AMERICAN COURTS (1st Indian reprint 1992). By Daniel John Meador. Universal Book Traders, New Delhi. Pp. vi + 113. Price Rs.40.

THE BOOK[1] under review is a concise and lucid presentation of complex and multiple judicial systems existing in the USA. It is primarily designed for law persons from abroad and for beginners in American law schools. It is a short work done in about 120 pages. Apart from a preface and an index, there are six chapters and five appendices.

The first chapter is an introductory review of the federal and state judicial system existing in some specific regions of USA. The author draws a comparison of US courts with the English courts highlighting some points of resemblance of, and distinction between, the two systems. He also refers to electronic data retrieval systems which make available many statutes, regulations and judicial decisions throughout the country, and also to the technique of affirmative case management. The latter is an innovation in the trial court system, which enables judges to hold conferences with lawyers at a pre-trial stage for an early resolution of disputes. There is a further reference to two new developments at the appellate stage. One is the employment of central staff attorneys who undertake screening of preliminary appeals, prepare memoranda on cases and draft proposed opinions. The other is the introduction of truncated processes which enable courts to rely primarily on written briefs of lawyers or memoranda prepared by the staff.[2]

The second and third chapters are devoted to state and federal courts respectively. In both, the court structure and nature of judicial business have been explained. An interesting aspect of the business of state courts, as pointed out by the author, is their decision making in matters involving federal questions. Then there is a description of the three-tiered federal judicial system, followed by a comparison of federal and state courts. A noteworthy point is that, generally, state courts have a lot of involvement with traditional common law subjects and federal courts are heavily loaded with adjudication of statutory and constitutional questions.[3]

In the fourth chapter, the author brings out circumstances which give rise to extraordinary complications in the US legal order, *e.g.*, the existence of multiple sovereignties and judicial systems, and also, simultaneously, of state and federal trial courts with substantial overlapping jurisdictions. He further highlights the complexity of the judicial scene by referring to complex litigation such as mass tort, institutional litigation, extended impact cases and public law litigation. In view of the author, the traditional judicial process is inadequate to

1. Daniel John Meador, *American Courts* (Ist Indian reprint 1992).
2. *Id.* at 2- 3, 47.
3. *Id.* at 20, 37.

cope with such controversies. Hence, he rightly feels the need of the development of new techniques of dispute resolution.[4]

The *dramatis personae* who operate the multiple judicial systems and their roles are the subject matter of the fifth chapter. The author points out that judges are the core of the systems with a vast supporting cast of law clerks, staff attorneys and trial courts adjuncts. Besides, there are clerical and administrative personnel: secretaries, clerks of courts, adjudicators and court administrators. Outside the court system, numerous organisations assist the courts in various ways, and lawyers play a significant role in dispute resolution. He also explains how judges come from a variety of backgrounds and experiences, as also how the methods of their recruitment and promotion are at variance with the methods in other systems. Other interesting aspects pointed out are that qualified persons can enter a judicial system at any level, and that there is no formal division among lawyers.[5]

The last, *i.e.*, the sixth chapter relates to trends and directions. In the view of the author, law has become America's civic religion and holds together the heterogeneous society. Obviously, the courts also hold a prominent place in American life. Despite the continuity of the imprint of English common law on the style, procedure and substance of the courts, immense changes which have taken place find an expression in this chapter. The author refers especially to electronic data retrieval systems, the use of computers in the offices of courts' clerks to maintain and manage dockets, the hearing by judges through telephone conference calls with opposing lawyers and judges in different locations, the recording of depositions of witnesses on video-tapes and the use of closed-circuit television by appellate courts to hear oral arguments from lawyers in different places. He also points out a shift from the purely adversarial style to a kind of dispute resolution in which the judge is actively involved in managing litigation at the pre-trial stage.

Another significant development dealt with is the alternative dispute resolution (ADR) movement which has risen out of the pressure of litigation and accompanying expense and delay. The movement is directed towards the reduction of judicial business, less expensive and less cumbersome process and the replacement of adversary process in certain cases with informal, short and more satisfying mechanisms. A couple of ADR mechanisms have been highlighted which involve the use of trained mediators who attempt to bring parties together for a mutually agreeable solution, one-person arbitration and court-annexed arbitration under which a case is referred to a panel of three arbitrators and in case of dissatisfaction it is restored to the docket. The author also presents the problem of striking a workable balance in the administration of justice under

4. *Id.* at 38, 50-53.

5. *Id.* at 54, 56.

the complicated federal system, and then explains the progress being made towards a close and more co-operative relationship between the state and federal courts. There is also an attempt to come out with devices to coordinate litigation and gather it into a single forum in cases where a large number of parties initiate suits in different states. *Lastly,* the author points out some aspects of the planning going on for the future of the judiciary in view of environmental difficulties, changes in family structures, a growing cultural and ethnic heterogeneity and increasing internationalisation of American life. The movement towards less confrontational ADR procedures is growing, and an integrated national network of courts to manage the judicial business the country over, is also anticipated.[6]

The appendices cover respectively illustrative state judicial structures, courts of 50 states, federal courts, article III of the US Constitution and suggested readings and sources.

It is obvious that the book is an interesting reading of multiple judicial systems of USA. One is tempted to know details of at least the innovations being experimented and in the offing.

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6. *Id.* at 78- 79, 81, 82, 83.

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