



Department of Justice

ADDRESS

BY

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BEFORE

THE RICHMOND BAR ASSOCIATION

12:30 P.M.
FRIDAY, SEPTEMBER 16, 1977
RICHMOND, VIRGINIA

One of the major things I have done since becoming Attorney General is to divide the Justice Department along criminal and civil lines and put a deputy attorney general in charge of each segment. This has helped a lot in managing the Department.

Another thing I am doing is trying to swing the Justice Department back toward its traditional role of detecting and prosecuting crime and of representing the government in court.

We are looking at a lot of things to improve professionalism at the Department of Justice, including internal training programs and better support for our litigating divisions.

But I would not look with pride at my record if I did nothing more than leave the Justice Department in stronger shape than when I became Attorney General. I have been striving for achievements on other fronts, particularly in the operation of our judicial system.

My 15 years as a Federal appeals judge, and the study panels and commissions upon which I served, convinced me that we have in the United States -- to use the title of a recent article in U. S. News and World Report -- a "Crisis in the Courts."

The Ninth Circuit Court of Appeals, for example is burdened with a backlog of 3,000 cases. Some U. S. judges tell me that they never get to try a civil case -- they are completely preoccupied under the Speedy Trial Act with hearing criminal cases.

And, as I recently told the Antitrust Section of the American Bar Association, some of our antitrust cases may be beyond the capacity of the Federal courts to dispose of in a timely manner. We are faced with the dilemma of ignoring major antitrust actions or pressing such actions into the judicial quicksand of our Federal courts.

This is an intolerable situation, and I am convinced that an Attorney General should try to do something about it.

One of the first things I did at the Department of Justice was to create the Office for Improvements in the Administration of Justice. Its reform programs can have a major impact on the nation's justice system. I would like to mention a few that can improve procedures and reduce caseloads.

The Senate recently passed and the House is considering a bill to broaden the authority of Federal magistrates. For the first time, magistrates would decide civil cases, if the court and parties agreed. If authorized by the court, magistrates would hear all petty offenses and would try misdemeanors if the defendant consented.

This new system might reduce the burden of District Court judges by as many as 16,000 cases a year. It would also make resolution of disputes faster and less costly.

We are proposing legislation to authorize an experiment with compulsory but non-binding arbitration in certain types of Federal civil cases. Either party could reject the arbitration decision and go to court, but we believe there would be a high finality rate. In one state system we studied, Ohio's, the finality rate was 95 percent.

The Department is examining ways to improve class action procedures, and we are searching for possible alternatives for handling mass grievances.

I am now reviewing another Department study that calls for creation of a Federal Justice Council to develop programs to improve courts and related functions.

We also are studying ways to develop statements of the impact of Federal legislation on the courts. There is a great need to know what burden each new law would place on our courts. We recently estimated the additional court cases that would result from some proposed changes regarding rulings by the Veterans Administration.

In our efforts to assist states, we have a new program, which I announced recently, to establish Neighborhood Justice Centers in Los Angeles, Atlanta, and Kansas City, Missouri. The centers will be an alternative to the local courts for settlement of many types of disputes -- including family, housing, neighborhood, and consumer problems -- through mediation and arbitration. We hope the centers, if successful, will be duplicated in other communities.

The proposed revision of the Federal criminal code, in which the Justice Department has played a major role, would improve court efficiency in two ways.

First, confusing and contradictory laws would be eliminated. This would build a statutory framework that is much more clear, efficient, and fair.

Second, sentencing guidelines, which are unprecedented in Federal law, would be created. The guidelines would save judges' time and reduce sentence disparities that now exist. The concept of equal protection would thereby be enhanced.

This is a sampling of the programs we are working on to improve the nation's justice system.

"Fresh justice," said Sir Francis Bacon, "is the sweetest."

Bacon could have added that stale justice often is no justice at all.

"Fresh justice" throughout our court system must be our ultimate goal. We need your help.