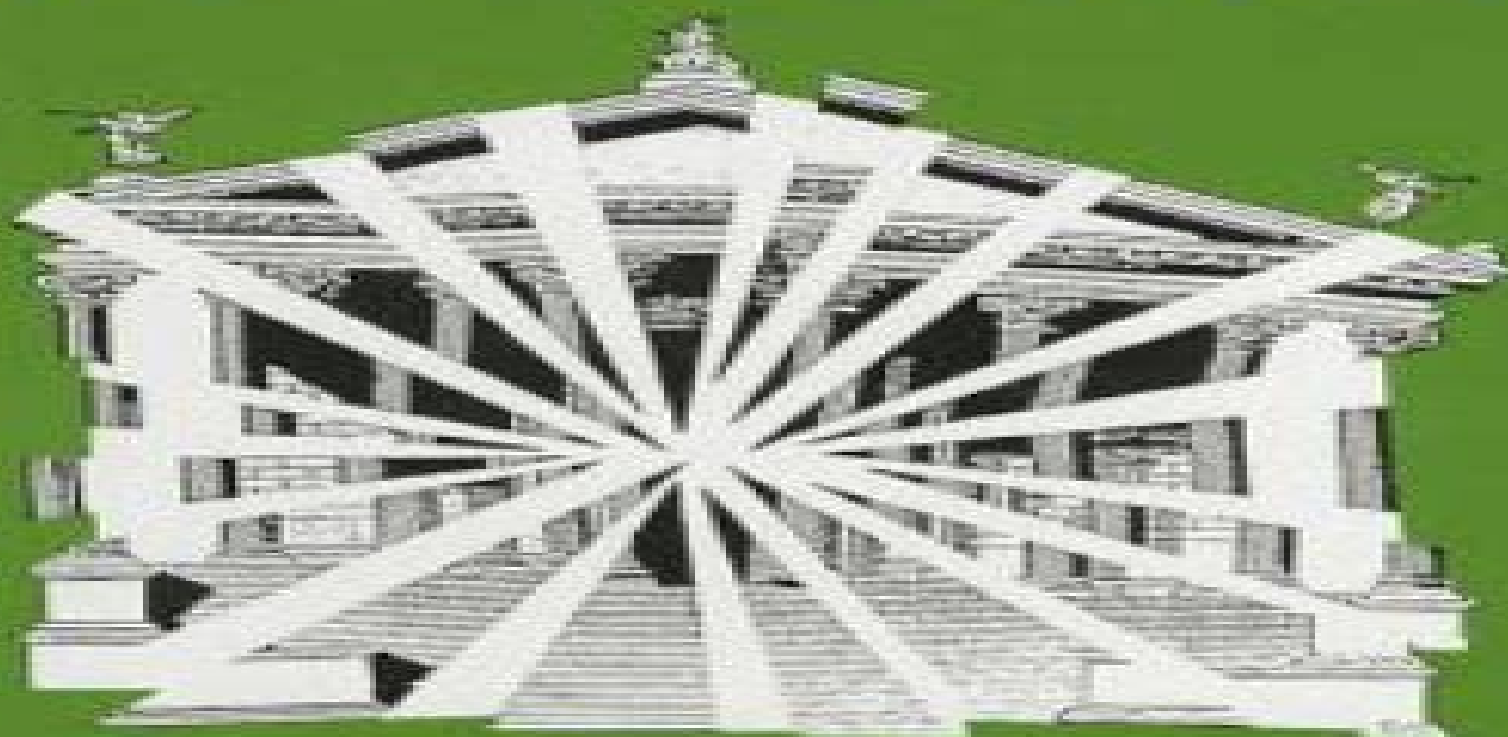


RATIONALIZING

JUSTICE



THE POLITICAL ECONOMY OF  
FEDERAL DISTRICT COURTS

WOLF HEYDEBRAND AND CARROLL SERON

# Rationalizing Justice The Political Economy Of Federal District Courts

**Austin Sarat**



## **Rationalizing Justice The Political Economy Of Federal District Courts:**

Rationalizing Justice Wolf V. Heydebrand, Carroll Seron, 1990-01-01 This book connects the history and organization of the federal district courts to the emergence of a new technocratic form of justice The centerpiece of this study is the clash between adjudication the traditional model of dispute resolution and the introduction of modern management techniques From the perspective of the federal trial courts the authors examine the tension between adjudication and administration They show dramatic changes in the nature of judicial decision making and the emergence of new forms of court organization These changes signal a potential crisis of the judicial system and Heydebrand and Seron provide insights into its nature and direction and the immense structural forces underlying the administration of justice in America **Politics and Judgment in Federal District Courts** C. K. Rowland, Robert A. Carp, 1996 A major empirical and theoretical work that has the potential for becoming a classic in the field Sheldon Goldman author of The Federal Courts as a Political System This provocative theoretical approach should be of great interest to scholars and students of the federal bench Elliott E Slotnick editor of Judicial Politics Rationalizing Justice Wolf Heydebrand, Carroll Seron, 1990-09-11 This book connects the history and organization of the federal district courts to the emergence of a new technocratic form of justice The centerpiece of this study is the clash between adjudication the traditional model of dispute resolution and the introduction of modern management techniques From the perspective of the federal trial courts the authors examine the tension between adjudication and administration They show dramatic changes in the nature of judicial decision making and the emergence of new forms of court organization These changes signal a potential crisis of the judicial system and Heydebrand and Seron provide insights into its nature and direction and the immense structural forces underlying the administration of justice in America Rise of Judicial Management in the U.S. District Court, Southern District of Texas, 1955-2000 Steven Harmon Wilson, 2010-07-01 This is the first book length study of a federal district court to analyze the revolutionary changes in its mission structure policies and procedures over the past four decades As Steven Harmon Wilson chronicles the court s attempts to keep pace with an expanding diversifying caseload he situates those efforts within the social cultural and political expectations that have prompted the increase in judicial seats from four in 1955 to the current nineteen Federal judges have progressed from being simply referees of legal disputes to managers of expanding courts dockets and staffs says Wilson The Southern District of Texas offers an especially instructive model by which to study this transformation Not only does it contain a varied population of Hispanics African Americans and whites but its jurisdiction includes an international border and some of the busiest seaports in the United States Wilson identifies three areas of judicial management in which the shift has most clearly manifested itself Through docket and case management judges have attempted to rationalize the flow of work through the litigation process Lastly and most controversially judges have sought to bring constitutionally flawed institutions into compliance through structural reform rulings in areas such as housing education employment and voting

Wilson draws on sources ranging from judicial biography and oral history interviews to case files published opinions and administrative memoranda Blending legal history with social science this important new study ponders the changing meaning of federal judgeship as it shows how judicial management has both helped and hindered the resolution of legal conflicts and the protection of civil rights

**Crime, Justice and Social Democracy** K. Carrington, M. Ball, E. O'Brien, J. Tauri, 2012-10-17 This is a provocative collection of timely reflections on the state of social democracy and its inextricable links to crime and justice Authored by some of the world's leading thinkers from the UK US Canada and Australia the volume provides an understanding of socially sustainable societies

Inside Appellate Courts Jonathan M. Cohen, 2009-12-10 Offers an in depth consideration of how the United States Courts of Appeal operate

**Preliminary Draft Report of the Second Circuit Task Force on Gender, Racial, and Ethnic Fairness in the Courts** United States Second Circuit Task Force on Gender, Racial, and Ethnic Fairness, 1997

**Verdict** Robert E. Litan, 2011-09-01 The right to a jury trial is a fundamental feature of the American justice system In recent years however aspects of the civil jury system have increasingly come under attack Many question the ability of lay jurors to decide complex scientific and technical questions that often arise in civil suits Others debate the high and rising costs of litigation the staggering delay in resolving disputes and the quality of justice Federal and state courts crowded with growing numbers of criminal cases complain about handling difficult civil matters As a result the jury trial is effectively being challenged as a means for resolving disputes in America Juries have been reduced in size their selection procedures altered and the unanimity requirement suspended For many this development is viewed as necessary For others it arouses deep concern In this book a distinguished group of scholars attorneys and judges examine the civil jury system and discuss whether certain features should be modified or reformed The book features papers presented at a conference cosponsored by the Brookings Institution and the Litigation Section of the American Bar Association together with an introductory chapter by Robert E Litan While the authors present competing views of the objectives of the civil jury system all agree that the jury still has and will continue to have an important role in the American system of civil justice The book begins with a brief history of the jury system and explains how juries have become increasingly responsible for decisions of great difficulty Contributors then provide an overview of the system's objectives and discuss whether and to what extent actual practice meets those objectives They summarize how juries function and what attitudes lawyers judges litigants former jurors and the public at large hold about the current system The second half of the book is devoted to a wide range of recommendations that w

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. **Does**

**Economic Governance Matter?** Mehmet Ugur, David Sunderland, 2011. This book is a welcome addition to the lively field of economic governance. The editors give a thoughtful review of ideas and landmarks in the literature and an organizing framework; the other chapters are a good mixture of theoretical, empirical and case studies. The whole will significantly advance our understanding of institutions and economic performance. Avinash Dixit, Princeton University, US. Economic governance institutions, rules, norms and enforcement practices define the cost and incentive structures that influence the decisions of economic actors. They therefore have a significant impact on micro and macro economic performance across countries and time. This book contributes to the growing governance literature in three ways. First, it extends the analysis to new areas such as power asymmetry, regulation, transnational company strategies and law enforcement. Secondly, it examines the role of formal institutions that shape and enforce the rules, norms codified in law, but also private ordering institutions that function under the umbrella of the State and private institutions such as market rules, norms that provide reputational and other information that foster compliance. Finally, the book extends and enriches the governance debate, addressing issues such as the determinants of institutional quality and efficiency and the interaction between actor networks and institutional norms. *Does Economic Governance Matter?* brings together state-of-the-art research and analysis that will appeal to academics and undergraduate and postgraduate students of economics, public policy, network analysis, corporate governance and business law. The book will also appeal to a wide range of practitioners and policymakers in areas such as regulation, competition, international development, corporate law and macroeconomic policy design. **Rethinking Legal Scholarship**

Rob van Gestel, Hans-W. Micklitz, Edward L. Rubin, 2017-02-02. Although American scholars sometimes consider European legal scholarship as old-fashioned and inward-looking, and Europeans often perceive American legal scholarship as amateur social science, both traditions share a joint challenge. If legal scholarship becomes too much separated from practice, legal scholars will ultimately make themselves superfluous. If legal scholars, on the other hand, cannot explain to other disciplines what is academic about their research, which methodologies are typical and what separates proper research from mediocre or poor research, they will probably end up in a similar situation. Therefore, we need a debate on what unites legal academics on both sides of the Atlantic. Should legal scholarship aspire to the status of a science and gradually adopt more and more of

the methods quality standards and practices of other social sciences What sort of methods do we need to study law in its social context and how should legal scholarship deal with the challenges posed by globalization Handbook on Punishment Decisions Jeffery T. Ulmer, Mindy S. Bradley, 2017-10-16 Handbook on Punishment Decisions Locations of Disparity provides a comprehensive assessment of the current knowledge on sites of disparity in punishment decision making This collection of essays and reports of original research defines disparity broadly to include the intersection of race ethnicity gender age citizenship immigration status and socioeconomic status and it examines dimensions such as how pretrial or guilty plea processes shape exposure to punishment how different types of sentencing decisions and or policy structures sentencing guidelines mandatory minimums risk assessment tools might shape and condition disparity and how post sentencing decisions involving probation and parole contribute to inequalities The sixteen contributions pull together what we know and what we don't about punishment decision making and plow new ground for further advances in the field The ASC Division on Corrections Sentencing Handbook Series publishes volumes on topics ranging from violence risk assessment to specialty courts for drug users veterans or people with mental illness Each thematic volume focuses on a single topical issue that intersects with corrections and sentencing research **Understanding Risk in Criminal Justice** Hazel

Kemshall, 2003-08-16 the Crime Justice series has become a key resource for universities in teaching criminology and criminal justice Professor Kemshall has established herself as a leading figure in the concepts of risk risk management and public protection issues an invaluable read for those entering Criminal Justice or moving to work in projects or teams at the forefront of public protection Vista How significant is risk to the formation and implementation of penal policy To what extent are the tasks and activities of frontline criminal justice workers informed by concerns to assess and manage risk Has there been a significant sea change in the delivery of criminal justice and if so what are the future implications of this This illuminating text examines the significance of the concept of risk in criminal justice policy and in the role of criminal justice agencies and crime prevention initiatives Particular features of the book include its use of practical examples coverage of previously unpublished research and a full review of current risk assessment tools for use with offenders It is designed with undergraduate courses in mind providing frequent summaries lists of further reading and a glossary The identification assessment and management of risk has become a central theme of criminal justice policy For some penal policy commentators this represents a sea change in crime management to a new era of actuarial justice that is the management of crime opportunities and risk distribution rather than the management of individual offenders By drawing on key areas of criminal justice practice such as policing probation and crime prevention this book examines the actual extent of this change and reviews the case for a new risk based penology The book combines a review of current theories on actuarial justice with a detailed examination of current practices in key frontline agencies The result is an essential text for criminology students and trainee professionals in criminal justice *Voices from Criminal Justice* Heith Copes, Mark Pogrebin, 2016-11-25 Voices

from Criminal Justice Second Edition gives students rich insight into the criminal justice system from the point of view of practitioners as well as outsiders citizens clients jurors probationers or inmates These qualitative and teachable articles cover all three components of the criminal justice system ensuring students will be better informed about the daily realities of criminal justice professionals in law enforcement courts and corrections At the same time the juxtaposition of insider and outsider views allows students to look beyond the actual content of the articles and develop their own views about the functions and flaws of the criminal justice system on a societal level This innovative reader now with seven new articles designed to stimulate discussions and promote critical thought is perfect for undergraduate criminal justice courses in the United States and has proven to be an effective companion or alternative to traditional introductory textbooks Voices from Criminal Justice Second Edition also offers a framework for more advanced students in special issues or capstone courses to synthesize information from earlier courses and develop their own view of American justice

The Oxford Handbook of Political Science Robert E. Goodin, 2011-07-07 Drawing on the rich resources of the ten volume series of The Oxford Handbooks of Political Science this one volume distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come

Criminal Justice Theory Edward R. Maguire, David E. Duffee, 2008-03-25 Criminal Justice Theory is the first comprehensive volume on the theoretical foundations of criminal justice The authors argue that theory in criminal justice is currently underdeveloped and inconsistently applied especially in comparison to the role of theory in the study of crime itself In the diverse range of essays included here the authors and contributors integrate examples from the study of criminal justice systems judicial decision making courtroom communities and correctional systems building the argument that students of criminal justice must not evaluate their discipline solely on the basis of the effectiveness of specific measures in reducing the crime rate Rather if they hope to improve the system they must acquire a systematic knowledge of the causes behind the structures policies and practices of criminal justice

**Crossing Boundaries** Austin Sarat, 1998-09-02 Perhaps no idea is more emblematic of the field of law and society than crossing boundaries From the founding of the Law and Society Association in the early 1960s participating scholars aspired to create a field that crossed boundaries in at least two senses by undertaking research that questioned and often bridged traditional methodological and disciplinary divisions and by using nontraditional approaches to explore the interconnections between

law and its social context These essays reflect both aspirations      *Conversion and the Rehabilitation of the Penal System* Andrew Skotnicki,2019-03-01 The Cincinnati Penal Congress of 1870 ushered in the era of progressive penology the use of statistical and social scientific methodologies commitment to psychiatric and therapeutic interventions and a new innovation the reformatory as the locus for the application of these initiatives The prisoner was now seen as a specimen to be analyzed treated and properly socialized into the triumphal current of American social and economic life The Progressive rehabilitative initiatives succumbed in the 1970s to withering criticism from the proponents of equally futile strategies for addressing the crime problem retribution deterrence and selective incapacitation The early Christian community developed a methodology for correcting human error that featured the unprecedented belief that a period of time spent in a given penitential locale with the aid and encouragement of the community was sufficient in and of itself to heal the alienation and self loathing caused by sin and to lead an individual to full reincorporation into the community The correctional practice was based upon the conviction that cooperative sociability or conversion is possible regardless of the specific offense without any need to inflict suffering or to use the act of punishment as a warning to potential offenders or to undertake programmatic interventions into the lives of the incarcerated for the purpose of rehabilitating them Andrew Skotnicki contends that the modern practice of criminal detention is a protracted exercise in needless violence predicated upon two foundational errors The first is an inability to see the imprisoned as human beings fully capable of responding to an affirmative accompaniment rather than maltreatment and invasive forms of therapy The second is a pervasive dualism that constructs a barrier between detainees and those empowered to supervise rehabilitate and punish them In this book Skotnicki argues that the criminal justice system can only be rehabilitated by eliminating punishment and policies based upon deterrence rehabilitation and the incapacitation of the urban poor and returning to the original justification for the practice of confinement conversion      **The Blackwell Companion to Law and Society** Austin Sarat,2008-04-15 The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction Thirty two original essays by an international group of expert scholars examine a wide range of critical questions Authors represent various theoretical methodological and political commitments creating the first truly global overview of the field Examines the relationship between law and social interactions in thirty three original essay by international experts in the field Reflects the world wide significance of North American law and society scholarship Addresses classical areas and new themes in law and society research including the gap between law on the books and law in action the complexity of institutional processes the significance of new media and the intersections of law and identity Engages the exciting work now being done in England Europe Australia and New Zealand South Africa Israel as well as Third World scholarship      **Integrating a Victim Perspective within Criminal Justice** Adam Crawford,Jo Goodey,2019-11-12 As numerous academic and political commentators have noted the implications of introducing a victim s perspective into the delicate balance between state and offender is likely to be a key



issue in the future of criminal justice This book seeks to outline the contours of the relevant debates drawing together contributions from prominent international and national commentators from areas including criminology law philosophy social policy politics and sociology

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