

10-1-1956

Congested Calendars—And Why

Albert Conway
New York Court of Appeals

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Litigation Commons](#)

Recommended Citation

Albert Conway, *Congested Calendars—And Why*, 6 Buff. L. Rev. 1 (1956).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol6/iss1/3>

This Leading Article is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

CONGESTED CALENDARS — AND WHY*

By ALBERT CONWAY**

FOR many years the subject of congestion of court calendars and delay in the trial of cases has been discussed by judges, lawyers, the press and the public generally. The condition is not limited to the courts of this State, but obtains in the courts of other States as well as in the Federal courts. Chief Justice Warren recently stated, concerning congestion in the courts: "There are Federal courts in the United States where the conditions cry out for relief Until every litigant in every district has his case heard and decided finally in a reasonable length of time we cannot rightly point to our system either with pride or satisfaction."¹

That the calendars are congested and there is delay in the trial of some cases in some of the courts of this State cannot be denied. But so much incomplete and, at times, inaccurate information has been circulated concerning the conditions and reasons therefor that I deem it necessary as Chairman of the Judicial Conference to present the factual record.

I cannot, within the scope of this article, discuss the situation in all the courts of the State. I will limit my comments to the Supreme Court in the counties comprising what has been termed the metropolitan district, because that is the most critical area. Those counties are Bronx and New York, constituting the First Judicial District; Kings and Richmond, constituting the Second Judicial District; Westchester, one of five counties constituting the Ninth Judicial District, and Queens, Nassau and Suffolk, constituting the Tenth Judicial District.

At the outset, it should be borne in mind that, with an exception, to be presently pointed out, and the reason therefor indicated, there is no delay in the Supreme Court in the counties just mentioned in the trial of nonjury law actions or equity causes, nor in the trial of commercial, matrimonial, child custody, injunction and rent cases, nor in the trial of condemnation, tax certiorari or competency proceedings, nor in any of the other wide variety of actions or proceedings on the calendars of the Supreme Court. The single exception is Queens County, where the delay is 17 months in the trial of tort nonjury cases and 6 months in the trial of equity causes. In other words, with the exception just noted, the only calendar congestion and trial delay in the Supreme Court in the eight above-named counties is in a single segment of the court's work—that is, in the jury trial of personal injury and death actions, as most plaintiffs and their attorneys in these actions insist—as is their right—upon a jury trial.

* The material contained in this article was the main portion of an address delivered on June 23, 1956, at the summer meeting of the New York State Bar Association held at Saranac Inn, New York.

** Chief Judge, New York Court of Appeals and Chairman of the Judicial Conference of the State of New York.

1. N. Y. Times, May 24, 1956, p. 9, col. 3.

There were, on April 30, 1956, 28,055 law actions (about 80% of which are personal injury and death actions) pending in those counties, and the delay in the jury trials of those cases varied from 24 months in Richmond to 44 months in Queens County.

It should be made clear that the delay specified does not mean and is not an estimate of how long it would take a personal injury or death case placed on the jury calendar today to be reached for trial. The delay shown is that of the time elapsing between the date of trial of the last case tried in regular order on April 30, 1956, back to the date the case was first placed on the jury calendar for trial.

It also should be emphasized that many cases are tried out of their regular order because of unusual circumstances, such as destitution of the plaintiff or his next of kin, or severe illness, or advanced age of the plaintiff.² That is, where in those instances or for other special reasons the interests of justice require, they are given immediate consideration and granted a preference.

What are the reasons for this calendar congestion and undue delay in the jury trial of personal injury and death cases in the Supreme Court in the eight counties above named? There are three: Increase in the number of automobiles and automobile accidents; increase in population; and the limited number of justices available to handle the ever-increasing case load.

I. INCREASE IN NUMBER OF AUTOMOBILES AND AUTOMOBILE ACCIDENTS

Few persons realize the extent of the increase of motor vehicles on the highways of this State and the streets of the City of New York during the past fifteen years. For instance, in 1955, there were 4,807,000 motor vehicle registrations in this State, as compared with 2,836,000 in 1940, an increase of nearly 70%. One million five hundred forty-seven thousand, or about 32% of the present total registrations, are in the City of New York. Since 1940, the number of motor vehicle registrations in the City of New York has increased by 552,000 or 55%; in Westchester County, by 119,000 or 71%; in Suffolk County, by 135,000 or 178%; and in Nassau County, by 296,000 or 203%.

As the number of automobiles increases—and they are constantly increasing—the number of accidents increases. The carnage resulting from automobile accidents throughout the country is appalling. In 1955, they caused 38,300 deaths and 1,350,000 injuries in our country. Last year 652 persons were killed and 45,591 were injured in traffic accidents on the streets of the City of New York, an increase above the previous year of nearly 10% in those killed and 5% in those

2. N. Y. R. CIV. PRAC. 151.

CONGESTED CALENDARS—AND WHY

injured. Last year in our State there were 372,699 motor vehicle accidents in which 2,226 persons lost their lives and 205,531 were injured.

As the number of accidents increase, the number of personal injury, death and property damage cases correspondingly increases. That they will be further increased by the recent enactment of the Compulsory Insurance Law³ in this State is certain. I make this positive statement because it is common knowledge that most of the victims abandon their causes of action when they learn the owner is uninsured and nearly all the uninsured motorists are financially irresponsible.

When we realize that, of all those licensed to operate motor vehicles in this State, 677,000 or over 14% are uninsured and doubtless after October 1, 1956, most of them will be insured, there will be a further substantial increase in the number of actions for personal injury, death and property damage not only in the Supreme Court, but in all the courts of the State.

II. INCREASE IN POPULATION

The present population of New York and Bronx Counties—comprising the First Judicial District—is 3,327,000, an increase of 510,000 since 1925.

The present population of Kings and Richmond Counties—comprising the Second Judicial District—is 2,982,000, an increase of 263,000 since 1930.

The present population of the five counties (including Westchester) comprising the Ninth Judicial District is 1,131,000 an increase of 106,000 since 1950, of which 81,000 is in Westchester County.

The present population of Queens, Nassau and Suffolk Counties—comprising the Tenth Judicial District—is 3,277,000, an increase of 1,734,000 since 1930.

It will presently be apparent why I have selected different years showing the growth in population.

III. THE LIMITED NUMBER OF JUSTICES AVAILABLE TO HANDLE THE EVER-INCREASING CASE LOAD

Despite the fact that since 1940 there has been an increase in automobile registrations of 552,000 in the five counties comprising the City of New York, and that since 1925 there has been an increase in population of 510,000 in New

3. N. Y. VEHICLE AND TRAFFIC LAW §93.

York and Bronx Counties, there has not been an additional Supreme Court Justice in those two counties *in 32 years*.

Despite the fact that since 1930 there has been an increase in population of 949,000 in Kings, Richmond and Queens Counties, there has not been an additional Supreme Court Justice in those three counties in 24 years.

The statistics as applied to Queens, Nassau and Suffolk Counties—comprising the Tenth Judicial District—are more significant.

Despite the fact that since 1942 there has been an increase in automobile registrations of 129,275 in Queens, and since 1940 of 296,188 in Nassau, and of 134,554 in Suffolk Counties, and that since 1930 there has been an increase in population of 1,734,000, there has not been an additional Supreme Court Justice in these three counties in 24 years.

The situation in the Ninth District, which has five counties of which Westchester is the largest, is different. In 1950, the Legislature provided for two additional justices, but it should be pointed out that, since that date, automobile registrations in Westchester alone increased by 59,000 and the population by 81,000.

It should be stated that the Constitution sets a limit of one Supreme Court justice for every 60,000 of population.⁴

In the First Judicial District, the present ratio is one for every 92,000; in the Second Judicial District, one for every 154,000; in the Ninth Judicial District, one for every 125,000; and in the Tenth Judicial District, one for every 252,000.

Despite the enormous increase in automobiles and the corresponding increase in accidents and the tremendous growth in population, there are some who, for one or more avowed reasons, oppose increasing the number of justices in these four judicial districts. As far as I know, no one has attempted to justify, for instance, why the 3,277,000 people of the Tenth District should be denied additional justices when their present allotment is one for every 252,000 in population, or over 400% more than the limit set by the Constitution. The Second Department which embraces the Second, Ninth and Tenth Judicial Districts, has 45% of the population of the State. To administer the judicial work there are 41 justices. For the administration of the judicial work of the remaining 55% of the population, there are 91 justices.

Last year, as well as this year, in its reports to the Governor and the Legisla-

4. N. Y. CONST. art. VI. §1.

CONGESTED CALENDARS—AND WHY

ture, the Temporary Commission on the Courts, of which Mr. Harrison Tweed is Chairman, after a painstaking and thorough study, recommended six additional justices in the First District, six in the Second District, one in the Ninth District, and seven in the Tenth District as the minimum number needed (1) to enable courts not able to keep abreast of incoming cases to work toward becoming current, and (2) to permit courts that are now able to keep current to vigorously attack the backlog of pending cases.⁵ Last January the Judicial Conference endorsed that recommendation, and this year the legislature passed a bill providing for such additional justices.⁶

True, Governor Harriman vetoed the bill,⁷ but only because he was urged to do so by Mayor Wagner, who pointed out that it "would cost the city 1.5 million dollars in annual recurring expenses and another half million dollars in non-recurring expenses" and "makes no provision for raising the additional expenses thereby required", and the Executive Budget which he submitted did "not provide funds to meet the cost of this bill" and, therefore, "if the bill becomes law moneys would have to be diverted from other municipal services."

Accepting, as I do, that the Mayor's objections and the reasons therefor are valid and were sufficient to justify the Governor in disapproving the bill, it should be noted that neither the Mayor nor the Governor stated or even suggested that the additional Justices in the Supreme Court in the five counties within and the three counties outside the City of New York are not needed.

When we turn to the District Court of the United States for the Southern District of New York, we find that a comparable situation formerly existed there.

The facts may be briefly stated. The present population of the eleven counties comprising the Southern District of New York is 4,673,000, of which 3,327,000 are in New York and Bronx Counties. Since 1925, the population of the Southern District has increased by 942,000, of which more than one half is in those two counties.

In 1925, there were seven judges in the Southern District. Today there are eighteen together with three retired judges—who work every day—making a total of twenty-one. Where there were seven, there are now twenty-one—three times the number. Incidentally, there is pending before Congress a bill⁸ for an additional three judges, and we must assume they are needed because they were recommended by the Judicial Conference of the United States of which Chief

5. MCKINNEY'S N. Y. Sess. Laws 1956, pp. 1415-21.

6. S. Int. 3462, Pr. 4208, N. Y. Legis., 179th Sess. (1956).

7. MCKINNEY'S N. Y. Sess. Laws 1956, p. 1776.

8. H. R. 8330, 84th Cong., 2d Sess. (1956).

Justice Warren is Chairman, and this June the House Judiciary Committee approved the bill.

Therefore, with an increase of 25% in population since 1925, the Southern District has had an increase of 200% in available judicial manpower during the past thirty-one years, whereas the First Judicial District, with an increase of about 20% in population, has had not one additional justice during the past thirty-two years.

In fairness it should be mentioned that there are some, although not officers in our City or State Governments, who urge that it is futile to talk about new judges until our courts have been "modernized."

Accepting for the moment that premise as true, the fact is that for three years the Temporary Commission on the Courts has been attempting to formulate a plan for the modernization of our court structure but as yet has been unable to do so. That Commission is composed of very able lawyers and legislators, and they have worked faithfully and zealously. It is easier to talk in conclusory terms when without responsibility than to prepare legislation or proposed constitutional amendments when clothed with responsibility. We all have witnessed political parties when out of power advocating policies which, when restored to power, they wish they had not advocated. To be charged with responsibility is such a sobering influence—especially when the people have made most of the courts constitutional ones. We do not realize that until we read Article VI of the State Constitution and its 23 subdivisions. For instance, in Article VI, § 17, the people have provided for election of justices of the peace in towns at annual town meetings and for their term of office—four years. The justices of the peace in towns are the closest judicial officers to the people, and the people wish no appointment of them by anyone. They protected their right to elect by constitutional provision. You can readily see, when you read the balance of Article VI, the difficulties the Temporary Commission on the Courts has had, as distinguished from the ease with which those without responsibility speak of "modernization." Reduced to a simple formula, those who speak of modernization wish to have courts with "specialized judges" within a few courts, as distinguished from numerous "specialized courts," for the determination of special types of cases. If you will read the twenty-three sections of Article VI of our Constitution, you may reach the conclusion that the people have to date indicated their desire for the latter, and, unless the people alter their views, that will continue. I have listened with interest to the statement that the Temporary Commission on the Courts shortly will release a tentative plan for the modernization of the court structure. What it will embrace, I do not know, but the Judicial Conference awaits such a plan and, when it is

CONGESTED CALENDARS—AND WHY

submitted, you may be certain it will receive the prompt and careful consideration of the Judicial Conference.

It also is the fact that, if a plan be finally formulated and ultimately approved by two separate Legislatures, it will require a constitutional amendment to make it effective, and admittedly that cannot be accomplished before 1960, at the earliest,⁹ and, if rejected by the people, will not be accomplished at all.

Therefore, the question is, in view of the ever-increasing number of actions instituted in the Supreme Court and the present limited manpower, can we wait until our courts have been "modernized" or until 1960 and maybe later for relief, bearing in mind that, unless relief be promptly forthcoming, there is likely to be a collapse in the administration of justice in those four judicial districts—the first, second, ninth and tenth, which contain 67% of the total population of the State.

It is true, and to be evaluated, that other proposals have been advanced to improve or remove this truly dangerous situation that must be solved and promptly solved. There are three.

First, that jury trials of these automobile death and personal injury actions should be abolished.

Presiding Justices Peck and Foster have persuasively advocated this proposal, contending that a judge without a jury can try three of such cases in the time it takes to try one with a jury.

Among those in opposition, Senator Hughes and Mr. Runalds have persuasively advocated continuance of jury trials as being so firmly imbedded in our system that to abolish them would be not only unwise but unthinkable.

As my present purpose is merely to recite the facts, perhaps it would be better if I did not express—although, of course, I possess—an opinion as to whether jury trials in this type of litigation should be abolished or retained.

Parenthetically, may I say I yield to no one in my admiration and affection for Justices Peck and Foster. They are acknowledged stalwarts of our profession and vigorous exponents of court reform. But assuming, as the learned justices

9. N. Y. CONST. art. XIX, §1 provides that a proposed amendment, after having been passed by one legislature, must be passed by the legislature following the next general election, and then submitted to the people, becoming effective (if passed) on January 1 of the following year.

The provisions of art. XIX, §2, dealing with constitutional conventions, does not shorten this period, in this instance.

argue, that in these cases jury trials should be abolished, to do so also would require a constitutional amendment. Therefore, the question is again presented: Can we afford to wait until 1960—maybe longer—for relief?

Moreover, the prospect of the Legislature's agreeing to submit such an amendment to the people is not bright. I say this because early in the last session a bill embodying such an amendment was introduced. It was not even reported out of the Judiciary Committee of the Senate, although it was sponsored by the Chairman of that Committee.

The second proposal is that these claims should be taken out of the courts altogether because they present a social and economic problem with which the courts are unable to cope.

As a substitute, it is proposed that the victims of these automobile accidents and their next of kin be relegated to a board or bureau empowered to administer some plan analogous to that administered by the Workmen's Compensation Board providing for the substitution of the principle of liability and limited compensation without fault for the legal principle of no liability without fault.

This proposal is not new. It was first suggested twenty-five years ago by a committee of eminent citizens, some of whom had been, and others who subsequently became, distinguished members of the State and Federal Bench. However, conceding the proposal is a solution of the problem, to put it into effect also will require an amendment to the Constitution, at least before a compensation award could be made exclusive and the right to maintain a common-law action for damages for wrongful death abrogated.¹⁰

Therefore, I repeat, even conceding the merits of each of these proposals, the question is: Can we await the slow process of constitutional amendment to obtain relief from congested calendars and trial delay caused by the influx of these ever-increasing law suits arising out of ever-increasing automobile accidents whose victims and their dependents admittedly are entitled to reasonably prompt adjudication of their just claims.

The third proposal is that the justices do more work. This is less of a proposal than a criticism that the justices are indifferent or indolent and perhaps both. Does the record support or refute this criticism?

10. This is necessary to satisfy the due process clause of N. Y. CONST. art. I, §6. It was this provision which made necessary art. I, §18, before workmen's compensation could supplant common law remedies and defenses. *Ives v. South Buffalo Ry. Co.*, 201 N. Y. 271, 94 N. E. 431 (1911); *Jensen v. Southern Pacific Ry. Co.*, 215 N. Y. 514, 109 N. E. 600 (1915).

CONGESTED CALENDARS—AND WHY

Few people realize the volume of business that comes into the Supreme Court each year. May I briefly summarize the statistics.

On June 30, 1950, in the First District there were pending 17,824 cases of all kinds, 80% of which were negligence cases, most of which arose out of automobile accidents. Between June 30, 1950 and June 30, 1955, 67,910 new issues were filed. During the same period, 74,824 cases were disposed of. Therefore, there were 10,930 cases pending on June 30, 1955 against 17,824 on June 30, 1950. On May 31, 1956, there were 10,141 cases pending.

On June 30, 1950, in the Second District there were pending 12,620 cases of all kinds, nearly 90% of which were negligence cases, most of which arose out of automobile accidents. Between June 30, 1950 and June 30, 1955, 39,916 new issues were filed. During the same period, 46,931 cases were disposed of. Therefore, there were 5,613 cases pending on June 30, 1955 as against 12,630 on June 30, 1950. On May 31, 1956, there were 6,765 cases pending.

On June 30, 1950, in the Tenth District there were pending 6,052 cases of all kinds, nearly 90% of which were negligence cases, most of which arose out of automobile accidents. Between June 30, 1950 and June 30, 1955, 34,617 new issues were filed. During the same period, 31,949 cases were disposed of. Therefore, there were 10,576 cases pending on June 30, 1955, whereas there were 6,052 pending on June 30, 1950. On May 31, 1956, there were 11,491 cases pending.

To summarize, 153,704 cases were disposed of in five years, an average of over 30,000 a year. How was this accomplished? Some were disposed of by trial, some by settlement either by the parties themselves or with the aid of the court, but principally, first, by use of the pretrial procedure; second, by adoption of the preference rule; third, in the City of New York, by the temporary transfer of some judges from other courts to the Supreme Court.

What is this pretrial procedure? Briefly, it is a compulsory conference which the attorneys for all parties are required to attend. It was first adopted by the justices of the First District as early as 1948 and shortly thereafter by the justices of the other districts. In other words, it is *an invention of the justices themselves* designed to attack the problem of congestion and delay.

The object is to get the attorneys to make concessions of law and fact in order to reduce the length and cost of trial and also to obtain their co-operation in settling the case. Frankly, the settlement phase of the pretrial hearings in the main has occupied the time of the justices. The court takes the initiative because

experience has shown that, if the attorneys can be brought together before a judge, the prospect of settling a case is enhanced. The judge listens to the claims of both sides and a statement of the proof to support them, and, by experience, tact and judgment, indicates the respective values of their positions and frequently points the way to a settlement. When I tell you that practically every one of these thousands of negligence cases has been pretried—some more than once—you will appreciate that this is a laborious and time-consuming task, but it has been highly successful and has resulted in the settlement of between 35% and 40% of the cases. Moreover, experience has shown that, where pretrial has not resulted in an immediate settlement, it has contributed to a settlement at a subsequent date, for about 90% of these negligence cases are ultimately settled some time before verdict, many during trial. Of course, some—not judges—frown upon this method, claiming it is beneath the dignity of a Supreme Court justice, who becomes merely a “glorified adjuster,” but, if it had not been for this pretrial procedure, the court would be buried under the number of these personal injury and property damage cases.

The constitutional amendment,¹¹ effective January 1, 1954, permitting in the City of New York the temporary transfer by the Appellate Divisions of judges of the Court of General Sessions and County Courts and justices of the City Court also has aided in the disposition of many cases pending in the Supreme Court. However, it is feared, in view of the recent enactment of the Youth Court Act,¹² that after February 1st these transfers, so far as the judges of the Court of General Sessions and the County Courts are concerned, will have to be abandoned, and, in view of the increased number of cases on the calendars of the City Court, the justices of that Court will be unable to continue to serve in the Supreme Court. We have helped the Supreme Court, but have placed the City Court behind in its work.

You also should know how many justices of the Supreme Court are available for the trial of cases.

While there are 36 justices in the First District, seven are assigned to the Appellate Division and three to the Appellate Term and others for the hearing of contested motions, as well as *ex parte* matters, the trial of equity causes, the hearing of condemnation, tax certiorari and incompetency proceedings and the other wide variety of actions and proceedings that come before the Supreme Court, in all of which, I repeat, there is no delay.

In the Second District, there are 19 justices but four are assigned to the

11. N. Y. CONST. art. VI, §2.

12. N. Y. UNCONSOL. LAWS §§4301-64.

CONGESTED CALENDARS—AND WHY

Appellate Division, and for five months two, and for six months three, to Appellate Term, and for twelve months one for the hearing of contested motions and one for *ex parte* matters, and for ten months one for the trial of equity causes and one for the trial of matrimonial matters and for the trial of condemnation and tax certiorari proceedings, as well as proceedings relating to incompetents and for rehabilitation and mortgage reorganization proceedings, in all of which there is no delay.

In the Tenth District, there are 13 justices but there are only two or three available for trial work in Queens County (where there are presently pending 4,436 law jury and nonjury actions), because two are assigned to the Appellate Division and for three months one to the Appellate Term, and one for the trial of equity causes and special proceedings for ten months; four, and sometimes five, are assigned to Nassau County, and one to Suffolk County for ten months, and one for the hearing of tax certiorari and incompetency proceedings in all three counties. It is a shortage of justices in this district which contributes to the delay in Queens County of six months in the trial of equity causes and seventeen months in the trial of tort nonjury cases and forty-four months in the jury trial of personal injury actions.

It may not be amiss to mention that, between June 30, 1950 and June 30, 1955, in the First District there were 87,366, in the Second District, 53,443, and in the Tenth District, 44,000 contested motions heard and determined.

I have set forth, perhaps at too great length, the record, fortified by statistics, but I could not do less if you are to determine, as you should, whether there is any basis for the criticism that the justices of the Supreme Court have been indifferent or indolent. Incidentally, Presiding Justice Peck and Presiding Justice Nolan, who keep a close check on the work performed by all justices, have publicly certified to the diligence and willingness of the Justices to respond to every demand.

There seems to be a general impression that the justices of the Supreme Court work only while they are sitting on the bench and then only five hours a day and five days a week. Nothing could be further from the fact. The hours spent in the courtroom are the smallest and most pleasant part of the justices' work. Before 10:00 and after 4:30, judges are working in their chambers and frequently at home, reading records, examining briefs, reviewing authorities, writing opinions and memoranda, discharging administrative duties, or engaged in a multitude of other chores which require their attention and occupy their time.

In fairness to the justices—and to erase the totally erroneous impression to which I have referred—a record should be kept of the time devoted by the

justices, outside the courtroom, to the discharge of their duties. If such a record were kept, the Judicial Conference would then be in a position to properly publicize pertinent summaries based thereon and thus to refute these unfounded criticisms. Moreover, lawyers and laymen alike would then be in a position to assess the situation correctly and to realize—perhaps for the first time—that a judge's day does not begin when he ascends the bench and does not end when he leaves it.

Now as to my recommendation to the Judicial Conference that there be summer sessions and that the Conference recommend such sessions to the four Appellate Divisions of the State. That recommendation was adopted and passed on to the Appellate Divisions. After that recommendation had been adopted, I then recommended to the Presiding Justices of the First and Second Departments that their respective Departmental Committees request the Chief Justice of the City Court and the President Justice of the Municipal Court of the City of New York to provide for jury trials in the City Court and Municipal Courts during the summer. That also has been accomplished. The lawyers are the ones who are objecting. I have had three letters or press releases from Trial Lawyer Associations opposing the plan to hold summer sessions, and I should like to reply to them now. This is a reform which should have come long ago. We hope to accomplish much this year, more next year and reach our stride the following year. One association of trial lawyers in its press release said that not more than 100 cases could be tried during the summer. The association did not realize that that sounded like an intention of non-co-operation. One difficulty is that in the First and Second Departments, relatively few attorneys have the bulk of these personal injury and death cases for trial, and the same lawyers also are retained as counsel in many others. Obviously, these lawyers can try only one case at a time. The fact is they, as attorneys or counsel, have so many cases on the ready or day calendars in the several counties comprising the metropolitan area that they necessarily impede the movement of the calendars and the disposition of cases. The result is that it is this relatively small group of attorneys specializing in this field, and not the judges, who are in part responsible for congested calendars and trial delay.

Another contributing factor is the failure of insurance companies and municipal corporations to have sufficient lawyers to try these cases. In fairness it should be stated that, while recently they have engaged additional attorneys, the number is as yet insufficient to cope with the necessities of the present situation.

The administration of justice is not the property of judges, lawyers and insurance companies, or even of doctors and jurors. It belongs to all the people. Those mentioned are mere agents of the people who are entitled to have the courts function on a full-time basis.

CONGESTED CALENDARS—AND WHY

We judges are fortunate in having the respect of the people as to our character, competency and courage.

The criticism that has been emphasized is that, while delay exists, there should be no suspension of the jury trial of these negligence cases during July and August. This the courts have corrected.

We need—and confidently expect—the co-operation not only of the Bar but of all others in our endeavors to improve the administration of justice in this State.