

Reconstructing Justice

AN AGENDA FOR TRIAL REFORM



Franklin Strier

WITH A NEW PREFACE

Reconstructing Justice An Agenda For Trial Reform

Franklin D. Strier



Reconstructing Justice An Agenda For Trial Reform:

Reconstructing Justice Franklin Strier, 1996-05-15 In this lively and persuasive critique Franklin Strier doesn't simply describe problems with the American trial system he proposes reforms He offers a detailed blueprint of how to improve our basic adversarial system while blunting its excesses and inequities Strier points out that the jury system was originally intended to diffuse the power of the government but criticizes the method by which jurors are selected patronized and manipulated Among his suggestions eliminate peremptory challenges give jurors the authority and judges the responsibility to ask questions of witnesses and use neutral expert witnesses

Reconstructing Justice Franklin D. Strier, 1994-09-30 The United States is so ensconced in the adversary system of trial justice that it has escaped serious public scrutiny Yet it is replete with substantive deficiencies and injustices As few others have this book discusses and illustrates the major problems endemic to the adversary system in a scholarly but provocative fashion Particular attention is given to the limitations of juries and the corrupting role trial attorneys often have on factfinding and jury decision making The book's most salient contribution is a comprehensive and detailed scheme of proposed reforms Many are adopted from foreign trial systems and domestic alternative dispute resolution mechanisms others are based on a long overdue revamping of the jury system Is the basic procedural mechanism of the American trial just Is the role behavior of the trial attorney essentially immoral Are juries competent Do attorney skills and tactics dictate trial outcomes more than do the merits of the cases Do trial remedies really solve problems These are some of the central issues this scholarly but provocative book challenges us to confront Transcending mere criticism of the trial system the author explores nonadversarial and less adversarial remedial alternatives from both domestic and foreign dispute resolution procedures By eclectic adoption from these sources plus some common sense reforms of the jury system the author describes his vision of the courthouse of the future Beginning with a comparison of the strategies used by the opposing attorneys in the two Rodney King trials and their decisive effect on the outcomes the opening chapter provides an overview of the major concepts and issues raised in the book The second chapter explores the traditional justifications for the adversary system and jury trials suggesting why we are captive to the notion that an adversarial trial is a just trial Chapter Three discusses the many substantial criticisms of the American trial Two of the most significant ones are examined and illuminated more intensively over the next two chapters the questionable continuing viability of the lay jury in many kinds of cases and the role of the attorney in flavoring and often corrupting the courtroom search for truth and justice Chapter Six looks at domestic and foreign alternatives to adversarial trial court dispute resolution In the final chapter the author presents a comprehensive detailed blueprint for reform to meet the inevitable needs of our trial system in the years to come This book will have particular appeal to legal educators practicing attorneys judges and government administrators But anyone with an abiding interest in the quality of trial justice will be intrigued by it

Trials Without Truth William T. Pizzi, 2000-06 Uncovers a major deficiency of U S criminal justice a trial system that prioritizes

winning over truth Reginald Denny O J Simpson Colin Ferguson Louise Woodward all names that have cast a spotlight on the deficiencies of the American system of criminal justice Yet in the wake of each trial that exposes shocking behavior by trial participants or results in counterintuitive rulings often with perverse results the American public is reassured by the trial bar that the case is not typical and that our trial system remains the best in the world William T Pizzi here argues that what the public perceives is in fact exactly what the United States has a trial system that places far too much emphasis on winning and not nearly enough on truth one in which the abilities of a lawyer or the composition of a jury may be far more important to the outcome of a case than any evidence How has a system on which Americans have lavished enormous amounts of energy time and money been allowed to degenerate into one so profoundly flawed Acting as an informal tour guide and bringing to bear his experiences as both insider and outsider prosecutor and academic Pizzi here exposes the structural faultlines of our trial system and its paralyzing obsession with procedure specifically the ways in which lawyers are permitted to dominate trials the system s preference for weak judges and the absurdities of plea bargaining By comparing and contrasting the U S system with that of a host of other countries Trials Without Truth provides a clear headed wide ranging critique of what ails the criminal justice system and a prescription for how it can be fixed Openness and Evidence: The Oscar Pistorius Crossroad Dr Sonja Els, 2024-11-15 Weighing the constitutional rights of freedom of expression of the media and fair trial rights of the criminal accused known as the fair trial free press conundrum is a global challenge The development of technology such as live streaming of criminal trials through television and real time reporting through social media challenges the traditional views of open justice especially regarding evidence and the credibility thereof The legal maxim of Justice must be seen to be done lies at the heart of this book that focuses on openness and evidence in the South African criminal process The principle of open justice a Constitutional requirement is examined in relation to truth finding in the adversarial system of evidence New media challenge the procedural legitimacy of evidence As a rule of practice to prevent witness contamination witnesses in a criminal trial remain outside the courtroom while the other witnesses testify This book explores the impact of live broadcasting and streaming of criminal trials on the credibility of witnesses who might have been exposed to evidence before testifying The book also evaluates the applicability of the sub judice rule against the requirement of openness Furthermore the conflicting constitutional rights being the right to a fair trial and the right to freedom of expression are interrogated in the quest to new media broadcasting The book features a legal comparison between the jurisprudence of South Africa the United States of America and Britain in the domain of new media court reporting In conclusion principles of therapeutic jurisprudence are considered as live broadcasting of criminal trials may provide therapeutic outcomes for the victim the accused and the broader society This book serves as an indispensable resource for those navigating the intersection between the use of new media in court reporting and the constitutional imperatives being open justice and fundamental rights Scholars in the fields of Law of Criminal Procedure Media Law and Constitutional Law

will gain fresh insights into these topical issues **Rape and the Culture of the Courtroom** Andrew E. Taslitz,1999-06 A study of how rape stereotypes are used by defence lawyers to gain acquittals in the USA The author also presents reform proposals consistent with feminist theories of justice designed to improve both the American adversary system in general and the way in which the system handles rape cases Non-Adversarial Justice Michael King,Arie Freiberg,Becky Batagol,Ross Hyams,2014-07-04 This book outlines key aspects of the use of non adversarial practices in the Australian justice system with reference to similar developments in the United States Canada New Zealand and the United Kingdom It examines in detail non adversarial theories and practices such as therapeutic jurisprudence restorative justice preventive law creative problem solving holistic law appropriate or alternative dispute resolution collaborative law problem oriented courts diversion programs indigenous courts coroners courts and managerial and administrative procedures *Crime, Procedure and Evidence in a Comparative and International Context* John D Jackson,Maximo Langer,2008-09-29 This book aims to honour the work of Professor Mirjan Dama ka Sterling Professor of Law at Yale Law School and a prominent authority for many years in the fields of comparative law procedural law evidence international criminal law and Continental legal history Professor Dama ka s work is renowned for providing new frameworks for understanding different legal traditions To celebrate the depth and richness of his work and discuss its implications for the future the editors have brought together an impressive range of leading scholars from different jurisdictions in the fields of comparative and international law evidence and criminal law and procedure Using Professor Dama ka s work as a backdrop the essays make a substantial contribution to the development of comparative law procedure and evidence After an introduction by the editors and a tribute by Harold Koh Dean of Yale Law School the book is divided into four parts The first part considers contemporary trends in national criminal procedure examining cross fertilisation and the extent to which these trends are resulting in converging practices across national jurisdictions The second part explores the epistemological environment of rules of evidence and procedure The third part analyses human rights standards and the phenomenon of hybridisation in transnational and international criminal law The final part of the book assesses Professor Dama ka s contribution to comparative law and the challenges faced by comparative law in the twenty first century *The Structural Exclusion of Rape Complainants in South Africa's Criminal Justice System* Jameelah Omar,2025-10-09 Exploring the intricate dynamics surrounding rape complainants within the South African criminal justice system this book proposes reforms in the approach to participation of victims with the aim of mitigating the structural barriers imposed by the adversarial process Broadening the concept of participation the book takes a comprehensive view of meaningful participation at every stage of the legal process and argues that participation can further justice for rape victims In doing so it highlights that justice as an outcome of the criminal process should not solely be focused on convicting perpetrators but about restoring the dignity of and empowering victims Through the practical proposals included in the book to integrate complainants into the criminal process readers will gain an understanding of

what is possible even within the structures of the adversarial system and activists both within and outside the system will be better equipped to advocate for systemic change The Structural Exclusion of Rape Complainants in South Africa s Criminal Justice System will be of value to students and scholars of socio legal studies criminal law and criminology particularly those focused on sexual offences victimology and the criminal justice system It will also be of interest to those working with victims such as NGOs providing legal representation victim support and therapeutic counselling *New Approaches to Comparative Politics* Jennifer S. Holmes,2008-01-01 The field of comparative politics traditionally has been divided into two camps on the one hand quantitatively driven work on a broad scale on the other more qualitative area studies This edited collection promotes a new approach to comparative politics theoretically informed comparative analysis The contributors essays are innovative in their interweaving of case studies of the political situations in particular regions from the United States to Colombia to Mali with the project of political theorizing **In the Hands of the People** William L. Dwyer,2002-01-22 Chronicles the history of trial juries discussing how verdicts of guilt or innocence have been reached in the past and tracing the evolution of the present day system

Unveiling the Power of Verbal Beauty: An Psychological Sojourn through **Reconstructing Justice An Agenda For Trial Reform**

In a global inundated with monitors and the cacophony of immediate communication, the profound energy and emotional resonance of verbal art usually diminish in to obscurity, eclipsed by the regular onslaught of sound and distractions.

However, situated within the musical pages of **Reconstructing Justice An Agenda For Trial Reform**, a charming perform of fictional beauty that impulses with organic feelings, lies an remarkable journey waiting to be embarked upon. Composed by way of a virtuoso wordsmith, this exciting opus manuals viewers on a mental odyssey, softly exposing the latent potential and profound impact stuck within the elaborate internet of language. Within the heart-wrenching expanse of this evocative analysis, we will embark upon an introspective exploration of the book is central themes, dissect its interesting publishing design, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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