



Courts, Justice, and Efficiency

**A Socio-legal Study
of Economic Rationality
in Adjudication**

Hector Fix-Fierro

B L O O M S B U R Y

Courts Justice And Efficiency Courts Justice And Efficiency

Philippe Couvreur



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Courts, Justice, and Efficiency Hector Fix-Fierro, 2004-01-06 This study explores the socio legal context of economic rationality in the legal and judicial systems It examines the meaning and relevance of the concept of efficiency for the operation of courts and court systems seeking to answer questions such as in what sense can we say that the adjudicative process works efficiently What are the relevant criteria for the measurement and assessment of court efficiency Should the courts try to operate efficiently and to what extent is this viable What is the proper relationship between efficiency and justice considerations in a judicial proceeding To answer these questions a conceptual framework is developed on the basis of empirical studies and surveys carried out mainly in the United States Western Europe and Latin America Two basic ideas emerge from it First economic rationality has penetrated the legal and judicial systems at all levels and dimensions from the level of society as a whole to the day to day operation of the courts from the institutional dimension of adjudication to the organizational context of judicial decisions Far from being an alien value in the judicial process efficiency has become an inseparable part of the structure of expectations we place on the legal system Second economic rationality is not the prevalent value in legal decision making as it is subject to all kinds of constraints local conditions and concrete negotiations with other values and interests

Increasing the effectiveness of the International Court of Justice Roy S. Lee, Connie Peck, 2024-12-09 *Court Performance Around the World* Maria Dakolias, 1999-01-01 World Bank Technical Paper no 430 QUOTE Many countries are undertaking legal and judicial reforms as part of their overall development programs there is increasing recognition that economic and social progress requires consolidation of democracy as well as respect for the rule of law and human rights without these development is not sustainable QUOTE Many developing countries find that their judiciaries are inconsistent in conflict resolution and carry a large backlog of cases thus stifling private sector growth eroding individual and property rights and perhaps even violating human rights Delays affect both the fairness and the efficiency of the system They impede the public's access to the courts which in effect weakens democracies the rule of law and the ability to enforce human rights This paper aims to describe and explain the performance of court systems in a sample of developing and developed countries in order to provide data to those designing or evaluating reforms The study also seeks to show areas in which international comparison of judicial performance can be fruitful suggesting indicators that can be used in such comparisons Finally it endeavors to provide comparisons of performance within individual countries over time

Access to Justice in Magistrates' Courts Lucy Welsh, 2022-01-27 This book examines access to justice in summary criminal proceedings by considering the ability of defendants to play an active and effective role in the process Access to justice refers not just to the availability of legally aided representation but also to the ability of defendants to understand and effectively participate in summary criminal proceedings more generally It remains a vital principle of justice that justice should not only be done but should also be seen to be done by all participants in the process The book is based on socio legal

research The study is ethnographic based on observation conducted in four magistrates courts in South East England and interviews with both defence lawyers and Crown prosecutors Setting out an argument that defendants have always been marginalised through particular features of magistrates court proceedings such as courtroom layout and patterns of behaviour among the professional workgroups in court the political climate in relation to defendants and access to justice that has persisted since 2010 has further undermined the ability of defendants to play an active role in the process Ultimately this book argues that recent governments have demanded ever more efficiency and cost saving in criminal justice In that context principles that contribute to access to justice for defendants have been seriously undermined *Civil Justice, Privatization, and Democracy* Trevor C.W. Farrow, 2014-04-30 Privatization is occurring throughout the public justice system including courts tribunals and state sanctioned private dispute resolution regimes Driven by a widespread ethos of efficiency based civil justice reform privatization claims to decrease costs increase speed and improve access to the tools of justice But it may also lead to procedural unfairness power imbalances and the breakdown of our systems of democratic governance *Civil Justice Privatization and Democracy* demonstrates the urgent need to publicize politicize debate and ultimately temper these moves towards privatized justice Written by Trevor C W Farrow a former litigation lawyer and current Chair of the Canadian Forum on Civil Justice *Civil Justice Privatization and Democracy* does more than just bear witness to the privatization initiatives that define how we think about and resolve almost all non criminal disputes It articulates the costs and benefits of these privatizing initiatives particularly their potential negative impacts on the way we regulate ourselves in modern democracies and it makes recommendations for future civil justice practice and reform **OECD Justice Review of Peru Towards Effective and Transparent Justice Institutions for Inclusive Growth** OECD, 2024-07-11 This report provides an in depth analysis of Peru s justice system and offers concrete recommendations based on OECD countries experience and best practices for how to make it more effective efficient transparent accessible and people centred Building on the OECD s Recommendation on Access to Justice and People Centred Justice Systems the report suggests how Peru can best implement its challenging justice reform agenda so that access to justice is available to all including the most in need

The International Court of Justice and the Effectiveness of International Law Philippe Couvreur, 2016-11-28 The International Court of Justice and the Effectiveness of International Law by Philippe Couvreur Registrar of the ICJ since 2000 offers an account of the history and main achievements of the principal judicial organ of the United Nations the only court with universal and general jurisdiction This book discusses the hopes and aims of creating a permanent international tribunal for settling disputes between States and the ICJ s role in ensuring the effectiveness of the rule of law at the international level Taking into account the characteristics of the international legal order this work provides a description of the main achievements brought about in this respect by the creation of the ICJ the basis and scope of its function as a judicial institution its relationship with other means of settling disputes and its integration in the United Nations and finally its

substantial contribution in two areas of great significance for the promotion and strengthening of peaceful relations between States namely the settlement of land and maritime disputes and the implementation of the law of State responsibility

Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations for 1999 United States. Congress. House. Committee on Appropriations. Subcommittee on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies, 1998

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Efficiency and Bureaucratisation of Criminal Justice Ed Johnston, Anna Pivaty, 2023-03-24 This book tackles the growing issues concerning the managerialism and bureacratisation of criminal justice systems across a number of jurisdictions Here managerialism means the move towards more standardised bureaucratic and efficiency driven systems influenced by a desire to ensure predictability control risks and ultimately economic savings via a more efficient process The volume explores the phenomenon of managerialism in selected national criminal legal systems covering all stages of criminal case processing from arrest to the imposition of sanction The selected countries represent diverse socio economic political cultural and legal traditions including common law civil law mixed common and civil law and post Soviet tradition The book engages with a variety of relevant theoretical concepts such as fairness rationality efficiency and legitimacy The authors critically examine whether and to what extent the trend towards managerialism is indeed discernible and what are its likely effects in the given national criminal legal systems The book will be of interest to students researchers and practitioners working in the areas of comparative criminal justice and procedure

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