of policing encouraging readers to hold police accountable for specific goals tasks and objectives and to work in concert with citizens to promote secure communities

The Oxford Handbook of Empirical Legal Research Peter Cane,Herbert Kritzer,2012-05-17 The empirical study of law legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political economic and ethical significance empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law s meaning operation and impact In the 43 chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history aims and methods of empirical research about law as well as its achievements and potential The Handbook has three parts The first deals with the development and institutional context of empirical legal research The second and largest part consists of critical accounts of empirical research on many aspects of the legal world on criminal law civil law public law regulatory law and international law on lawyers judicial institutions legal procedures and evidence and on legal pluralism and the public understanding of law The third part introduces readers to the methods of empirical research and its place in the law school curriculum

Sentencing Guidelines and Commissions Julian V. Roberts,Arie Freiberg,Rhys Hester,2025-07-30 In *Sentencing Guidelines and Commissions* Julian V Roberts Arie Freiberg and Rhys Hester synthesize existing literature on commissions and guidelines identify key issues and problems and clarify the future of commissions and guidelines since the creation of the first commissions in 1980 Drawing upon almost fifty years of additional developments and accumulated research on guidelines commissions and councils the authors explore the benefits of sentencing councils and commissions and sentencing guidelines Further the authors look back to the cumulative experience since the first guidelines were created and propose model regimes for legislatures to consider based on the American English and Australian approaches

Empirical Theories About Courts Keith O. Boyum,Lynn Mather,2015-11-17 The classic and groundbreaking study of trial courts and other dispute processes and foundational ways to think about researching them is now available in a modern digital edition It is edited by Professors Keith O Boyum and Lynn Mather and includes chapters from the leading theorists about courts and their research Much cited and relevant today in how it frames the analysis of courts this book s new republication features an additional Introduction and Afterword by the editors with updates and a new Foreword by Christina L Boyd As Boyd writes For nearly all civil and criminal cases the traditional model of court as a judge dominated formal adversary process of adjudication does not hold What exists instead is so variable complex and dynamic that a proper study

of courts must return to first principles And that is precisely what an all star list of interdisciplinary court scholars many of whom have established storied careers as trial court experts does so well within the chapters of this book She adds I find the text to be very contemporary Empirical Theories About Courts design to focus on theory building rather than simply examining discrete datasets or engaging in data mining of a single set of observations is a key factor in the book s longevity Quality ebook features includes linked Contents and notes fully linked and paginated Index proper formatting and all of the tables and figures of the original properly presented Part of the Classics of Law Society Series from Quid Pro Books *Let's Make a Deal* Herbert M. Kritzer,1991 Veteran San Francisco policeman Mullen is out to clean up the reputation of the town by re evaluating the activity and goals of the 1851 Vigilance Committee which has loomed so large in historical interpretations He analyzes the incidence of crime and describes the development of courts police and jails from 1846 to 1852 Describes the day to day negotiation and settlement process which keeps 99% of all lawsuits from ever coming to court The data is drawn from interviews with lawyers involved in state and federal cases so the perspective is a lawyer s rather than a litigant s Paper edition unseen 12 95 Annotation copyrighted by Book News Inc Portland OR *American Law* Lawrence Meir Friedman,Grant M. Hayden,2017 This book provides an introduction to the American legal system for a broad readership Its focus is on law in practice on the role of the law in American society and how the social context affects the living law of the United States It covers the institutions of law creation and application law in American government American legal culture and the legal profession American criminal and civil justice and civil rights Clearly written the book has been widely used in both undergraduate and graduate courses as an introduction to the legal system it will be useful too to a general audience interested in understanding how this vital social system works This new edition follows the same basic structure as applied in the previous editions providing a thorough revision and reworking of the text This edition reflects upon what has happened in the years since the second edition was published in 1998 and how these events and evolutions have shaped our fundamental comprehension of the workings of the American legal system today Experiencing Citizenship Richard M. Battistoni,William E. Hudson,2023-07-03 This practical guide is intended for faculty and service learning directors combining the how to information and rigorous intellectual framework that teachers seek What distinguishes this volume is that the contributors are writing for their peers They discuss how service learning can be implemented within political science and what this discipline contributes to the pedagogy of service learning The book offers both theoretical background and practical pedagogical chapters which describe the design implementation and outcomes of political science service learning programs as well as annotated bibliographies program descriptions and course syllabi Consumer Financial Dispute Resolution in a Comparative Context Shahla F. Ali,2013-03-14 Nearly all major global financial centres have developed systems of consumer financial dispute resolution Such systems aim to assist parties to resolve a growing number of monetary disputes with financial institutions How governments and self regulatory

organizations design and administer financial dispute resolution mechanisms in the context of increasingly turbulent financial markets is a new area for research and practice Consumer Financial Dispute Resolution in a Comparative Context presents comparative research about the development and design of these mechanisms in East Asia North America and Europe Using a comparative methodology and drawing on empirical findings from a multi jurisdictional survey Shahla F Ali examines the emergence of global principles that influence the design of financial dispute resolution models considers the structural variations between the ombuds and arbitration systems and offers practical proposals for reform

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