

Judicial Politics: An Introduction. By Jerome R. Corsi. Englewood Cliffs, N.J. Prentice Hall Inc. 1984. Pp. xii, 353. \$5.98.

In Jerome Corsi's well-written, *Judicial Politics: An Introduction*, the reader is treated to a broad based examination of the politicalization of the legal profession as seen through the eyes of a political scientist. Corsi contends that legal institutions such as courts, bar associations, and law schools may be examined as political entities apart from their legal function. He believes that law and politics are so closely interwoven that lawyers and judges often succumb to the same pressures that affect traditional politicians.

Corsi devotes the first half of his book to a historical-sociological examination of law schools, lawyers, and the recruitment and selection of judges. The author identifies early social stratification that surfaces in the legal community beginning with the law school an individual attends and extending to the type of law one chooses to practice.

Commencing with a discussion of Harvard, the nation's first law school, Corsi traces the study of law from its infancy. The author concludes with a discussion of contemporary problems confronting legal education, particularly in the area of practical skills. A significant part of the section on law schools analyzes the admissions process and how this works to stratify soon to be lawyers. Furthermore, through useful studies and statistics, Corsi pinpoints the swift rise of minorities and women in law school from the late nineteenth century to the present. Unfortunately, the author fails to forecast just where affirmative action and the role of minorities in the legal world may be headed.

Following the examination of law schools Corsi takes a hard look at the hierarchy of opportunities in the practice of law. He examines Wall Street attorneys, the Washington D.C. bar, private criminal law attorney, and black lawyers. The author contends that the bar is hierarchically stratified with the practice of corporate law considered the most prestigious while the practices of criminal and personal injury law are frequently at the bottom. In this section Corsi also develops the theme of economics of law which he later pursues in a separate chapter.

The first half of *Judicial Politics* contains a superb critique of the recruitment and selection of judges. Here the author's central theme is the pervasiveness of politics in determining who will don the noble black robes. By examining background characteristics of judges, such as political affiliation and prior legal experience, Corsi vividly documents which subgroups make the greatest contribution to the state and federal bench. For instance, he insightfully shows that prosecuting attorneys in criminal law appear to have the advantage in garnering appointments to state judgeships.

The author concludes this section by evaluating reform movements in the area of judicial appointments. Specifically, he looks at former President Carter's creation of a bipartisan selection committee (later scrapped when President Reagan took office) to oversee federal appointments. Yet, as Corsi acknowledges: "Choosing judges in America is a political process with a political result."¹ Thus, he implies that reform in an area of traditional political patronage is a somewhat unrealistic endeavor.

The second half of *Judicial Politics* concentrates on the courts, judicial decision-making, and the economics of the legal system. Court organization is outlined on both the state and federal level. A special feature here is an insightful look at overcrowding in the courts. Corsi describes the situation in state courts with the phrase "conveyor-belt justice."² Responding to this dilemma, the author traces reform movements which have sought to curtail and streamline litigation. Moreover, he reveals the underlying political interests of those who seek such reform. Here he discusses the role of professional court managers. These reformers view court managers as handling case flow, managing budgets, and supervising court personnel. Finally, Corsi identifies some judges who fear that such reform would streamline court administration and may jeopardize their jobs.

Next Corsi analyzes economic realities of dispute resolution. First the author contrasts the often divergent economic goals of lawyers and clients. Second, legal services for the poor coupled with prepaid legal plans for middle income people are described. This section concludes with an inquiry into the political nature of such services, especially those for the poor. §

The remainder of the work highlights the politics inherent in judicial decision-making and the impact of such decisions, particularly those of the Supreme Court. Here Corsi's theory is that politics remains relevant to the understanding of judicial decisions. Several policy-oriented, landmark decisions of the Supreme Court are examined to illustrate the political ramifications of the high Court's pronouncements. Corsi looks at *Brown v. Board of Education*³ (desegregation), *Engel v. Vitale*⁴ (school prayer), and *Mapp v. Ohio*⁵ (exclusionary rule) focusing on the political impact and compliance aspects of these momentous decisions. In addition to analyzing the content of these decisions, the author also probes the personal biases and political leaning of the individual Justices. Specifically, the author included studies showing that Democratic Justices were more inclined to decide for the defense in criminal cases. Alternatively, these studies also reveal that conservative Republican Justices prefer management over unions in labor disputes.

Although Corsi described his book as an introduction, the work's breadth was quite extensive. Nevertheless, the author's primary goal was to present a general survey of law and politics rather than an ivory tower of scholarships. Throughout the book, Corsi utilizes a descriptive-narrative approach instead of a purely analytical one. Yet with the voluminous amount of social science studies to which the author refers (each chapter averages one-hundred and forty three footnotes) one might be led to believe that the book strives to be more analytical than it actually is.

Suffice it to say that an audience problem potentially exists for Mr. Corsi. The beginning chapters plainly suggest that *Judicial Politics* is targeted to a lay, non-legal audience. Indeed, the vast majority of the book will seem quite obvious to most lawyers (and to many law students as well). Thus, the legal community does not appear to be the primary audience. For the most part, Corsi is successful in keeping his work within the grasp of non-lawyers. How-

2. *Id.* at 171.

3. 347 U.S. 483 (1954).

4. 370 U.S. 421 (1962).

5. 367 U.S. 643 (1961).

ever, his overly detailed explanation of the mechanics of the federal court system may strain the patience of the lay reader.

This writer strongly recommends Corsi's work to undergraduates with a pre-law major. *Judicial Politics*, more than just a study of law and politics, provides a valuable foundation for one considering a legal career. Finally, this informative book might serve the needs of first year law students seeking a broad overview of the profession.

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