



Law and the Modern Mind

Jerome Frank

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Law and the Modern Mind first appeared in 1930 when, in the words of Judge Charles E. Clark, it "fell like a bomb on the legal world." In the generations since, its influence has grown--today it is accepted as a classic of general jurisprudence. The work is a bold and persuasive attack on the delusion that the law is a bastion of predictable and logical action. Jerome Frank's controversial thesis is that the decisions made by judge and jury are determined to an enormous extent by powerful, concealed, and highly idiosyncratic psychological prejudices that these decision-makers bring to the courtroom.

Frank points out that legal verdicts are supposed to result from the application of legal rules to the facts of the suit--a procedure that sounds utterly methodical. Frank argues, that profound, immeasurable biases strongly influence the judge and jury's reaction to witnesses, lawyers, and litigants. As a result, we can never know what they will believe "the facts of the suit" to be. The trial's results become unforeseeable, the lawyer's advice unreliable, and the cause of justice insecure. This edition includes the author's final preface in which he answers two decades of criticism of his position.

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