

# ORDINARY INJUSTICE

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# HOW AMERICA HOLDS COURT

AMY BACH

# Ordinary Injustice How America Holds Court

**Markus D. Dubber, Christopher Tomlins**

## **Ordinary Injustice How America Holds Court:**

*Ordinary Injustice* Amy Bach, 2010-08-03 A groundbreaking book revealing the systemic everyday problems in our courts that must be addressed if justice is truly to be served Doris Kearns Goodwin Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America What she found was an assembly line approach to justice a system that rewards mediocre advocacy bypasses due process and shortchanges both defendants and victims to keep the court calendar moving Here is the public defender who pleads most of his clients guilty with scant knowledge about their circumstances the judge who sets outrageous bail for negligible crimes the prosecutor who habitually declines to pursue significant cases the court that works together to achieve a wrongful conviction Going beyond the usual explanations of bad apples and meager funding *Ordinary Injustice* reveals a clubby legal culture of compromise and shows the tragic consequences that result when communities mistake the rules that lawyers play by for the rule of law It is time Bach argues to institute a new method of checks and balances that will make injustice visible the first and necessary step to reform

**Gideon's Promise** Jonathan Rapping, 2020-08-18 A criminal defense attorney tugs at both the heartstrings and our consciences as he challenges America's true commitment to justice Stacey Abrams offering a blueprint for how public defense programs should work to end mass incarceration Combining wisdom drawn from over a dozen years as a public defender and cutting edge research in the fields of organizational and cultural psychology Jonathan Rapping proposes a radical cultural shift to a fiercely client based ethos driven by values based recruitment training awakening defenders to their role in upholding an unjust status quo and a renewed pride in the essential role of moral lawyering in a democratic society Public defenders represent over 80% of those who interact with the court system a disproportionate number of whom are poor non white citizens who rely on them to navigate the law on their behalf More often than not even the most well meaning of those defenders are over worked under funded and incentivized to put the interests of judges and politicians above those of their clients in a culture that beats the passion out of talented driven advocates and has led to an embarrassingly low standard of justice for those who depend on the promises of *Gideon v Wainwright* Through the story of founding *Gideon's Promise* and anecdotes of his time as a defender and teacher Rapping reanimates the possibility of public defenders serving as a radical bulwark against government oppression and a megaphone to amplify the voices of those they serve

**American Judicial Process** Pamela C. Corley, Artemus Ward, Wendy L. Martinek, 2015-09-25 This text is a general introduction to American judicial process The authors cover the major institutions actors and processes that comprise the U S legal system viewed from a political science perspective Grounding their presentation in empirical social science terms the authors identify popular myths about the structure and processes of American law and courts and then contrast those myths with what really takes place Three unique elements of this myth versus reality framework are incorporated into each of the topical chapters 1 Myth versus Reality boxes that lay out the topics each chapter covers using the myths about each topic

contrasted with the corresponding realities 2 Pop Culture boxes that provide students with popular examples from film television and music that tie in to chapter topics and engage student interest 3 How Do We Know boxes that discuss the methods of social scientific inquiry and debunk common myths about the judiciary and legal system Unlike other textbooks American Judicial Process emphasizes how pop culture portrays and often distorts the judicial process and how social science research is brought to bear to provide an accurate picture of law and courts In addition a rich companion website will include PowerPoint lectures suggested topics for papers and projects a test bank of objective questions for use by instructors and downloadable artwork from the book Students will have access to annotated web links and videos flash cards of key terms and a glossary

**Judicial Politics in the United States** Mark C. Miller, 2018-09-03 Judicial Politics in the United States examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U S political system Not only does this book cover the nuts and bolts of the functions structures and processes of our courts and legal system it goes beyond other judicial process books by exploring how the courts interact with executives legislatures and state and federal bureaucracies It also includes a chapter devoted to the courts interactions with interest groups the media and general public opinion and a chapter that looks at how American courts and judges interact with other judiciaries around the world Judicial Politics in the United States balances coverage of judicial processes with discussions of the courts interactions with our larger political universe making it an essential text for students of judicial politics

**Japan's Prosecution Review Commission** David T. Johnson, 2023-01-01 This book explains Japan's unique Prosecution Review Commission PRC which is composed of eleven lay people selected randomly from voter registration lists Each of the country's 165 PRCs reviews non charge decisions made by professional prosecutors and determines which cases should be reinvestigated or charged PRCs also provide prosecutors with general proposals and recommendations for improving their policies and practices The book analyzes the history and operations of the PRC and uses statistics and case studies to examine its various impacts from legitimation and shadow effects to kickbacks and mandatory prosecution More broadly this book explores a problem that is common in many criminal justice systems how to hold prosecutors accountable for their non charge decisions It discusses the potential these panels have for improving the quality of criminal justice in Japan and other countries and it will appeal to scholars and students studying prosecution and democracy criminal justice criminology lay participation justice reform and Japanese studies

**Healing the Heart of Democracy** Parker J. Palmer, 2024-01-31 How We the People can reclaim our democracy updated with a discussion guide author videos and a new chapter length Introduction In this updated edition of his prophetic book renowned author and activist Parker J. Palmer celebrates the power of We the People to resist the politics of divide and conquer With the U S now on a global list of backsliding democracies Palmer writes about what we can do to restore civil discourse reach for understanding across lines of difference focus on our shared values and hold elected officials accountable He explores ways we can reweave the

communal fabric on which democracy depends in everyday settings such as families neighborhoods classrooms congregations workplaces and various public spaces including five habits of the heart we can cultivate as we work to fulfill America's promise of human equality In the same honest vulnerable compelling and inspiring prose that has won Palmer millions of readers *Healing the Heart of Democracy* awakens our instinct to seek the common good and gives us the tools to pursue it With a text enhanced by a Discussion Guide and forty online author videos on key issues you'll be able to Reflect on the personal implications of the claim that the human heart is the first home of democracy Consider everyday actions you can take to restore the infrastructure that supports our democracy Transcend the us vs them mentality and find ways to expand and enrich your life by appreciating the value of otherness Reignite your sense of personal voice and agency to resist authoritarian appeals and restore a politics of freedom and responsibility *Healing the Heart of Democracy* is for anyone who values the gift of citizenship and wants to make a difference for themselves their families and communities and our collective wellbeing As the late Congressman John Lewis said We have been trying to bridge the great divides in this great country for a long time In this book Parker J Palmer urges us to keep on walking keep on talking just as we did in the civil rights movement until we cross those bridges together

**Punishment Without Crime** Alexandra Natapoff, 2018-12-31 A revelatory account of the misdemeanor machine that unjustly brands millions of Americans as criminals *Punishment Without Crime* offers an urgent new interpretation of inequality and injustice in America by examining the paradigmatic American offense the lowly misdemeanor Based on extensive original research legal scholar Alexandra Natapoff reveals the inner workings of a massive petty offense system that produces over 13 million cases each year People arrested for minor crimes are swept through courts where defendants often lack lawyers judges process cases in mere minutes and nearly everyone pleads guilty This misdemeanor machine starts punishing people long before they are convicted it punishes the innocent and it punishes conduct that never should have been a crime As a result vast numbers of Americans most of them poor and people of color are stigmatized as criminals impoverished through fines and fees and stripped of drivers licenses jobs and housing For too long misdemeanors have been ignored But they are crucial to understanding our punitive criminal system and our widening economic and racial divides A Publishers Weekly Best Book of 2018

*The Lower Criminal Courts* Alisa Smith, Sean Maddan, 2019-05-22 This book explores misdemeanor courts in the United States by focusing on the processing of misdemeanor crimes and the resultant consequences of conviction such as loss of employment and housing the imposition of significant fines and loss of liberty all amounting to the criminalization of poverty that happens in many U S misdemeanor courts A major concern is the lack of due process employed in lower courts Although the seminal case of *Gideon v Wainwright* required the appointment of counsel to individuals too poor to hire counsel in felony cases it was not until 1967 when the President's Commission on Law Enforcement and Administration of Justice found a crisis in the lower courts that the Supreme Court extended the right to counsel to some though not all prosecutions of misdemeanor offenses The first step

to improving our understanding of the lower courts is a concerted effort by scholars to focus on the processing and outcomes of misdemeanor cases This collection begins to fill the void by providing a comprehensive review of the scholarly work on the lower courts in the United States Collecting analysis from key academics engaged in work in this area today the book reviews the varying specialized lower criminal courts including specialty courts that have emerged in just the last couple of decades along with discussions of the history legal challenges operation primary actors judges prosecutors defense counsel and defendants and current research on these courts The book explores the profound consequences misdemeanor processing has for defendants and discusses the future of the lower criminal courts and offers best practices to improve them The Lower Criminal Courts is essential for scholars and undergraduate and graduate students in criminology sociology justice studies pre law legal studies political science and social work and it is also useful as a resource providing legal practitioners with important information highlighting the significance of consequences of misdemeanor arrests detentions and adjudications

**Self-Representation** Jona Goldschmidt, 2022-01-14 Self representation has a long venerable history dating to biblical times and continuing through the common law the colonial era to the present This book collects and analyzes the law ethics opinions and empirical studies about the wide range of issues surrounding Self represented litigants SRLs in our justice system including how much if any assistance should a judge provide what duties do lawyers interacting with SRLs and many others Using recent empirical studies from both Civil litigation and criminal defense Jona Goldschmidt argues that SRLs cases cannot be fairly heard without a mandatory judicial duty of reasonable assistance In order to maintain public trust and confidence in our justice system self represented parties must be guided and assisted Courts and the legal profession should continue to adapt and meet the challenge of managing and interacting with those who choose or are compelled to self represent Only when self represented litigants are embraced by the courts they will finally receive equal justice under law This book would be of interest to those studying criminal justice and legal studies specifically legal history and legal ethics as well as judges lawyers and other professionals in the field

**Taking Problem-Solving Courts to Scale** Eileen M. Ahlin, Anne S. Douds, 2021-04-30 In the more than 30 years since the drug court model transformed the criminal justice landscape problem solving courts have expanded their reach beyond criminogenic needs They now address demographic similarities e g veterans courts tribal wellness courts community courts and offense characteristics e g prostitution courts sex offender courts The rapid expansion of problem solving courts to meet many different individuals suggests this template is appropriate and adaptable to just about any categorical characteristic This book calls on problem solving court experts to offer a fresh perspective on the evolving discourse on these courts proliferation Contributors describe diverse applications of the problem solving court model while critically appraising these niche courts evidence This book provides a comprehensive account to date of how problem solving courts are continuing to revolutionize justice This collective body of work strengthens our understanding of their placement in the throes of a call for meaningful criminal justice reform Taking Problem Solving

Courts to Scale is presented in three sections to address specialty courts focused on criminogenic needs individual characteristics and offense characteristics At the outset of each section the editors describe the courts purpose falling under these broad categories and highlight key elements from the chapters falling within *Institutional Failures* Howard M. Wasserman, 2016-05-23 The authors of this new collection argue that the many features of the now infamous Duke University men's lacrosse controversy are best understood in the context of the three major socio legal institutions in which the drama played out The legal system Duke University and the news media all struggled to respond to and handle the case tinged as the events were with race sex violence class privilege and notions and perceptions about sports The problems missteps mistakes and injustice in the case resulted from each institution's failure to operate properly from the incentives built into each institution that affected individual behavior and from the inability of each institution to communicate and cooperate with the others To understand the Duke lacrosse controversy is to study these institutions and to answer questions about the performance of each to learn what each did right and wrong and why and to consider how each can improve in the future By examining the actions of these institutions and the individuals within them these essays consider the role each played in the case how each contributed to the crisis and to its resolution the ways in which they interacted with one another and the lessons this case teaches about the appropriate functioning of each institution *Crook County* Nicole Gonzalez Van Cleve, 2016-05-24 Winner of the 2017 Eduardo Bonilla Silva Outstanding Book Award sponsored by the Society for the Study of Social Problems Finalist for the C Wright Mills Book Award sponsored by the Society for the Study of Social Problems Winner of the 2017 Oliver Cromwell Cox Book Award sponsored by the American Sociological Association's Section on Racial and Ethnic Minorities Winner of the 2017 Mary Douglas Prize for Best Book sponsored by the American Sociological Association's Sociology of Culture Section Honorable Mention in the 2017 Book Award from the American Sociological Association's Section on Race Class and Gender NAACP Image Award Nominee for an Outstanding Literary Work from a debut author Winner of the 2017 Prose Award for Excellence in Social Sciences and the 2017 Prose Category Award for Law and Legal Studies sponsored by the Professional and Scholarly Publishing Division Association of American Publishers Silver Medal from the Independent Publisher Book Awards Current Events Social Issues category Americans are slowly waking up to the dire effects of racial profiling police brutality and mass incarceration especially in disadvantaged neighborhoods and communities of color The criminal courts are the crucial gateway between police action on the street and the processing of primarily black and Latino defendants into jails and prisons And yet the courts often portrayed as sacred impartial institutions have remained shrouded in secrecy with the majority of Americans kept in the dark about how they function internally *Crook County* bursts open the courthouse doors and enters the hallways courtrooms judges chambers and attorneys offices to reveal a world of punishment determined by race not offense Nicole Gonzalez Van Cleve spent ten years working in and investigating the largest criminal courthouse in the country Chicago Cook County and based on over 1 000

hours of observation she takes readers inside our so called halls of justice to witness the types of everyday racial abuses that fester within the courts often in plain sight We watch white courtroom professionals classify and deliberate on the fates of mostly black and Latino defendants while racial abuse and due process violations are encouraged and even seen as justified Judges fall asleep on the bench Prosecutors hang out like frat boys in the judges chambers while the fates of defendants hang in the balance Public defenders make choices about which defendants they will try to save and which they will sacrifice Sheriff s officers cruelly mock and abuse defendants family members Delve deeper into Crook County with related media and instructor resources at [www sup org crookcountyresources](http://www.sup.org/crookcountyresources) Crook County s powerful and at times devastating narratives reveal startling truths about a legal culture steeped in racial abuse Defendants find themselves thrust into a pernicious legal world where courtroom actors live and breathe racism while simultaneously committing themselves to a colorblind ideal Gonzalez Van Cleve urges all citizens to take a closer look at the way we do justice in America and to hold our arbiters of justice accountable to the highest standards of equality *The Oxford Handbook of Legal History* Markus D.

Dubber,Christopher Tomlins,2018-07-26 Some of the most exciting and innovative legal scholarship has been driven by historical curiosity Legal history today comes in a fascinating array of shapes and sizes from microhistory to global intellectual history Legal history has expanded beyond traditional parochial boundaries to become increasingly international and comparative in scope and orientation Drawing on scholarship from around the world and representing a variety of methodological approaches areas of expertise and research agendas this timely compendium takes stock of legal history and methodology and reflects on the various modes of the historical analysis of law past present and future Part I explores the relationship between legal history and other disciplinary perspectives including economic philosophical comparative literary and rhetorical analysis of law Part II considers various approaches to legal history including legal history as doctrinal intellectual or social history Part III focuses on the interrelation between legal history and jurisprudence by investigating the role and conception of historical inquiry in various models schools and movements of legal thought Part IV traces the place and pursuit of historical analysis in various legal systems and traditions across time cultures and space Finally Part V narrows the Handbooks focus to explore several examples of legal history in action including its use in various legal doctrinal contexts **Prisons and Punishment in America** Michael O'Hear,2018-09-14

Synthesizing recent scholarship in law and the social sciences on criminal sentencing and corrections this book provides a thorough balanced and accessible survey of the major policy issues in these fields of persistent public interest and political debate After three decades of explosive growth the American incarceration rate is impracticably high Drawing on leading research in law and the social sciences this book covers a range of topics in sentencing and corrections in America in a manner that is accessible and engaging for general readers Tackling high level issues in the criminal justice system it outlines the scale and causes of mass incarceration in the United States To complement this it details the roles and relative power of judges and prosecutors the severity of



punishment for drug offenders and white collar offenders the abuse of prisoners and the enforcement of prisoner rights and repeat offending by released prisoners Readers will better understand the challenges that come with a high incarceration rate such as the management of mental illness in the criminal justice system the management of sex offenders and the impact of parental incarceration on children Looking ahead this timely resource also considers prospects for reducing current incarceration levels the availability and effectiveness of alternatives to incarceration and the future of capital punishment

**Advancing Criminology and Criminal Justice Policy** Thomas G. Blomberg, Julie Mestre Brancale, Kevin M. Beaver, William D. Bales, 2016-03-10 Advancing Criminology and Criminal Justice Policy is a definitive sourcebook that is comprised of contributions from some of the most recognized experts in criminology and criminal justice policy The book is essential reading for students taking upper level courses and seminars on crime public policy and crime prevention as well as for policy makers within the criminal justice sphere There has been a growing recognition of the importance of evidence based criminal justice policies from criminologists policymakers and practitioners Yet despite governmental and professional association efforts to promote the role of criminological research in criminal justice policy political ideologies fear and the media heavily influence criminal justice policies and practices Bridging the gap between research and policy this book provides the best available research evidence identifies strategies for informing policy and offers direct policy recommendations for a number of pressing contemporary issues in criminal justice including Delinquency intervention programs and community crime prevention Problem oriented policing and the science of hot spot policing Sentencing and drug courts Community corrections incarceration and rehabilitation Mental illness gender aging and indigenous communities

**Nobody** Marc Lamont Hill, 2016-07-26 Named a Best Book of the Year by Kirkus Reviews A New York Times Editor's Choice Nautilus Award Winner A worthy and necessary addition to the contemporary canon of civil rights literature The New York Times From one of the leading voices on civil rights in America a thoughtful and urgent analysis of recent headline making police brutality cases and the systems and policies that enabled them In this thought provoking and important Library Journal analysis of state sanctioned violence Marc Lamont Hill carefully considers a string of high profile deaths in America Sandra Bland Freddie Gray Michael Brown Eric Garner Trayvon Martin and others and incidents of gross negligence by government such as the water crisis in Flint Michigan He digs underneath these events to uncover patterns and policies of authority that allow some citizens become disempowered disenfranchised poor uneducated exploited vulnerable and disposable To help us understand the plight of vulnerable communities he examines the effects of unfettered capitalism mass incarceration and political power while urging us to consider a new world in which everyone has a chance to become somebody Heralded as an essential text for our times Marc Lamont Hill's galvanizing work embodies the best traditions of scholarship journalism and storytelling to lift unheard voices and to address the necessary question how did we get here

*Privilege and Punishment* Matthew Clair, 2020-11-17 How the attorney client relationship favors the privileged in criminal

court and denies justice to the poor and to working class people of color The number of Americans arrested brought to court and incarcerated has skyrocketed in recent decades Criminal defendants come from all races and economic walks of life but they experience punishment in vastly different ways Privilege and Punishment examines how racial and class inequalities are embedded in the attorney client relationship providing a devastating portrait of inequality and injustice within and beyond the criminal courts Matthew Clair conducted extensive fieldwork in the Boston court system attending criminal hearings and interviewing defendants lawyers judges police officers and probation officers In this eye opening book he uncovers how privilege and inequality play out in criminal court interactions When disadvantaged defendants try to learn their legal rights and advocate for themselves lawyers and judges often silence coerce and punish them Privileged defendants who are more likely to trust their defense attorneys delegate authority to their lawyers defer to judges and are rewarded for their compliance Clair shows how attempts to exercise legal rights often backfire on the poor and on working class people of color and how effective legal representation alone is no guarantee of justice Superbly written and powerfully argued Privilege and Punishment draws needed attention to the injustices that are perpetuated by the attorney client relationship in today s criminal courts and describes the reforms needed to correct them Crime and Justice, Volume 41: Prosecutors and Politics

Michael Tonry, 2013-12-16 Prosecutors are powerful figures in any criminal justice system They decide what crimes to prosecute whom to pursue what charges to file whether to plea bargain how aggressively to seek a conviction and what sentence to demand In the United States citizens can challenge decisions by police judges and corrections officials but courts keep their hands off the prosecutor Curiously in the United States and elsewhere very little research is available that examines this powerful public role And there is almost no work that critically compares how prosecutors function in different legal systems from state to state or across countries Prosecutors and Politics begins to fill that void Police courts and prisons are much the same in all developed countries but prosecutors differ radically The consequences of these differences are enormous the United States suffers from low levels of public confidence in the criminal justice system and high levels of incarceration in much of Western Europe people report high confidence and support moderate crime control policies in much of Eastern Europe people s perceptions of the law are marked by cynicism and despair Prosecutors and Politics unpacks these national differences and provides insight into this key area of social control Since 1979 the Crime and Justice series has presented a review of the latest international research providing expertise to enhance the work of sociologists psychologists criminal lawyers justice scholars and political scientists The series explores a full range of issues concerning crime its causes and its cure *Transforming Criminal Justice* Jon B. Gould, Pamela R. Metzger, 2022-12-06 An evidence based roadmap for how the American criminal justice system can be reformed This important volume brings together today s leading criminal justice scholars and practitioners to offer a roadmap for those who want to change the face of the American criminal justice system This collection of essays addresses thirteen significant issues in justice reform starting from a suspect s first

interaction with the police and continuing to gun violence prosecutorial innovation sentencing reform eliminating bail recidivism and re entry collateral consequences of crime and eliminating false convictions A common theme emerges in this volume the American criminal justice system is riddled with weaknesses that cause harm and require greater accountability Each chapter is both educational and prescriptive helping readers to understand the problems that plague the criminal justice system how those problems can be addressed and who should take responsibility for them Part scholarly research part account of the justice system s workings and failings and part agenda for action Transforming Criminal Justice aims to educate and move readers to effect change

**Unreconciled** Andrea Smith, 2019-12-13 In the 1990s many evangelical Christian organizations and church leaders began to acknowledge their long history of racism and launched efforts at becoming more inclusive of people of color While much of this racial reconciliation movement has not directly confronted systemic racism s structural causes there exists a smaller countermovement within evangelicalism primarily led by women of color who are actively engaged in antiracism and social justice struggles In *Unreconciled* Andrea Smith examines these movements through a critical ethnic studies lens evaluating the varying degrees to which evangelical communities that were founded on white supremacy have addressed racism Drawing on evangelical publications sermons and organization statements as well as ethnographic fieldwork and participation in evangelical events Smith shows how evangelicalism is largely unable to effectively challenge white supremacy due to its reliance upon discourses of whiteness At the same time the work of progressive evangelical women of color not only demonstrates that evangelical Christianity can be an unexpected place in which to find theoretical critique and social justice organizing but also shows how critical ethnic studies interventions can be applied broadly across political and religious divides outside the academy

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