

BOOK REVIEW

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A Review of State Trial Courts as Bureaucracies: A Study in Judicial Management

REFERENCE: Gazell, J. A., *State Trial Courts as Bureaucracies: A Study in Judicial Management*, Kennikat Press Corp., Port Washington, N.Y., 1975, 168 pages, \$12.50.

It is an old story: the courts are behind in their work. What is wrong? A problem of management? This book opens with a passage from an address by Chief Justice Warren E. Burger of the United States Supreme Court delivered a few years ago at the annual meeting of the American Bar Association: “[T]oday, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, the same procedures and the same machinery that Roscoe Pound said were not good enough in 1906. In the supermarket age we are with few exceptions operating the courts with cracker-barrel, corner-grocer methods and equipment, vintage 1900. . . . More money and more judges alone is not the primary solution to the problem of the courts. Some of what is wrong is due to the failure to apply the techniques of modern business to the purely mechanical operation of the court—of modern record keeping and systems planning for handling the movement of the cases. Some is also due to antiquated and rigid procedures which not only permit delay but encourage it.”

The study of judicial management by scholars falls within the ambit of the disciplines of law, political science, and public administration, but all have neglected to examine this area, particularly that of state trial-court bureaucracies. As the author alleges, law professors and political scientists have tended to focus attention on substantive and procedural case law and to ignore the managerial problems of judicial organizations at all levels. Public administration scholars have usually centered on managerial problems confronting the executive branch of government.

A study of judicial management entails consideration, the author points out, of at least eight principal facets: court organization (or consolidation); the abolition of fee offices (mainly justices of the peace); judicial leadership; court congestion (or delay); staff functions; judicial selection and tenure; judicial discipline, removal, and retirement; and the operational coordination of courts and the other segments of the justice system.

In this book these topics are arranged into 25 chapters, in 148 pages of text, approximately 6 pages per topic. The coverage is rather thin, barely doing more than exposing the topic. The book rests mainly on adaptations from a trilogy of law review articles published by the author during the period 1971–1973.

While this book may add a dimension to the forensic scientist’s knowledge of the milieu in which he testifies, he is not likely to find it of much interest.

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