# Util FW + Court Clog DA

### 1

#### Revisionary intuitionism is true and leads to util.

**Yudkowsky 8** writes[[1]](#footnote-1)

I haven't said much about metaethics - the nature of morality - because that has a forward dependency on a discussion of the Mind Projection Fallacy that I haven't gotten to yet. I used to be very confused about metaethics. After my confusion finally cleared up, I did a postmortem on my previous thoughts. I found that my object-level moral reasoning had been valuable and my **meta-level moral reasoning had been worse than useless.** And this appears to be a general syndrome - **people do much better when discussing whether torture is** good or **bad than when they discuss the meaning of "good" and "bad". Thus, I deem it prudent to keep moral discussions on the object level** wherever I possibly can. Occasionally **people object** to any discussion of morality on the grounds **that morality doesn't exist**, and in lieu of jumping over the forward dependency to explain that **"exist" is not the right term to use** here, I generally say, "But **what do you do anyway?**" and **take the discussion back down to the object level.** Paul Gowder, though, has pointed out that both the idea of choosing a googolplex dust specks in a googolplex eyes over 50 years of torture for one person, and the idea of "utilitarianism", depend on "intuition". He says I've argued that the two are not compatible, but charges me with failing to argue for the utilitarian intuitions that I appeal to. Now "intuition" is not how I would describe the computations that underlie human morality and distinguish us, as moralists, from an ideal philosopher of perfect emptiness and/or a rock. But I am okay with using the word "intuition" as a term of art, bearing in mind that "intuition" in this sense is not to be contrasted to reason, but is, rather, the cognitive building block out of which both long verbal arguments and fast perceptual arguments are constructed. **I see** the project of **morality as a project of renormalizing intuition.** We have intuitions about things that seem desirable or undesirable, intuitions about actions that are right or wrong, intuitions about how to resolve conflicting intuitions, intuitions about how to systematize specific intuitions into general principles. **Delete all** the **intuitions, and** you aren't left with an ideal philosopher of perfect emptiness, **you're left with a rock. Keep all your** specific **intuitions and** refuse to build upon the reflective ones, and you aren't left with an ideal philosopher of perfect spontaneity and genuineness, **you're left with a** grunting **caveperson** running in circles, due to cyclical preferences and similar inconsistencies. "Intuition", as a term of art, is not a curse word when it comes to morality - there is nothing else to argue from. **Even modus ponens is an "intuition"** in this sense - **it**'s **just** that modus ponens **still seems like a good idea after being** formalized, **reflected on**, extrapolated out to see if it has sensible consequences, etcetera. So that is "intuition". However, Gowder did not say what he meant by "utilitarianism". Does utilitarianism say... That right actions are strictly determined by good consequences? That praiseworthy actions depend on justifiable expectations of good consequences? That probabilities of consequences should normatively be discounted by their probability, so that a 50% probability of something bad should weigh exactly half as much in our tradeoffs? That virtuous actions always correspond to maximizing expected utility under some utility function? That two harmful events are worse than one? That two independent occurrences of a harm (not to the same person, not interacting with each other) are exactly twice as bad as one? That for any two harms A and B, with A much worse than B, there exists some tiny probability such that gambling on this probability of A is preferable to a certainty of B? If you say that I advocate something, or that my argument depends on something, and that it is wrong, do please specify what this thingy is... anyway, I accept 3, 5, 6, and 7, but not 4; I am not sure about the phrasing of 1; and 2 is true, I guess, but phrased in a rather solipsistic and selfish fashion: you should not worry about being praiseworthy. Now, what are the "intuitions" upon which my "utilitarianism" depends? This is a deepish sort of topic, but I'll take a quick stab at it. First of all, it's not just that someone presented me with a list of statements like those above, and I decided which ones sounded "intuitive". Among other things, **if you try to violate** "**util**itarianism", **you run into paradoxes, contradictions**, circular preferences, **and other** things that aren't **symptoms of** moral wrongness so much as **moral incoherence.** After you think about moral problems for a while, and also find new truths about the world, and even discover disturbing facts about how you yourself work, you often end up with different moral opinions than when you started out. This does not quite define moral progress, but it is how we experience moral progress. As part of my experienced moral progress, I've drawn a conceptual separation between questions of type Where should we go? and questions of type How should we get there? (Could that be what Gowder means by saying I'm "utilitarian"?) The question of where a road goes - where it leads - you can answer by traveling the road and finding out. If you have a false belief about where the road leads, this falsity can be destroyed by the truth in a very direct and straightforward manner. When it comes to wanting to go to a particular place, this want is not entirely immune from the destructive powers of truth. You could go there and find that you regret it afterward (which does not define moral error, but is how we experience moral error). But, even so, wanting to be in a particular place seems worth distinguishing from wanting to take a particular road to a particular place. Our intuitions about where to go are arguable enough, but our intuitions about how to get there are frankly messed up. **After** the two hundred and eighty-seventh **research** study **showing that people will chop their own feet off if you frame the problem the wrong way, you start to distrust first impressions. When you've read enough research on scope insensitivity** - people will pay only 28% more to protect all 57 wilderness areas in Ontario than one area, **people will pay the same amount to save 50,000 lives as 5,000 lives**... that sort of thing... Well, the worst case of scope insensitivity I've ever heard of was described here by Slovic: Other recent research shows similar results. Two Israeli psychologists asked people to contribute to a costly life-saving treatment. They could offer that contribution to a group of eight sick children, or to an individual child selected from the group. The target amount needed to save the child (or children) was the same in both cases. Contributions to individual group members far outweighed the contributions to the entire group. There's other research along similar lines, but I'm just presenting one example, 'cause, y'know, eight examples would probably have less impact. If you know the general experimental paradigm, then the reason for the above behavior is pretty obvious - focusing your attention on a single child creates more emotional arousal than trying to distribute attention around eight children simultaneously. So people are willing to pay more to help one child than to help eight. Now, **you could** look at this intuition, and **think it was** revealing **some** kind of **incredibly deep moral truth** which shows that one child's good fortune is somehow devalued by the other children's good fortune. But what about the billions of other children in the world? Why isn't it a bad idea to help this one child, when that causes the value of all the other children to go down? How can it be significantly better to have 1,329,342,410 happy children than 1,329,342,409, but then somewhat worse to have seven more at 1,329,342,417? **Or you could** look at that and **say: "The intuition is wrong: the brain can't** successfully **multiply** by eight and get a larger quantity than it started with. **But it ought to**, normatively speaking." And once you realize that the brain can't multiply by eight, then the other cases of scope neglect stop seeming to reveal some fundamental truth about 50,000 lives being worth just the same effort as 5,000 lives, or whatever. You don't get the impression you're looking at the revelation of a deep moral truth about nonagglomerative utilities. It's just that the brain doesn't goddamn multiply. Quantities get thrown out the window. If you have $100 to spend, and you spend $20 each on each of 5 efforts to save 5,000 lives, you will do worse than if you spend $100 on a single effort to save 50,000 lives. Likewise if such choices are made by 10 different people, rather than the same person. As soon as you start believing that it is better to save 50,000 lives than 25,000 lives, that simple preference of final destinations has implications for the choice of paths, when you consider five different events that save 5,000 lives. (It is a general principle that Bayesians see no difference between the long-run answer and the short-run answer; you never get two different answers from computing the same question two different ways. But the long run is a helpful intuition pump, so I am talking about it anyway.) The aggregative valuation strategy of "shut up and multiply" arises from the simple preference to have more of something - to save as many lives as possible - when you have to describe general principles for choosing more than once, acting more than once, planning at more than one time. Aggregation also arises from claiming that the local choice to save one life doesn't depend on how many lives already exist, far away on the other side of the planet, or far away on the other side of the universe. Three lives are one and one and one. No matter how many billions are doing better, or doing worse. 3 = 1 + 1 + 1, no matter what other quantities you add to both sides of the equation. And if you add another life you get 4 = 1 + 1 + 1 + 1. That's aggregation. **When you've read enough** heuristics and **biases research, and enough coherence** and uniqueness **proofs for** Bayesian probabilities and **expected utility**, and you've seen the "Dutch book" and "money pump" effects that penalize trying to handle uncertain outcomes any other way, **then you don't see** the **preference reversals** in the Allais Paradox **as** revealing **some** incredibly **deep moral truth** about the intrinsic value of certainty. **It just goes to show that the brain doesn't** goddamn **multiply.** The primitive, perceptual intuitions that make a choice "feel good" don't handle probabilistic pathways through time very skillfully, especially when the probabilities have been expressed symbolically rather than experienced as a frequency. So you reflect, devise more trustworthy logics, and think it through in words. When you see people insisting that no amount of money whatsoever is worth a single human life, and then driving an extra mile to save $10; or when you see people insisting that no amount of money is worth a decrement of health, and then choosing the cheapest health insurance available; then you don't think that their protestations reveal some deep truth about incommensurable utilities. Part of it, clearly, is that **primitive intuitions don't successfully diminish the emotional impact of** symbols standing for **small quantities** - anything you talk about seems like "an amount worth considering". And part of it has to do with preferring unconditional social rules to conditional social rules. Conditional rules seem weaker, seem more subject to manipulation. If there's any loophole that lets the government legally commit torture, then the government will drive a truck through that loophole. So it seems like there should be an unconditional social injunction against preferring money to life, and no "but" following it. Not even "but a thousand dollars isn't worth a 0.0000000001% probability of saving a life". Though the latter choice, of course, is revealed every time we sneeze without calling a doctor. The rhetoric of sacredness gets bonus points for seeming to express an unlimited commitment, an unconditional refusal that signals trustworthiness and refusal to compromise. So you conclude that moral rhetoric espouses qualitative distinctions, because espousing a quantitative tradeoff would sound like you were plotting to defect. On such occasions, people vigorously want to throw quantities out the window, and they get upset if you try to bring quantities back in, because quantities sound like conditions that would weaken the rule. But you don't conclude that there are actually two tiers of utility with lexical ordering. You don't conclude that there is actually an infinitely sharp moral gradient, some atom that moves a Planck distance (in our continuous physical universe) and sends a utility from 0 to infinity. You don't conclude that utilities must be expressed using hyper-real numbers. Because the lower tier would simply vanish in any equation. It would never be worth the tiniest effort to recalculate for it. All decisions would be determined by the upper tier, and all thought spent thinking about the upper tier only, if the upper tier genuinely had lexical priority. As Peter Norvig once pointed out, if Asimov's robots had strict priority for the First Law of Robotics ("A robot shall not harm a human being, nor through inaction allow a human being to come to harm") then no robot's behavior would ever show any sign of the other two Laws; there would always be some tiny First Law factor that would be sufficient to determine the decision. Whatever value is worth thinking about at all, must be worth trading off against all other values worth thinking about, because thought itself is a limited resource that must be traded off. When you reveal a value, you reveal a utility. I don't say that morality should always be simple. I've already said that the meaning of music is more than happiness alone, more than just a pleasure center lighting up. I would rather see music composed by people than by nonsentient machine learning algorithms, so that someone should have the joy of composition; I care about the journey, as well as the destination. And I am ready to hear if you tell me that the value of music is deeper, and involves more complications, than I realize - that the valuation of this one event is more complex than I know. But that's for one event. When it comes to multiplying by quantities and probabilities, complication is to be avoided - at least if you care more about the destination than the journey. **When you've reflected** on enough intuitions, **and corrected enough absurdities, you** start to **see a common denominator, a meta-principle** at work, **which one might phrase as "Shut up and multiply."** Where music is concerned, I care about the journey. When lives are at stake, I shut up and multiply. It is more important that lives be saved, than that we conform to any particular ritual in saving them. And the optimal path to that destination is governed by laws that are simple, because they are math. **And that's why I'm a utilitarian** - at least when I am doing something that is overwhelmingly more important than my own feelings about it - which is most of the time, because there are not many utilitarians, and many things left undone.

#### Simple theories are more likely to be true.

**D’Angelo 11** writes[[2]](#footnote-2)

Given some evidence, you're looking for an explanation/rule/law/principle/function that produced that evidence. Now, there are many more possible complicated explanations than simple explanations. It's not always obvious how to quantify complexity, but one way to look at it is that there are more possible valid 100-word explanations than valid 10-word explanations. There's just more room to work with in crafting an explanation when you have room for more complexity. That alone doesn't mean much - we're still just looking for the best explanation regardless of complexity. The key issue is called overfitting. Your evidence is always incomplete, and often noisy. That's why it's evidence and not the explanation itself. **Because** your **evidence is incomplete,** what **you're** really **looking for** is **an explanation that will generalize and explain future data** that you don't have access to yet. **If each explanation has a roughly equal chance of fitting** the **data** you have**, because there are** so many **more possible complicated explanations** than simple ones**, it will be more likely that a complicated explanation fits** your data better than a simple one. So if you consider all of these potential complicated explanations, chances are you're going to find one that fits your data better than a simpler explanation. **But even though it fits** the current data better**, what is the chance that it's going to be correct on future data** that you haven't seen yet**?** These **complicated explanations are less likely to generalize because there were so many** of them **that had a chance** to happen **to fit the data well, and** their **ability to generalize wasn't stressed. If you stick to simple explanations, there aren't** very **many** of them**, and** so **one that fits is going to be more likely to generalize and** to **therefore be "right"**. (The same actually applies to the accuracy of someone who only considers a small number of complicated explanations without parameters - but in science it's hard to prove which theories were considered and which were not, so a model's intrinsic simplicity is what we rely on as evidence that a huge number of explanations were not considered.)

#### Philosophical consensus is that simplicity, consistency, and explanatory depth are epistemic priorities.

 **Setiya 10**[[3]](#footnote-3)

While there are variations within the family of **moral theorists**, as for instance in their conception of moral intuitions and the nature and degree of deference owed to them—matters to be examined shortly—they **share** an **epistemic commitment to** theoretical virtues of **simplicity,** power, **consistency, and explanatory depth. The aspiration of moral thought**, for moral theorists, **is** the **construction of a** relatively **simple consistent body of** moral **principles** on the basis of **which** we **can justify a wide range of verdicts about particular cases.** “Justify” may but need not mean “deduce”: it is a matter of explaining why certain verdicts or subsidiary principles are correct, and an answer to the question “why?” does not always take the form of a valid proof. **Explanatory depth** in moral theory **is measured by the extent to which it provides such justiﬁcations.** Even though the principles that justify are no different in kind from the principles and verdicts justiﬁed, in that they are further moral claims, and even though justiﬁcations must come to an end, the point at which they do so can be more or less superﬁcial. It counts in favor of a moral theory, other things being equal, that its purported justiﬁcations are deep.

#### Util is most simple, consistent, and broad – even critics agree.

**Setiya-2**[[4]](#footnote-4)

In what follows, I use the term “coherence” as shorthand for the theoretical virtues described above, passing over differences in the weight assigned to each of them by different moral theorists. In the limiting case, a theorist might give very 207minimal weight to simplicity or power, accepting complex explanations without attempting to extend them into novel ground. 6 Still, even theorists of this kind try to avoid gratuitous complexity. More commonly, appeals to simplicity and power are allowed to put pressure on our intuitive beliefs. We could illustrate this phenomenon with various examples, of which I give three. The ﬁrst is both simple and familiar: **even critics** act-**of util**itarianism often **concede that its elegance and scope are attractive, that they are reasons to accept it** even if, on balance, the cost to moral intuition is too high. The second example is more complicated: debates about the allegedly paradoxical character of “**agent-centered restrictions**”—roughly, moral principles **that forbid us from acting** in certain ways even **to prevent more actions of the** very **same kind**—**rest** on **the** apparent  **difﬁculty of assimilating** these **restrictions to a coherent system of principles. What is the rationale for prohibiting action** of a certain kind **if not to minimize its occurrence**, which agent-centered restrictions perversely rule out**? Disputes about this** question, even those which stress the force of moral intuition, typically **give weight to** considerations of **explanatory power. Finally,** a less familiar example: in proposing an account of right action as action motivated by moral virtue, Michael **Slote** (2001, 28) **argues, on grounds of simplicity** or theoretical uniﬁcation**, that benevolence is the only virtue** there is**.** His argument is meant to provide defeasible support for the reduction of other putative virtues, like justice or courage, to “good or virtuous motivation involving benevolence or caring” (Slote 2001, 38). **If this seems odd to you, as it does to me, you should ask how it differs from** claims about the appeal of act-**util**itarianism that many are given to accept.

**Moral uncertainty means that extinction comes first under any moral system.**

**Bostrom 13** writes[[5]](#footnote-5)

These **reflections on moral uncertainty suggest** an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. **We may not** now **know**—at least not in concrete detail—**what outcomes would count as a big win for humanity;** we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly **uncertain about our ultimate aims,** then **we should recognize that there is** a **great option value in preserving**—and ideally improving—**our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is** plausibly **the best way** available to us **to increase the probability that the future will contain a lot of value.** To do this we must prevent any existential catastrophe.

**Therefore the standard is minimizing existential risk, I reserve the right clarify in CX.**

### 2

#### Courts are clogged now, but reforms are turning the tide

**Emshwiller and Fields 14**

John Emshwiller (reporter) and Gary Fields (board member for the Fund for Investigative Journalism). “Justice Is Swift as Petty Crimes Clog Courts.” Wall Street Journal. November 30th, 2014. http://www.wsj.com/articles/justice-is-swift-as-petty-crimes-clog-courts-1417404782

For the millions of Americans charged each year with misdemeanor crimes, justice can be blindingly swift. In Florida, misdemeanor courts routinely disposed of cases in three minutes or less, usually with a guilty plea, according to a 2011 National Association of Criminal Defense Lawyers study. In Detroit, court statistics show, a district judge on an average day has over 100 misdemeanor cases on his or her docket—or one every four minutes. In Miami, public defenders often hardly have time to introduce themselves to their misdemeanor clients before the cases are over. Years of aggressive policing tactics and tough-on-crime legislation have flooded the American court system with misdemeanor cases—relatively small-time crimes such as public drunkenness, loitering or petty theft. The state courts that handle such charges often resemble assembly lines where time is in short supply, according to judges and lawyers who work in the courts. Many poor defendants, despite their right to court-appointed legal counsel, don’t get lawyers, and those who do often receive scant help in the rush to resolve cases. RELATED The Short Answer: How Misdemeanor Courts Handle So Many Cases (Nov. 30, 2014) For More Teens, Arrests by Police Replace School Discipline (Oct. 20, 2014) Q&A: The Missing Numbers on Arrests in America (Oct. 20, 2014) As Arrest Records Rise, Americans Find Consequences Can Last a Lifetime (Aug. 18, 2014) How Arrests Stick With Tens of Millions of Americans (Aug. 19, 2014) Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., said recently he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer. “I have young black men coming in to plead guilty, but I start questioning them and it’s pretty clear that they don’t believe they committed a crime,” yet don’t think they have any chance of being found innocent, he said. When pressed on why they are willing to plead, he said, they reply: “‘That’s how it works, isn’t it?” Judge Boyd said he routinely tells defendants about the possible consequences of a guilty plea, including fines, jail time, loss of a driver’s license and difficulty traveling outside the U.S. For some young defendants, he said, he explains that a guilty plea means they will have to check the “yes” box on job applications that ask—as many do—whether they have ever been convicted of a crime. Over the past 20 years, U.S. authorities have made more than a quarter billion arrests, and they add 12 million more each year. Crime rates have fallen sharply over that period. The arrests have left nearly one of every three American adults on file in the FBI’s master criminal database. Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., says he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer. ENLARGE Judge Thomas Boyd, who handles misdemeanor cases in Ingham County, Mich., says he sometimes finds himself arguing with defendants who seem too eager to admit wrongdoing without consulting a lawyer. FABRIZIO COSTANTINI FOR THE WALL STREET JOURNAL Misdemeanor charges, which typically carry fines or jail terms of less than a year, account for about 70% to 80% of criminal cases annually, according to data from the National Center for State Courts, a Williamsburg, Va., clearinghouse for court-related information. Felonies such as murder, rape and armed robbery, and miscellaneous criminal traffic and appellate cases, make up the rest. A 1972 Supreme Court decision established that a misdemeanor defendant facing a potential jail sentence has the right to a lawyer. If the defendant can’t afford one, the government must provide one. Subsequent Supreme Court decisions have further defined and expanded that right to counsel. What that means for the nation’s crowded courts is a topic of debate among judges around the country. Jean Hoefer Toal, chief justice of the South Carolina Supreme Court, said courts “simply don’t have the funding” to supply lawyers in every misdemeanor case envisioned by the U.S. Supreme Court. She acknowledged her state can’t always do so, and that chief justices from other states have told her the same. Some jurists say many misdemeanor defendants simply want to get the matter over with. “If counsel were appointed on every rinky-dink misdemeanor case,” said Judge Jeffrey Middleton of St. Joseph County, Mich., the public’s cost for indigent defense would soar and “it would slow courts to a halt.” ENLARGE Government and academic researchers estimate that about one in every four misdemeanor defendants facing jail time isn’t represented by a lawyer. The Texas Indigent Defense Commission, a state body, estimated that 27% of the nearly 560,000 misdemeanor defendants in that state in fiscal-year 2013 didn’t have a lawyer. Commission research indicates that in many of the state’s 254 counties, the percentage exceeds 50%. Sharon Keller, presiding judge of the Texas Court of Criminal Appeals, said the state has made “a lot of progress” in assuring that indigent misdemeanor defendants have access to counsel, but “there is still plenty to do.” The 2011 study by the National Association of Criminal Defense Lawyers of about 1,600 misdemeanor cases in Florida found over one-third of defendants didn’t have a lawyer at their court arraignment. Of those, 80% pleaded guilty or no contest at that time—two pleas that are effectively identical—compared with 64% of those with court-appointed counsel and 61% of those who hired lawyers. The hearings took less than three minutes to complete, on average, with more than one-third finished within one minute, the study found. High-volume misdemeanor courts can be chaotic places. In a Houston courtroom one day recently, defendants—sometimes individually, sometimes in groups of up to nine—approached Judge Michael Fields. Many had lawyers; some didn’t. Some defendants pleaded guilty, received their sentences and got a “good luck” from the judge in less than 30 seconds. Judge Fields had an average of 68 cases a day on his docket in 2013, according to court records, below the average of 79 for the county’s misdemeanor courts. As the judge handled cases, court employees talked with defendants off to one side. In the public gallery, defendants conferred with their lawyers. In one conversation overheard by a reporter, lawyer John Dixon, who was doing court-appointed defense work, discussed a plea to a theft charge with 19-year-old Aaron Brown. Mr. Dixon told the young man he represented his co-defendant, who had agreed to plead guilty, and he couldn’t ethically represent both men if they had different pleas. “Are you going to accept responsibility, be a man?” Mr. Dixon asked. When the teenager hesitated, Mr. Dixon walked away. He soon returned, only to walk away again when he didn’t get an answer. Finally, on a third visit, Mr. Brown agreed to plead guilty. He subsequently received probation from Judge Fields. In a later interview, Mr. Brown said he had planned to plead guilty and initially hesitated because he didn’t understand what Mr. Dixon was saying. Mr. Dixon said he wasn’t trying to pressure Mr. Brown. “I was just trying to explain to him his choices and their consequences,” he said. Celeste Carrion, another defendant in Judge Fields’s court, said in an interview she applied for a court-appointed lawyer when she was brought in on a driving-while-intoxicated charge in May. She recalled being told she didn’t qualify. At the time, the 31-year-old was working at a bar and restaurant, and her husband had a $9-an-hour job at a shipping-and-receiving dock. She didn’t hire a lawyer herself and pleaded “no contest,” thinking it meant she wasn’t ready to enter a plea, she said. Carmen Roe, a defense lawyer and president of the Harris County Criminal Lawyers Association, happened to be in court that day. Ms. Roe recalled thinking that Ms. Carrion looked confused and that Judge Fields was negotiating a sentence without giving sufficient warnings that she was effectively entering a guilty plea. Ms. Roe intervened and Ms. Carrion’s case was continued. The case is pending and a lawyer has agreed to represent Ms. Carrion pro bono. Judge Fields ordered her to wear a device around her ankle that can detect alcohol consumption. Ms. Carrion, now working part time on a relative’s food truck, said she had been paying $360 a month to the monitoring company but recently got permission to switch to an $80-per-month device. To save money, Ms. Carrion, her husband and their 2-year-old daughter moved into a trailer behind her in-laws’ house. Judge Fields didn’t respond to questions about Ms. Carrion’s case. In an earlier interview, he said he always tries to ensure defendants are aware of their rights, verbally and in writing, as well as the potential consequences of a guilty plea. He said defendants whose cases he disposes of in seconds have lawyers who are supposed to inform each client of these rights and risks. “We trust our lawyers” to do that, he said. U.S. Attorney General Eric Holder said in a recent interview that the “crushing caseloads” in misdemeanor courts have created “almost like an assembly-line mentality” for moving defendants quickly through the system. Individuals can too easily be denied their constitutional rights, particularly the right to counsel, he said, and “end up unnecessarily imprisoned.” In Providence, R.I., municipal court, where certain misdemeanor cases are handled, indigent defendants weren’t getting court-appointed counsel in instances where a jail sentence was possible, said city solicitor Jeffrey Padwa, whose office prosecutes municipal-court cases. After receiving complaints from the state’s chief public defender and others, the city stopped seeking jail terms for indigent misdemeanor defendants until arrangements could be made to provide counsel, said Mr. Padwa. A lawyer to handle such assignments started work in November. ENLARGE Someone facing jail time “absolutely should be able to get representation,” Mr. Padwa said. In Washington state, the American Civil Liberties Union and others sued the cities of Mount Vernon and Burlington in 2011 for their treatment of indigent misdemeanor defendants. Like many municipalities, the cities contract with private lawyers. The federal judge handling the case said evidence showed individual lawyer caseloads in those towns ran as high as 1,000 annually—more than twice the maximum recommended by the American Bar Association and others. In a declaration filed in the case, Angela Montague, an Afghanistan war veteran and one of the named plaintiffs, said the lawyers she was provided, Richard Sybrandy and Morgan Witt, didn’t respond to her efforts to discuss the various misdemeanor charges against her, including driving under the influence. “It wasn’t until I became a plaintiff in this class-action lawsuit that Mr. Witt finally contacted me,” Ms. Montague said in her declaration. Messrs. Sybrandy and Witt, through their own lawyer, declined to comment. In court filings, they disputed the plaintiffs’ claims about them. Mr. Sybrandy said in one filing he did what was “necessary to obtain a just and acceptable result for the defendant” and used “every opportunity to speak with” his clients. Last December, federal judge Robert Lasnik ruled against the two towns. His decision said misdemeanor defendants had been “systematically deprived” of their rights because the cities hired too few lawyers. The defense services “amounted to little more than a ‘meet and plead’ system” where “actual innocence could conceivably go unnoticed and unchampioned,” he wrote. The lawsuit, coupled with a new state standard limiting the number of cases a lawyer doing indigent-defense work can handle, hit Burlington and Mount Vernon, which didn’t appeal the judge’s decision. The cities’ mayors said their indigent defense budgets have roughly tripled. W. Scott Snyder, a Seattle lawyer representing those cities and others, said towns around the state are facing similar cost increases. Heavy caseloads are an issue for public defenders handling misdemeanor cases in the Miami-Dade County court system in Florida. At the initial-hearing stage, typically there are one or two public defenders to handle as many as 50 new clients during a day, said chief assistant public defender Teresa Enriquez in an affidavit filed in a Miami state court. In the case of guilty pleas, which are common at that time, “there is no time for the assistant public defender(s) to interact with each and every defendant,” she wrote. Ms. Enriquez made the filing on behalf of Earl Sampson, a 29-year-old former client of her office, as part of his court motion to vacate multiple trespassing convictions at a convenience store in the town of Miami Gardens. Because of time constraints, Ms. Enriquez wrote, her office was “not able to adequately represent Mr. Sampson”—failing, among other things, to learn that he had the store owner’s permission to be on the premises. The store owner confirmed that in an interview. Mr. Sampson, whose frequent trespassing arrests drew local media coverage, claims in his motion that he had ineffective counsel. In an interview, he said he didn’t feel he trespassed but pleaded guilty because he couldn’t afford bail and feared having to stay in jail while awaiting trial. A guilty plea generally allowed him to go home, he said. The state attorney’s office in Miami, which prosecuted the trespassing cases and opposes Mr. Sampson’s motion, said in a court filing the pleas were “voluntarily and knowingly entered into,” and by pleading guilty he prevented his lawyer from investigating further. Some jurisdictions are coming up with novel solutions to reduce the crush of misdemeanor cases. Spokane, Wash., has taken out of criminal courts many misdemeanor cases relating to driving with a suspended license. Under the program, people can get back their licenses while paying off tickets over time, said city prosecutor Justin Bingham. Philadelphia and New York City moved recently to end arrests for possession of small amounts of marijuana, opting instead for fines as low as $25 and $100, respectively. About 4,000 people are arrested each year in Philadelphia for small-time marijuana possession, while New York has made about 24,000 such arrests this year, through early November. Officials in both cities said the moves would free up law-enforcement resources and help minority communities hard hit by the arrests. For people with criminal records, said Councilman James Kenney, who sponsored the Philadelphia legislation, “there are very few options available to them except for bad things.”

#### Jury null clogs the courts even further

**Frothingham 10**

Stephen Frothingham (Associated Press writer). “Allowing juries to judge law? Disastrous?” Seacoast Online. December 17th, 2010. http://www.seacoastonline.com/article/20030521/News/305219985

CONCORD — Jurors could judge crimes - and the law - under legislation being considered in the state Senate. Under the bill, judges could instruct jurors they could acquit defendants - even if prosecutors proved the crime was committed - if the jury disagreed with the law. New Hampshire would become the only state with jury instructions allowing so-called jury nullification, which also is banned in federal courts. The Senate judiciary committee voted 3-2 on Tuesday to not support passage of the bill, which has passed the House. Judges would have to give the jury instruction if the defense requested it, which legal experts said would be almost every time. Proponents said empowering juries would keep the three branches of government in check. "The people are the ultimate source of our operation as a government," the bill's sponsor, Rep. Richard Marple, R-Hooksett, told a state Senate committee on Tuesday. However, prosecutors, police and court officials said the bill would tip the scales of justice too far toward the defendant and clog the court system with more trials, longer trials, and mistrials. "The practical application of this bill would be disastrous upon our criminal justice system," Attorney General Peter Heed told the committee. Heed said the bill would turn trials into "mini-referendums" on laws. He noted that while the Legislature passes laws by a simple majority, prosecutors would have to get the unanimous support of the jury to convict someone under the law.

#### Court clog harms the economy—it’s bad for business—it also hinders justice and rights protections which turns the case

**Leahy 12**

Sen. Patrick Leahy (D-VT). “Statement Of Senator Patrick Leahy On The Nominations Of Mary Elizabeth Phillips To The Western District Of Missouri And Thomas Owen Rice To The Eastern District Of Washington.” March 6th, 2012. <http://www.leahy.senate.gov/press/statement-of-senator-patrick-leahy-on-the-nominations-of-mary-elizabeth-phillips-to-the-western-district-of-missouri-and-thomas-owen-rice-to-the-eastern-district-of-washington>

While consensus judicial nominations are stalled without a final vote by the Senate, millions of Americans across the country are being harmed by delays. The American people and our Federal courts cannot afford these unnecessary and damaging delays. As the ABA president noted last week: “Backlogs mean justice delayed in cases involving protection of individual rights, advancement of business interests, compensation of injured victims and enforcement of federal laws. Longstanding vacancies on courts with staggering caseloads impede access to the courts. They create strains that, if not eased, threaten to reduce the quality of our justice system. They erode confidence in the courts’ ability to uphold constitutional rights and render fair and timely decisions. Delay at the federal courts puts people’s lives on hold while they wait for their cases to be resolved. Businesses face uncertainty and costly holdups, preventing them from investing and creating jobs. In sum, judicial vacancies kill jobs. Justice delayed, as the famous maxim goes, is justice denied. It’s bad for business, it’s unfair to individuals, and it slows government enforcement actions, which ultimately costs taxpayers money.”

#### The US is key to the global economy

**Caploe 9**

David, CEO of the Singapore-incorporated American Centre for Applied Liberal Arts and Humanities in Asia., “Focus still on America to lead global recovery”, April 7, The Strait Times, lexis

IN THE aftermath of the G-20 summit, most observers seem to have missed perhaps the most crucial statement of the entire event, made by United States President Barack Obama at his pre-conference meeting with British Prime Minister Gordon Brown: 'The world has become accustomed to the US being a voracious consumer market, the engine that drives a lot of economic growth worldwide,' he said. 'If there is going to be renewed growth, it just can't be the US as the engine.' While superficially sensible, this view is deeply problematic. To begin with, it ignores the fact that the global economy has in fact been 'America-centred' for more than 60 years. Countries - China, Japan, Canada, Brazil, Korea, Mexico and so on - either sell to the US or they sell to countries that sell to the US. This system has generally been advantageous for all concerned. America gained certain historically unprecedented benefits, but the system also enabled participating countries - first in Western Europe and Japan, and later, many in the Third World - to achieve undreamt-of prosperity. At the same time, this deep inter-connection between the US and the rest of the world also explains how the collapse of a relatively small sector of the US economy - 'sub-prime' housing, logarithmically exponentialised by Wall Street's ingenious chicanery - has cascaded into the worst global economic crisis since the Great Depression. To put it simply, Mr Obama doesn't seem to understand that there is no other engine for the world economy - and hasn't been for the last six decades. If the US does not drive global economic growth, growth is not going to happen. Thus, US policies to deal with the current crisis are critical not just domestically, but also to the entire world. Consequently, it is a matter of global concern that the Obama administration seems to be following Japan's 'model' from the 1990s: allowing major banks to avoid declaring massive losses openly and transparently, and so perpetuating 'zombie' banks - technically alive but in reality dead. As analysts like Nobel laureates Joseph Stiglitz and Paul Krugman have pointed out, the administration's unwillingness to confront US banks is the main reason why they are continuing their increasingly inexplicable credit freeze, thus ravaging the American and global economies. Team Obama seems reluctant to acknowledge the extent to which its policies at home are failing not just there but around the world as well. Which raises the question: If the US can't or won't or doesn't want to be the global economic engine, which country will? The obvious answer is China. But that is unrealistic for three reasons. First, China's economic health is more tied to America's than practically any other country in the world. Indeed, the reason China has so many dollars to invest everywhere - whether in US Treasury bonds or in Africa - is precisely that it has structured its own economy to complement America's. The only way China can serve as the engine of the global economy is if the US starts pulling it first. Second, the US-centred system began at a time when its domestic demand far outstripped that of the rest of the world. The fundamental source of its economic power is its ability to act as the global consumer of last resort. China, however, is a poor country, with low per capita income, even though it will soon pass Japan as the world's second largest economy. There are real possibilities for growth in China's domestic demand. But given its structure as an export-oriented economy, it is doubtful if even a successful Chinese stimulus plan can pull the rest of the world along unless and until China can start selling again to the US on a massive scale. Finally, the key 'system' issue for China - or for the European Union - in thinking about becoming the engine of the world economy - is monetary: What are the implications of having your domestic currency become the global reserve currency? This is an extremely complex issue that the US has struggled with, not always successfully, from 1959 to the present. Without going into detail, it can safely be said that though having the US dollar as the world's medium of exchange has given the US some tremendous advantages, it has also created huge problems, both for America and the global economic system. The Chinese leadership is certainly familiar with this history. It will try to avoid the yuan becoming an international medium of exchange until it feels much more confident in its ability to handle the manifold currency problems that the US has grappled with for decades. Given all this, the US will remain the engine of global economic recovery for the foreseeable future, even though other countries must certainly help. This crisis began in the US - and it is going to have to be solved there too.

#### Economic decline causes extinction

**Kemp 10**

Geoffrey Kemp, Director of Regional Strategic Programs at The Nixon Center, served in the White House under Ronald Reagan, special assistant to the president for national security affairs and senior director for Near East and South Asian affairs on the National Security Council Staff, Former Director, Middle East Arms Control Project at the Carnegie Endowment for International Peace, 2010, “The East Moves West: India, China, and Asia’s Growing Presence in the Middle East”, p. 233-4

The second scenario, called Mayhem and Chaos, is the opposite of the first scenario; everything that can go wrong does go wrong. The world economic situation weakens rather than strengthens, and India, China, and Japan suffer a major reduction in their growth rates, further weakening the global economy. As a result, energy demand falls and the price of fossil fuels plummets, leading to a financial crisis for the energy-producing states, which are forced to cut back dramatically on expansion programs and social welfare. That in turn leads to political unrest: and nurtures different radical groups, including, but not limited to, Islamic extremists. The internal stability of some countries is challenged, and there are more “failed states.” Most serious is the collapse of the democratic government in Pakistan and its takeover by Muslim extremists, who then take possession of a large number of nuclear weapons. The **danger of war between India and Pakistan increases** significantly. Iran, always worried about an extremist Pakistan, expands and weaponizes its nuclear program. That further enhances nuclear proliferation in the Middle East, with Saudi Arabia, Turkey, and Egypt joining Israel and Iran as nuclear states. Under these circumstances, the potential for nuclear terrorism increases, and the possibility of a nuclear terrorist attack in either the Western world or in the oil-producing states may lead to a further devastating collapseof the world economic market, with a tsunami-like impact on stability. In this scenario, major disruptions can be expected**,** with dire consequences for two-thirds of **the planet’s population**.

# 2NR DA

### Overview

#### Jury null clogs the courts--it leads to more trials and longer trials—that’s Frothingham. That causes economic decline which goes global and causes extinction from nuclear proliferation, nuclear terrorism, and hotspot escalation—that’s Kemp.

#### The DA turns the case—justice delayed is justice denied—court clog hinders fair application of laws—that makes injustices in the CJS inevitable—that’s Leahy

### AT Link Turns

#### They need uniqueness to win a link turn—there’s only a risk that jury null causes court clog because legal reforms are reducing court clog in the status quo—that’s Enshwiller and Fields

#### Jury null clogs the courts—

#### (a) More trials—plea bargaining reduces the number of trials now, but jury null incentivizes defendants to pursue trials over plea deals to send a message

**FIJA 10-1**

Fully Informed Jury Association (the leading proponent of jury nullification, according to the Southern Poverty Law Center). “Jon Peditto to Use Jury Nullification Strategy in MMJ Case.” October 1st, 2015. http://fija.org/2015/10/01/jon-peditto-to-use-jury-nullification-strategy-in-mmj-case/

This week we have learned of a courageous New Jersey resident who is openly pursuing a jury nullification strategy in a medical marijuana jury trial coming up at the Ocean County Courthouse in Towns River, NJ. Jon Peditto is a photographer and marijuana grower and activist who was arrested in 2012 and charged with several counts regarding completely victimless marijuana-related offenses. Despite knowing how biased courts are against jury nullification, and after turning down several plea bargains and the option of having his offenses handled through drug court (which circumvents the right to trial by jury), Peditto is opting for trial by jury and is openly pursuing a jury nullification strategy. In this interview with Ken Wolski, Executive Director of the Coalition for Medical Marijuana New Jersey, Peditto discusses his case in detail, including why he is opting to exercise his Sixth Amendment right instead of forfeiting it to go through the alternative drug court. Exercising one’s right to trial by jury virtually guarantees that if one is convicted, one will suffer substantially more punishment than what one would suffer under a plea bargain. We refer to this as the arithmetic of injustice. The cost of trial by jury is the difference between the sentence imposed under a plea bargain (i.e. what the prosecution thinks is a just sentence for the offenses committed) and the sentence imposed if one is convicted in a trial by jury. All of that extra punishment is for no other purpose than to bully defendants into forfeiting their Constitutionally-guaranteed right and to punish and make examples of them if they refuse to knuckle under to abusive authority. “To get in there and talk to a jury, they’re gonna add decades to your sentence. They’re gonna add decades. They don’t want anybody talking to juries. I absolutely am sure of this,” notes Jon Peditto. “Most attorneys won’t go to trial, mainly because they never do and they’re uncomfortable doing them. It’s actually work. They have to work for a living, which is something they don’t like to do like most people. Let’s get this done fast. So plea bargaining is the new America. Again, I can’t tell you how dangerous this is,” Peditto emphasizes. Peditto speaks of his experience with the judge in his case, who so far seems a bit confused that he is not taking plea deals. “Why am I not taking these plea deals? One after another after another. I can see the confusion on his face. But I think now we’re getting to the point where he knows that I just want to talk to these twelve people. And I want to send a clear message, not just to the state of New Jersey but to everybody, that juries will NOT convict peaceful marijuana cases,” Peditto says. Jon has previously shared his thoughts on jury nullification in cannabis cases on the Garden State Cannabis website. He noted that cultivating 15 marijuana plants in New Jersey is classified as a Class A felony, 1st degree, putting this completely victimless offense legally in the same category as murder, manslaughter, and rape. “Even without juries being informed of jury nullification, cases have been won here in New Jersey with jurors, after watching defendant testimony, deciding for either moral or personal reasons not to convict, concluding that the charges were unjust,” Peditto said.

#### (b) Longer trials—jury null makes trials longer by turning them into mini-referendums on the law—means jurors will deliberate longer which leads to backlog—that’s Frothingham

### AT Econ Defense

#### The defense doesn’t assume the specificity of my internal link—claims that decline isn’t that bad don’t assume a world where court clog has massively increased—the 1NC Leahy evidence proves long-term decline is inevitable when court clog discourages businesses from investing and creating jobs

#### Decline causes war—it leads to massive political and social unrest which causes extremism and instability—wars will result in hotspots like the Indo-Pak region, and that goes nuclear—that’s Kemp

#### Economic crisis risks conflict—studies and history prove

**Royal 10**

Jedediah Royal (Director of Cooperative Threat Reduction, US DoD). “Economic Integration, Economic Signaling and the Problem of Economic Crises.” Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, pgs. 217-219, 2010. Google Books.

There is. however, another trend at play. Economic crises tend to fragment regimes and divide polities. A decrease in cohesion at the political leadership level and at the electorate level reduces the ability of the State to coalesce a sufficiently strong political base required to undertake costly balancing measures such as economic costly signals. Schweller (2006) builds on earlier studies (see. e.g.. Christensen. I996; Snyder, 2000) that link political fragmentation with decisions not to balance against rising threats or to balance only in minimal and ineffective ways to demonstrate a tendency for states to ‘underbalance’. Where political and social cohesion is strong, states are more likely to balance against rising threats in effective and costly ways. However, ‘unstable and fragmented regimes that rule over divided polities will be significantly constrained in their ability to adapt to systemic incentives; they will be least likely to enact bold and costly policies even when their nation’s survival is at stake and they are needed most` (Schweller. 2006, p. l30). Papayoanou (1997) observes this tendency in British. French and American behaviour towards Germany in the l930s. The Great Depression led states to become inward-looking, prioritising domestic economic interests above external national security threats. The inherent weakness in the disparate political outlooks that coincided with the economic crisis hindered their ability to balance effectively against Germany. Indeed. in the case of Great Britain. Papayoanou indicates that even though the political elite wanted to break Britain`s strong economic ties with Germany for fear of 'sleeping with the enemy” a weak political base and relatively stronger interests in domestic economic growth bound the hands of the British government. Great Britain thus elected not to undertake economic costly signals despite the presence of a clear and growing threat. Papayoanou (I997, pp. ll4-I l5) concludes that when "˜status quo powers have strong economic links with threatening powers, weaker balancing postures and conciliatory policies by status quo powers, and aggression by aspiring revisionist powers, are more likely`. Underbalancing (in this case. by not sending economic costly signals) during economic crises is consistent with a growing body of literature on the influence of domestic "˜veto players` on the decision to use force. Veto players are those vested interests within an electorate or selectorate that have the authority to resist change in status quo policies. The tendency to under- balance is disproportionately strong in states with large numbers of veto players, a situation more prevalent in democracies than autocracies. Where relatively higher numbers o fveto players exist within a polity, the opportunity to change status quo economic and trade policies. for example. through costly signaling. decreases (Tsebelis. 2002; Manslieldr Milner. & Pevehousc, 2008; St. Marie. Hansen. & Tuman. 2006; Maclntyre. 200l; Walsh. 2007). ln summary. I hypothesize that the occurrence of an economic crisis increases the cost associated with ECST and thus decreases the willingness of states to send economic costly signals. Although the fact that increased costs should make the signal more effective. scholarship on underbalancing theory and veto player theory provide rationale for why economic crises may inhibit the use of economic costly signals, even in the face of a direct threat. CONCLUSION The logic of ECST supports arguments for greater economic interdepen- dence to reduce the likelihood of conflict. This chapter does not argue against the utility of signaling theory. It does, however, suggest that when ECST logic is dubious as an organizing principle for security policymakers. The discussion pulls together some distinct areas of research that have not yet featured prominently in the ECST literature. Studies associating economic interdependence, economic crises and the potential for external conflict indicate that global interdependence is not necessarily a conflict- suppressing process and may be conflict-enhancing at certain points. Furthermore, the conditions created by economic crises decrease the willingness of states to send economic costly signals even though such signals may be most effective during an economic crisis.

### AT Alt Causes—Econ Decline

#### Court clog kills job growth—that’s Leahy—job growth is the strongest internal link to economic growth—that outweighs alt causes

**Patton 12**

Mike Patton (Forbes contributor). “The Key to Economic Growth: Reduce The Unemployment Rate!” Forbes. August 27th, 2012. http://www.forbes.com/sites/mikepatton/2012/08/27/the-key-to-economic-growth-reduce-the-unemployment-rate/

Introduction We’ve all heard how the U.S. economy has been slow to recover. In the final analysis, there is one issue which resides at the epicenter of economic growth. That is our unemployment dilemma. How important is the unemployment rate to our economic recovery? Let me put it in these terms. Employment is to economic growth what oxygen is to the human existence. You can’t have one without the other. In this article, I will present evidence to bolster the point that until the unemployment rate is brought down to a more reasonable level, our economic recovery will falter. Just The Facts The chart below illustrates how unemployment and GDP move in opposition to each other. Using data from January 1948 until the present, one can easily see the inverse relationship between the two. Upon more careful scrutiny, you will notice that most of the time GDP falls as unemployment rises and vice versa. When you calculate the correlation of these two data sets, you find it is -0.38%. As a refresher, correlation measures how closely two (or more) series of data move relative to each other. The scale is from negative one (-1) to positive one (+1). If the correlation was positive one, then it would be said that the two items moved exactly together. If negative one, then they move in the exact opposite direction. In layman terms, correlation measures how each “zigs” and/or “zags” in relation to each other. With unemployment and GDP having a correlation of -0.38%, there is a strong negative relationship. Therefore, we must get the American worker back into the labor force. If you need additional evidence, consider this. When you include all calendar quarters from January 1948 through the end of the second quarter 2012, the average unemployment rate during quarters when GDP was negative (i.e.; the economy contracted), was 7.4%. The average rate during the entire period was 5.8%. When you exclude all quarters with negative GDP, the average unemployment rate was 5.6%. Therefore, it is easy to conclude that until we can get unemployment down to say less than 6.0%, GDP will likely remain sluggish. Conclusion What will it take to get people back to work? We’ll discuss that in an upcoming article. Until then, I’ll leave you with a bit of sage advice from Henry Ford to the unemployed during the Great Depression.

### AT Alt Causes—Court Clog

#### My uniqueness evidence factors in alt causes like high arrest rates and tough-on-crime legislation, but says that reforms in the status quo will solve those—that’s Fields—this means jury null uniquely risks a huge increase in court clog

#### The link controls the direction of uniqueness—the status quo is in flux, but we know for sure that jury null will clog the courts—means you vote neg despite potential alt causes

### Ext: Turns the Case

#### Court clog undermines just enforcement of laws—that turns the case

**Bannon 13**

Alicia Bannon (serves as counsel for the Brennan Center’s Democracy Program, where her work focuses on judicial selection and promoting fair and impartial courts. Ms. Bannon also previously served as a Liman Fellow and Counsel in the Brennan Center’s Justice Program. J.D. from Yale Law School in 2007, where she was a Comments Editor of the Yale Law Journal). “Testimony: More Judges Needed in Federal Courts.” Brennan Center for Justice at NYU School of Law. September 10, 2013. http://www.brennancenter.org/analysis/testimony-federal-courts-need-more-judges

The growing workload in district courts around the country negatively impacts judges’ ability to effectively dispense justice, particularly in complex and resource-intensive civil cases, where litigants do not enjoy the same “speedy trial” rights as criminal defendants. For example, the median time for civil cases to go from filing to trial has increased by more than 70 percent since 1992, from 15 months to more than two years (25.7 months). Older cases are also increasingly clogging district court dockets. Since 2000, cases that are more than three years old have made up an average of 12 percent of the district court civil docket, compared to an average of 7 percent from 1992-1999. For a small company in a contract dispute or a family targeted by consumer fraud, these kind of delays often mean financial uncertainty and unfilled plans, putting lives on hold as cases wind through the court system. All too often, justice delayed in these circumstances can mean justice denied. These patterns of delay are starkly reflected in the districts for which additional judgeships are recommended, many of which lag behind the national average in key metrics. In the Eastern District of California, for example, the median time for civil cases to go from filing to trial is almost four years (46.4 months). This district would receive six additional permanent judgeships and one additional temporary judgeship under the Act. In the Middle District of Florida, over 23 percent of the civil docket is more than three years old. This district would receive five additional permanent judgeships and one additional temporary judgeship under the Act. The federal courts are a linchpin of our democracy, protecting individual rights from government overreach, providing a forum for resolving individual and commercial disputes, and supervising the fair enforcement of criminal laws. In order for judges to perform their jobs effectively, however, they must have manageable workloads. The Brennan Center urges Congress to promptly pass the Federal Judgeship Act of 2013, so as to ensure the continued vitality of our federal courts.

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