

by UPI

EVANSTON, Ill. -- Legal decisions made behind closed doors are serving to greatly reduce the number of open-court trials being held in the United States, a scholar says.

The number of U.S. legal cases that go to trial has declined at an alarming rate over the last couple of decades, Northwestern University School of Law professor Robert Burns argues in a new book, the university said in a release from Evanston, Ill.

Burns argues in "The Death of the American Trial" that pre-trial legal maneuverings carried out behind closed doors are eroding the importance of open-court trials, which he calls an underpinning of American democracy.

"Corporate and government decisions are often made behind closed doors," Burns says. "Without the ability of ordinary citizens to carefully evaluate those decisions, we diminish our ability to have democratic governance."

In the book, Burns argues that the reasons for the "death of the trial" are complicated, ranging from lawyers' fees, judges' procedural rules and other technical requirements that make trials more expensive.

Also, he says, long delays in getting to trial make settlements more appealing to plaintiffs, while the number of lawyers who have the experience and skills to go to trial are diminishing.

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