



Courts Justice and Efficiency: A Socio-legal Study of Economic Rationality in Adjudication

By *Hector Fix-Fierro*

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This study explores the socio-legal context of economic rationality in the legal and, specifically, judicial systems. In so doing it explores the meaning and relevance of the concept of efficiency for the operation of courts and court systems and seeks 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. Although the study's central concept - efficiency - is clearly an economic concept, the approach found in the book is predominantly sociological insofar as it will be examining the social operation of legal institutions, i.e., it seeks to find out how a basic concept of efficiency is related to different social dimensions of the legal system (including legal science) and court operation, from the level of society as a whole to the level of individual judicial proceedings and decisions.

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Editorial Review

Review

The publication provides an interesting insight into court processes generally, which would be of interest to both the academic lawyer and to the practitioner. In addition it should prove to be a valuable text for further research into the adjudicative process from both the sociological and economic perspective. Maria O'Neill Scolag Legal Journal July 2004 ...the discussion is illuminatinga number of thought-provoking propositions emerge from Fix-Fierro's detailed analysis. At the end of the study, there is a real sense of a framework against which individual material and propositions can be usefully examined. If concerns about efficiency and justice are a worldwide issue,..Fix-Fierro makes a valuable contribution to the debate. Rachel Hayward, the Law Commission New Zealand Law Journal February 2005

About the Author

Hector Fix-Fierro is a full-time researcher and Associate Professor of Law at the National University of Mexico.

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