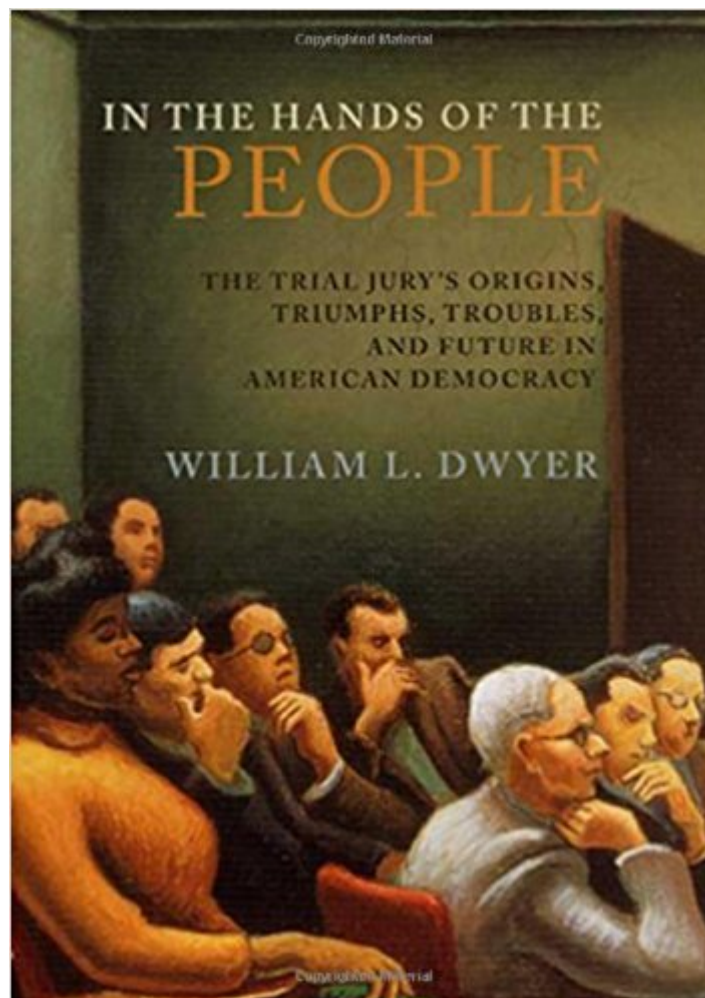




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# In The Hands Of The People: The Trial Jury's Origins, Triumphs, Troubles, And Future In American Democracy



## Synopsis

In a passionate warning that is not only well-reasoned, as becomes a renowned former trial lawyer and present federal judge, but is also a compelling and entertaining read, William L. Dwyer defies those who would abolish our jury system and hand over its power to judges or to panels of "experts." He aims, by making his readers aware of what should be done, to help us save what he calls "America's most democratic institution." In an overview of litigation's universe, Dwyer goes back several centuries to describe the often terrifying ways our ancestors arrived at verdicts of guilt or innocence. Tracing the evolution of our present-day system, he gives us excerpts from the actual records of such trials as that of young William Penn, arrested for preaching Quaker beliefs in public; the Salem witch trials; and the landmark civil rights trial of 18th century newspaper publisher John Peter Zenger, whose attorney was the original "Philadelphia lawyer." Along with these famous courtroom episodes are many never before described in print, all of them infused with the drama that gives life to the law. Dwyer's language is clear and engaging - a pleasant surprise for readers apprehensive about legal gobbledegook. He has a store of courtroom "war stories," some inspiring, some alarming, many enlivened by gleams of the author's wry humor. Underlying that humor, however, is the judge's fear that the jury system is endangered by neglect and misunderstanding, and could be lost without the public being aware of what is happening. The book shows that despite much adverse publicity, the American jury still works capably, at times brilliantly, when given a fair chance by the legal professionals who run trials. Consequently, the author deals with what has gone wrong with American litigation, the controversy over the jury's competence and integrity, and trial and pretrial reforms that must be made to save trial by jury and reshape American litigation in the twenty-first century.

## Book Information

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## Customer Reviews

Dwyer, a veteran litigator and now a U.S. district judge, pleads the case for juries in the American legal system. The jury system needs support, he believes, because it is under increasing attack: in criminal cases, juries are decried as partisan and subject to manipulation, while in civil cases they are disparaged as incapable of sorting out complex issues. As an opener for his brief, Dwyer profiles the emergence of the jury as a mechanism for resolving disputes. Turning to the modern era, Dwyer examines the procedural safeguards (presumption of innocence, privilege against self-incrimination, right to counsel, etc.) created to assure the fairness of trials. For the author, trial by jury should be held in the same esteem and defended with the same intensity as these other fundamental rights. Dwyer observes that those who serve on juries commonly find the experience positive. Most judges agree with the verdicts of juries serving in their courts and, interestingly, nearly all judges say that if they were accused of crimes they would opt for trial by jury. Dwyer suggests several juridical improvements, including that lawyers heed the American Bar Association's assertion that they have "a responsibility to provide legal services to those unable to pay." Although readers with legal training will form the core readership, the book's compressed, plainspoken style renders the material accessible to lay readers concerned about the nation's judicial system. (Jan. 18)Forecast: The attention presently being given to D. Graham Burnett's *A Trial by Jury* could set the scene for better sales than this thoughtful work of advocacy might otherwise have received.Copyright 2001 Cahners Business Information, Inc.

Drawing on his personal experiences and a review of famous American trials, Federal District judge Dwyer presents an upbeat appraisal of the jury system. While not a scholarly review like Leonard Levy's *The Palladium of Justice* (LJ 6/15/99) or a trenchant critique like William T. Pizzi's *Trials Without Truth* (LJ 1/99), Dwyer's book is well written and accessible to non-attorneys. He addresses criticisms of juries and illustrates his points by reviewing the Salem witchcraft trials, the O.J. Simpson trial, the Clinton impeachment, and numerous cases from his court. Dwyer ties juries tightly to democracy, arguing that stronger judges, not judge-only trials, are the answer to problems with the jury system. He advocates alternative dispute resolution and praises juries for their honesty, diversity, and freedom from corruption. For popular law collections. Harry Charles, Attorney at Law, St. Louis Copyright 2001 Reed Business Information, Inc.

Judge Dwyer shows a great respect and insight into the importance of the jury system to maintaining democratic government and liberty in America. In spite of some areas where he has accepted conventional wisdom instead of actually researching the issues involved (such as where he accepts the myth that racist jury nullification was widespread during the civil rights era. The best researched work on this is in Clay S. Conrad's book *Jury Nullification: The Evolution of a Doctrine*, in which he shows that most of the acquittals in lynching and civil rights murder cases were due to prosecutors, judges and police being unwilling to pursue such cases to conviction, and not to the actions of jurors) the book is an excellent exposition of the importance of trial by jury. The real question should be: does anyone care? Trial by jury continues to fall into disfavor with a population that doesn't want to do the heavy lifting on its own. Should we depend on government to do the heavy lifting for us, we shouldn't be surprised that our most important rights atrophy and die. The opposite of trial by jury (also known as trial by one's country) is trial by government. So long as we have a panel of citizens acting as a bulwark between us and our government, we have some protection against government excess and oppression. This is the lesson from history that Judge Dwyer colorfully and dramatically brings home.

This book provides a terrific historical perspective as to why the jury system is so important to our form of democracy. As quoted in this book, Thomas Jefferson wrote that it is more important for a citizen of this country to sit on a jury than it is for her to vote in an election. In today's world of out-of-control corporate greed, it is nice to see at least one author taking the bold steps of presenting the truth. Corporate America does not fear our politicians or the government. The only voice that big business fears is that of the jury. It is only the jury that can control big business in today's society. Why? because it only a jury that can speak the language that corporate America understands - money. Without the jury, we will further slip into a world of the haves and the have nots. This is a must read. I only wish I could buy a copy for everyone I know.

It's a sharp and a very nice Chef product. very good seller . my family need it , fast shipping. Nice and valuable.

This is for those who know a little but not a lot about why juries are so precious in America. With clarity and brilliance, Dwyer makes the case for the jury. For me, he also, unwittingly I think, made the case that I should not avoid serving on a jury notwithstanding the nuisance value of doing so.

Much to everyone's and America's loss, he lost his life at about the same time as this book was published, but he left us with a superb work based on his legal experiences and his long-time service as a federal district judge in Seattle.

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