

5 and 6



**ASSIGN  
BUSTER**

Chapter 5 & 6 Q Unlike what is depicted in many lawyers themed television shows, (Chapter 5) depicts the courthouse as a place dispensing “assembly line justice”. Through its use, many victims and defendants are given closure with a timely disposition of their court cases. However, “assembly line justice” may prevent a smaller number of cases from getting individualized attention. Do you support the use of “assembly line justice” or do you feel it is unjust? Explain your position.

I strongly dispute the use of “assembly line justice” and feel that it is in some way unjust. Despite the debatable assertion that it is important to apply the “assembly line justice” concept because of the large caseloads compared to the resources and personnel needed to handle them, there are a myriad of considerations that are overlooked. Using assembly line justice means that cases do not get individual attention and there are not questions of fact or law that are raised and as such, dispositions in such cases are just routine.

This concept is particularly unjust because, important aspects of a case may be overlooked and as such the dispositions made may be unjust or cruel, despite the fact timely closure for both victim and perpetrator is given. This is because defendants and appellants rights to trial are denied; most cases end with a plea bargain, usually of guilty simply because the court considers the cases routine (Neubauer and Fradella 123). Additionally, this concept of assembly line justice has shifted the focus of courts from the traditional due process procedures, whereby, the courts’ actors, specifically defense attorneys and prosecutors, were required to prove their cases beyond any reasonable doubt before any resolutions can be achieved or reached to courts trying to reach resolutions without any adjudication (Neubauer and

Fradella 124). Therefore, using the assembly line justice concept on the mere argument that it helps deal with the issue of excessive caseloads is neither here or there, since it clearly overlooks other fundamental aspects of the court system including the rule of law, local legal systems and the relationship with organization. Therefore, the use of assembly line justice is not just and should not be used.

Q #2: The Supreme Court has decided that prosecutors (Chapter 6) are to be immune from civil lawsuits arising from them acting in their official capacity. Without this type of legal protection, it was feared prosecutors would hesitate to do their jobs because they would be scared of being harassed by future civil lawsuits. Critics believe this blanket protection will encourage the violation of defendant rights. Do you support or oppose this immunity?

Explain your position.

According to Neubauer and Fradella (139), prosecutors are expected to prosecute with vigor and earnest, strike hard blows, but he/she is not allowed to present false evidence, strike hard foul blows. They are required to refrain from using methods that are improper and calculated to get a conviction at all costs, even if they are wrongful, *Berger v. United States* 1935, 88. In my opinion the decision by the highest tribunal to grant prosecutors absolute immunity from civil law suits is proper, and, therefore, I support. This is because prosecutors are very important players or actors in the criminal justice system as argued by Justice Robert Jackson that, "...they have more control over liberty, reputation and life...", their duties bridge all the duties of other actors in the criminal justice system (Neubauer and Fradella 138). In order for them to perform their duties well-earnestly and vigorously prosecute-, it is important for them not to be in fear of any civil

suits. This immunity does not imply that prosecutors are at liberty to use unfair, unjust, unlawful means to push through a conviction or violate the rights of the defendants; it is meant to ensure that they do not hesitate in doing their jobs because of fear of harassment by future civil lawsuits. It is worth noting that, there are certain circumstances in which prosecutors may be sued civilly, and some of the court decisions are overturned in the event that prosecutorial misconduct is determined. Therefore, the fear that this immunity will encourage the violation of the law and defendants' rights is unfounded and incorrect.

#### Works Cited

Neubauer, David W., and Henry F. Fradella. *America's Courts and the Criminal Justice System*. 10th ed. Belmont, CA: Cengage Learning, 2010. Print.