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Virtue: SURVEY OF METROPOLITAN COURTS: DETROIT AREA

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SURVEY OF METROPOLITAN COURTS: DETROIT AREA. By *Maxine Boord Virtue*. Ann Arbor: Michigan Legal Studies, University of Michigan Law School, 1950. Pp. xxx, 315. \$5.

This interesting and eye-opening book, based on two years of research with official materials and detailed field work as well, is a first step toward answering the question whether the problems of court organization in metropolitan areas are unique. The Judicial Administration Section of the American Bar Association, through its Metropolitan Trial Court Committee under the chairmanship of the Honorable Ira W. Jayne, asked the University of Michigan Law School to participate in a study. As a result, Mrs. Virtue, a graduate of Northwestern University and Yale Law School, and a member of the Kansas and Michigan bars with a background including practice and research, under the faculty sponsorship of Professor-Emeritus Edson R. Sunderland, has prepared this volume.

The book is factual and does not make critical comments or specific recommendations. Nevertheless, certain inferences are inescapable. Judge Jayne, in an excellent foreword, notes the inflexibility of a court system based on many special purpose statutes with resulting duplication and overlap, and the frequent shift in litigation load resulting in overburdening one court while leaving another idle. He recommends consideration of the development of a single court of first instance with jurisdiction over all types of cases. Such a court could then be administered 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.” Judge Jayne concludes his foreword by admonishing every lawyer concerned with his professional responsibility toward “balancing the common good against the rights and dignity of the individual” thoughtfully to study the Detroit survey. This lawyer, he says, “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 workers and the administrative assistants of the court.”

With this conclusion no one can argue.

He also concludes: “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.” If by this he means that courts within a given metropolitan area should be integrated with one another as well as with the courts in the state-wide hierarchy, it would seem to be supported by the study. If, however, by the last-quoted sentence the judge means that the courts in a metropolitan area should not participate in a state-wide court system, or that “social” cases demanding skilled administration do not exist throughout the state, some question might be raised as to the validity of this conclusion.

Even in our out-state Michigan courts, there are reflected many of the administrative difficulties observed by Mrs. Virtue in Detroit. Without minimizing the aggravation of organizational problems in a metropolitan area, can we feel complacent about the way we administer justice out-state and should we foreclose all possibilities of state-wide integration? To this reviewer, the material found in the study points up the need for better judicial administration, inter-court integration, and better attention to personal problems everywhere in the state.

Certainly the volume of personal problems in a metropolitan area is such that what might otherwise be slight variations of form must give rise to new categories. Government in a metropolitan area is complex, as is demonstrated in Chapter I. Court jurisdiction is subject to considerable shift; density of population leads to heavy case loads, heavy court staffs, and necessitates the use of elaborate machinery to handle dockets. These conditions encourage judicial specialization and the use of supplementary court administrative agencies for investigation and supervision, such as psychiatrists, psychologists, case workers and probation officers. Certain special types of cases, such as mental, traffic, criminal, and domestic relations cases, occur more often in metropolitan areas, make up a comparatively larger portion of the caseload than elsewhere, and add to the trend toward development of trained investigators and supervisors as part of the judicial process.

The complicated jurisdictional pattern in the Detroit area is set out in Chapter II, judicial personnel (including education, experience, age, compensation, etc., of incumbents) in Chapter III, attorneys and juries in Chapter IV, and

administrative and clerical personnel attached to the courts in Chapter V. It is probably here particularly that we may have a distinct phenomenon in a large city, due to the volume and type of litigation and to the anonymity of the population. Chapter VI deals with the machinery necessary for handling dockets and disposing of caseloads. With such a volume of litigation, there must be a "system" and Detroit has done better in this respect than many metropolitan areas.

Chapter VII, which was reprinted in the *Michigan Law Review* for November 1950, under the title "Operative Relationships Among Various Courts and Law Enforcement and Welfare Agencies in the City of Detroit" is of the greatest interest to one interested in court organization and in an inter-disciplinary approach to human problems. The author offers "overlapping, defective and conflicting jurisdiction over both subject-matter and person together with an almost total lack of cooperation among courts" as the most serious problem of judicial administration encountered in the Detroit area, and analyzes in detail the way in which judicial questions adversely affect handling of small claims, mental cases, wayward minors, and all domestic relation cases. For instance, there are five different procedures for handling paternity out of wedlock cases and this is a striking example of what we find, not only in Detroit, but all over the state. Cooperation among Detroit courts is found to be substantially non-existent, not for lack of statutory machinery so much as conscious disinclination of judges and other court personnel. The author discusses frankly, but objectively, such areas of inadequate cooperation between courts as criminal matters involving both adults and children, domestic conflict involving both criminal non-support and divorce litigation, and "problem family" cases in which both courts and social agencies are attempting to rehabilitate the family.

Limits of space precludes extractions from the book, but it is hoped that the flavor of the foregoing will entice attorneys everywhere to read this study, to consider it seriously and objectively and to help correct some of the inadequacies exhibited. No personal criticism is intended and no Detroit judge should feel defensive about the picture painted. Actually, no one individual can change the picture. Nevertheless, groups of lawyers can accomplish a great deal.

Unfortunately, some of the Detroit papers liked the flavor of this book so well they displayed front page stories entitled "City's 145 Warring Courts on Griddle," "Judicial Survey Raps Outmoded Court Setup" and "Woman Attorney Attacks Lack of Cooperation." Such comments may have misled lawyers and others as to the real purpose and significance of the work.

An editorial entitled "Hodgepodge Courts" concludes: "It is not probable that the court reforms shown necessary by Mrs. Virtue's Study will be made within the individual courts themselves. . . . The Detroit Bar Association has already set up a study committee, based upon Mrs. Virtue's report. But if the bar associations are not able to unsnarl their own tangled skeins, it will be necessary that the public forces simplification and a business like administration for Detroit's court system."

Sound reforms are not going to be made by lay groups which are alarmed and aroused by such newspaper stories. They will be achieved only by judges and lawyers who gain a perspective through an objective and scientific study like this, are not overly jealous of their prerogatives, are not tied by tradition or lethargy, sincerely desire to achieve personal and professional growth and cherish a fundamental belief that justice is the cornerstone of democratic institutions.

There are such judges and lawyers, many of them. Mrs. Virtue has ably presented the problem. Reforms will be made—and while the spotlight is on Detroit, and attempting the greatest good for the greatest number requires concentration there, should we not apply the answers discovered there wherever we can improve the administration of justice by so doing?

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