



# The Justice Broker: Lawyers and Ordinary Litigation

*Herbert M. Kritzer*

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In law, as elsewhere, the ordinary is overshadowed in the popular and academic literature by the dramatic and sensational. While the role and behavior of lawyers in the operation of our criminal justice system has been closely scrutinized, comparatively little research has been devoted to the manner in which lawyers litigate the day-to-day civil (non-criminal) cases that comprise the vast bulk of the workload in state and federal courts. Originally commissioned by the U.S. Department of Justice, this is the first comprehensive national study of the U.S. civil justice system. Kritzer analyzes 1600 cases involving 1400 attorneys in five federal judicial districts. Examining the background, experiences, day-to-day activities, and outlook of civil lawyers, Kritzer finds that the work of lawyers combines the roles of the professional and the broker in many areas of ordinary litigation. Arguing that lawyers' behavior must be understood in part as a form of brokerage between the client and the legal system, he suggests that the roles of professionals and brokers be considered as complements rather than alternatives in the justice system, and concludes by recommending that lawyers' monopoly on advocacy in civil litigation be restricted. An engaging, lucidly written study, *The Justice Broker* will be of special interest to practicing lawyers and legal scholars.

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