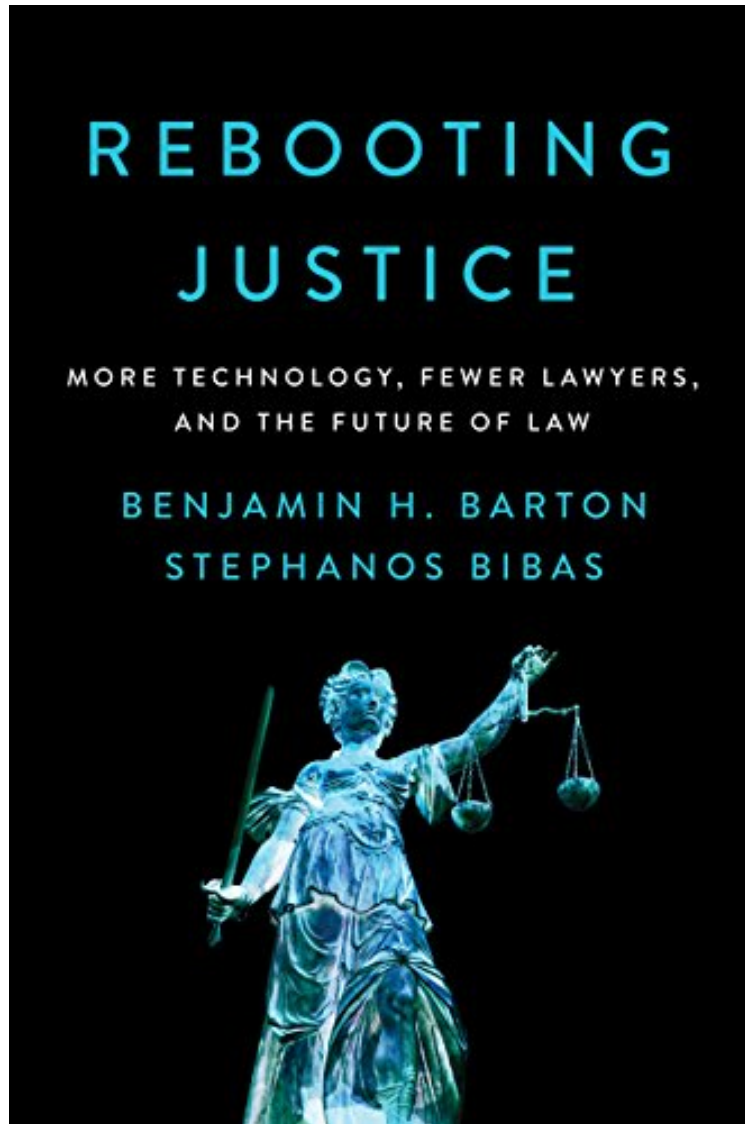


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Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law

Benjamin H. Barton, Stephanos Bibas
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Benjamin H. Barton, Stephanos Bibas : Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law before purchasing it in order to gauge whether or not it would be worth my time, and all praised Rebooting Justice: More Technology, Fewer Lawyers, and the Future of Law:

3 of 3 people found the following review helpful. Lots of Good Ideas -By Loyd Eskildson America has more lawyers/capita than any other nation. Yet, even a small firm's legal help costs \$190/hour (average) or more. Bar

authorities keep non-lawyers such as paralegals from offering more affordable service, yet rarely prevent incompetent or dishonest lawyers from harming their clients, or punish them for doing so. Bar associations and legal scholars propose more law, lawyers, and procedures. Law schools could offer shorter, cheaper ways to qualify as a lawyer - many say the third year of law school is largely superfluous. Barton instead proposed simplifying our legal system where the stakes are lower and the issues simpler (eg. non-felony criminal cases). For many simple civil and even minor criminal cases, technology (interactive websites - eg. eBay has online dispute resolution, fillable forms, hotlines, chat rooms, message boards) could do the work. Licensing rules could let trained social workers and accountants handle routine, specialized work. Another suggestion - have court officials actively investigate the facts and probe the evidence. In short, the legal system needs to go on a diet. Simplification is also more democratic - empowering citizenry rather than professionals. Barton then provides examples of poor defense provided those accused (underfunding = underlying cause, along with a failure to weed out those failing their clients), and tells us that legal aid funding has been in steady decline since the 1990s - down 63% from its 1980s high point. Appointed criminal defense lawyers are often wildly overburdened, lack support (eg. private investigator), and plead their clients guilty as quickly as possible. The situation in our civil courts may be worse. Mothers seeking child support, tenants fighting eviction, laid-off workers claiming unemployment or disability benefits usually cannot afford lawyers. A 2010 ABA survey of state court judges, 94% stated that unrepresented parties fail to present necessary evidence, 89% said they suffer from procedural errors 85% said they failed to effectively examine witnesses, and 81% said they are unable to object to improper evidence offered by an opponent. In Maine, 75% of family matters involve at least one pro se party, 88% of tenants are unrepresented in eviction actions, and 80% of litigants in protective order cases are pro se. In MNC evictions, 88% of tenants are unrepresented and 98% of landlords are, while in D.C. the numbers are 98% and 93%. In the 1970s, unrepresented parties were rare - in less than 10 - 20% of cases. In 2014, the World Justice Project ranked 99 nations on access to civil and criminal justice. The U.S. finished 27th in civil and 22nd in criminal. 1 of 1 people found the following review helpful. A Candid Discussion of Judicial System Challenges with Realistic Recommendations for Improving our Justice System By D. Van Epps There is broad consensus in the judicial system that a vast number of us cannot afford even basic legal services despite there being a superabundance of lawyers. Further, many people who can afford lawyers choose not to hire them because they cannot identify a return on investment. The result is that courts are seeing dramatically increasing numbers of parties unrepresented by lawyers. What professors Barton and Bibas have expertly accomplished is distilling into one very readable book the many factors that contribute to a largely inaccessible justice system. Whereas many access to justice efforts in the past three decades have focused on identifying means of providing more lawyers to more people, the authors persuasively argue that lawyering up has not been an effective strategy. Instead, they propose simplifying processes that may not require lawyers, such as having special dockets for unrepresented parties in low value claims, having judges become more active in eliciting important facts from parties, ensuring that simple forms are available, and piloting the use of technology to help people resolve typical disputes through online dispute resolution, to name just a few. The suggestions for reforming America's archaic and inexplicably expensive system of legal education are particularly insightful. Having served on innumerable access committees over three decades where addressing the root of the problem is largely avoided, this candid assessment of legal representation, together with its array of potential solutions, is both timely and welcomed.

America is a nation founded on justice and the rule of law. But our laws are too complex, and legal advice too expensive, for poor and even middle-class Americans to get help and vindicate their rights. Criminal defendants facing jail time may receive an appointed lawyer who is juggling hundreds of cases and immediately urges them to plead guilty. Civil litigants are even worse off; usually, they get no help at all navigating the maze of technical procedures and rules. The same is true of those seeking legal advice, like planning a will or negotiating an employment contract. *Rebooting Justice* presents a novel response to longstanding problems. The answer is to use technology and procedural innovation to simplify and change the process itself. In the civil and criminal courts where ordinary Americans appear the most, we should streamline complex procedures and assume that parties will not have a lawyer, rather than the other way around. We need a cheaper, simpler, faster justice system to control costs. We cannot untie the Gordian knot by adding more strands of rope; we need to cut it, to simplify it.

Rebooting Justice is a crucial book on a crucial topic. It offers a sobering indictment of what passes for justice for poor and middle-class Americans, and the need for structural reform. These gifted scholars bring a wealth of pathbreaking research, critical insight, and innovative proposals to bear on one of the nation's most pressing problems: how to provide cost effective legal assistance for those who need it most. Deborah L. Rhode, Stanford University America's legal establishment is right that our legal system is suffering an access-to-justice crisis, but dead wrong about how to fix things. In clear, energetic, skillful prose, Bibas and Barton first give the misguided crusade for Civil Gideon a decent burial. Then they go on to propose ideas that are much better in moving with the times on technology, better at lowering rather than heightening the problems of cost and delay, and better at focusing the scarce talents of

skilled courtroom counsel where they can make the most difference, specifically on felony charges. Walter Olson, senior fellow at the Cato Institute and author of *The Litigation Explosion* Too much procedure means too little justice. With vivid stories, *Rebooting Justice* describes how fairness got lost in the modern legal maze. The test of justice is how it actually works. Barton and Bibas prove, beyond doubt, that it's time to reboot American justice. Philip K. Howard, author of *The Rule of Nobody* and *The Death of Common Sense* America's legal system is bloated, inefficient and almost completely inaccessible to a huge part of America. Bibas and Barton offer highly persuasive proposals for putting it on a diet, and making law as accessible to ordinary Americans as it was in Lincoln's time. Glenn Reynolds, Beauchamp Brogan Distinguished Professor of Law and author of *Instapundit.com* and *The New School*