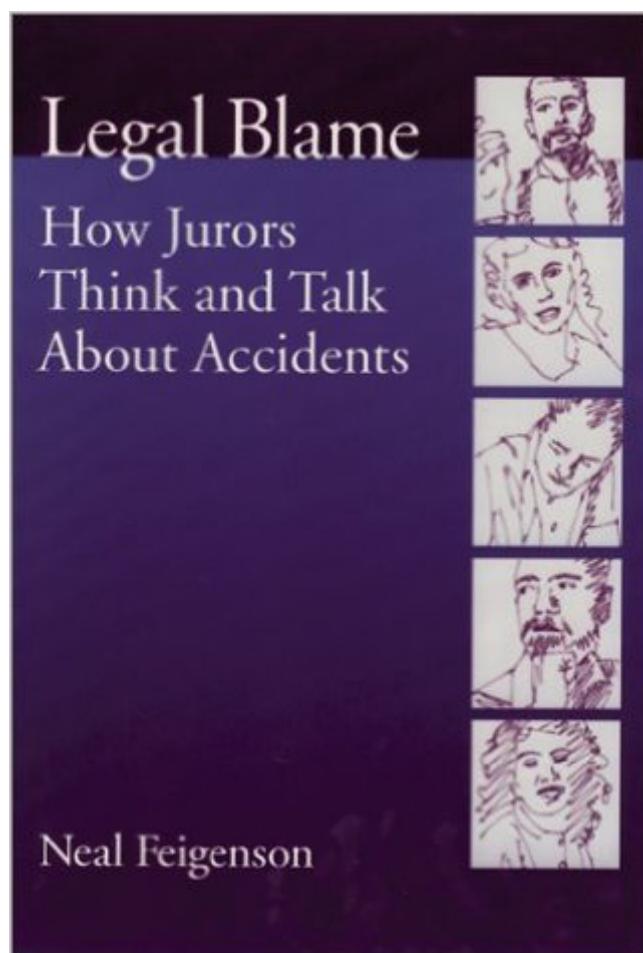


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Legal Blame: How Jurors Think And Talk About Accidents (Law And Public Policy)



Synopsis

This text explores how jurors try to do justice in the wake of accidents, and reveals much about the overall psychology of jury decision-making. Neal Feigenson, a professor of law, offers a framework for how jurors deploy their common sense, together with the law and the facts, to produce what the author refers to as total justice.

Book Information

Series: Law and Public Policy

Paperback: 301 pages

Publisher: American Psychological Association (APA); Revised ed. edition (May 1, 2001)

Language: English

ISBN-10: 155798834X

ISBN-13: 978-1557988348

Product Dimensions: 6.9 x 0.8 x 10.1 inches

Shipping Weight: 1.4 pounds (View shipping rates and policies)

Average Customer Review: 4.3 out of 5 starsÂ See all reviewsÂ (3 customer reviews)

Best Sellers Rank: #1,360,220 in Books (See Top 100 in Books) #61 inÂ Books > Law > Rules & Procedures > Jury #543 inÂ Books > Health, Fitness & Dieting > Psychology & Counseling > Forensic Psychology #567 inÂ Books > Medical Books > Psychology > Forensic Psychology

Customer Reviews

At the beginning of this review, I need to disclose my bias: I have known Neal Feigenson for nearly 15 years: He was on the faculty at the law school which I attended, and I consider him a friend, as well as a mentor of sorts. Although I candidly concede, therefore, that I cannot be entirely objective about anything written by Professor Feigenson, I am confident that, by any standard, this is a marvelously intelligent and incisive book at the intersection of law and social psychology. Torts is taught in the first year of law school. The black-letter law - those legal rules which must be learned - could fit on an index card. Nevertheless, the concept of negligence, which is the most important topic in torts, and its application to cases ranging from automobile collisions to medical malpractice, is very difficult. In jury trials, principles of negligence are applied by lay jurors selected precisely because they know little or nothing about law. That sounds like a recipe for farce, if not disaster, but it has evolved in Anglo-American law over a period of nearly 1,000 years. As a result, Professor Feigenson's effort to explain how jurors comprehend, interpret, and apply the rules of legal blame is very important. According to Professor Feigenson: "Legal blaming is multidimensional: It springs

from common sense and is also shaped by legal rules, expert rationales, and the facts of the individual case." The essence of Feigenson thesis is: "If there is any overarching pattern in [complex lay decision making] it is that jurors try to achieve what I call total justice.

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