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THE JONATHAN RINEHART GROUP INC

*Both Parsons  
Mr. Hood and  
see list  
JRM*

March 24, 1975

PERSONAL/BY HAND

Mr. James M. Cannon  
The White House  
Washington, D.C.

Dear Jim:

Over breakfast at Florida Vineyard last Sunday we talked about the situation in the courts and how the Domestic Council and the Administration might become constructively and visibly involved in needed solutions.

To precede the meeting we discussed, you suggested preparation of a short briefing paper which you might want to circulate. That paper is attached; obviously a good deal of expertise beyond mine went into it. You'll note the first paragraph under the "Federal Assistance" section. These people are extremely well informed and already identified. The list includes a woman, incidentally, a distinguished law school dean from U.S.C. named Dorothy Nelson. This panel could, as you know, be a great deal of help immediately.

I'm going up to Warwick later this week to look at the Old Rinehart place again. Thanks to the VA financing, I just may be able to get it.

Many, many thanks for all the help.

With best regards,

Sincerely,

Jonathan Rinehart

Attach.

10 Rockefeller Plaza  
New York, N.Y. 10020  
212-541-6884

1120 Connecticut Avenue N.W.  
Washington, D. C. 20036  
202-785-0582

Cable: JONRINEG NEWYORK

March 22, 1975

THE COURTS IN 1975

The lay public and the legal profession alike are aware that the nation's justice system is performing poorly. Tersely stated, litigation takes too long, costs too much, and is never over.

A variety of factors have contributed to the courts' general malaise -- among them:

- .. The litigation explosion, in the number of both civil and criminal cases, combined with the increased complexity of the average case. For example, the workload in the appellate courts has more than quadrupled over the last decade.
- .. The political fragmentation of the judicial system in most states, with courts at the state, county and municipal level almost totally independent of each other and with little if any central control.
- .. The failure to fix responsibility for administration of the courts, or if fixed to provide those responsible with adequate administrative authority, particularly over court personnel.
- .. The tradition of judicial independence, only recently being put in proper perspective, which for years has impeded efforts to enlist judges' support for improved court administration.
- .. The lack of sufficient resources, in terms of both personnel and facilities, to keep pace with the rapid increase in judicial business.
- .. The total absence until recently of the qualified managers and management tools needed to modernize court operations.
- .. The refusal not only of judges and lawyers, but of legislative and executive officials as well, to recognize any need for administrative modernization of the courts.

- .. The conflicting objectives of participants in the litigation process, most of whom are working at cross-purposes for their own personal interests rather than towards a common goal.
- .. The increasing resort to the courts to resolve social and political problems with which the legislative and executive branches have failed to deal to the public's satisfaction; problems which the courts are ill-equipped to solve.

Four basic reforms are required to remedy the situation:

- .. Many court systems must be restructured so as to fix administrative responsibility and to vest in those administratively responsible the authority essential to produce results. In the process the courts should be insulated from partisan politics by the elimination of the election of judges and other court officials. In some states this will require constitutional amendment; in others it can be accomplished legislatively.
- .. Most courts must be provided needed management skills and tools, including an internal planning capability. Such assistance must be in depth and permeate all levels of courts in contrast to the token managerial resources typically provided today.
- .. All courts must be allocated resources commensurate with the task that is theirs. Without money and manpower the best structured and managed court cannot provide the quality, quantity and speed of service which the public rightfully expects.
- .. The substantive law in many fields must be revised and up-dated. Justice is ill-served when disputes are expeditiously and inexpensively decided but on the basis of obsolete laws.

The following are ways in which the Federal Government can assist in effectuating these reforms:

- .. The prompt convening of a special ad hoc committee to meet with the President to acquaint him with the problems and needs of the courts, federal and state, and to call national public attention to the high

priority the President places on improving the nation's justice system, federal and state. Such a committee might be called a "Special Presidential Advisory Committee on the Courts" and be composed of the Chief Justice and the Attorney General of the United States, the Chairman of the Conference of Chief Justices, the President and the Director of the National Center for State Courts, the Director of the Federal Judicial Center (the Chief Justice serves as President), the President of the American Bar Association and the Chairman of its Division of Judicial Administration, and a representative of the Association of American Law Schools.

- .. Continued funding assistance can be given to the National Center for State Courts, created in 1971 at the urging of the President, the Chief Justice and the Attorney General of the United States among many others, for the express purpose of helping state courts to bring about needed improvement. With a staff of about 100 having expertise in all areas of court operations and with a headquarters and 6 regional offices, the National Center has the present capability to provide the expertise so desperately needed by reform minded courts and judges.
- .. Greater responsiveness by LEAA, through legislative amendment if necessary, and by other federal agencies to the needs of the state courts, but without violating well-established principles of federalism.
- .. A high visibility Administration initiative to adequately staff and fund the Federal Courts (including an adequate number of judges and an adequate salary for them) so that they might serve as an example to the states of what should and can be done.
- .. Administration support for significant efforts to impact on the total legal system, such as the soon to be introduced legislation to establish a National Institute of Justice: a proposal developed and sponsored by the American Bar Association. This proposed National Institute, to be headed by a blue-ribbon Presidentially appointed board, would serve the purpose of establishing priorities and initiating programs for the improvement of all facets of the country's legal system, including the courts, and of focusing both the public's and profession's attention on the system's needs.

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MEETING WITH JON RINEHARDT  
EDWARD MCCONNELL, CHIEF JUSTICE  
HOWELL, T. HEFLIN, L. SCHOELLER  
RE: Nat'l Center for State  
Courts  
6:00 p.m.