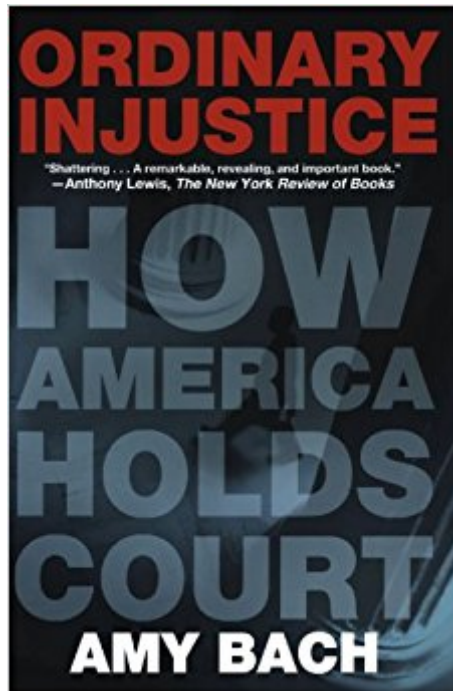




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Ordinary Injustice: How America Holds Court



Synopsis

"A groundbreaking book . . . revealing the systemic, everyday problems in our courts that must be addressed if justice is truly to be served." •Doris Kearns Goodwin

Attorney and journalist Amy Bach spent eight years investigating the widespread courtroom failures that each day upend lives across America. What she found was an assembly-line approach to justice: a system that rewards mediocre advocacy, bypasses due process, and shortchanges both defendants and victims to keep the court calendar moving. Here is the public defender who pleads most of his clients guilty with scant knowledge about their circumstances; the judge who sets outrageous bail for negligible crimes; the prosecutor who habitually declines to pursue significant cases; the court that works together to achieve a wrongful conviction. Going beyond the usual explanations of bad apples and meager funding, *Ordinary Injustice* reveals a clubby legal culture of compromise, and shows the tragic consequences that result when communities mistake the rules that lawyers play by for the rule of law. It is time, Bach argues, to institute a new method of checks and balances that will make injustice visible •the first and necessary step to reform.

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Customer Reviews

Lawyer and journalist Bach exposes a litany of failures and systematic shoddiness at the core of the American criminal justice system that goes unchecked because the people affected tend to be poor, minorities or both, and because problems are so pervasive that they have become invisible to defenders, prosecutors and judges alike. Bach sees this blindness as a product of a public that cares little for the rights of the accused so long as someone "anyone" is convicted and a

courthouse community where prosecutor, defending attorney and judge share a commitment to maintaining order, even at the expense of justice. Readers looking for solutions will be disappointed; the author offers only a call for transparency, particularly the creation of metrics for courtroom success, and nationwide monitoring. More compelling is her portrayal of the people hurt in this system—the victims of crimes, the falsely convicted and the defenders, prosecutors and judges whose own humanity is undermined when they lose sight of the justice they supposedly serve.

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“More than anything else I have read, *Ordinary Injustice* tells us what actually happens in the prosecutorial world. That reality is painfully different from the romantic picture of constitutional rights triumphant that I helped to paint in *Gideon’s Trumpet*. It is a fascinating and essential book.” —Anthony Lewis, author of *Freedom of the Thought That We Hate: A Biography of the First Amendment*

Ordinary Injustice takes the reader to unexamined fields across the country and brings them deep into the heart of the way justice truly happens on a day-to-day level. It shows how dangerous it is when any one of the clearly defined roles in the system malfunctions. No one concerned with the state of this country’s democracy can afford to ignore this necessary book.” —Barry Scheck, co-founder and co-director of The Innocence Project, Benjamin N. Cardozo School of Law

Amy Bach sets out to uncover and, more important, explain widespread failures of the legal process. That she achieves this is reason enough to read and respect *Ordinary Injustice*. But she does it in a way that turns a necessary study into a hard-to-put down narrative that sometimes reads like a screenplay. Best of all, Bach exudes understanding, even empathy, for those bad actors whom she rightly concludes shouldn’t be blamed alone—because, as she writes, “pinning the problem on any one bad apple fails to indict the tree from which it fell.”

—Steven Brill, founder of Court TV and *The American Lawyer*

This is a magnificent work, a crusading call for reform in the tradition of Rachel Carson’s *Silent Spring* or Ralph Nader’s *Unsafe at Any Speed*. With her remarkable skills as a reporter and her masterful storytelling ability, Amy Bach provides a fascinating range of individual stories to reveal the systemic, everyday problems in our courts that must be addressed if justice is truly to be served. This groundbreaking book deserves widespread attention.” —Doris Kearns Goodwin, author of *Team of Rivals*

This is a very important book for any one seriously concerned about the continuing struggle for civil rights in this nation. Amy Bach takes us into courtrooms, judges’ chambers, and prosecutors’ offices and reveals what years of bias, neglect, and indifference

have left: a system where the accused, victims, and their families get little or no individual attention, are often bewildered by the process and, at the end of the day are left without justice. As I read through these revealing and shocking pages, I was saddened, angered and outraged. I hope outrage will push citizens everywhere to demand fulfillment of the birthright of every American: equal justice under the law. • • "Reverend Joseph E. Lowery, Co-Founder and President Emeritus of the Southern Christian Leadership Conference • • "Every judge, prosecutor, and defense lawyer should read Ordinary Injustice. I hope it will compel us to reevaluate the injustice that occurs with impunity and regularity in our criminal justice system and I recommend it with great enthusiasm to anyone concerned about inequality and the law. • • "Charles J. Ogletree Jr., Jesse Climenko Professor of Law, Harvard Law School, and Founding and Executive Director of the Charles Hamilton Houston Institute for Race and Justice • • "Moving, illuminating, damning. Bach gets beyond the usual suspects, exposing a corrosive culture. It is a tribute to its honesty that Ordinary Injustice will make readers squirm. • • "Steve Bogira, author of Courtroom 302: A Year Behind the Scenes in an American Criminal Courthouse • • "Here is an extraordinary survey of the American criminal justice system that shows how it has become less reliable, less rational, and less just. This is a must-read for anyone interested in how our system functions, and fails, in too many communities. • • "Bryan Stevenson, Director, Equal Justice Initiative, New York University School of Law --This text refers to an out of print or unavailable edition of this title.

Amy Bach has written about how people in the criminal justice system can suffer from empathy/justice fatigue a form of neural adaptation where they become desensitized to injustice. She gives four rather extreme examples of this process. An unjust outcome can be the result of wrongful arrest, charge, conviction, sentencing, incarceration and revocation of parole/probation. The most frequent unjust outcome would be a wrongful arrest on a simple misdemeanor where the person arrested quickly discovers that their least costly option is to plead guilty, pay the fine and move on. Complaints about the police are investigated by the police and in the vast majority of the cases the officer is upheld. Anyone who pleads not guilty to a simple misdemeanor risks annoying the judge, prosecutor and public defender who all think their time is being wasted. Charging errors are fairly common and they should be detected and corrected as early in the process as possible. The only real supervision of plea-bargaining is by the judge and if the judge has a large case load supervision is probably cursory. Sentencing is very complex process and it is easy to make a sentencing error (in some states the Department of Correction will discover sentencing errors and send the prisoner back to court for re-sentencing). One possible reason for a wrongful incarceration

is because of a faulty/waived pre-sentence investigation. The system is a confederation of independent governmental and non-governmental agencies with a common set of clients. There is no oversight and no effective constituency and no single entity has the authority to fix stuff that is broken. I hope Amy Bach has made it harder for people to claim "The system does not need to be fixed because it is not broken."

This book is worth reading for anyone who is interested in how the courts work or the nature and quality of justice in America or anyone contemplating a career in law, law enforcement, county government, or state government. It is written in the style that is somewhere between good magazine journalism and a serious academic research paper. But the author moves around enough and quickly enough so that she pretty much keeps our interest. It is an interesting blend of legal procedures, everyday courtroom drama, American legal history, and, best of all, constitutional law. Along the way, it raises some serious questions about how well or poorly the system works, the way it is monitored (or not), and, perhaps most important, the ways in which change occurs and the reasons it often does not.

In four reportorial chapters and one author's summary Bach portrays a legal system seriously dysfunctional, broken, and downright frightening. It is both an eye-opener to those of us non-initiates to the legal system (i.e., most of us) and a call for reform, greater transparency, and greater accountability to those it serves: all U.S. citizens. In easily readable, jargon-free prose Bach manages to both portray the systemic ills and deliver its impact on real people: both defendants and victims of crime. She memorably depicts the harm done to people's lives by this broken system by interviewing those involved and making us understand how it directly affects them. All this in ideologically balanced, well-argued prose which makes the four chapters so memorable and, ultimately, so tragic. (Think of medical malpractice run wild and unchecked and the damage that would do, and you'll get some idea of how broken the legal system is as portrayed in this book.) The four chapters cover the criminal legal process at the state, not the federal, level by depicting systemic problems in each: 1. A public defender's system in Georgia. 2. A rogue judge in Troy, New York. 3. A ream of deserving but unprosecuted cases in Mississippi. 4. A wrongful conviction for murder in Chicago. Each presents the legal system delivering injustice due to ineptness, incompetence, a lack of adequate resources, or unchecked police/prosecutorial zeal and fervor. Any person who might ever be involved in the U.S. court system should read this book. It's a call for action, now.

This book is a must read for anyone caring about our system of justice. The fact is there are many innocent people in prison. As a nation we should care deeply about who goes to prison and if they really deserve to be there. Hundreds of billions of dollars are spent on U.S. prisons at both the federal level and the state level. They should be reserved for the hard core criminals. Many of our prosecutors are overstepping their legal boundaries and the judges most of the time don't care. Most innocent people are forced into plea agreements thinking they are going to be sent home but instead the judges throw serious long term sentences at them and the accused gives up any right to appeal because they signed the coerced plea agreement. Most of our justice system does not operate as you see on TV. Justice is dirty and corrupt in our nation by daily violating the accused Constitutional rights and no one seems to care. Billionaires who own private prison companies seek longer and longer sentences for people sent to prison, they push for stricter laws and quicker sentencing FOR PROFIT. This book speaks mainly of the prosecutors and the negligent defence attorneys and judges who operate within our justice system. This is a book everyone should read and at least know that the system we call justice is subpar and needs some serious reform and accountability.

Enlightening book, but it was a little dry in my opinion. Also, I had to read this for a class at my University, so I wasn't too keen on it from the get-go. Another book that I read in that class, that I find much more interesting is "Just Mercy" by Bryan Stevenson.

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