

January 1944

Book Review: Traffic Courts

Dicta Editorial Board

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

Book Review: Traffic Courts, 21 Dicta 73 (1944).

This Article is brought to you for free and open access by the Denver Law Review at Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

Book Review: Traffic Courts

The divorce statute itself contains no provisions for dismissal of such actions, and the general practice was necessarily followed, in entire conformance with the recognized laws of divorce and procedure.

Careful compliance with the laws is indispensable in cases involving substituted service. Non-compliance with the requirements in any important particular will render void all proceedings dependent on the court's jurisdiction over the person attempted to be served. It will be noted that Section 20, Chapter 56, 1935 C. S. A., *supra*, protects decrees from attack after one year, except cases in which the court did not obtain jurisdiction of the parties, or for a fraud perpetrated upon the court. Obviously, it is of utmost importance that the defendant be before the court. Regardless of what the court may attempt to do, it is elementary that any decree or judgment against him is void if jurisdiction has not been obtained according to the law. Procedure in divorce cases should be followed with special care; otherwise bigamy, illegitimacy, litigation over property rights, and other disasters may result.

Book Review

TRAFFIC COURTS. By George Warren, Foreword by Arthur T. Vanderbilt; 1942, Boston; Little, Brown and Company, xxvii, 280, \$4.00.

This work was sponsored by the National Committee on Traffic Law Enforcement and was published under the joint auspices of that body and the National Conference of Judicial Councils. It is one of the volumes of the judicial administration series of which Roscoe Pound, formerly dean of the Harvard Law School, is editor.

Mr. Warren started a nation-wide survey of traffic courts in 1938. The present volume is based upon his report of that survey, made in September, 1940. The survey made by Mr. Warren was thorough and comprehensive. He has studied both the traffic laws of each state and the laws governing the courts that enforce such laws. The material for the report was obtained by personal investigation and by conferences with traffic judges and court officials in all the states, supplemented by questionnaires sent to attorneys general, traffic judges and justices of the peace.

Many of the problems which led to the making of this survey have been abated by the train of events accelerated by the Japanese attack on Pearl Harbor December 7, 1941, but they are likely to be revived with the cessation of hostilities and the consequent ending of tire and gasoline shortages. In fact, the accident toll in Denver at the turn of the year makes one doubt that these problems have been diminished.

The conclusions of Mr. Warren are set out in a summary of recommendations preceding the main part of the work. It is difficult to select the most important of these recommendations. Many of them are obvious. The need for putting others into effect may be apparent, but it may seem that they can be applied only with great difficulty, or they may not appear to be applicable to the conditions found in some states. The application of some of these recommendations to our sparsely populated, territorially extensive, western states may seem especially difficult. These recommendations all merit study and thought.

Ten requirements for enforceable traffic laws set out in chapter II, page 16, might be condensed to three, i. e., they should be clear, reasonable and uniform. Uniformity of traffic rules probably would result in the abandonment of the unique right of way rule enforced in Denver.

Traffic cases are not adapted to the routine of criminal offenses, although those brought for violations of state laws are criminal in form. Usually only a single issue is involved. Often there is no extraneous or impartial testimony, and the traffic law violator does not consider himself a criminal. Except for accident cases, they can be disposed of rapidly. Mr. Warren says that the handling of these cases should be uniform over large areas, and that cooperation with the police in keeping records is helpful both to that department and to the court. The keeping of complete and intelligible records is very important, as the chief function of the traffic laws is to deter future offenses in order to promote public safety. Complete records can be of great help in ascertaining the causes of traffic violations and accidents, and also in detecting the repeated and persistent violator.

Violations bureaus, or "cafeteria courts," when properly administered, are of great help in medium sized and large cities. In many instances a great proportion of the cases are disposed of in these offices. Mr. Warren recommends that a primary prerequisite in all violations bureaus should be the use of a written plea of guilty and waiver of trial. This will insure the realization by a defendant that he admits and pleads guilty to the infraction of a law. Denver is said to be one of the comparatively few cities where this procedure is required. The schedule of penalties should be fixed and should not be made capable of variation by the clerical personnel. The "cafeteria court" should not be made into a mere device for obtaining revenue.

Judges and court officials list seven faults common to lawyers in the handling of traffic cases. The faults listed seem to be those of which lawyers are accused in the handling of all sorts of cases. Some of them were pointed out by another Warren in that legal classic *Ten Thousand a Year*.

The "fix," or use of influence for escaping the normal legal procedure and penalty for traffic violations, is said to be "singly the most

pernicious influence and detrimental practice in the field of traffic law enforcement." The man who can "get away with it" is likely to relax his driving standards and the man who has no "pull" is likely to become resentful and antagonistic when he knows that others are not penalized as he may be. Both attitudes weaken traffic enforcement and are injurious to public safety. The "fix" is a petty, but particularly vexatious, form of special privilege.

Punishment of traffic offenders can be effected in more ways than the usually prescribed penalties for law infractions. The most deterrent punishment appears to be the suspension of driving licenses and privileges. The author recommends that the suspension and revocation of drivers licenses should be a function of the state motor vehicle administration, with provisions to make recommendations of the judges trying traffic cases effective.

Adequate drivers records are necessary to single out and properly punish the repeater or habitual offender, for these persistent violators form the greatest menace to public safety. While it has been said that many habitual offenders are never caught, the law of probabilities would appear to disprove this conclusion and show that on the whole and in the long run violators are apprehended in proportion to the number and degree of their offenses.

One of the most interesting chapters in the book is number XIII, concerning justices of the peace. In most states traffic cases may be heard in a number of courts, but the justice of the peace is the officer most commonly used for their trial. Colorado is one of the states in which most traffic cases, except in Denver and a few cities or towns having police magistrates, are tried in "J. P." courts. Few lawyers need to be told much about the "justice" court or "J. P." system, yet a reading of this chapter will be useful in focusing the spotlight of thought on these officers.

Two statements in this chapter may be misinterpreted, so far as they concern Colorado. Mr. Warren says, page 202, note 5, that Colorado is one of five states which provide salaries for justices of the peace. Unfortunately, the provisions for salaries apply only to a few populous justice court precincts—probably not more than six. One safely can say that more than ninety-five per cent of the justices of the peace in Colorado are compensated by the fees of their offices. In note 2, page 223, Colorado is listed as one of the states which furnishes justices of the peace with court rooms. This is true in many of the larger county seats and in some other towns and cities. Also, in some county seats where justices of the peace do not have regular quarters assigned to them, they may be allowed to use the accommodations provided for other courts for the trial of cases. But a large majority of the justices of the peace in Colorado are not

furnished court rooms or other accommodations, and hold court in their homes, in the back rooms of stores, or in other places that may be found convenient.

Almost everyone will agree with the conclusion of Mr. Warren that the justice of the peace system is both an inefficient and an ineffective means for the trial of traffic violations. Granting the truth of this statement we are faced with the problem of reorganizing the justice of the peace and other court systems so as to handle traffic cases more effectively. Mr. Warren recommends that the justice of the peace be replaced for the trial of traffic cases by a state-wide system of regular courts with trained personnel functioning on a circuit basis from centrally located seats and under the supervision of a chief judge. In the absence of such a thorough reorganization Mr. Warren recommends that the traffic case docket be separated from that of other cases. He also says that merely abolishing the hundreds of casual courts scattered throughout almost every state would work great improvement. Such a plan should enable each court to be properly housed.

A mode of reorganization which might be satisfactory in a small, densely populated, predominantly urban state might not be practical in a large, sparsely populated, rural state. Consideration would have to be given to the mode of reorganization to fit a state such as Colorado, which has one metropolitan community, a few medium sized cities, and a great area of wide open spaces. It might be found impractical even to abolish all of the 350 justices of the peace in this state and concentrate the handling of traffic cases arising outside of Denver in the county courts. The channeling of such cases through the county courts in Colorado would not necessarily result in their trial before trained judges, as not more than twenty-three of Colorado's sixty-three county judges are lawyers. According to Martindale, three Colorado counties—Custer, Hinsdale and Mineral—have no lawyers, and it appears that in a number of other counties where one or two lawyers are listed they reside in adjoining counties where they maintain their principal offices. Any proposed reorganization of the court system should avoid setting up traffic courts as an entirely separate and self-sufficient judicial organization. They should be fitted into the general court system of the state. Too many states have followed the easy way of setting up new or separate courts to meet special problems without consideration of their effect upon or relation to the existing courts.

Mr. Warren's work furnishes a greatly needed review of a problem of judicial administration and law enforcement which was particularly troublesome in the years just before World War II and which is likely to rise again soon after the termination of this conflict.

Elect

**Dean
Gillespie**

*to
Congress*



"I'm not simple enough to think that one man can go down there to Washington and cure all the troubles of this country all by himself," said Dean Gillespie in a recent talk, "but I want to tell you right now that if you send me down to Washington, you're sending ONE vote for plain, honest, common sense—the kind of common sense that made this country what it is today—the greatest country the world has ever known."

REPUBLICAN ★ ELECTION MARCH 7

COMPLIMENTS OF

THE FAMOUS

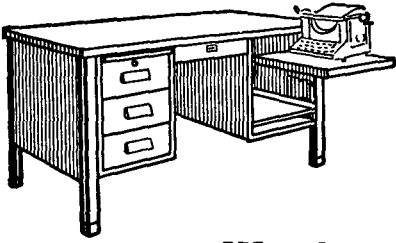
Denver's Favorite for
FINE FOODS AND
MIXED DRINKS

1615 Welton St., Denver, Colorado

Phone CHerry 2870

Briefs Printed by
BRADFORD-
ROBINSON
PRINTING
CO., Denver

Are a Credit to the Association



**Wood
Furniture,
Desks, Chairs**
for your office.

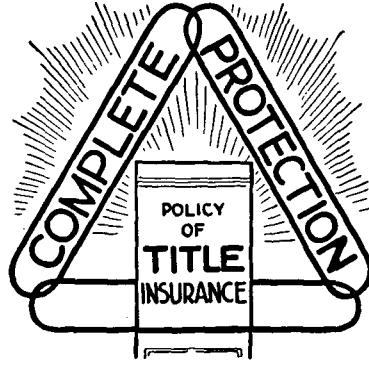
Visit, Phone or Write

Kendrick - Bellamy

STATIONERY CO.

1641 California St.

Denver 2 KEystone 0241



Strengthen the Chain
of security that protects your
"ownership" of
Real Estate

**Record Abstract
and
Title Insurance Co.**

Colorado's Only Legal Reserve
Title Company

725 18th St. Denver MA. 1207

PARK LANE

HOTEL

ENJOY YOUR FAVORITE COCKTAIL IN
THE BEAUTIFUL COCKTAIL LOUNGE



The Colonial Dining Room

FEATURES FINE FOODS AT POPULAR PRICES DAILY

We Are Well Equipped to Serve Group Luncheons and Dinners

THE
**DENVER TENT AND
AWNING COMPANY**

Established 1890

We are still carrying on and can furnish most canvas goods items. If in need of goods in our line, give us a call.

1647 Arapahoe St. **MAIn 5394**
Denver, Colorado

**SHIRLEY-SAVOY
HOTEL**

Phone TAbor 2151

17th Ave. and Broadway
Denver Colorado

The Daily Journal

The Recognised Medium for
Legal Advertising

1513 Tremont Place

KEystone 4969

Patents **MARTIN E. ANDERSON** Trade Marks
Former Examiner of Patents, U. S. Patent Office. Over 20 Years in Denver.
300 E. & C. BLDG. Prompt Personal Service **KE. 7475**

PLACE ADAMS COUNTY LEGALS IN
**THE ADAMS COUNTY
REPUBLICAN**

Official Paper for Adams County
Kindly Designate Our Paper for Any
Legal Notices Appearing in
Adams County

Your cooperation will be highly appreciated and we can assure you satisfaction and service in return.

B. GALEN GAUNT, Publisher
Brighton, Colorado

Whitehead & Vogl

Specialists in

Patent, Trade Mark and
Copyright Practice

Suite 806 Patterson Building
Phone **MAIn 4138**

Patents Obtained in U. S. and Foreign Countries
Trade Marks Registered and Copyrights Secured

TAbor 5046

HOMER G. SWEET

Registered Patent Attorney
PATENTS and PATENT CAUSES

WILLIAM B. KING

Successors to A. J. O'BRIEN
601-610 Interstate Trust Building

Counsel
Denver, Colo.

H. G. REID ELECTRIC SHOP

CONTRACTING — REPAIRING — FIXTURES

329 14th Street

MAIn 2303

Dicta Advertisers Merit Your Patronage

ATTORNEYS - - -

If You Really Like Good Food — Lunch
and Dine at

Miss Gabriel's Restaurant

"Serving Traditionally Good Food"

94 South Broadway
Phone PEarl 9915

Highest cash prices paid for
Estate Properties
Farms-Homes-Businesses-Income

OLIVER T.

McINTOSH

President

GLOBE REALTY CO.
FRONTIER REALTY CORPORATION
1658 Broadway TA. 6235

LOANS MADE QUICKLY
First, second chattel mortgages

W. A. McGREW

PATENT AND TRADE-MARK
ATTORNEY

Practice restricted to Matters Involving
Patents, Trade-Marks and Copyrights

601 Security Bldg.

Denver, Colo. MAin 5295

THE WILLIAM J. BURNS INTERNATIONAL DETECTIVE AGENCY, Inc.

Officially Representing

The American Bankers Association
The Colorado Bankers Association
The American Hotel Association

223 Colo. Natl. Bank Bldg.
Denver, Colo.

For Service Call MAin 4439
Nights Call Englewood 917R
R. M. Ellis, Manager

AN
OFFICE BUILDING
OF
DISTINCTION

SYMES BUILDING

Class "A" Fireproof

EXCELLING IN . . .

ELEVATORS - SERVICE
LAW LIBRARY

Sixteenth Street at Champa

SPEED and ACCURACY . . . the
priceless ingredients of every
LANDON ABSTRACT.



The TITLE GUARANTY Co.

HOME OF LANDON ABSTRACTS

M Elliott Houston, Pres.

Aksel Nielsen, Exec. Vice Pres.

• 1711 •
California

HAVE YOU PAID YOUR DUES?