Is the Justice System Really Blind? Experts Weigh In

We asked attorneys and others about how they feel about the justice system in the United States. Is it really blind and fair for everyone? Is everything good the way it is? Or are changes needed to the justice system in the US? Feel free to share your own thoughts in the comments below the article. We hope you found these responses as interesting and enlightening as we did, as we received a variety of opinions on this topic:

I have written a book exposing the legal system for what it is: broken, unjust, dismissive, and ineffective. At least this is true in Colorado, and as it pertains to family law. I fought for 18 years in our "justice system" for the right to be a mother to my children, and was defeated at the hands of attorneys, money, and time.

I have since become a mediator, trying to keep other people out of our legal system, and making the same mistakes that I have made. Most people mistakenly believe that justice is on their side, and want to get heard before a judge. Little do they know, that judges are just people; people with their own biases and life histories. They will be very lucky to get a ruling according to law, let alone justice.

Celeste Zimmerman, CPA, Mediator
Evergreen, Colorado

I served as a trial court judge in Illinois for 22 years. During my legal career I served as a prosecuting attorney, judge, appellate defense attorney, attorney in private practice and an under graduate law professor at the University of Illinois and Illinois State. I have always been active in many areas of the law. Is justice blind? Not really. But justice suffers from a severe visual disease where the one color that affects what it sees is the color green, the color of money. Americans suffer from a justice system that harms the poor in an inordinate fashion. From the inability of the legal system to provide adequate legal defense for those charged with crimes, to the inability of many individuals to have access to any legal services for civil and financial difficulties, our legal system is simply not functioning in a way to provide equal access for all. Lawyers like to pretend they are all Atticus Finch but they are not. Their silence and unwillingness to provide legal services is in many ways understandable, they cannot earn a living. And the legal profession should not bear the full responsibility of providing legal services. As a nation we must face our obligation to provide some legal help to the millions in need in the same manner that many believe that we must provide health benefits to the many in need. It is obviously a difficult, if not an impossible goal to achieve.

Stuart Shiffman

California has laid off thousands of court employees and closed dozens of courtrooms. We have 75 judges without staff or a place to work but they can't be laid off because they're elected officials. They're getting paid instead of the clerk who actually does the work.

I spent most of the day in court a few weeks ago and all the judge did was postpone matters, scheduling them for hearings months in the future. A judgment that used to take 2 or 3 weeks to enter now takes 6 months. If your spouse leaves you without support and you're being evicted the court doesn't consider that an emergency. You'd have to wait 2-3 months before a judge would hear your matter.

But if you can afford it you can hire a private judge to decide your matter. That's another private level of justice for the haves while the have-nots wait in line. Judges hope they'll become frustrated and compromise their rights or give up and go away. It's justice by attrition for the 99%.

Yes the system is broken.
Attorney Ty Supancic
It is combat based rather than interest based. The system is more about winning than it is about truth seeking. Justice goes to the strong, the rich, the powerful. Disadvantage individuals are left out. The US legal system needs to be fixed.

Ronald M. Supancic, CFLS
Ty Supancic, Esq.
The Law Collaborative, APC

Perhaps you should talk to some of the people who have been bullied and defrauded into taking plea bargains. The first thing they realize is that Justice isn’t blind, she’s dead.

A man or woman can be arrested on the flimsiest of evidence. However, they’re informed quickly that if they’re convicted they’re facing a penalty of X number of years in prison. However, if they’ll “help the justice system expedite their case” and plead guilty, then the State or Government will show leniency and they’ll end up serving only a short period, or perhaps even get probation.

I’ve recently completed a prison sentence for Tax Fraud. I took a plea bargain, because I was warned that I was facing up to 45 years if I did not. I ended up serving 5 years. My family was destroyed and ended up homeless, I lost everything that mattered to me, and the most interesting thing is that the "offense" for which I was charged was "Conspiracy". This has become the system’s secret weapon. When there is not enough evidence to make a case against the one you want, simply get a few other people (all of whom are suddenly getting better deals than they were expecting) to claim that the target “talked to them about” the crime.

95% of the people I met in prison were in on "Conspiracy" charges. And almost all of them took plea bargains rather than go to trial and risk a greater sentence.

No, Justice isn’t blind at all. The prosecutors who make the cases and the plea offers are text-book examples of the old saw: "If all you have is a hammer, everything looks like a nail!"

Justice isn’t blind in this country. She’s dead.

Wayne Hicks
Author: "The Grue: ANGEL, The Very Swift Witches, Magic Trixie and the Crystal Witch, Promise of Magic: The Other Side of the Mirror and A Home For Sabrina"

It is abundantly clear that the law has become nothing more than window-dressing for ideological conclusions and the idea that the law is blind is a mere vestige of a long gone system. The recent George Zimmerman prosecution, the NY Federal decision to disallow ‘stop and frisk’ or the invalidation of California’s proposition 8 by the Supreme Court all show that people with all their prejudices and biases are the driving force behind the formulation of law in 2013. The legitimacy of the law is now at a historic low because of this relativistic sensibility that pervades the judiciary. It is my opinion that unless America returns to an objective orientation of ‘natural law’ which champions an objective application of rules to facts (blind justice), the judiciary will continue to diminish in respect and authority.

Matthew Reischer, Esq.
LegalAdvice.com

No, it is not blind. It is corrupt, inaccessible for most people and unaffordable to many who are unjustly sued.

It is so complex that the ordinary person cannot afford to sue, and if they do, they invariably will need to resort to a settlement for much less than they lost.
If an insurance company is involved, they will bury a plaintiff, who has been seriously damaged, with paperwork. Cases will drag out for years until the one with the least amount of money caves in and settles.

On the other hand, there are those lawyers who will file a frivolous lawsuit to simply get a settlement where they will receive $20,000 or a $50,000 settlement. In many of those cases, the defendant doesn’t even have liability, but the cost of defending the action exceeds the penalty.

The solution is simple, but will never happen.

Ken Koenen, LLM-Taxation
Attorney at Law
Law Offices of Ken Koenen
Pleasanton, CA

Everyone knows the wealthy and powerful have distinct, perhaps overwhelming advantages. Just as you can look at zip codes and predict health outcomes and you probably can you can do the same with legal outcomes. While a good attorney cannot get an overwhelmingly guilty person acquitted every time, a bad attorney can easily get an innocent person a jail term with regularity. I’m a non-practicing attorney but am a large consumer of legal services almost always as a plaintiff. Hiring the best attorney I can afford is the clear policy. Just as I would not shop for a cheap cardiologist or dentist, when you want a good result you hire the best you can. I remain amazed at the poor quality of a great deal of legal representation. My partners from time to time show some legal work done at lower rates for their friends, when questioning the costs of our work. I am embarrassed for the attorney who prepared the work product. Unfortunately for most, they cannot afford the cost of quality legal work.

Bruce Ailion
RE/MAX Greater Atlanta

I have been a senior instructor with Concord Law School since 2000. My JD is from Harvard Law School 1984. Generally, courts are functioning properly. Most cases proceed with “business as usual” and most cases are not remarkable. There are always challenges, but problems are addressed and practical solutions are usually debated and eventually accepted. Lawyers and judges tend to be risk averse by nature, so they are rarely quick to embrace new technology, but they usually come around. The legal system is decentralized so changes need approval at state, county, and local levels.

Marc Pembroke
Concord Law School

The only people who think that justice is blind are the ones who have not had to look too closely at how justice takes place in our country. The majority of inmates facing the death sentence are black men. It seems unlikely that they are disproportionately violent offenders. Therefore, it is reasonable to conclude that the law is neither blind to race nor gender. It doesn’t take a stroke of genius to deduce the difference between the defense provided for free and that which costs top dollar. Therefore, justice cannot be blind to poverty. Sadly we are living in times were who you know and how much money is in your bank account have more to do with how much justice you can have than your level of innocence has.

My opinion of our legal system was much higher prior to the wrongful conviction of my brother. He was given life without the option of parole after his daughter died of injuries related to brittle bone syndrome.

Crystal Zobel
Westfield, MA

I am a licensed Alabama Attorney. I believe it’s working according to plan. While controversial criminal and civil trials receive the spotlight and do a great job persuading the majority of the population into believing the legal system is absolute broken, the majority of criminal and civil cases outside the spotlight end up with decisions most would believe were fair. It’s similar to professional sports where you frequently hear all the
bad stories (e.g. DUI, sexual assault, etc.) about a few people, and it’s rare the media spends a lot of time on
the good stories, which probably makes up 90%+ of the rest of the population. No one hears the stories
where a judge actually considers someone’s background, reputation and clean record and gives the
defendant a break because it truly was a bad decision, or the judge puts someone away permanently
because of an incredibly horrible act.

Christopher McCauley
President and Chief Executive Whizard
Whizkins Corporation
Santa Clara, CA

When DRD Enterprises Inc of Davie invested into a fish farm to develop into an off the grid fish farm it
thought it had the protection of the State of Florida under the Florida Right to Farm Act and Aquaculture
Policy act instead Florida allowed DeSoto County to ruin this business venture and only deep pockets will
allow any judicial action. The US judicial system is only as good for what you can pay for.

David Pressler
DRD Enterprises Inc. of Davie
Monolithic Concrete Construction, Spray Foam Waterproofing / Insulation &
Site Development

I am handling several court matters in a federal court pro se. This has been a wake-up call on justice and our
legal system.

John-Talmage Mathis

While our legal system has its flaws, it’s certainly not broken, at least not yet. We are in a period of transition.
With less than 5% of all civil cases filed ever reaching the courtroom, jury trials have almost become a thing
of the past. Alternative Dispute Resolution is the wave of the future. By that I mean mediation, arbitrations,
and formal and informal settlement conferences. Maybe an argument can be made that without a jury,
justice is no longer blind because during settlement talks, we show most of our cards, so to speak.
Regardless, justice does prevail in the end, most of the time.

Beth Shankle Anderson, Esq.

Although I believe the US legal system is still one of the best in the world, it’s broken. The system is rampant
with frivolous lawsuits, miscarriages of justice, the "good ole boy" network, etc. Anyone can sue anyone for
anything in America. You have attorneys advertising on the radio and television in states with Personal
Injury Protection insurance laws that they can get a person so much money if they’ve been in an accident in
order to induce someone to hire the firm to file a lawsuit when most people don’t know that they are
entitled to the same amount of money without an attorney. In Florida there are PIP laws that state a medical
provider is entitled to every penny they are owed, and lawsuits are filed all the time, with the plaintiff’s
counsel charging thousands of dollars, for amounts less than $100 (sometimes less than $50), and these clog
the courts. Cases were people are convicted on the most inconsequential evidence and spend years,
sometimes decades, in jail before they are exonerated. Parents that don’t deserve to have their children and
parents who are doing their best have their children taken away. Husbands (and wives) getting out of paying
alimony to a spouse that needs it because they were the major breadwinner and their abused spouse can’t
afford a lawyer to fight them. Crooked cops, crooked lawyers and crooked politicians. I’ve worked as a
paralegal for over 26 years practicing different areas of law, and none are exempt. I love my job and can’t
imagine doing anything else, but you asked if there were problems. There are.

Hope A. Rising, FRP
Paralegal to Jeffrey R. Davis, Esq.
Law Office of Thomas E. O’Hara
As an individual who actually worked in the justice system the answer to your question is the justice system blind, I have to say no. I have seen a higher percentage of arrestees who are minorities go through the system only to be railroaded by overzealous prosecutors who care more about conviction rates than doing what is right for those involved. As a former Detention Officer for Pinal County, I have seen police harass and arrest more Hispanics and blacks than I have seen Anglos. Our justice system is broken because we have turned our police from public servants to a standing paramilitary force that uses force including deadly force to up hold backward policies that have turned the public against the police and government especially in the inner-city.

I can give you two cases off the top of my head 1) State v. Debra Milke and 2) State v Courtney Bisbee, two women who are serving or have served prison time for crimes they never committed. In the Milke case she was a single parent whose child was murdered by two men over jealousy, yet the Maricopa County Attorney’s Office prosecuted her with no evidence linking her to the murders except a fraudulent confession conjured up by a known liar who happened to be a police officer; she was tried, convicted and sentenced to death on the word of one man who had credibility issues and now her conviction was thrown out but the MCAO wants to retry her using the same tainted evidence that the 9th circuit threw out. In the second case Courtney Bisbee was a student teacher and a single mom; she was tried, convicted and sentenced to twenty years in prison because of a lie. The victim came out after he moved out of his mother’s home and wrote a confession that Bisbee never raped him and yet the county attorney refuses to look that a miscarriage of justice happened.

Now what do many of the cases have in common? Each case and there are several out there have the same thread, 1) Minority (or woman) 2) working class or poor 3) No resources to put up a fight 4) ambitious prosecutor padding numbers. Now we have millionaires and billionaires on Wall Street who wrecked our economy yet not one is serving time in prison. Now, does that sound like a system that is blind?

Robert H. McDonald