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What Overworked Courts Could Do

EVERY few months for a number of years we have noticed articles in newspapers and magazines about how overloaded with work the Supreme Court of the United States claims to be.

Since the court decides for itself what cases it will hear and which it will leave to others to decide, it seems to be obvious that it is responsible for its own crowded dockets.

Thirty years ago the Supreme Court docket listed about 1,500 cases. Now the annual figure is close to 6,000 and opinions written have increased from less than 100 to 150 a year.

An attorney friend provided copies of U.S. Supreme Court Reports recently concerning the case of a Georgia man who had been convicted of murder in 1975 and scheduled to be executed. In September 1983 the Supreme Court took action for the fifth time in this case.

It acted to allow the Court of Appeals "more time" to consider merits of the defendant's request for rehearing. Previously, the Supreme Court had handled the case on di-

rect appeal, once on state habeas corpus and twice on federal habeas corpus.

In addition, the case had been reviewed 16 times by state and federal courts. Such legal maneuvering encourages more appeals, if for no other reason than to delay justice for criminals.

It would seem that if the Supreme Court is going to have to decide the ultimate fate of murderers and other criminals it would be more efficient to have the cases tried there originally.

The numerous avenues open to the legal profession for appealing, delaying and prolonging criminal cases have generated a built-in system for preventing punishment.

The fate of the convicted criminal may be of supreme importance to him but that doesn't necessarily mean it is of supreme importance to the people of the United States.

Because Americans are filing lawsuits in record numbers asking fantastic sums for real, alleged, or punitive damages, civil cases are also filling court dockets. Frequently, ju-

ries award damage payments of ridiculously high amounts, which are appealed.

A year ago an article about "Our Suing Society" was published in U.S. News & World Report. It contained these lines:

"A report done for the Council on the Role of Courts, a group of legal experts, concludes that today's 'galloping litigiousness' stems not only from 'social fragmentation' but also from technology that 'in our more complex society' is 'capable of causing even more severe injuries in ever greater numbers.'"

The present Supreme Court might not be as active in handing down "legislative decisions" as its predecessors but it doesn't seem to be more discriminating in selecting cases to be heard either.

With lifetime tenure at high salaries the high court and other federal judges are not likely to draw much sympathy from the public about being overworked, if that is the case. For one thing it could stop handling the same cases over and over.