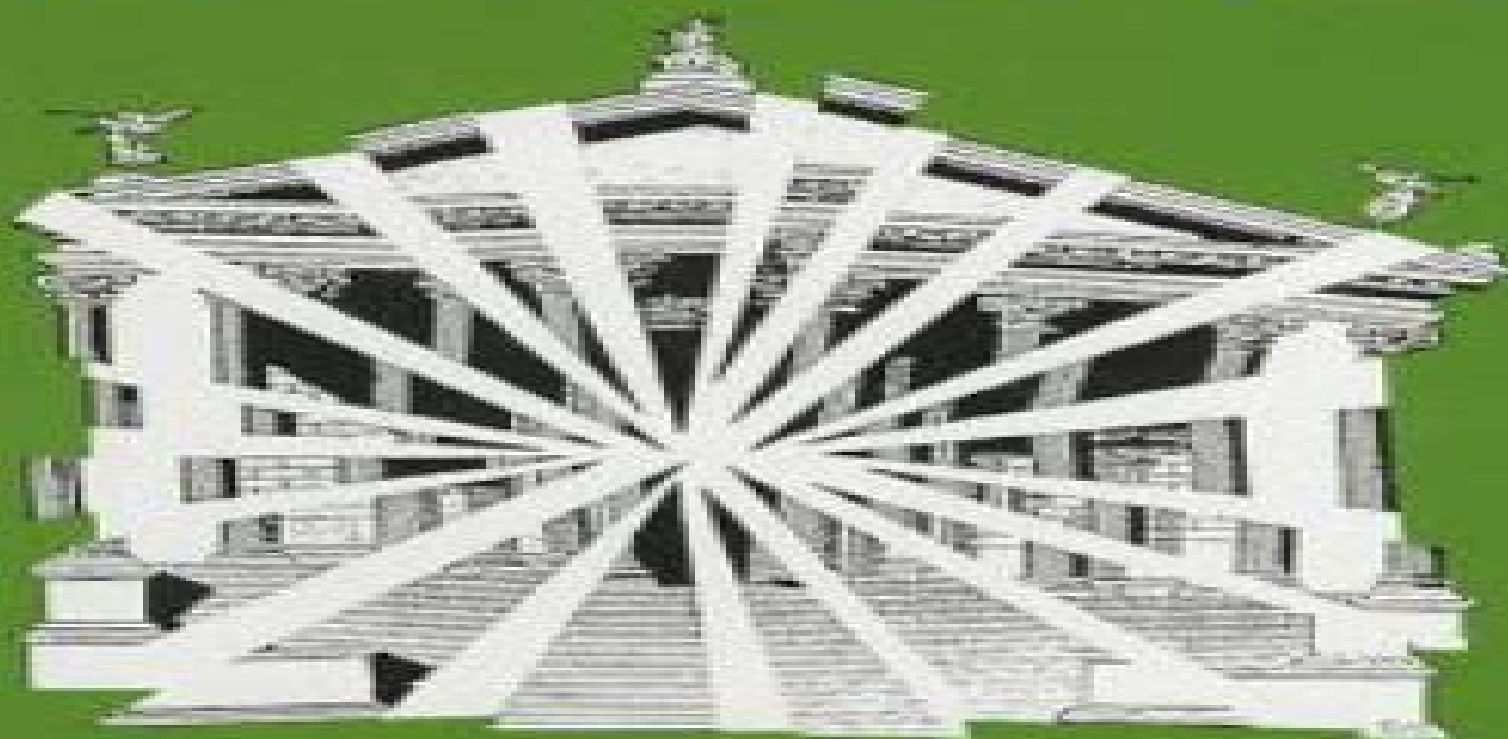


RATIONALIZING

JUSTICE



THE POLITICAL ECONOMY OF  
FEDERAL DISTRICT COURTS

WOLF HEYDEBRAND AND CARROLL SERON

# Rationalizing Justice The Political Economy Of Federal District Courts

**Rob van Gestel, Hans-W.  
Micklitz, Edward L. Rubin**



## **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 *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 **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* **The State and Federal Courts** Christopher P. Banks, 2017-01-26 How does the American judiciary impact the development of legal and social policies in the United States How are the state and federal court systems constructed This book answers these questions and many others regarding politics the U S courts and society This single volume work provides a comprehensive and contemporary treatment of the historical development of state and federal courts that clearly documents how they have evolved into significant political institutions It addresses vital and highly relevant subjects such as the constitutional origins of courts the nature of judicial selection and service and the organization of courts and their administration The book explains civil and criminal legal proceedings the political impact of judicial rulings and the restraints placed upon the exercise of judicial powers Readers will come away with an understanding of the key principles of constitutional interpretation and judicial review as well as judicial independence what factors affect access to courts the underlying politics of state judicial campaigns and the confirmation of presidential appointments to the federal bench The book covers historical and contemporary court perspectives on major issues such as same sex marriage the Affordable Care Act campaign financing gun rights free speech and religious freedom racial discrimination affirmative action criminal

procedure and punishments property rights and voting rights

### **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

### **American Criminal**

**Courts** Casey Welch, John Randolph Fuller, 2013-02-19 American Criminal Courts Legal Process and Social Context is an introductory level text that offers a comprehensive study of the legal processes that guide criminal courts and the social contexts that introduce variations in the activities of actors inside and outside the court Specifically the text focuses upon Legal Processes U S criminal courts are constrained by several legal processes and organizational structures that determine how the courts operate and how laws are applied This book explores how democratic processes develop the criminal law in the United States the documents that define law federal and state constitutions legal codes administrative policies the organizational structure of courts at the federal and state levels the overlapping authority of the appeals process and the effect of legal processes such as precedent jurisdiction and the underlying legal philosophies of various types of courts Although most texts on criminal courts do a credible job of describing legal processes this text looks more deeply into the origins of criminal law historic turning points in the criminal law conditions that affect the decision making of criminal justice practitioners and the contentious political process that affects how criminal laws are considered Social Contexts The criminal courts are staffed by people who represent different perspectives occupational pressures and organizational goals The text includes chapters on actors in the traditional courtroom workgroup judges prosecutors and defense attorneys as well as those outside the court who seek to influence it including advocacy groups media and politicians It is the interplay between

the court legal processes and the social actors in the courtroom that makes the application of the criminal laws so fascinating. By focusing on the tension between the law legal processes and the actors inside and outside the courts system social contexts this text demonstrates how the courts are a product of law in action and it presents the course content in a way that enables students to understand not only the how of the U S criminal court system but also the why

**A Place of Recourse** Roberta Sue Alexander, 2005 The first history of a federal district court in a midwestern state A Place of Recourse explains a district court s function and how its mission has evolved The court has grown from an obscure institution adjudicating minor debt and land disputes to one that plays a central role in the political economic and social lives of southern Ohioans In tracing the court s development Alexander explores the central issues confronting the district court judges during each historical era She describes how this court in a non slave state responded to fugitive slave laws and how a court whose jurisdiction included a major coal mining region responded to striking workers and the unionization movement The book also documents judicial responses to Prohibition New Deal legislation crime mass tort litigation and racial desegregation The history of a court is also the history of its judges Accordingly Alexander provides historical insight on current and past judges She details behind the scenes maneuvers in judicial appointments and also the creativity some judges displayed on the bench such as Judge Leavitt who adopted admiralty law to deal with the problems of river traffic A Place of Recourse demonstrates that at least in the Southern District of Ohio the federal district court has played the role its creators hoped it would upholding federal law even when the citizens of the region actively opposed such enforcement

**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

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

**Handbook of Court Administration and Management** Steven W. Hays, Cole Blease Graham Jr., 2017-10-19 Blending both the theoretical and applied aspects of contemporary issues in court management this reference text offers in depth coverage of all major topics and developments in judicial systems administration It is suitable for use in the classroom or for self study Providing the background material to clarify even the most technical management application this book presents the history and theory of the court management movement examines the separation of powers doctrine and its relationship to judicial independence discusses the latest developments in court reform the American Bar Association standards alternative dispute resolution techniques and caseload considerations analyzes unified court budgeting and revenue generation by judicial systems describes personnel administration training and jury management and elucidates court performance evaluation planning approaches the use of cameras in the courtroom and audio visual applications

**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 **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 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 *Criminal Justice Theory* , *Conference on Assessing the Effects of Legislation on the Workload of the Courts* A. Fletcher Magnum,1998-05 Includes background information on how legislation affects court workload theory caseloading in the balance judicial impact statements unpacking the discourse judicial preferences public choice applied the impact of national legislation on State courts observation on impact models on Federal courts **Conference on Assessing the Effects of Legislation on the Workload of the Courts** ,1995

**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



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