

Title: Punishment Without Trial: Why Plea Bargaining is a Bad Deal (Abrams Books, 2021)

Date: Friday, 10/7/2022

Time: 1215p-145p

Format: Zoom

Pricing: Free for CLS Members

Presenter: [Carissa Byrne Hessick](#), Director, Prosecutors and Politics Project, and Anne Shea Ransdell and William Garland "Buck" Ransdell, Jr. Distinguished Professor Law, UNC School of Law, Chapel Hill, North Carolina

Scholars Corner is a CLE series presented by the Criminal Law Section bringing you legal experts and educators from across the country to discuss their latest work and speak with us about matters that are critical to our delivering better, fairer justice to all.

"This book is a must-read for anyone who wants to tackle mass incarceration, by one of the country's most thoughtful scholars."

~ Rachel E. Barkow, author of Prisoners of Politics: Breaking the Cycle of Mass Incarceration

Program description: The Criminal Law Section is privileged to welcome Professor [Carissa Byrne Hessick](#) to Scholars Corner to discuss her latest book, Punishment Without Trial: Why Plea Bargaining is a Bad Deal, which has been called "a provocative and timely exploration of how plea bargaining prevents true criminal justice reform and how we can fix it."

From the publisher's site: "When most Americans think of the criminal justice system, the image that comes to mind is a trial—a standard courtroom scene with a defendant, attorneys, a judge, and most important, a jury. It's a fair assumption. The right to a trial by jury is enshrined in both the body of the U.S. Constitution and the Bill of Rights. It's supposed to be the foundation that undergirds our entire justice system.

"In Punishment Without Trial, Professor Hessick shows that the popular conception of a jury trial couldn't be further from reality. That bedrock constitutional right has all but disappeared thanks to the unstoppable march of plea bargaining, which began to take hold during Prohibition and has skyrocketed since 1971, when it was affirmed as constitutional by the Supreme Court. "Nearly every aspect of our criminal justice system encourages defendants -- whether they're innocent or guilty -- to take a plea deal. Punishment Without Trial showcases how plea bargaining has undermined justice at every turn and across socioeconomic and racial divides. It forces the hands of lawyers, and defendants, turning our legal system into a ruthlessly efficient mass incarceration machine that is clogging our jails and punishing citizens because it's the path of least resistance.

"Professor Hessick makes the case against plea bargaining as she illustrates how it has damaged our justice system while presenting an innovative set of reforms for how we can fix it.

"Punishment Without Trial will change the way you view the criminal justice system."