

How the Litigation Explosion is
Reshaping America

A Nation of Adversaries

PATRICK M. GARRY



Springer

Nation Of Adversaries How The Litigation Explosion Is Reshaping America

Brian L. Porto



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A Nation of Adversaries Patrick M. Garry, 2013-11-11

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.

Jews and the Law

Ari Mermelstein, Victoria Saker Woeste, Ethan Zadoff, Marc Galanter, 2014-06-10 Jews are a people of law and law defines who the Jewish people are and what they believe. This anthology engages with the growing complexity of what it is to be Jewish and more problematically, what it means to be at once Jewish and participate in secular legal systems as lawyers, judges, legal thinkers, civil rights advocates, and teachers. The essays in this book trace the history and chart the sociology of the Jewish legal profession over time, revealing new stories and dimensions of this significant aspect of the American Jewish experience and at the same time exploring the impact of Jewish lawyers and law firms on American legal practice. This superb collection reveals what an older focus on assimilation obscured: Jewish lawyers wanted to make it, but they also wanted to make law and the legal profession different and better. These fascinating essays show how, despite considerable obstacles, they succeeded. Daniel R. Ernst, Professor of Law, Georgetown University Law Center, Author of *Tocqueville's Nightmare: The Administrative State Emerges in America, 1900-1940*. This fascinating collection of essays by distinguished scholars illuminates the distinctive and intricate relationship between Jews and law. Exploring the various roles of Jewish lawyers in the United States, Germany, and Israel, they reveal how the practice of law has variously expressed, reinforced, or muted Jewish identity as lawyers demonstrated their commitments to the public interest, social justice, Jewish tradition, or personal ambition. Any student of law, lawyers, or Jewish values will be engaged by the questions asked and answered. Jerold S. Auerbach, Professor Emeritus of History, Wellesley College, Author of *Unequal Justice* and *Rabbis and Lawyers*.

Reimagining Courts Victor E. Flango, Thomas M. Clarke, 2015 In their timely and topical book *Reimagining Courts*, Victor Flango and Thomas Clarke argue that courts are a victim of their own success. Disputes that once were resolved either informally in the family or within the community are now handled mainly by courts, which strains government agency resources. The authors offer provocative suggestions for a thorough overhaul of American state and local courts, one that better fits the needs of a twenty-first century legal system. *Reimagining Courts* recommends a triage process based upon case characteristics, litigant goals, and resolution.

processes Courts must fundamentally reorganize their business processes around the concept of the litigant as a customer Each adjudication process that the authors propose requires a different case management process and different amounts of judicial staff and facility resources Reimagining Courts should spark much needed debate This book will be of significant interest to lawyers judges and professionals in the court system as well as to scholars in public administration and political science May It Please the Court Brian L. Porto, 2017-07-28 This practical comprehensive and engaging introduction to the American judicial system is designed primarily for undergraduate students in criminal justice liberal arts political science and beginning law It differs from other texts not only by delivering an insider's view of the courts but also by demonstrating how the judicial process operates at the intersection of law and politics Unlike the many dull and inaccessible texts in this field May It Please The Court conveys the human drama of civil and criminal litigation With an updated epilogue case studies and discussion questions this third edition is a robust resource for criminal justice students *Alternative Dispute Resolution in the Employment Arena* Samuel Estreicher, David Sherwyn, 2004-01-01 This volume which reprints the proceedings of the New York University 53rd Annual Conference on Labour features work that provides data to answer many of the questions that form the basis of many of the policy arguments The contributors explore solutions to problems in the American workplace

Beyond the Adversarial System Helen Stacy, Michael Lavarch, 1999 Australia is presently seeking to streamline its civil justice system It is popular folklore that the Australian civil justice system is inaccessible to ordinary people as it is expensive slow and complex The reasons for these alleged failings are attributed to various causes such as arcane and inefficient judicial practices money hungry lawyers or more fundamentally to the very underpinnings of civil litigation adversarialism This volume confronts this folklore It provides perspectives about civil justice from its major user and funding source government and the group of Australians who have used it the least and feel most alienated from the system indigenous Australians It explores the insights of those who work with adversarialism day in and day out judges and lawyers and reveals both defenders and strident advocates for change Finally it steps back and gives an outsider's view of Australian adversarialism from those with knowledge of a sister system in the United States Collective Access to Justice Michael Molavi, 2021-03-11 At a time when the collective redress landscape is undergoing a period of transformative change this important and timely research focuses on class actions in England and Wales Aiming to promote access to justice this pioneering work separates fact from fiction in an easily digestible way offering progressive solutions for reform **The Diocese's Darkest Chapter** Allison Niebauer, 2023-12-08 From its quiet inception in 1988 to a hailstorm of statewide and national controversy over thirty years later this book follows the development of public discourse regarding a clergy sexual abuse scandal in a small Catholic Diocese in Central Pennsylvania Weaving together the evolving local and national narratives it offers a striking account of how stakeholder rhetoric has influenced public perception of the Catholic abuse crisis in America and driven public actions While the book enriches our local knowledge of the tragic and ongoing cultural

trauma triggered by the revelation of clergy perpetrated abuse in a small Catholic Diocese it also makes a critical theoretical contribution to our understanding of the role of rhetoric in publicizing private pain and galvanizing collectives to take it on as their own The process of cultural trauma Niebauer contends unfolds through rhetorical forms that provide individuals with a constraining and enabling set of rhetorical choices Highlighting the recurrent rhetorical forms of narration *kategoria* *apologia* and *topoi* The Diocese's Darkest Chapter brings a new vocabulary and explanatory force to the study of cultural trauma and the Catholic abuse crisis in America *Distorting the Law* William Haltom, Michael McCann, 2009-11-15 In recent years stories of reckless lawyers and greedy citizens have given the legal system and victims in general a bad name Many Americans have come to believe that we live in the land of the litigious where frivolous lawsuits and absurdly high settlements reign Scholars have argued for years that this common view of the depraved ruin of our civil legal system is a myth but their research and statistics rarely make the news William Haltom and Michael McCann here persuasively show how popularized distorted understandings of tort litigation or tort tales have been perpetuated by the mass media and reform proponents *Distorting the Law* lays bare how media coverage has sensationalized lawsuits and sympathetically portrayed corporate interests supporting big business and reinforcing negative stereotypes of law practices Based on extensive interviews nearly two decades of newspaper coverage and in depth studies of the McDonald's coffee case and tobacco litigation *Distorting the Law* offers a compelling analysis of the presumed litigation crisis the campaign for tort law reform and the crucial role the media play in this process

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