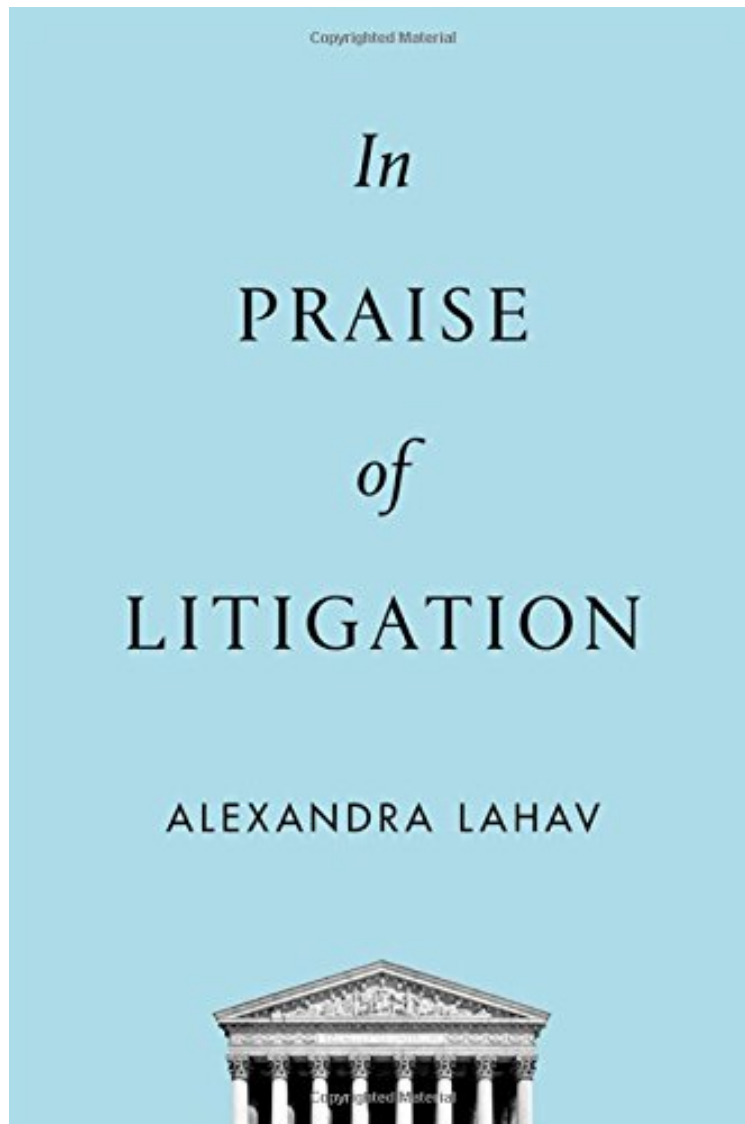


[Free download] In Praise of Litigation

In Praise of Litigation

Alexandra Lahav

*DOC / *audiobook / ebooks / Download PDF / ePub*



 Download

 Read Online

#559083 in Books Alexandra Lahav 2017-02-01 Original language: English 6.40 x 1.10 x 9.40l, .0 #File Name: 0199380805232 pages In Praise of Litigation | File size: 55.Mb

Alexandra Lahav : In Praise of Litigation before purchasing it in order to gauge whether or not it would be worth my time, and all praised In Praise of Litigation:

0 of 1 people found the following review helpful. interesting, especially in today's political climate By Nora L. A great new take on civil procedure. Even for the layman, it does a good job explaining how democracy is based on the history of those pesky lawsuits. This book is especially interesting / important in today's political climate. 0 of 1 people found the following review helpful. Brilliant Analysis By Jonathan Becker Nuanced take on the philosophical and practical justification of litigation. Much more detailed than the popular conversation about litigation which focuses on a few

suits with astronomical payouts.0 of 1 people found the following review helpful. Great and Important ReadBy CustomerWonderfully written and important perspective on the current state of tort litigation. This is a message that deserves telling and that people need to heed.

While the right to have one's day in court is a cherished feature of the American democratic system, alarms that the United States is hopelessly litigious and awash in frivolous claims have become so commonplace that they are now a fixture in the popular imagination. According to this view, litigation wastes precious resources, stifles innovation and productivity, and corrodes our social fabric and the national character. Calls for reform have sought, often successfully, to limit people's access to the court system, most often by imposing technical barriers to bringing suit. Alexandra Lahav's *In Praise of Litigation* provides a much needed corrective to this flawed perspective, reminding us of the irreplaceable role of litigation in a well-functioning democracy and debunking many of the myths that cloud our understanding of this role. For example, the vast majority of lawsuits in the United States are based on contract claims, the median value of lawsuits is on a downward trend, and, on a per capita basis, many fewer lawsuits are filed today than were filed in the 19th century. Exploring cases involving freedom of speech, foodborne illness, defective cars, business competition, and more, the book shows that despite its inevitable limitations, litigation empowers citizens to challenge the most powerful public and private interests and hold them accountable for their actions. Lawsuits change behavior, provide information to consumers and citizens, promote deliberation, and express society's views on equality and its most treasured values. *In Praise of Litigation* shows how our court system protects our liberties and enables civil society to flourish, and serves as a powerful reminder of why we need to protect people's ability to use it. The tort reform movement has had some real successes in limiting what can reach the courts, but there have been victims too. As Alexandra Lahav shows, it has become increasingly difficult for ordinary people to enforce their rights. In the grand scale of lawsuits, actually crazy or bogus lawsuits constitute a tiny minority; in fact, most anecdotes turn out to be misrepresentations of what actually happened. In *In Praise of Litigation*, Lahav argues that critics are blinded to the many benefits of lawsuits. The majority of lawsuits promote equality before the law, transparency, and accountability. Our ability to go to court is a sign of our strength as a society and enables us to both participate in and reinforce the rule of law. In addition, joining lawsuits gives citizens direct access to governmental officials-judges-who can hear their arguments about issues central to our democracy, including the proper extent of police power and the ability of all people to vote. It is at least arguable that lawsuits have helped spur major social changes in arenas like race relations and marriage rights, as well as made products safer and forced wrongdoers to answer for their conduct. In this defense, Lahav does not ignore the obvious drawbacks to litigiousness. It is expensive, stressful, and time consuming. Certainly, sensible reforms could make the system better. However, many of the proposals that have been adopted and are currently on the table seek only to solve problems that do not exist or to make it harder for citizens to defend their rights and to enforce the law. This is not the answer. *In Praise of Litigation* offers a level-headed and law-based assessment of the state of litigation in America as well as a number of practical steps that can be taken to ensure citizens have the right to defend themselves against wrongs while not odiously infringing on the rights of others.

"In the face of the widespread popular perception that lawsuits are inimical to American society, law professor Lahav is persuasive in demonstrating that litigation 'is a social good and promotes democracy,' even if it is a far from perfect tool. Her contention is bolstered by her well-reasoned analyses that perfectly balance detail with brevity, making this work fully accessible to non-lawyers and readers unversed in the debates about access to justice and tort reform." - Publishers Weekly "In a culture where it has become fashionable to bash lawyers and the lawsuits they file, Alexandra Lahav reminds us, in forceful, engaging, and compelling prose, that litigation plays an essential role in our democracy. Her clear-eyed analysis engages the criticisms of litigation honestly and persuasively, and makes a powerful case for its role in a justice-seeking society."-David Cole, Professor, Georgetown Law, National Legal Director, ACLU, and author of *Engines of Liberty* "An important contribution to the ongoing debate over the role of litigation in promoting a just society. Alexandra Lahav convincingly demonstrates how and why American style litigation-'a form of political activity'-remains critical to our Nation's future." -Kenneth R. Feinberg, Former Special Master of the September 11 Victim Compensation Fund "The central message of *In Praise of Litigation* is a powerful one: the benefits of lawsuits (and the harms from improperly restricting them) go far beyond the parties and their lawyers. The book is a tour de force in which Alexandra Lahav draws on a dazzling array of examples, from cases involving slaves seeking freedom in the 1850s to cases involving e. coli in fast-food hamburgers, and from little-noticed suits involving individuals to iconic Supreme Court decisions like *Brown v. Board of Education*, that stretch across both doctrinal boundaries and American history. Every law student and every lawyer should read *In Praise of Litigation* not just to understand more fully how litigation actually works today, but also to arm themselves better to defend equal access to the courts as a critical aspect of our democracy." -Pamela S. Karlan, Kenneth and Harle Montgomery Professor of Public Interest Law and Co-Director, Supreme Court Litigation Clinic, Stanford Law School About the Author Alexandra D. Lahav teaches law at the University of Connecticut and has previously taught at Harvard, Yale, and Columbia law schools.

Before becoming an academic she litigated civil rights cases in New York City.