



Law and Justice: An Introduction to the American Legal System (6th Edition)

By Howard Abadinsky

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Law and Justice: An Introduction to the American Legal System, Sixth Edition offers a thorough examination of the system of justice used in the United States: civil and criminal, juvenile, and therapeutic. This new edition continues its critical review of the legal system and examines issues such as the conflict between the legal system's need for predictability and the desire for flexibility; the pros and cons of therapeutic jurisprudence and restorative justice; the issues involved with medical malpractice and more! Provides a comprehensive look at the justice system from various perspectives. Discusses many aspects of law and judicial process such as: the role of natural law, statutory law, legal reasoning, case law, legal education, the legal profession, the court systems, the appellate court process, the constitution, judges, prosecutors, criminal defense attorneys etc. Ideal for anyone interested in the American Legal System.

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Editorial Review

From the Back Cover

This book offers a thorough examination of the system of justice used in the United States: civil and criminal, juvenile and therapeutic. The author's background in the disciplines of political science, sociology, and criminal justice make this a comprehensive treatment of criminal law topics. Chapter topics cover an introduction to and history of law and justice in America, systems of law and justice, law schools and legal education, the legal profession and the practice of law, the structure and administration of state and federal courts, the appellate process and judicial review, judicial interpretation and policy-making, negotiated justice: plea bargaining, and alternative dispute resolution and therapeutic justice. For individuals interested in law and the judicial process.

About the Author

Howard Abadinsky is professor of criminal justice at St. John's University. He was an inspector for the Cook County Sheriff's Office for eight years and a New York State parole officer and senior parole officer for fifteen years. The author holds a B.A. from Queens College of the City University of New York, an M.S.W. from Fordham University, and a Ph.D. from New York University. He is the author of several books, including *Probation and Parole*, 9th edition, *Organized Crime*, 8th edition, and *Drugs*, 5th edition.

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This book offers a thorough examination of the system of justice used in the United States: civil and criminal, juvenile and therapeutic. It is designed for courses on the law and judicial process that transcend the disciplines of political science, sociology, and criminal justice. The writer has attempted to take advantage of his background in these disciplines to provide a comprehensive book that can be used alone or along with more particular treatments of the topics contained in this fifth edition.

The book opens with a chronology so students can more easily trace the evolution of law and justice and the important historical events related to them. It concludes with a glossary of key terms used in the text. There are related Internet sites and review questions at the end of each chapter that provide sources for further research and term assignments. The fifth edition has been updated and expanded into 14 chapters.

Chapter 1 prepares the reader for subsequent chapters by examining the problem of defining law, the unique philosophical role of natural law, and a modern society's need for rational law.

Chapter 2 examines and contrasts common law and equity with civil (code) systems of law. The chapter discusses statutory law, legal reasoning, case law, administrative law, and the application of law through a comparison of the inquisitional system used in continental Europe and the adversarial system used in England and the United States.

Chapter 3 is a history of the development of American law and justice from colonial times into the twenty-first century, providing a grounding for topics in later chapters.

Chapter 4 examines legal education, the law school curriculum, differences between law schools, and criticism of legal education. The chapter ends with a discussion of legal realism, critical legal studies, the law and economics perspective, and the emerging therapeutic jurisprudence.

Chapter 5 reviews the development of bar associations, the practice of law, and the stratification of the legal profession. The chapter ends with a discussion of federal legal services and attorneys practicing public interest law.

Chapter 6 reviews the history and development of court systems, the variety of ways in which they are organized, court administration, and reform.

Chapter 7 explores the appellate court process and judicial review, the issue of legitimacy, and the implementation of appellate decisions.

Chapter 8 examines the processes involved in interpreting statutes and the Constitution, issues such as plain meaning, originalism, textualism, and legislative intent. The chapter discusses the controversies surrounding the policy-making role of the judicial branch and the related issues of judicial restraint versus judicial activism.

Chapter 9 looks at judges, prosecutors, and criminal defense attorneys. The role of the trial judge is discussed and methods for selecting judges are compared and contrasted. The office of prosecutor is examined, including the ways in which it can be organized and their implications. The discussion of the criminal defense attorney—private counsel, public defender, court-appointed counsel—focuses on the very difficult problems encountered in the practice of criminal law.

Chapter 10 begins with a review of the evidence needed to convict in a criminal case, the due process guarantees to which every criminal defendant is entitled, and the relevant Supreme Court decisions that have affected defendant rights. The trial process is examined from pretrial activity, to the *voir dire* hearing, to the judge's charge to the jury. The differences between the indeterminate and various types of determinate sentencing are reviewed as a prelude to the presentence report and the sentencing hearing. The chapter ends with a discussion of probation, parole, and executive clemency.

Chapter 11 provides an in-depth examination of the method most frequently used to decide criminal cases, and the controversy surrounding plea bargaining.

Chapter 12 contrasts the civil trial process with the criminal trial and examines issues surrounding the contingency fee and class action lawsuits.

Chapter 13 examines the system of juvenile justice, the important Supreme Court decisions that have affected the juvenile court, the movement away from *parens patriae* and toward a justice model of responding to juvenile crime.

Chapter 14 examines alternative methods of dispute resolution in both civil and criminal matters, mediation and arbitration, and the emerging field of therapeutic justice.

The writer is grateful for the confidence shown in his work by Kim Davies, Prentice Hall Executive Editor. He would like to thank development editor Susan Beauchamp for her outstanding work on this edition. And a special thanks to production editor Naomi Sysak, and copyeditor Natalia Morgan, for their attention to detail and special care in editing this edition. A special thanks and recognition to Alex delCarmen, University of Texas-Arlington; Frank Afflitto, Arizona State University; Greg Plumb, Park University; and Kathleen Simon, Appalachian State University, for their careful review and suggestions for this edition.

The author encourages comments about his work. He can be reached at Saint Xavier University, 3700 VU, 103rd Street, Chicago, IL 60655; abadinsky@att.net.

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