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Recommended Citation

Arthur T. Vanderbilt, *Judicial Administration in Maryland - Comments*, 16 Md. L. Rev. 219 (1956)

Available at: <http://digitalcommons.law.umaryland.edu/mlr/vol16/iss3/3>

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JUDICIAL ADMINISTRATION IN MARYLAND

COMMENTS[†]

By ARTHUR T. VANDERBILT*

The several prerequisites of a sound judicial system are (1) a simplified court structure designed to eliminate jurisdictional conflicts and multiplicity of suits, (2) modern court-made rules of practice and procedure permitting the decision of every case on the merits rather than on technicalities, (3) centralization of administrative responsibility in the chief justice assisted by an administrative director and staff, (4) a judicial conference representative of the bench, the bar and other groups directly concerned with courts serving as a forum for the consideration of matters pertaining to the judiciary, and (5) the best qualified personnel, not only on the bench and at the bar, but also in the jury box.

These prerequisites being rather obvious, it is difficult to understand why they do not all exist in every jurisdiction. But in view of the size and complexity of the judicial branch of government in every state, it is nothing short of amazing that as recent as 20 years ago virtually no progress at all had been made toward introducing basic principles of business administration into the area of judicial administration. The underlying reason, perhaps, was that the time-honored concept that a judge must be completely free and independent in his judicial determinations had resulted in the erroneous assumption that each court should also be completely independent in matters of administration. As Chief Justice Taft expressed it in a speech before the American Bar Association in 1921, "each judge paddled his own canoe" under a "go-as-you-please system".

It is thus particularly pleasing to note the increased acceptance over the past several years of the idea that courts, like other big businesses, need some administrative

[†] See *Editor's Note, supra*, p. 93.

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direction and control if they are to perform their function effectively and efficiently. The State of Maryland is indeed to be congratulated on its recent establishment of a full-fledged Administrative Office of the Courts and Chief Judge Brune is to be congratulated on his persuasiveness in having secured such an able student of the law as Professor Invernizzi to serve as its first Administrative Director.

Professor Dixon in his comprehensive article on the Administrative Office of the Courts in Maryland has rendered a distinct service to those interested in judicial administration by describing the judicial environment surrounding the creation of the office, by detailing its operation during its most formative stages, and by suggesting areas for its future development. Those states which are considering establishing an administrative office of the courts will find guidance and those offices already existing will find a challenge in this account of Maryland's progress.

By way of comment and without intention to minimize the value of the several other "next steps" recommended by Professor Dixon, I should like to emphasize the importance of his recommendation 5. The courts of first instance and particularly the traffic courts in any state are by far its most important. They are the only courts with which the ordinary citizen comes in contact and from which he forms his opinion of courts and law in general. On them rests the primary responsibility for developing in our citizenry that respect for law which lies at the very foundation of any judicial system and on which in the last analysis all of our democratic institutions depend. It is difficult to understand why in most jurisdictions so little attention has been given to these so-called "inferior courts" and why every proven device to increase their stature and effectiveness has not been utilized. For example, the elimination of "ticket fixing" throughout a state by the use of a uniform non-fixable traffic violations complaint controlled by the courts and under the supervision of an administrative office can do more than any other single thing to increase the people's respect for their courts. Accordingly, I should like to emphasize the recommendation that the jurisdiction of the

Administrative Director in Maryland be extended to the local courts. If an administrative organization is necessary to assist the courts of general jurisdiction in the performance of their work, certainly it is essential for the courts of limited jurisdiction but of unlimited influence and importance.

Finally, I should like to say that I am most optimistic for the future of Maryland's judicial system. It has demonstrated to date a sense of responsibility for self-improvement, has provided an administrative structure adapted to its needs, and of greatest significance it is headed by men capable of supplying the type of leadership so essential for any successful organization.