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Res Ipsa: October 1991

Southern New England School of Law

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EDITOR'S NOTEBOOK

Res Ipsa now has a staff of three. Lisa Blackburn-Stiteler and David Berger have volunteered to work on our student bar newsletter. They will be assigned to a variety of duties including editing, writing and advertising. With the addition of these two staff writers Res Ipsa hopes to improve the quality and quantity of each issue.

Lisa and David have the skills we need to help expand the current advertising base. They have both expressed an interest in gathering news and writing articles. With their assistance we intend to start at least one new feature. The basic structure will be a summary of recent developments in the law. We will limit our reporting to changes in the state law of Massachusetts. Proposed topics include Torts, Contracts and Civil Procedure, although any material relevant to the current courses could be included. Third and fourth year students who may be interested in launching this new feature should contact the editor. Remember, this will be a great way to prepare for class and the bar exam. You will only need to commit 2 hours per month. During that two hours you will be asked to brief cases and submit them for editing.

We will have special guests in-house who will conduct a preliminary review of SNESL in preparation for the upcoming N.E.S.L. inspection. The group consists of noted judges and attorneys from Rhode Island and Massachusetts. Rhode Island Supreme Court Justice Florence Murray, former New Bedford Mayor and current District Court judge the Honorable John Markey are expected. Noted Massachusetts attorney Ansel Chaplin and Richard Huber, former Dean of BC law school will round out the list. This team will meet with the faculty and the Dean. They will also probably want to talk with students. At this writing it was not known whether there would be a formal time set aside to meet with members of the student body or if they would simply "mingle".

Students enrolled in Constitutional Law this semester should consider attending a series of debates now through November at locations in near by Rhode Island. Sponsored by the R.I. Supreme Court Historical Society "Forums For Freedom, Rhode Island Debates the Bill of Rights" is designed to "make the public more aware of the issues surrounding their rights" according to Justice Florence K. Murray, president of the society. On Wednesday, October 16 a debate on the First Amendment freedom of religion will be held in Newport. This debate will start at 7:30 in the Old Colony House on Washington Square. It is free and open to the public. The program format for each of the seven remaining debates includes an opening statement by each of two panelists of opposing viewpoints, then a short debate between them before opening discussion to the public.

LIBRARY NEWS

The Law Librarian has purchased 100 ranges of used custom made bookcases from a Boston law firm library. The bookcases became available with little notice. The Law Librarian apologizes for the inconvenience caused by the installation. Now the library has sufficient shelving for book purchases to resume.

Hazel Inglis, the Law Librarian is planning to attend the Northeast Regional Conference to be held in Philadelphia on November 7-9, 1991.

MASSACHUSETTS COURT REFORM

The Massachusetts Bar Association has been a leader in support of proposed reform in the state court system. In 1990 they retained an international management consulting firm to conduct an independent and comprehensive study of the Massachusetts Trial Court, and to make recommendations for its improvement. The results of this study, released in April 1991, helped generate court reform legislation now pending before the legislature's Joint Judiciary Committee.

The necessity of Court reform is apparent when one learns that Massachusetts ranks 48th in the United States for trials judges per capita. Its judicial support staff numbers a mere 5,500 people covering over 100 locations. Funding for the state's judiciary has been cut by over \$16 million for 1991 and has lost \$49 million since 1987. The prospect of additional funding in these fiscal times is unlikely.

The independent study found that the departmental structure of the trial court promoted administrative duplication and wasteful practices. The decentralized courts are comprised of separate departments with no one in charge. Inadequate budgetary controls and administrative tools make it impossible for the court to manage itself. Unification of the current seven departments of the trial court is key to the proposed changes. Some elements of court reform suggested include computerizing court records, improving trial scheduling and eliminating the Legislatures line item by line item control over the judiciary's budget. Professional non-judicial administrators would handle the daily operations of the courthouses thereby freeing up judges to handle the caseload.

Many SNESL students who are members of the MBA are aware of the conditions in the trial courts that led to the Bar Association's endorsement of reform. Other students who are residents of the state may wonder - why should I be concerned about problems that have plagued the courts for years? Well, for one thing, it's costing you money. Each day scarce tax dollars are funding a mismanaged system. Court delays cost businesses millions of dollars in unresolved disputes. Individuals seeking the court's protection are denied their constitutional rights to speedy due process.

The MBA is spreading word of this crisis in the trial courts to get the public to insist that their legislators support and enact meaningful court reform. For a complete listing of the findings and recommendations contained in the MBA sponsored study refer to the May 1991 issue of the MBA newsletter. MBA members may obtain a free copy of the study's executive summary by calling Ellen Pridham or Gwen Landford at (617) 542-3602 ext.208.



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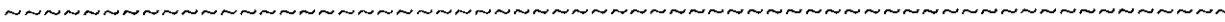
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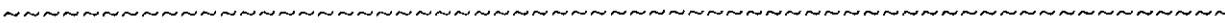
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