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THE INSIDER: LAURA COATES'S *JUST PURSUIT* AND CRITIQUING PROSECUTION FROM WITHIN

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ABSTRACT

In Just Pursuit: A Black Prosecutor's Fight for Fairness*, Laura Coates recounts her experience as a local prosecutor in the District of Columbia. Coates, now a T.V. commentator and radio host, describes the difficulty of reconciling her ideals, her identity as a Black woman and a mother, and the reality of assembly-line justice. By the end of her time as a prosecutor, she writes, "I was no longer confident that my presence in the system was an asset and not somehow a betrayal."*[1]

This book review situates Coates's memoir within the hybrid legal system that governs Washington, D.C.; within the challenges inherent to modern prosecution; and within the literature surrounding prosecutorial ethics. It argues that while the last generation of academic literature has indeed begun reckoning with prosecutors' ethical role in the system, that reckoning has not crossed over into general discourse. Coates's book, which is written with dramatic flair as well as thoughtfulness, is an important entry point into a wider discussion of those conflicts.

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1. LAURA COATES, JUST PURSUIT: A BLACK PROSECUTOR'S FIGHT FOR FAIRNESS 6 (2022) [hereinafter JUST PURSUIT].

The ladies' room at the prosecutor's office smelled like vomit. This was not uncommon. I'm told the men's room was the same. This was not a restroom open to the public; this was the locked-off bathroom in the basement of the Superior Court for the District of Columbia, available only to prosecutors and police officers. This was where those prosecutors—including me—got nauseated after telling a wailing woman that her boyfriend was being locked up, or after asking a judge to incarcerate an 18-year-old young man. I have gone into that room and heard retching, smelled the morning's breakfast, and seen women reapply concealer under eyes puffy and pink from crying.

This is not typically how we think of prosecutors. In popular depictions and often in real life, prosecutors are the black-and-white thinkers of the criminal justice system. Right is right, wrong is wrong, and there is no sense getting emotional about it. Perhaps with warmth toward victims, but otherwise frosty, controlled, and professional. We do not wear patterned ties or loud dresses. Other participants in the criminal justice system call us assholes a lot.

Laura Coates's new memoir, *Just Pursuit*, presents a vivid, visceral look at what goes on behind that composed exterior. She shows how one woman—a Black woman—cries, fears, rages, negotiates, strategizes, compromises, and compartmentalizes in order to create that blank visage. She shows that even the most composed participants in the criminal justice system can be shocked every day by its inhumanity.

To be clear, Coates does not ask you to feel sorry for the prosecutors—far from it—and neither do I. Indeed, most of us who became prosecutors did so because it can be the most powerful position in the criminal justice system.[2] Judges can only affect the lives of the defendants who come before them; prosecutors decide who those defendants will be in the first place. Quietly dismissing a case if the evidence does not seem strong enough—a decision prosecutors make multiple times a week with little oversight—can accomplish in minutes what a defense attorney may spend many months seeking. As Coates tells a defense attorney in the book, "I . . . understand the value in being the decision maker rather than having to deal with someone else's decision."[3]

And yet, in the end Coates leaves her job as a prosecutor, wrung out by the effort of searching for justice in a courthouse that could be mistaken for a crowded train station. But she has left us with this document, an empathetic, page-turning look at what prosecution looks like from the inside.

2. *See, e.g.*, Angela J. Davis, *The American Prosecutor: Independence, Power, and the Threat of Tyranny*, 86 IOWA L. REV. 393, 399 (2001).

3. JUST PURSUIT, *supra* note 1, at 96.

I. BABY PROSECUTORS

In most of the country, the local prosecutor is directly elected by their city's or county's citizens.[4] Usually they are called district attorneys, but sometimes prosecuting attorneys or state's attorneys. They and the staff of attorneys who work for them prosecute whatever comes across their desks: reckless driving, drug crimes, stolen cars, muggings, rapes, murders. Assistant district attorneys are poorly paid, though not quite as poorly paid as the public defenders who sit across from them.[5] They often stay a whole career at the job; it is steady work, and the longer you do it, the less it overwhelms you.

The local prosecutor's office in Washington, D.C., where Coates worked, is in some ways just like those other local prosecutor's offices. Prosecutors there still have the same roster of reckless driving, drug crimes, stolen cars, muggings, rapes, and murders. But in D.C., as a consequence of the incomplete autonomy granted by the Home Rule Act,[6] local prosecution is directed and staffed by the federal government instead of a local elected official.

Federal control attracts a different staff to local prosecution in D.C. than in many other places. In some ways, that is healthy—the pay is better,[7] the caseload is somewhat lower, the applicants have stronger academic records, and the prosecutors have exposure to less chaotic, better-grounded parts of the criminal justice system by virtue of being part of the U.S. Department of Justice.

In other ways, though, it is clearly unhealthy. Most of those problems stem from transience. The bulk of the prosecutors working in the Superior Court are D.C. transplants, with little knowledge of the city or connection to its poorer and minority communities. They agree to four-year commitments on joining the office,[8] and a large proportion of them—like Coates—leave as soon as their four years are up, many heading to law firms with trial experience under their belts. The goal of the prosecutors who stay is often to transfer within the office from

4. Steven W. Perry & Duren Banks, *Prosecutors in State Courts, 2007 Statistical Tables,* U.S. DEP'T. OF JUST. 1 (Dec. 2007), https://bjs.ojp.gov/content/pub/pdf/psc07st.pdf [https://perma.cc/THP9-2AKX]; George Coppolo, *States that Elect their Chief Prosecutors*, CONN. GEN. ASSEMBLY (Feb. 24, 2003), https://www.cga.ct.gov/2003/rpt/2003-R-0231.htm [https://perma.cc/WE27-GJ78].

5. In 2010, around when Coates started prosecuting, local prosecuting attorneys had a median entry-level salary of $50,000 and a median salary of $81,500 for those with 11–15 years of experience. For public defenders, the figures were $47,500 and $76,000. *New Findings on Salaries for Public Interest Attorneys*, NALP BULL. (Sept. 2010), https://www.nalp.org/sept2010pubintsal [https://perma.cc/Q3MR-BLJS].

6. *See* D.C. CODE § 1–206.02(a)(8) (2015); *see* Theodore Voorhees, *The District of Columbia Courts: A Judicial Anomaly*, 29 CATH. UNIV. L. REV. 917, 918–19 (1980), for a fascinating history of the D.C. courts system over the past two centuries.

7. *Federal Prosecutor Salary in Washington, DC*, COMPARABLY, https://www.comparably.com/salaries/salaries-for-federal-prosecutor-in-washington-dc [https://perma.cc/X9YM-E4VK] (last visited Oct. 6, 2022).

8. JUST PURSUIT, *supra* note 1, at 3.

the local docket to the federal docket: less chaotic, fewer trials, more white-collar, more cerebral. Because the office knows that so many of their attorneys will be gone in four years, they cycle them through the system at warp speed and with enormous pressure: six months in appeals, six months in misdemeanors, six months presenting cases to the grand jury, etc.

This makes many prosecutors in D.C. Superior courts "baby prosecutors" in several senses. They are often young, completing their four-year commitments in their early thirties. They are also inexperienced, leaving just when they learn what they're doing. At almost every stage of the process, those prosecutors are striving to cover their nervousness and inexperience, eager not to be left behind in the next round of promotions, and less concerned with forming working relationships with defense attorneys or other repeat players. These factors lead to a staff that often seems to act more aggressively than many other local prosecutors' offices do.[9] There are, of course, numerous exceptions to this rule. Some prosecutors stay in Superior Court their whole careers, and some of the short-timers, like Coates, defy the enormous structural pressures. But the obstacles they face do not make that easy.

Just Pursuit portrays that prosecutorial aggressiveness and tone-deafness so devastatingly that the prosecutors seem almost unreally cruel. Coates describes one of her fellow prosecutors speaking in the presence of a Black defendant in a tone that was "obviously mocking," letting off "punch lines and laughter [that] became more pronounced, more obnoxious, more dismissive of the fact that there was a chained human being here who surely saw no humor in his own situation."[10] That attitude contrasts with the "cavity-inducing" sweetness and deference that the prosecutors extend to white victims.[11] Other prosecutors handle cases that they do not believe in or think are immoral by dumping them on other colleagues rather than dismissing them.[12]

Coates and I were baby prosecutors in that system together. I was a "special," a trial attorney brought over from the Civil Rights Division at the Department of Justice for a seven-month crash course in local prosecution, after which I returned to my regular job at Main Justice. Coates had taken a slightly different track: she started as a Civil Rights Division trial attorney like me, but she had made the permanent switch to local prosecution. During my stint at D.C. Superior Court, Coates and I worked in the domestic violence unit, prosecuting low-level assaults, batteries, and violations of protective orders in the first floor

9. The Manhattan and Brooklyn District Attorney's Offices are probably the closest analogies, in my personal experiences. Although they are not under the control of the U.S. Department of Justice, they attract similar applicants and exert similar pressures.

10. JUST PURSUIT, *supra* note 1, at 25–26.

11. *Id.* at 201, 202.

12. *Id.* at 205.

of the packed and grimy courthouse. For Coates, unlike for me, this was not a temporary training ground; this was her life, at least for the next four years.

Although I did not know Coates well or for long, I liked her very much. She was whip-smart, direct, composed, and worked hard. She was kind to her colleagues, and, as far as I could see, to defense attorneys, victims, and defendants. One thing that the book does not convey, but that is likely familiar to listeners of her radio show,[13] is her generous laugh and her warmth. If a woman like Coates—smart and well-grounded—working at a well-resourced prosecutor's office like D.C.'s could not make peace with this job, then what hope is there for anyone in this system?

II. INNOCENCE IS IRRELEVANT

Anyone interested enough to read a law review article about the criminal justice system likely knows that the vast majority of criminal cases end in plea bargains rather than trials.[14] Even that gives a false impression, however, as it still implies that most of a prosecutor's time is spent on issues directly related to guilt or innocence. That is not really the case either, though.[15]

When Coates and I were baby prosecutors together, our lives ran in ten-day cycles. In any two-week span, we had two days of "papering,"—preparing charging documents for new cases—one day of pretrial release hearings, two days of parole violation hearings, one day as a floater, two days doing paperwork, and only two days in a trial courtroom, where both trials and plea agreements get hammered out. Most of our time was spent on that other, collateral stuff that has nothing to do with the merits of a case. The proportions get better as you move up the ranks, but not that much.

13. "The Laura Coates Show" has aired daily on SiriusXM since 2017. Coates is also a legal commentator on CNN. *Meet Laura Coates*, https://www.lauracoates.com/about/ [https://perma.cc/S769-H8F9] (last visited Oct. 6, 2022).

14. In 2011, the year that Coates and I both worked in D.C. Superior Court, there were 442 felony trials and 2,950 guilty pleas, meaning that 87% of felony defendants whose cases were fully adjudicated entered a guilty plea. U.S. DEP'T OF JUST., UNITED STATES ATTORNEYS' ANNUAL STATISTICAL REPORT 15 (2011). Another 1,002 defendants had their charges dismissed prior to trial. *Id.* A study done the same year by the Bureau of Justice Assistance estimated that, nationwide, "about 90 to 95 percent of both federal and state court cases are resolved through [the plea] process . . . ." U.S. DEP'T OF JUST., BUREAU OF JUST. ASSISTANCE, PLEA & CHARGE BARGAINING: RESEARCH SUMMARY 1 (2011) (citing BUREAU OF JUST. STATS., STATE COURT SENTENCING OF CONVICTED FELONS (2005)); T. Flanagan & K. Maguire, SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS (1990).

15. The classic text on the mercenary nature of plea bargaining is, as always, Robert E. Scott & William J. Stuntz, *Plea Bargaining as Contract*, 101 YALE L.J. 1909, 1909 (1992).

Much of the newer literature on the ethics of prosecution has an emphasis on the risks and mechanics of prosecuting the innocent.[16] As important as that question is, it addresses only a small corner of what prosecutors do. The vast majority of people who are adjudicated guilty are, in fact, legally guilty. There are some instances where reforms focused on innocence have benefits for the system as a whole, the most obvious of which is the quality and funding of public defense. But other problems in prosecution, like the ones noted above, are untouched and often forgotten in an examination of innocence.[17]

Questions of guilt and innocence are not Coates's primary concerns, other than a single chapter on a case of mistaken identity. Instead, she focuses on those endless hours spent on collateral issues, which are enormously consequential to the people they affect but have nothing to do with whether a person will be convicted of a crime: Will a defendant be held in jail prior to trial? Are there immigration consequences? What help, if any, can be provided to the victims? What if the victim does not want the case to be prosecuted? What happens if the defendant violates his pretrial release? Or his post-conviction parole conditions?

Those questions lead Coates to concentrate on two categories of people. The first is non-defendants who nonetheless end up caught up in and harmed by the criminal justice system. The second is defendants who have indeed violated the law, but who end up punished in ways that the law itself does not contemplate: arrested by police officers trying to hit their numbers, tried by judges who are online shopping instead of listening to testimony, defended by lawyers who do not look at their case files until the day of trial.

Interestingly, the people who come across the worst in this treatment are the judges. The online-shopping judge described above also had retrograde attitudes about rape victims that time-traveled straight from the Eisenhower Era. " . . . No one who has been raped, even a young teenager, would have skipped down the aisle of the courtroom dressed like that," Coates quotes that same judge as saying during an acquittal.[18] "That" outfit that the judge was referring to was the victim being braless in a short skirt.[19] The judges in this book never listen, rarely empathize, and enjoy nothing so much as wielding their own power.

And while some of this judicial boorishness was likely true, and some likely exaggerated for effect, I found myself wondering why Coates chose to put this focus on judges as the worst of the worst. In my own experience, while some judges can certainly be obnoxious, they are far from the most toxic part of the

16. *See, e.g.*, BRANDON L. GARRETT, CONVICTING THE INNOCENT: WHERE CRIMINAL PROSECUTIONS GO WRONG (2011); DANIEL S. MEDWED, PROSECUTION COMPLEX: AMERICA'S RACE TO CONVICT AND ITS IMPACT ON THE INNOCENT (2012).

17. In much the same way, a focus on the death penalty can draw attention away from—and even worsen—issues around life without parole. *See* Note, *A Matter of Life and Death: The Effect of Life-Without-Parole Statutes on Capital Punishment*, 119 HARV. L. REV. 1838, 1839 (2006).

18. JUST PURSUIT, *supra* note 1, at 158 (internal quotation marks omitted).

19. *See id.* at 143.

system. I think Coates does this because judges are *supposed* to be the fairest, most-level headed participants in the justice system.[20] If she can get her readers to believe that even they are morally bankrupt, then she can show them how truly broken the system is.

III. WHERE DOES THE TIME GO?

One thing Coates gets exactly right, and that does not seem exaggerated in the least, is how many of the problems with modern prosecution stem from overcrowding, overwork, and under-resourcing. Everything is rushed, and rushed justice does not look much like justice at all.[21]

In an early chapter, Coates describes a Mexican man who is the victim of a crime—he had his car stolen. The man, Manuel, is soon treated as if he were the defendant rather than the victim. Manuel is undocumented, and Coates discovers that there is a warrant for his deportation, and that he will be taken into custody and removed from the country if he testifies:

> With the trial two days away, I sought advice from my supervisors. Surely there was a precedent for immigration issues in an international community like Washington, D.C.? There wasn't. The nature of the warrant was irrelevant; we were required to turn the person in to the appropriate authority regardless. Could I warn him first? Sure, if I wanted to lose my law license. I reached out to the victim liaison, who told me to call and tell him not to show up to trial and not report his whereabouts to the marshals. . . . Instead, I asked my supervisors to consider dismissing the charge. They declined.[22]

At this point in the book, my margin notes start becoming more voluminous and more emphatic, putting forward potential solutions as if Coates and I were brainstorming in that courthouse together. "U visa?" "Stipulation with defense for trial?" "Plea bargain?" "Counsel for victim?" "Victim advocate more assertive?" "Conference with judge?" "U visa?!"

A U visa is a category of visa designed for immigrants who are cooperating with the authorities to assist in the prosecution of crimes.[23] It allows them to remain in the country legally in order to ensure their availability for trial. To Coates's credit, she does eventually ask her supervisors to approve one, but only

20. Erin R. Collins, *The Problem of Problem-Solving Courts*, 54 U.C. DAVIS L. REV. 1573, 1584 (2021) (recounting and then puncturing the narrative of "innovative trial judges who draw on their real-world observations to push back against the inefficiencies of tough criminal justice enforcement policies").

21. *See* Adam M. Gershowitz & Laura R. Killinger, *The State (Never) Rests: How Excessive Prosecutorial Caseloads Harm Criminal Defendants*, 105 NW. U. L. REV. 261, 263 (2011).

22. JUST PURSUIT, *supra* note 1, at 9–10.

23. *See* U.S. DEP'T. OF HOMELAND SEC., U VISA IMMIGRATION RELIEF FOR VICTIMS OF CERTAIN CRIMES: AN OVERVIEW FOR LAW ENFORCEMENT (2017), https://www.dhs.gov/sites/default/files/publications/U-Visa-Immigration-Relief-for-Victims-of-Certain-Crimes.pdf [https://perma.cc/L7JE-HPV3].

after Manuel has already been detained and therefore has no leverage. They tell her no; Manuel gets deported.

The problem with any of these solutions—a U visa, a pretrial stipulation agreement with the defense attorney so that the victim will not need to testify, a more generous than normal plea bargain, a lawyer for the victim—is that they only really work in advance, and Coates was working within a system that made working in advance a practical impossibility. A judge who knows that a victim will be deported if he testifies might insist on talking with a prosecutorial supervisor, or might strong-arm a plea bargain. A victim who can get counsel before he is detained might have some bargaining power, or at least some knowledge of what will happen to him and a strategy to avoid it. A victim advocate who had spoken to the victim in the days after the incident might have helped broker a solution. None of these things will ever happen if a case is only looked at two days before trial.

This is not a criticism of Coates; this is a criticism of the criminal justice system. The amount of discoverable information that needs to be collected and reviewed by both prosecution and defense in each case has skyrocketed in the past fifteen years as technology and recordkeeping have improved,[24] and the judicial infrastructure—judges, prosecutors, public defenders, probation officers—has not expanded at a commensurate pace. The system operates at breakneck speed, with slapdash results, and because of it people like Manuel become victims twice over.

IV. PROSECUTORIAL ETHICS

Prosecutors were not always seen as the assholes of the criminal justice system. Indeed, it used to be that prosecutors were reflexively the good guys, and there was almost no discussion about the ethical conflict inherent to the role.[25] As Abbe Smith wrote in her groundbreaking article, *Can You Be a Good*

24. *See* Brandon L. Garrett, *Big Data and Due Process*, 99 CORNELL L. REV. ONLINE 207, 208 (2014) ("Electronic information has become so ubiquitous that it will both inculpate and clear defendants far more often in the future. Police agencies now commonly track social media, rely on databases collecting information about crime hotspots and individuals, and monitor electronic communications."); Hilary Oran, *Does* Brady *Have Byte? Adapting Constitutional Disclosure for the Digital Age*, 50 COLUM. J. L. & SOC. PROBS. 97, 99 (2016) ("[I]n an age of voluminous electronic discovery: with case files potentially containing thousands if not millions of pages, the necessary task of reviewing every individual document becomes formidable, if not impossible."). Even those analyses predate the rise of body-camera footage, which increases that data volume yet again.

25. The literature that existed tended to examine the narrower lens of how prosecutors themselves should solve individual ethical dilemmas and set aside the larger structural questions of whether the system itself or the prosecutorial role was unethical. *See, e.g.*, Fred C. Zacharias, *Structuring the Ethics of Prosecutorial Trial Practice: Can Prosecutors Do Justice?*, 44 VAND. L. REV. 45, 52 (1991) ("It is beyond the scope of this Article to discuss whether adversarial theory is essentially flawed, whether the image of prosecutorial nonpartisanship is realistic, or whether

Person and a Good Prosecutor?, prosecutorial work was historically assumed to be "very noble, important, and heady stuff. Prosecutors seek truth, justice, and the American way."[26]

The last two decades have complicated that view in academia, the legal profession, and the public. In particular, the rise of the Black Lives Matter movement over the past decade has put a spotlight on prosecution and policing to a degree not seen since the 1960s. Numerous large jurisdictions have elected progressive prosecutors, who are often highly critical of the profession and aim to reshape it from the inside. At some top law schools, many more students go into public defense than into prosecution.[27]

Along with Smith, numerous thoughtful and careful scholars have examined the question of who the good guys really are. It does not seem like a coincidence that one of the best-known critics of the prosecutorial process, Paul Butler, had a prosecutorial career similar to Coates's. Butler, like Coates, was a Main Justice lawyer in a unit that attracted atypical prosecutor types—in his case, public corruption. Butler, too, spent a brief stint in the more rough-and-tumble world of the D.C. Superior Court. Butler, too, is Black. Butler, too, left the profession in disgust, in his case to go to the academy.

Butler and Coates made many of the same observations twenty years apart,[28] including about their own role as black prosecutors. "You wonder whether your

prosecutors and all other lawyers have uncodified obligations to bring about socially beneficial results.").

26. Abbe Smith, *Can You Be A Good Person and A Good Prosecutor?*, 14 GEO. J. LEGAL ETHICS 355, 356 (2001).

27. While there are no direct statistics on the matter, the trend is clear from the data. Last year, 10.4 percent of new graduates went into government, a category that includes prosecutors, while 7.7 percent went into public interest, a category that includes public defenders. A.B.A., EMPLOYMENT OUTCOMES AS OF APRIL 2022 (Apr. 18, 2022), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2022/class-2021-online-table.pdf [https://perma.cc/282U-2HSG]; At highly ranked law schools, however, those statistics are inverted and more. At New York University, for example, 3.9% of students went into government and 17.7% into public interest. *Employment Data for Recent Graduates*, N.Y.U. SCH. OF LAW, https://www.law.nyu.edu/careerservices/employmentstatistics [https://perma.cc /DF3T-TXF6] (last visited Oct. 6, 2022).

28. Butler wrote of the early 1990s: "If you were to go to the D.C. courthouse then, you would have thought that white people do not commit crimes." Paul Butler, *Locking Up My Own: Reflections of A Black (Recovering) Prosecutor*, 107 CAL. L. REV. 1983, 1983 (2019). Coates wrote of the early 2010s: "Out of the hundreds of criminal matters I prosecuted in court, I can count the number of White defendants I saw on one hand." JUST PURSUIT, *supra* note 1, at 5. They both noted the approbation and affirmation they received about their work from many of the older Black people they encountered in the courthouse, and the racial divides within the prosecutors' office. Butler, *Locking Up My Own*, at 1984 ("These old black people would beam at me like they were thinking, 'You go, boy, you represent the United States of America!'"); Paul Butler, *Racially Based Jury Nullification: Black Power in the Criminal Justice System*, 105 YALE L.J. 677, 678 (1995); JUST PURSUIT, *supra* note 1, at 74.

presence in the system perpetuates injustice or disrupts it," Coates writes.[29] Butler talks about respectability politics, a concept he understood even before he had a name for it. How standing in front of a jury as an "African American man in a suit and tie, loudly proclaiming that his name was Paul Butler and that he represented the United States of America . . . communicated that the jurors and I were good Negroes, but that the defendant was a thug who needed to be locked up."[30]

Coates's book is not so much an update to Butler's work but a complement to it, designed for the mass market. Butler is an academic; he writes for an audience of professors, practicing lawyers, and law students. His well-received 2017 book, *Chokehold: Policing Black Men*, was published by a non-profit public-interest publisher.[31] Coates's book was published by the behemoth trade publisher Simon & Schuster.[32] It was written to be a best-seller, and it was.[33]

If I have a criticism of *Just Pursuit*, it would be that it is too much of a page-turner. In trying to reach a broad audience, Coates sometimes flattens her characters more than she needs to. The depictions are cinematic, with villains (but few heroes), narrative arcs, and full conversations worth of dialogue. The cartoonishly evil judges and prosecutors that roam through these pages do exist in real life, but far more common are the well-meaning, overworked ones, who are neither malicious nor gleeful.

Presumably, she does so in order for the book to serve as a corrective, an eye-opener for a popular audience still primed to see prosecutors as heroes. After all, even if law schools and law journals are now full of critiques of prosecutors, TV screens are still showing "Law & Order," not "Public Defender" (a show I just made up).

The book is light on proposed solutions, and that is OK—it documents how things are, not how they should be. But some of the solutions Coates does propose are things I'd like to hear more about from her. One of those solutions—a plea for bail reform[34]—is something that a D.C. prosecutor like Coates would have particular insight on. D.C. is rare among local jurisdictions in not having monetary bail. Defendants are either released on their own recognizance—"RORed"—or they are incarcerated pending trial.[35] This system, while still far from perfect, has eliminated the problem of bail serving as a "poor tax," like it

29. JUST PURSUIT, *supra* note 1, at 74.

30. Butler, *Locking Up My Own*, *supra* note 28, at 1984.

31. *See* THE NEW PRESS, https://thenewpress.com/ [https://perma.cc/3VN2-85U7] (last visited Oct. 16, 2022).

32. JUST PURSUIT, *supra* note 1.

33. *See The New York Times: Hardcover Best Sellers*, N.Y. TIMES (Feb. 6. 2022), https://www.nytimes.com/books/best-sellers/2022/02/06/hardcover-nonfiction/ [https://perma.cc/ET7B-345S].

34. JUST PURSUIT, *supra* note 1, at 249–50.

35. D.C. CODE § 23–1321 (2015); *id.* § 23–1325.

does in many communities. Studies have shown that it has no ill effects on the percentage of defendants who show up for trial.[36] I would have loved to have read Coates's depiction of that D.C. system and how it compares to a more typical bail system, but she may have been right to leave it out of this book. "RORing" does not drum up excitement within the walls of Simon & Schuster, or so I assume.

To focus on what is not in this book would be a disservice to what is. *Just Pursuit* is a humanist depiction of disfunction, written in a fluid, narrative way that will resonate with those who have never seen the inside of a courtroom. It turns out we needed a critique of prosecution designed to be stocked at a local bookstore, not just in a law library.

36. Lea Hunter, *What You Need to Know About Ending Cash Bail*, CTR. FOR AM. PROGRESS (Mar. 16, 2020), https://www.americanprogress.org/article/ending-cash-bail/ [https://perma.cc/DGN4-QBLJ].