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Dicta Observes

Dicta Editorial Board

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DICTA

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STULTIFIED JUSTICE

In this issue will be found an article entitled "The Law's Delay", by Bentley McMullin of the Denver Bar. The facts presented need no further comment. None will dispute the evil of delayed trial of cases. Economy and the elimination of waste has been the outstanding achievement in American business. The progress in law and the trial of cases have not kept pace with strides in business.

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NEED FOR SPEEDIER TRIALS RECOGNIZED

After about two years of careful research in the administration of justice in New York, the Institute of Law of Johns Hopkins University recently published a pamphlet entitled "Study of Civil Justice in New York". The data analyzed disclosed that more than one-half of the litigation may be classified as collection litigation. One-third of the cases filed involve accident litigation. Thus five-sixths of the cases filed are accounted for. The problem then lies in the prompt disposal of these cases so as to relieve the congestion in the Courts.

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SUGGESTED REMEDIES

Data furnished through the courtesy of the Clerk's office of the Denver District Court show that in 1930, 17 2/3% of the cases filed involved less than \$500; 8 1/5% of the cases filed were between \$500 to \$1000; of 195 cases taken at random 95 were less than \$1000. As shown by these figures 25 3/4% of the cases filed involve less than \$1000. This figure could be considerably increased since many accident cases are filed in which the sum prayed for as damages is large but the actual sum justly due is smaller.

The method of procedure in our Justice Courts has demonstrated an expeditious manner of disposal of cases. As

is familiar to all, no pleadings are required in the ordinary case. The defendant is brought before the Court by the summons being served by the constable of the Court returnable at a maximum of 15 days for an individual defendant and 30 days for a corporation defendant. The parties appear and the case is ready for trial. In this manner the two Justices of the Peace in Denver have filed in their Courts an aggregate of almost one thousand cases per month. The creation of a Court to function in the manner of the present Justice Courts and having jurisdiction up to \$1000 would lighten the burden of the present Courts of Record in Denver of approximately 35% of its cases and permit speedy trial of cases.

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OTHER REMEDIES

In the local courts the filing of dilatory motions without merit has become a part of the regular procedure of the lawyers. It is the exceptional case in which an answer is promptly filed and the trial of the case proceeded with. The Judges of the Courts are powerless to facilitate the trial of cases in the face of the lawyer who files every type of pleading to delay and harass the plaintiff in the prosecution of his action.

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CASE ASSIGNING

Dicta congratulates the Judges of the Denver District Court upon their resolution to continue the numbering and assigning of cases to their respective divisions in open court, instituted under the regime of Judge E. V. Holland, as presiding judge of the bench. It is a gesture to the litigant that he may secure his day in court, before an impartial judge—one to whom justice is tantamount and dispensed equally to all who come before the Court.

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JAFFA MEMORIAL

A plaque as a memorial to the late Joseph S. Jaffa was presented to Denver University Law School on November 12, 1931, by the legal fraternity of Tau Epsilon Rho of which he was an honorary member. George C. Manly, Dean Emeritus of the Denver Law School, eulogized his memory in the words "he well realized the duty of the bar for public service". It was a fitting tribute to the memory of the deceased.