MICHIGAN LEGAL STUDIES

SURVEY OF METROPOLITAN COURTS
DETROIT AREA

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SURVEY OF METROPOLITAN COURTS: DETROIT AREA
Maxine Boord Virtue
SURVEY OF METROPOLITAN COURTS DETROIT AREA
PREPARED FOR
THE UNIVERSITY OF MICHIGAN LAW SCHOOL
AND
THE SECTION OF JUDICIAL ADMINISTRATION OF THE AMERICAN BAR ASSOCIATION
BY
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FOREWORD BY
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Chairman of the Committee on Judicial Administration in Metropolitan Trial Courts of the Section of Judicial Administration of the American Bar Association

Ann Arbor
UNIVERSITY OF MICHIGAN LAW SCHOOL
1950
To my family this book is dedicated, and especially to John B. Virtue, my husband, to whom no man is an island.
Foreword

In its continuing study of the problems in its field, the Section of Judicial Administration of the American Bar Association came to realize that the conduct of judicial business in a big city differed from that of the one-judge court in smaller communities; that the former had little in common with the latter but the law—and even the application of that was sometimes quite different.

This feeling came to a head in 1947 when Judge Alfred P. Murrah was Chairman of the Section. He appointed the writer Chairman of a Committee on Judicial Administration in Metropolitan Trial Courts. As a beginning, this Committee requested the University of Michigan Law School to make a professional study of the problem. The faculty, through its research committee under Professor Lewis M. Simes, designated Professor Edson R. Sunderland to supervise the work. They employed Mrs. Maxine Virtue to conduct the survey. She is equipped with experience as a practicing lawyer and as a public servant with a background of scholarship.

Detroit was selected for the first study, not only for convenience, but because on general inquiry it has most of the problems characteristic of a metropolitan area. The judges and administrative staffs of each of the courts co-operated well. Such records and statistics as the courts had were made available. In addition to consulting these during a year of field work, Mrs. Virtue devoted another year to analyzing, writing, and revising the findings to obtain a manuscript satisfactory to herself as author, and to the supervising editor, the faculty, and the editor of the Michigan Legal Series.

The result is this study and analysis of the conduct of
judicial business in one of the largest metropolitan districts. It should be a contribution to the solution of one of the most acute problems of democracy. It is hoped that the survey may furnish a measuring stick by which those interested in other cities may gauge their local situations, and that it may be useful as a guide to all who wish to make constructive efforts to improve their local conditions.

Since the purpose of the study was simply to recognize and define the special problems of courts in a typical metropolitan area, this volume properly confines itself to facts and conditions without critical comment or specific recommendation. However, comment by this writer, the administrative judge of such a large metropolitan court, who should profit by this study, may not be out of place.

It appears that court administration in a metropolitan district is a problem distinct from the administration of the courts in the State as a whole. It cannot be solved by including it in any plan for state-wide court integration.

It appears that the practice of creating a court to adjudicate each new set of issues has run amuck. The inflexibility of a court system based on many special purpose statutes results in duplication, overlapping, and confusion among these special courts. Shifts in the load of litigation by reason of changing social and economic conditions overburden one court while leaving another idle. Consideration should be given to returning all of these courts to the court of first instance, which should be developed to cover jurisdiction of all types of cases. Administration of judicial business could then profit by proven principles of administration of other branches of government and of business and industry, by establishing a unified and flexible administration, balanced case load, and—when advisable—the use of a specialist judge rather than the development of many specialized courts.
As a lawyer, this writer commends this survey to the thoughtful study of every other lawyer who is concerned with the contribution his profession should make to balancing the common good against the rights and dignity of the individual. The lawyer may find that while he has been busying himself with stopping the leaks of unauthorized practice here and there, the need for his services in adjusting personal relations has been flowing freely into the cups of the social worker and the administrative assistants of the court.

As one lays down the study, he may wonder that democracy works as well as it does. However, he may console himself with the thought that to recognize shortcomings is the first and most important step; to understand them usually points the solution. It is with that thought in mind that the study is offered to the bench and bar, and also to the layman interested in better government.

Ira W. Jayne
Preface

IT HAS long been recognized that the social problems of the city are something more than a mere multiple of the social problems of the rural community. The bigness of the metropolitan area breeds its own difficulties, which find no counterpart outside its borders. Only recently, however, have experts begun to suggest that this same uniqueness inheres in the problems of the organization of metropolitan courts.

Should the organization of the metropolitan court system differ from court organization elsewhere? How should it differ? Before these questions can be answered, we must know something of existing court organizations in metropolitan areas and of the manner in which they operate. It was for the purpose of securing this necessary background of information that the present study of the Detroit area was undertaken. It proposes to answer this question: What is the judicial organization of the Detroit area, and how does it function?

Late in 1947, Honorable Ira W. Jayne, chairman of the committee on Judicial Administration in Metropolitan Trial Courts of the Section of Judicial Administration of the American Bar Association, presented to the University of Michigan Law School a request that the Law School co-operate with the Section in a study of metropolitan courts. In accordance with the usual procedure at the Law School, it is necessary that a member of the faculty agree to become a sponsor for a research project before it can be approved. In this instance Professor Edson R. Sunderland agreed to sponsor a study of metropolitan courts provided a qualified person could be secured to make the survey and prepare the study. It was then determined that,
if such a person could be secured, the factual study of metropolitan court organization would be conducted in the Detroit area. In January, 1948, Mrs. Maxine Virtue, a member of the state bars of Michigan and Kansas, was employed for this purpose on the staff of the University of Michigan Law School as a research associate; and the study was at once undertaken.

Statutory and case materials having a bearing on the subject were first examined. This included home rule and other charters of special character of all municipalities in the area. The main portion of the work, however, consisted in courtroom observation, in interviewing court clerks, judges, probation officers, and other personnel, and in reading litigation files, case histories, and other material. Considerable statistical material was also gathered from court sheets and annual reports. Actual court observation was largely limited to the Circuit Court, Probate Court, Juvenile Court, Court of Common Pleas, Recorder’s Court, and Traffic Court. Letters were addressed to each of the justice courts, home rule courts, and other city courts which are found in the Detroit area outside of the city of Detroit requesting data as to their respective court organizations and their operation. Statistical materials were supplemented by the reports of the Judicial Council of Michigan.

Unless otherwise indicated, statistics in this study are for the year 1948. Every effort has been made to insure their accuracy. The year 1949 was spent in preparing and revising the manuscript and in rechecking factual data. Representative officers of each of the Detroit courts studied were given an opportunity to examine the manuscript either in typewritten form or in galley proof, in order that any error of fact might be corrected.

Any introductory statement which I might make would be incomplete if I did not point out that this study would
have been impossible without the untiring efforts of three persons who co-operated in it. First of all, of course, is Mrs. Maxine Virtue, the author of the study. Her work as an original presentation of an aspect of judicial administration, and as a detailed picture of "law in action," speaks for itself in the pages which follow. Professor Edson R. Sunderland, of the Law Faculty, veteran expert on judicial procedure, was more than a sponsor. He continued to supervise the organization of the materials and to edit the manuscript throughout the process of writing and revising the monograph. The other person whose co-operation was essential to the success of the project was Judge Ira W. Jayne. As representative of the Section of Judicial Administration of the American Bar Association, he was in constant touch with the progress of the factual study. His counsel and assistance in connection with the field work in the Detroit courts was invaluable.

Grateful acknowledgment should be made, both on behalf of the author, Mrs. Virtue, and on behalf of the University of Michigan Law School, for the co-operation of judges, clerks, probation officers, and other court personnel, as well as case workers from public and private social agencies, in affording ready access to records, files, and statistics under their supervision, and in aiding the author of this study in innumerable ways to secure accurate information.

Lewis M. Simes,
Director of Legal Research
The University of Michigan
Resolution of the Section of Judicial Administration

At its regular midyear meeting in Chicago, Illinois, Saturday, February 25, 1950, the Council of the Section of Judicial Administration of the American Bar Association adopted the following resolution:

Resolved: That the Study of the Courts of the Metropolitan Area of Detroit, undertaken at the instance of this Section and soon to be published by the University of Michigan, should carry the endorsement of this Section and be published under the joint auspices of this Section and the University;

That the Council expresses its gratitude for the outstanding contribution to the field of judicial administration which this Study constitutes, particularly to Judge Ira W. Jayne for his foresight and leadership in the conception, planning, execution and publication of the Study, and to the University of Michigan Law School for financing and sponsoring it and providing the necessary personnel.

Leland L. Tolman,
Secretary
Section of Judicial Administration*

*Section Committee on Judicial Administration in Metropolitan Trial Courts.

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